

Item Number: **I.A.1**

Topic	Sub-Topic
Affordable Housing	Income-Restricted Housing

Policy Question

What is our income-restricted housing goal? What capacity is needed to reach that goal? How often should we evaluate and re-calibrate the program to ensure we meet that goal?

Current Code or Policy

The Austin Strategic Housing Blueprint (adopted by Council in 2017) sets a goal of creating 60,000 income-restricted affordable housing units over 10 years. As shown on page 18 of the Blueprint, achieving this goal will require utilization of several tools, including but not limited to density bonus programs. Past production of Austin's existing bonus programs indicates that under a business-as-usual scenario, the City can expect to produce 1,500 income-restricted units through current programs over the next decade (ibid). Additional affordable units will need to be generated through the proposed Affordable Housing Bonus Program (see CodeNEXT Draft 3 Division 23-3E-1). CodeNEXT consultants have suggested that a standard measure of capacity in relation to meeting a planning goal is to allow for at least twice the capacity needed to meet the planning goal (see Slide 3 from presentation to Council Work Session, Feb. 13, 2018).

CodeNEXT Draft 3

CodeNEXT Draft 3 proposes a new citywide affordable housing bonus program; see Division 23-3E-1. Section 23-3E-1070 requires the Housing Director to evaluate the program's production on an annual basis and provide recommendations if needed to update, or re-calibrate, the program's affordable unit set-aside requirements and fees.

Location in Code

PC Recommendation

Motion 12:
Recommend approval of Article 23-3E (Affordable Housing Bonus Program), but with direction for staff to develop revisions that will address the following concerns:

1. Establish as additional items of intent for the program to:
 - a. meet the annual affordable housing goals set forth by city council;
 - b. generally permit sites to utilize affordable bonus entitlements; and
 - c.maximize affordable units in high-opportunity areas, whether built on-site or financed via fee-in-lieu.
2. Reinstate expedited review for SMART Housing and expand it to the Affordable Housing Bonus Program at all stages for projects that participate in the program per the original requirements of 2000.
3. Explore a Super Density Bonus for large-scale affordable projects that offer over 50% of units as affordable
4. Establish a Density Bonus pilot program with a revision and review window of 18-months with an annual re-evaluation period to ensure the program is properly calibrated, and staff and consultants to continue to hold workshops with stakeholders, including affordable housing advocates, builders, affordable housing builders, construction companies, developers, and community advocates to continue to work out the bonus program.
5. Staff to use White Exhibit 1 Pages 20-25 (Edits to the SMART program) and White Exhibit 1 Pages 45-48 (SIMPLICITY & HOUSING BLUEPRINT GOALS - yellow from Housing Coalition) as a directive to prioritize those changes as they review this Article

Motion 13:
Upon Council's review of Article 23-3E, Council consider sending that division back to the Planning Commission for additional feedback.

Staff Response to PC Recommendation

NHCD: Staff support annual evaluation of and recommending updates to the Affordable Housing Bonus Program, but do not believe the Land Development Code is the appropriate place to include annual goals. Further, this is a market-based tool that is subject to fluctuations in market conditions. Staff recommend reporting the Affordable Housing Bonus Program production in the context of how it is helping the City achieve its Strategic Housing Blueprint goals on an annual basis.

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: I.A.2

Topic	Sub-Topic
Affordable Housing	Income-Restricted Housing

Policy Question

How should affordable housing bonuses be calibrated to maximize the production of income restricted units?

Current Code or Policy

The current code offers voluntary density bonuses by specific regulating area such as in Downtown, University Neighborhood Overlay (UNO), East Riverside, North Burnet Gateway, and transit-oriented developments (TODs), and along certain corridors (VMU). In each area, base zoning entitlements are set by specific zoning district and by any regulating plan requirements if applicable. Each area has its own bonus program with different available bonus entitlements. For example, some bonus programs allow for increased FAR, some for increased height, some relax parking requirements, etc. and some combine several types of entitlements.

CodeNEXT Draft 3

Broadly speaking, a bonus program should be calibrated so that the most attractive option is to build the bonus entitlements and deliver the affordability benefit (whether that benefit is in the form of units or a fee). Otherwise, a developer will simply choose not to utilize the bonus program and just build to the site's base entitlements. To make delivering the bonus with affordability the most attractive option, an attractive set of bonus entitlements must be offered. Given the base entitlements and the bonus entitlements proposed, the consultant team has endeavored to calibrate the proposed Affordable Housing Bonus Program so that delivering bonus entitlements and the affordability benefit is as attractive as possible. The calibration that has been undertaken for the proposed Affordable Housing Bonus Program is much more tailored to available bonuses and market conditions than calibration of the City's existing bonus programs.

