

**AGENDA**



**Recommendation for Council Action**

Austin City Council		Item ID	50821	Agenda Number	43.
Meeting Date:	10/15/2015		Department:	Neighborhood Housing and Community Development	
Subject					
Set a public hearing to consider an ordinance amending City Code Title 25 related to Planned Unit Development Density Bonuses. (Suggested date and time: November 19, 2015, 4:00 pm at Austin City Hall, 301 W. 2nd Street, Austin, TX.)					
Amount and Source of Funding					
Fiscal Note					
No fiscal note required.					
Purchasing Language:					
Prior Council Action:	<p>September 25, 2014: City Council approved Resolution No. 20140925-090                  May 27, 2015: Briefing given to the City Council Housing and Community Development Council Committee</p> <p>August 26, 2015: Briefing given the Housing and Community Development Council Committee</p>				
For More Information:	<p>Contact Elizabeth A. Spencer, Director, Neighborhood Housing and Community Development, 512-974-3182; Regina Copic, Real Estate and Development Manager, Neighborhood Housing and Community Development, 512-974-3180.</p>				
Council Committee, Boards and Commission Action:	<p>June 30, 2015: Community Development Commission took action with a 9-0-0 vote in support of the staff-proposed amendments to the Planned Unit Development ordinance with the exception of Section 2.5.5 B. The Community Development Commission recommends deletion of this section which would eliminate the in lieu donation option. The Community Development Commission additionally recommends that consideration be given to requiring a restrictive covenant through the rule-making process and that consideration be given to requiring a public hearing on baseline zoning for Planned Unit Developments prior to the first presentation to the Austin City Council.</p> <p>September 15, 2015: Planning Commission Codes and Ordinances subcommittee recommended the draft ordinance with amendments to the full Planning Commission on a 4-1 vote with a recommendation that the Code require a two-thirds vote of the City Council to approve a fee-in-lieu request.</p> <p>September 22, 2015: Planning Commission approved the Codes &amp; Ordinances Committee recommendation with the addition of keeping the infeasibility language, keep prevailing level of affordability report, require a 2/3 council vote for approval of a fee-in-lieu of the on-site affordable housing requirement. Friendly amendment from Commissioner White to look at the feasibility of investing the fee in lieu within the PUD area; motion was made by Commissioner Nuria Zaragoza, Commissioner James Schissler seconded the motion on a vote of 10-1; Commissioner Jeffrey Thompson voted against the motion (nay), Commissioner Patricia Seeger was absent.</p>				

MBE / WBE:	
Related Items:	
<b>Additional Backup Information</b>	
<p>If approved, this ordinance would amend the Density Bonus section of the Planned Unit Development land development code, Section 25-2 Subchapter B of the City Code. This ordinance is being brought forth for Mayor and Council's consideration per Council Resolution No. 20140925-026.</p> <p><b><u>Summary of proposed code changes:</u></b></p> <ul style="list-style-type: none"> <li>• Affordability requirement will apply to all development types that participate in the density bonus.</li> <li>• The affordability requirement currently only applies to residential uses</li> <li>• Developments with no residential use are permitted to pay the fee-in-lieu by right</li> <li>• Remove requirement for "prevailing level of affordability" report</li> <li>• This requirement is no longer relevant because we lowered the rental MFI to 60% in the 2013 amendment.</li> <li>• Affordability term for ownership housing will be 99 years</li> <li>• Land donation in lieu of on-site affordable units must be approved by the Director of Neighborhood Housing and Community Development.</li> <li>• Request for approval of a fee-in-lieu of on-site affordable housing must be submitted in writing</li> <li>• There are currently no guidelines for how an exemption request is submitted</li> <li>• The written request must demonstrate the infeasibility of complying with the on-site requirement</li> </ul>	