

# MEMORANDUM

Date: July 18<sup>th</sup>, 2017  
To: City of Austin Design Commission  
From: Design Commission CodeNEXT Working Group  
Subject: Comments & Recommendations regarding first draft of CodeNEXT code and map

As Gatekeepers of the Downtown Density Bonus Program, the Design Commission proposes the following recommendations to the first draft of the CodeNEXT text and maps:

- The Commission supports the proposal to add a Downtown Development Bonus Fee for non-residential projects.
- The Commission would like for the Community Benefits (aside from affordable housing) to extend to non-residential uses when opting into the Downtown Density Bonus Program.
- Community Benefits should include mobility alternatives that support biking & pedestrian transit and manages off street parking and loading availability to reduce street traffic and support Vision Zero's mission to reduce pedestrian fatalities.
- 23-3E 2040: Changes to Design of Proposed Building. If the design of a building substantially changes after a Density Bonus is approved then the applicant should be required to return to the Design Commission and present the changes.
- The Commission strongly encourages that the fee-in-lieu be properly calibrated so that onsite affordable housing becomes a viable option for developers.
- The Commission supports the proposed lower threshold for requiring a Traffic Impact Analysis

Other Recommendations (Outside the scope of the Design Commission):

- T4MS Zoning should be included in Citywide Affordable Housing Density Bonus Program. It has been mapped on most of the Imagine Austin Activity Corridors where affordable housing has been directed.
- The Density Bonus of Max Dwelling Units per Acre should be expanded to be allowed in more geographical areas of the city. There is a great of west Austin where this has not been applied.
- Provide rationale for determining map boundaries to establish form-based versus use-based zoning for all areas of the city, but especially in central Austin and within one mile of Core Transit Corridors.

Respectfully Submitted on behalf of the CodeNEXT Working Group,

David Carroll, AIA  
Martha Gonzalez, AIA

The following was submitted by Commissioner Kenny; however, it is currently not supported by the CodeNEXT Working Group.

As Austin rents have risen, it has become harder for small, independent businesses to stay viable. Current Austin code (Sec. 25-2-900) does allow for limited accessory commercial uses in residential-zoned properties, but restrictions in code make it difficult to operate a small business that is anything other than invisible within a residential property.

The first draft of CodeNEXT does allow conditional use permits of some businesses in residential areas, but only in a limited number of zones. This may be a consequence of the few restrictions CodeNEXT places on these businesses, which would render allowable businesses incompatible with many residential areas.

A middle ground could allow small businesses operated by the residents of a property to operate with fewer constraints provided that they are low-impact and low-traffic (thus excluding any bars or dining establishments), and do not take over a residential area by limiting their prevalence. This would allow more Austinites to start small, independent businesses without the often-prohibitive costs associated with renting a stand-alone commercial property. This would also have the positive impacts of locating services closer to residents and thus reduce cross-town traffic and preserve the independent spirit of Austin.

The design commission proposes that a conditional use permit be available to small businesses operated by a resident of the property in all residential zones, provided that:

1. No more than 33% of the properties within 300 feet that are also zoned residential operate under such permits.
2. No more than one person who does not reside on the property is employed in the operation of the business.
3. No more than one customer or small group of customers at a time would be expected, not including the overlap between exiting and entering customers (e.g. the business is by appointment only).
4. The business may not produce noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste run-off reasonably perceptible from other properties.
5. Signage may not be illuminated or electronic and may not to exceed 10 square feet.

These rules differ from current rules under Sec. 25-2-900 in that they:

1. Allow for signage for the business;
2. Allow the business to be operated from an accessory structure other than the garage;
3. Allow more than three vehicle trips per day (so, for example, a single stylist could see 6 or 8 customers, one at a time, over the course of a day in a solitary chair in her garage business);
4. Allow the sale of merchandise directly to a customer;
5. Allow a commercial vehicle to be parked on-site;
6. Allow advertisements for the business that list the address.

**From:** [Luckens, Ben - BC](#)  
**To:** [Mulholland, Katie](#)  
**Cc:** [Carroll, David - BC](#); [Koerth, Nichole](#)  
**Subject:** Re: Design Commission- Urban Design/Infrastructure Guidelines  
**Date:** Monday, July 17, 2017 8:49:11 AM  
**Attachments:** [image001.png](#)

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I realize I missed the deadline for comments for inclusion in the back-up but I want to reiterate the concerns I raised last month regarding PUDs. In the current version of CodeNext the PUD ordinance remains unchanged and maintains its linkage to Subchapter E. Virtually nothing else in the LDC creates as much uncertainty and controversy as PUDs. CodeNext should address PUDs. As a minimum, PUDs should be required to exceed the updated design requirements of CodeNext and the PUD land plan should be reviewed by the Design Commission.

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**From:** Mulholland, Katie  
**Sent:** Wednesday, July 12, 2017 1:47:04 AM  
**To:** Mulholland, Katie  
**Cc:** Carroll, David - BC; Koerth, Nichole  
**Subject:** RE: Design Commission- Urban Design/Infrastructure Guidelines

Dear Design Commission,

A friendly reminder to please send me your **CodeNEXT comments** by the **EOD tomorrow (Wed. July 12)** so we can compile and send out next Mon., July 17 (prior to backup) as requested.

Thanks and have a good (and safe) day!

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Learn more about Vision Zero at <http://austintexas.gov/visionzero>

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**From:** Mulholland, Katie  
**Sent:** Thursday, July 06, 2017 6:46 PM  
**To:** Mulholland, Katie  
**Cc:** Carroll, David - BC; Koerth, Nichole  
**Subject:** RE: Design Commission- Urban Design/Infrastructure Guidelines

Dear Design Commission,

Just as a reminder, please send your **CodeNEXT comments (or Working Group edits) to me** to