Location in Code
23-3E-1040 Affordable Housing Bonus Calculation

PC Recommendation

Motion 12:
Recommend approval of Article 23-3E (Affordable Housing Bonus Program), but with direction for staff to develop revisions that will address the following concerns:

1. Establish as additional items of intent for the program to:
 - a. meet the annual affordable housing goals set forth by city council;
 - b. generally permit sites to utilize affordable bonus entitlements; and
 - c.maximize affordable units in high-opportunity areas, whether built on-site or financed via fee-in-lieu.
2. Reinstate expedited review for SMART Housing and expand it to the Affordable Housing Bonus Program at all stages for projects that participate in the program per the original requirements of 2000.
3. Explore a Super Density Bonus for large-scale affordable projects that offer over 50% of units as affordable
4. Establish a Density Bonus pilot program with a revision and review window of 18-months with an annual re-evaluation period to ensure the program is properly calibrated, and staff and consultants to continue to hold workshops with stakeholders, including affordable housing advocates, builders, affordable housing builders, construction companies, developers, and community advocates to continue to work out the bonus program.
5. Staff to use White Exhibit 1 Pages 20-25 (Edits to the SMART program) and White Exhibit 1 Pages 45-48 (SIMPLICITY & HOUSING BLUEPRINT GOALS - yellow from Housing Coalition) as a directive to prioritize those changes as they review this Article

Motion 13:
Upon Council's review of Article 23-3E, Council consider sending that division back to the Planning Commission for additional feedback.

Motion 17:
Increase the base entitlements in DC per DAA recommendation, including:
- Increase driveway width maximum to 30' to allow for 3 lanes of traffic flow
- Frontage Requirements: Create exception for <1/2 block sites. Either significantly reduce the % gross frontage requirement or change requirement to "net" frontage or only require one block face of the site to comply. Or remove requirement in DC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW. The definition of active commercial uses (Commercial Group A in the Downtown Plan Overlay Zone) needs to be clarified or refined to allow for ground level office or multi-family lobbies. Additionally, revise the requirement that prohibits stairs/ramps in required setbacks to allow them in required setbacks.
- (intent) Recalibrate the Downtown Density Program to maximize the yield of affordable housing units in a way that does not impede taking up of the bonus, particularly related to small lots
- FAR and height for the PID area, not including Judge's Hill, be increased to unlimited for the Density Bonus Program

Motion 75:
Increase units per acre by 20% in all multi-unit zones for base and bonus units and always round the numbers up

Motion 80:
Increase the bonus height maximums in Main Street zones as follows:
MS2A, MS2B, MS2C: 45' to 65'
MS3A, MS3B: 60' to 80', 120'
Increase the bonus height maximums in Mixed Use zones as follows:
MU1C, MU1D, MU2A: 45' to 65'
MU2B, MU3A, MU3B: 60' to 80'
MU4A, MU4B: 60' to 80', 120'
MU5A: 100'
Increase base heights:
MS1A, MS1B: 35' to 40'
MU1A, MU1B: 32' to 40'

Motion 110:
Map Imagine Austin Regional Centers as UC-Unlimited, unless affected by compatibility. If affected by compatability, zone to the highest attainable UC per the limit of the affecting compatibility
Direct staff to look at current projected yield of affordable units for the Regional Centers and ensure that the anticipated yield is not being diminished by the effect of the prescribed zoning
Establish a program for Regional Center that uses opt-in methods similar to UNO, requiring certain development features, such as streetscaping, large-site connectivity, and mobility in order to get maximum heights.

Staff Response to PC Recommendation

NHCD: Generally, for bonus programs any increase in base entitlements will decrease the attractiveness of bonus entitlements, and could lead to decreased participation in the bonus program or decreased numbers of affordable units. Increases in bonus entitlements without any increases in base entitlements can increase participation in bonus programs.

ZAP Recommendation

It is clear from other growing cities and our own that a bigger, denser city increases the rate of innovation, start-ups, and productivity, but it is also accompanied by increased gentrification, income inequality and segregation, and housing costs. One remedy to the downside of growth is to require developers to provide affordable housing in exchange for the additional height and density that they want

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

Item Number: I.A.3

Topic	Sub-Topic
Affordable Housing	Income-Restricted Housing

Policy Question

How should base zoning entitlements be calibrated with affordable housing bonuses?

Current Code or Policy

The current code offers voluntary density bonuses by specific regulating area such as in Downtown, University Neighborhood Overlay (UNO), East Riverside, North Burnet Gateway, and transit-oriented developments (TODs), and along certain corridors (VMU). In each area, base zoning entitlements are set by specific zoning district and by any regulating plan requirements if applicable. Each area has its own bonus program with different available bonus entitlements. For example, some bonus programs allow for increased FAR, some for increased height, some relax parking requirements, etc. and some combine several types of entitlements.

CodeNEXT Draft 3

Broadly speaking, a voluntary bonus program should be calibrated so that the most attractive option is to build the bonus entitlements and deliver the affordability benefit (whether that benefit is in the form of units or a fee). Otherwise, a developer will simply choose not to utilize the bonus program and just build to the site's base entitlements. To make delivering the bonus with affordability the most attractive option, an attractive set of bonus entitlements must be offered. Given the base entitlements and the bonus entitlements proposed, the consultant team has endeavored to calibrate the proposed Affordable Housing Bonus Program so that delivering bonus entitlements and the affordability benefit is as attractive as possible. The calibration that has been undertaken for the proposed Affordable Housing Bonus Program is much more tailored to available bonuses and market conditions than calibration of the City's existing bonus programs.

Location in Code
Division 23-3E-1: Citywide Affordable Housing Bonus Program
23-4D Specific to Zones

PC Recommendation

Motion 17:
Increase the base entitlements in DC per DAA recommendation, including: - Increase driveway width maximum to 30' to allow for 3 lanes of traffic flow
- Frontage Requirements: Create exception for <1/2 block sites. Either significantly reduce the % gross frontage requirement or change requirement to "net" frontage or only require one block face of the site to comply. Or remove requirement in DC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW. The definition of active commercial uses (Commercial Group A in the Downtown Plan Overlay Zone) needs to be clarified or refined to allow for ground level office or multi-family lobbies. Additionally, revise the requirement that prohibits stairs/ramps in required setbacks to allow them in required setbacks.
- (intent) Recalibrate the Downtown Density Program to maximize the yield of affordable housing units in a way that does not impede taking up of the bonus, particularly related to small lots
- FAR and height for the PID area, not including Judge's Hill, be increased to unlimited for the Density Bonus Program

Motion 18:
Change DC zone FAR max to 12:1.

Motion 72:
Increase the base standard units of Cottage Court in the R4 zones from 3 to 4 units and 6 to 8 units

Motion 75:
Increase units per acre by 20% in all multi-unit zones for base and bonus units and always round the numbers up

Motion 80:
Increase the bonus height maximums in Main Street zones as follows:
MS2A, MS2B, MS2C: 45' to 65'
MS3A, MS3B: 60' to 80', 120'
Increase the bonus height maximums in Mixed Use zones as follows:
MU1C, MU1D, MU2A: 45' to 65'
MU2B, MU3A, MU3B: 60' to 80'
MU4A, MU4B: 60' to 80', 120'
MU5A: 100'
Increase base heights:
MS1A, MS1B: 35' to 40'
MU1A, MU1B: 32' to 40'

Motion 86:
Change CC40, CC60, CC80 FAR max to 5:1. Remove all minimum setbacks for all CC zones, and clarify reference to easements. Revise CC zones to increase heights & FAR. Set setbacks to 0 feet unless stated otherwise in 23-4D-9070. Allow exceptions for small sites downtown such as: Create exception for <1/2 block sites. Either significantly reduce the % gross frontage requirement or change requirement to "net" frontage or only require one block face of the site to comply. Or remove requirement in CC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW. Table G: For commercial buildings greater than or equal to one-half block width: Except for building support spaces (including as Austin Energy vault, fire pump), entries must be oriented to the street and located at sidewalk level. No ramps or stairs allowed within public right-of-way or front setbackFor commercial buildings less than one-half block width: The primary entry must be oriented to the street and located at the sidewalk level.

Motion 106:
Revise the definition of Residential Gross Floor Area (GFA) to reduce the number of exemptions as follows: RESIDENTIAL GROSS (GFA) The total enclosed area of all floors in a building with a clear height of more than five feet, measured to the outside surface of the exterior walls. The term excludes loading docks, 1st floor porches, stoops, basements, attics, stories below grade plane, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas. In exchange, in all Residential Zones, allow for an increase of 0.05 FAR

Motion 110:
Map Imagine Austin Regional Centers as UC-Unlimited, unless affected by compatibility. If affected by compatability, zone to the highest attainable UC per the limit of the affecting compatibility
Direct staff to look at current projected yield of affordable units for the Regional Centers and ensure that the anticipated yield is not being diminished by the effect of the prescribed zoning
Establish a program for Regional Center that uses opt-in methods similar to UNO, requiring certain development features, such as streetscaping, large-site connectivity, and mobility in order to get maximum heights.

Motion 111:
Map the areas adjacent to Imagine Austin corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.
Map the areas adjacent to core transit corridors and future core transit corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.
Exempt TODs from compatibility entirely, by either mapping or text as determined by Staff. Direct Staff to review policy on exempting TODs from compatibility

Motion 113:
Amend Imagine Austin to reclassify South Park Meadows as a Regional Center. Map South Park Meadows as UC.

Staff Response to PC Recommendation

NHCD: Generally, for bonus programs any increase in base entitlements will decrease the attractiveness of bonus entitlements, and could lead to decreased participation in the bonus program or decreased numbers of affordable units. Increases in bonus entitlements without any increases in base entitlements can increase participation in bonus programs.

ZAP Recommendation

It is clear from other growing cities and our own that a bigger, denser city increases the rate of innovation, start-ups, and productivity, but it is also accompanied by increased gentrification, income inequality and segregation, and housing costs. One remedy to the downside of growth is to require developers to provide affordable housing in exchange for the additional height and density that they want

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

Item Number: I.A.4

Topic	Sub-Topic
Affordable Housing	Income-Restricted Housing

Policy Question

How should we maximize the development of income-restricted housing in all parts of the city? What should be our goals for producing income-restricted housing in moderate, high, and very high opportunity areas?

Current Code or Policy

Current density bonus programs are focused around specific geographies (regulating plan areas like North Burnet-Gateway and East Riverside; transit-oriented development districts like Plaza Saltillo; downtown; certain VMU-zoned corridors) and are not equally distributed across the city.

The Austin Strategic Housing Blueprint (adopted by Council in 2017) sets goals related to the production of income-restricted housing over the next decade, including geographic goals. One such goal stipulates that at least 25% of all new income-restricted housing (from all sources, including but not limited to density bonus programs) be located in high opportunity areas.

CodeNEXT Draft 3

CodeNEXT Draft 3 proposes a new, voluntary, citywide affordable housing bonus program linked to zoning districts, rather than a specific geographic area; see Divisions 23-3E-1 and 23-4D. Linking bonus opportunity to zoning districts allows for income-restricted units to be built where ever a zone with a bonus is mapped (provided development on the site meets other development requirements). In the Draft 3 map, that means 30,000 acres are proposed to allow for income-restricted bonus units, compared to just 5,600 acres under current code (see slide 51 in presentation to Council Work Session, Feb. 13, 2018). To increase income-restricted unit capacity, one approach would be to map more zones with bonuses in more parts of town, including moderate to very high opportunity areas.

Location in Code
Article 23-3E: Affordable Housing

PC Recommendation

Motion 12:
Recommend approval of Article 23-3E (Affordable Housing Bonus Program), but with direction for staff to develop revisions that will address the following concerns:
1. Establish as additional items of intent for the program to:
 a. meet the annual affordable housing goals set forth by city council;
 b. generally permit sites to utilize affordable bonus entitlements; and
 c.maximize affordable units in high-opportunity areas, whether built on-site or financed via fee-in-lieu.
2. Reinstate expedited review for SMART Housing and expand it to the Affordable Housing Bonus Program at all stages for projects that participate in the program per the original requirements of 2000.
3. Explore a Super Density Bonus for large-scale affordable projects that offer over 50% of units as affordable
4. Establish a Density Bonus pilot program with a revision and review window of 18-months with an annual re-evaluation period to ensure the program is properly calibrated, and staff and consultants to continue to hold workshops with stakeholders, including affordable housing advocates, builders, affordable housing builders, construction companies, developers, and community advocates to continue to work out the bonus program.
5. Staff to use White Exhibit 1 Pages 20-25 (Edits to the SMART program) and White Exhibit 1 Pages 45-48 (SIMPLICITY & HOUSING BLUEPRINT GOALS - yellow from Housing Coalition) as a directive to prioritize those changes as they review this Article

Motion 13:
Upon Council's review of Article 23-3E, Council consider sending that division back to the Planning Commission for additional feedback.

Motion 87:
As stated in Kenny Exhibit 2 - ADU Bonus Amendments:
Apply Changes to the Citywide Density Bonus Program
Create a Corridor Density Bonus Program
Create an NHCD Review after the implementation of the bonuses
Alter the ADU and R-scale compatibility restrictions

Additional provisions not stated in Kenny Exhibit 2
NHCD review will be 18 months after implementation
LA and RR zones will have a by-right ADU and it will no longer have an affordability requirement
Within 1/8 of a mile of any school, the Corridor ADU Bonus will apply

Motion 111:
Map the areas adjacent to Imagine Austin corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors. Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Map the areas adjacent to core transit corridors and future core transit corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors. Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Exempt TODs from compatibility entirely, by either mapping or text as determined by Staff. Direct Staff to review policy on exempting TODs from compatibility

Staff Response to PC Recommendation

Motion 12:
NHCD: Support generally; but opposed to the following elements:
1 a) Staff support annual evaluation of and recommending updates to the Affordable Housing Bonus Program, but do not believe the Land Development Code is the appropriate place to include annual goals. Further, this is a market-based tool that is subject to fluctuations in market conditions. Staff recommend reporting the Affordable Housing Bonus Program production in the context of how it is helping the City achieve its Strategic Housing Blueprint goals on an annual basis.
5) Staff do not recommend requiring density bonus projects to comply with S.M.A.R.T. Housing requirements unless it can be evidenced that typical density bonus projects would be S.M.A.R.T. Housing compliant and that this would not deter participation in density bonus programs.
DSD: Review turnaround times for SMART Housing projects are currently in a policy document and have been in effect since the program's inception. Staff adheres to these review times to the extent possible; however, turnaround times are impacted by application volume, regulatory complexities, and available resources. DSD does not recommend reincorporating review times into the land development code. Review times are administrative and were removed from Title 25 and moved into the criteria manuals to be adopted via the rules process. Adopting review times by rule preserves the public stakeholder engagement component and provides staff with the flexibility to make adjustments based on the previously identified factors without having to initiate a code amendment.

Motion 13:
PAZ: No. Process for adopting code should be consistent.

Motion 87:
DSD: Neutral with exception of school distance provision- increases complexity of review and will increase review times.
NHCD: NHCD recommends a fee-in-lieu, rather than on-site affordable ADUs. NHCD supports ADUs in general. With regard to ADUs and the Affordable Housing Bonus Program, the Department's positions is that property owners opting into the program through ADU development pay a fee-in-lieu into the Housing Trust Fund, rather than income-restrict the ADU on their sites. We take this position for many reasons, including the higher per-unit cost associated with monitoring these units and potential issues related to how tenants are selected. City Council has expressed interest in creating a waitlist for affordable housing units that may include priorities for people with housing barriers (including criminal backgrounds, poor credit, or who are exiting homelessness). Employing this waitlist approach for ADUs may cause potential bonus program applicants to decide not to utilize the program at all. Other cities are grappling with how to enforce affordability in ADUs as well – Portland, OR decided not to require ADUs to be affordable after difficulties with their proposal were identified. Staff support evaluation and reporting on Affordable Housing Bonus Program (see Draft 3 23-3E-1070 and response to Item 12)

Motion 111:
PAZ: Pending. Staff is still in the process of reviewing this and will develop a response after mapping has been tested.
WPD: Neutral on extensive mapping changes without further analysis of the potential drainage and water quality impacts.
NHCD: Do not support increases to base entitlements, as it may impact the ability to achieve affordable housing benefits. Do support increases to entitlements through a bonus program. Staff support updating TOD Regulating Plans

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: **I.A.5**

Topic	Sub-Topic
Affordable Housing	Income-Restricted Housing

Policy Question

Should there be incentives for providing a greater number of family-sized units in income restricted housing?

Current Code or Policy

The Downtown Density Bonus Program includes an incentive for family-friendly units.

CodeNEXT Draft 3

A family-friendly incentive is proposed in the citywide Affordable Housing Bonus Program; see Section 23-3E-1030 (D): "two or three-bedroom affordable units may count as two or three one-bedroom/efficiency market-rate units at the discretion of the director." The program also proposes to require a proportionate bedroom mix for affordable units, where the proportion of multi-bedroom affordable units would be required to match the proportion of multi-bedroom market-rate units in the development (Section 23-3e-1030 (D)).

The family-friendly incentive in the Downtown Density Bonus Program is carried through in Draft 3 (see Division 23-3E-2060(D)(2)).

Location in Code
Division 23-3E-2: Downtown Density Bonus Program
23-3E-1030 General Provisions for the Citywide Affordable Housing Bonus Program

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: **I.A.6**

Topic	Sub-Topic
Affordable Housing	Income-Restricted Housing

Policy Question

Should affordable housing bonuses be available in residential house scale zones (LA – R4) to create income-restricted units?

Current Code or Policy

Current code does not have any bonus available for single-family zones.

CodeNEXT Draft 3

Draft 3 applies the Affordable Housing Bonus Program to R4 zones.

Draft 3 allows the construction of an ADU in LA, RR, and R1 zones if the unit complies with the Affordable Housing Bonus Program (and the lot meets a certain minimum lot size).

Location in Code
23-4D-2210 Residential 4C (R4C) Zone
23-4D-2200 Residential 4B (R4B) Zone

PC Recommendation

Motion 87:
As stated in Kenny Exhibit 2 - ADU Bonus Amendments:
Apply Changes to the Citywide Density Bonus Program
Create a Corridor Density Bonus Program
Create an NHCD Review after the implementation of the bonuses
Alter the ADU and R-scale compatibility restrictions

Additional provisions not stated in Kenny Exhibit 2
NHCD review will be 18 months after implementation
LA and RR zones will have a by-right ADU and it will no longer have an affordability requirement
Within 1/8 of a mile of any school, the Corridor ADU Bonus will apply

Staff Response to PC Recommendation

Motion 87:
DSD: Neutral with exception of school distance provision- increases complexity of review and will increase review times.
NHCD: NHCD recommends a fee-in-lieu, rather than on-site affordable ADUs. NHCD supports ADUs in general. With regard to ADUs and the Affordable Housing Bonus Program, the Department's positions is that property owners opting into the program through ADU development pay a fee-in-lieu into the Housing Trust Fund, rather than income-restrict the ADU on their sites. We take this position for many reasons, including the higher per-unit cost associated with monitoring these units and potential issues related to how tenants are selected. City Council has expressed interest in creating a waitlist for affordable housing units that may include priorities for people with housing barriers (including criminal backgrounds, poor credit, or who are exiting homelessness). Employing this waitlist approach for ADUs may cause potential bonus program applicants to decide not to utilize the program at all. Other cities are grappling with how to enforce affordability in ADUs as well – Portland, OR decided not to require ADUs to be affordable after difficulties with their proposal were identified. Staff support evaluation and reporting on Affordable Housing Bonus Program (see Draft 3 23-3E-1070 and response to Item 12)

ZAP Recommendation

CodeNEXT hurts Austin's ability to provide affordable housing in two ways. The first is by reducing the percentage of affordable units that must be provided in the Affordable Housing Bonus Program (AHBP) and the second is by providing increased by-right entitlements without imposing affordability requirements in returno

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

ZAP:
In Draft 3, properties that received a Mixed-Use zone and do not currently have residential entitlements are required to opt-in to the bonus program to build residential. This is indicated with a (-A) on the map.

Item Number: **I.A.7**

Topic	Sub-Topic
Affordable Housing	Income-Restricted Housing

Policy Question

How could we revise S.M.A.R.T. housing to better incentivize affordable housing projects?

Current Code or Policy

Current code Title 25, Article 15, Division 2: S.M.A.R.T. Housing requires affordable (aka "reasonably priced") units to be income-restricted at 80% MFI for 5 years for rental, and at initial sale for ownership. Capital recovery fees (one of the most valuable fee waivers in the program) are only being waived on affordable units that meet federal criteria. The required percentages of affordable units vary from 10-40% of total units.

CodeNEXT Draft 3

Draft 3 strengthens affordability requirements to reduce rental income restrictions to 60% MFI, lengthens affordability periods to 40 years for rental and 99 years for ownership, and simplifies the required percentage of affordable units to be 10% of total units. However, more incentives are needed to attract private development to participate in the program, given these affordability requirement proposals and the changing landscape of incentives that can be offered.

See slides 45-51 from presentation to Council Housing & Planning Committee, Mar, 27, 2018 for a discussion of the gap and potential strategies to incentivize participation.

Location in Code
Division 23-3E-4: S.M.A.R.T. Housing

PC Recommendation

Motion 12:
Recommend approval of Article 23-3E (Affordable Housing Bonus Program), but with direction for staff to develop revisions that will address the following concerns:
1. Establish as additional items of intent for the program to:
 a. meet the annual affordable housing goals set forth by city council;
 b. generally permit sites to utilize affordable bonus entitlements; and
 c.maximize affordable units in high-opportunity areas, whether built on-site or financed via fee-in-lieu.
2. Reinstate expedited review for SMART Housing and expand it to the Affordable Housing Bonus Program at all stages for projects that participate in the program per the original requirements of 2000.
3. Explore a Super Density Bonus for large-scale affordable projects that offer over 50% of units as affordable
4. Establish a Density Bonus pilot program with a revision and review window of 18-months with an annual re-evaluation period to ensure the program is properly calibrated, and staff and consultants to continue to hold workshops with stakeholders, including affordable housing advocates, builders, affordable housing builders, construction companies, developers, and community advocates to continue to work out the bonus program.
5. Staff to use White Exhibit 1 Pages 20-25 (Edits to the SMART program) and White Exhibit 1 Pages 45-48 (SIMPLICITY & HOUSING BLUEPRINT GOALS - yellow from Housing Coalition) as a directive to prioritize those changes as they review this Article

Motion 13:
Upon Council's review of Article 23-3E, Council consider sending that division back to the Planning Commission for additional feedback.

Staff Response to PC Recommendation

Motion 12:
NHCD: Support generally; but opposed to the following elements:
1 a) Staff support annual evaluation of and recommending updates to the Affordable Housing Bonus Program, but do not believe the Land Development Code is the appropriate place to include annual goals. Further, this is a market-based tool that is subject to fluctuations in market conditions. Staff recommend reporting the Affordable Housing Bonus Program production in the context of how it is helping the City achieve its Strategic Housing Blueprint goals on an annual basis.
5) Staff do not recommend requiring density bonus projects to comply with S.M.A.R.T. Housing requirements unless it can be evidenced that typical density bonus projects would be S.M.A.R.T. Housing compliant and that this would not deter participation in density bonus programs.
DSD: Review turnaround times for SMART Housing projects are currently in a policy document and have been in effect since the program's inception. Staff adheres to these review times to the extent possible; however, turnaround times are impacted by application volume, regulatory complexities, and available resources. DSD does not recommend reincorporating review times into the land development code. Review times are administrative and were removed from Title 25 and moved into the criteria manuals to be adopted via the rules process. Adopting review times by rule preserves the public stakeholder engagement component and provides staff with the flexibility to make adjustments based on the previously identified factors without having to initiate a code amendment.

Motion 13:
PAZ: No. Process for adopting code should be consistent.

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: **I.B.1**

Topic	Sub-Topic
Affordable Housing	Density Bonus Program

Policy Question

When should income restricted housing be required on-site vs. off-site vs. fee-in-lieu, etc.?
Which entity should make that determination?

Current Code or Policy

Current code allows for a fee-in-lieu option for 6 out of 10 density bonus programs (see slide 11 in presentation on Resolution No 20151015-038). They are: Planned Unit Developments, Transit Oriented Developments (TODs), East Riverside Corridor, University Neighborhood Overlay (UNO), Downtown Density Bonus, and North Burnet Gateway.

CodeNEXT Draft 3

The proposed Affordable Housing Bonus Program provides alternatives to on-site affordable units to attract as much participation as possible to this voluntary program. See Section 23-3E-1050 and 23-3E-1080. For more discussion of this review group and alternatives to on-site units, see pages 3 & 9 in the "Proposed General Administrative Procedures for Affordable Housing Bonus and Downtown Density Bonus Programs in CodeNEXT Article 23-3E" document.

Location in Code
23-3E-1080 Application Procedures

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

To provide the maximum benefits, AHBP should be made available in as many zones as possible. For example, the AHBP should be available in all Main Street zones. Commercial properties with no housing should be allowed to participate in the AHBP by paying fee-in-lieu. To ensure compatibility, height and FAR should not increase in or near residential house form zones. Bonuses in these locations should be limited to increases in units

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

ZAP:
No change in Draft 3. Main Street 1 & 2 zones do not have bonuses

Item Number: **I.C.1**

Topic	Sub-Topic
Affordable Housing	Preservation

Policy Question

Should preservation incentives, such as larger ADUs or increased FAR, be used to discourage demolition of existing single-family homes?

Current Code or Policy

Current code allows the designation of Historic "H" zoning to preserve historic housing.

CodeNEXT Draft 3

Draft 3 provides an "ADU preservation incentive" that allows additional FAR on a lot (the ADU does not count against FAR) when the original house is preserved.

Location in Code
23-4D Specific to Zones

PC Recommendation

Motion 53:
Apply the Street Scale Incentive (formerly the Preservation Incentive) to all Residential zones

Staff Response to PC Recommendation

Motion 53:
Neutral - only makes sense for R zones that have FAR limit

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: I.C.2

Topic	Sub-Topic
Affordable Housing	Preservation

Policy Question

How should gentrifying areas and areas susceptible to gentrification (such as the Eastern Crescent) be mapped so as to prevent accelerated displacement of low-income residents?

Current Code or Policy

N/A

PC Recommendation

Motion 74:
Create a new zone (RM1C) which has the same uses as R2C, but with a permitted density of 14 units per acre maximum.
0.4 FAR limit for the site
R2C height limits, building form (mcmansion) and setback tables,
1 space per unit with additional proposed parking matrix reductions,
Add Note to Table A: minimum 10’ separation between buildings. No compatibility setbacks.
No multi-unit buildings

Staff to review proposed zone to ensure it does not have a negative impact on Density Bonus program

Motion 111:
Map the areas adjacent to Imagine Austin corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Map the areas adjacent to core transit corridors and future core transit corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Exempt TODs from compatibility entirely, by either mapping or text as determined by Staff. Direct Staff to review policy on exempting TODs from compatibility

Staff Response to PC Recommendation

Motion 74:
PAZ: Neutral - staff would like to evaluate further
DSD: Conflicts with FAR limit in motion 47
NHCD: Would need to review for any potential impact on Density Bonus program

Motion 111:
PAZ: Pending. Staff is still in the process of reviewing this and will develop a response after mapping has been tested.
WPD: Neutral on extensive mapping changes without further analysis of the potential drainage and water quality impacts.
NHCD: Staff do not support increases to base entitlements, as it may impact the ability to achieve affordable housing benefits. Do support increases to entitlements through a bonus program. Staff support updating TOD Regulating Plans

ZAP Recommendation

The Zoning and Platting Commission recommends that the number of house form zones be drastically reduced, that all areas of the city be mapped equitably, and that CodeNEXT encourage mixed-income communities by using one set of zoning standards in the entire city. We also recommend that subdivision rules be changed to promote a mix of lot sizes

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

ZAP:
Draft 3 primarily reflects the unit per lot entitlements of the current code. Lots that currently only allow one unit and are connected to an Imagine Austin Corridor or Center received an F2 zone to promote ADUs throughout the city

Location in Code
MAPPING

Item Number: **I.C.3**

Topic	Sub-Topic
Affordable Housing	Preservation

Policy Question

How should older, affordable multifamily properties be zoned to promote affordability?

Current Code or Policy

Older multifamily developments usually have market-rate affordable units (they pre-date any affordable housing bonus programs) as a function of age.

CodeNEXT Draft 3

Proposed zoning for multifamily complexes (particularly those not on corridors) generally matches existing zoning entitlements, so as not to over-entitle those properties.

Location in Code
23-4D-3050 Residential Multi-Unit 1A (RM1A) Zone

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: **I.C.4**

Topic	Sub-Topic
Affordable Housing	Preservation

Policy Question

How can incentives be used to preserve existing housing that is affordable to middle to lower income citizens?

Current Code or Policy

Preservation of housing today is done by applying Historic "H" zoning to properties, which limits redevelopment potential in return for tax abatement.

CodeNEXT Draft 3

Historic "H" zoning remains an option in Draft 3 of CodeNEXT. In addition, there is an "ADU preservation incentive" that grants additional FAR when building an ADU, if the original house on the property is preserved. ADU placement is also more flexible in Draft 3, obviating the need to demolish the original house to accommodate an ADU. Finally, no parking is required for an ADU, reducing the cost of building an ADU, and adding flexibility to ADU placement.

PC Recommendation

Motion 53
Apply the Street Scale Incentive (formerly the Preservation Incentive) to all Residential zones

Motion 111:
Map the areas adjacent to Imagine Austin corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Map the areas adjacent to core transit corridors and future core transit corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Exempt TODs from compatibility entirely, by either mapping or text as determined by Staff. Direct Staff to review policy on exempting TODs from compatibility

Staff Response to PC Recommendation

Motion 53:
Neutral - only makes sense for R zones that have FAR limit

Motion 111:
PAZ: Pending. Staff is still in the process of reviewing this and will develop a response after mapping has been tested.
WPD: Neutral on extensive mapping changes without further analysis of the potential drainage and water quality impacts.
NHCD: Do not support increases to base entitlements, as it may impact the ability to achieve affordable housing benefits. Do support increases to entitlements through a bonus program. Staff support updating TOD Regulating Plans

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Location in Code
23-7D-4010 Pending Historic Designations

Item Number: **I.D.1**

Topic	Sub-Topic
Affordable Housing	Tenant Relocation Protections

Policy Question

How can tenant relocation programs assist with affordability?

Current Code or Policy

Current code Title 25, Article 15, Division 3 documents the requirements of the Tenant Notification and Relocation Assistance Ordinance (Ord. No. 20160901-050). The ordinance requires property owners to provide notice to tenants when applying for certain types of permits for redevelopment of multifamily and mobile home park properties. It also allows for Council to set a tenant relocation fee or set aside public funds for financial assistance for displaced low-income tenants.

CodeNEXT Draft 3

Draft 3 carries through the Tenant Notification and Relocation Assistance Ordinance.

PC Recommendation

No recommendation

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Location in Code
Division 23-3E-3: Tenant Notification and Relocation

Item Number: **I.D.2**

Topic	Sub-Topic
Affordable Housing	Tenant Relocation Protections

Policy Question

How do base zoning entitlements impact the tenant relocation ordinance?

Current Code or Policy

Current code Title 25, Article 15, Division 3 documents the requirements of the Tenant Notification and Relocation Assistance Ordinance (Ord. No. 20160901-050). The ordinance applies to multifamily properties and mobile home parks of 5 or more occupied units.

CodeNEXT Draft 3

Draft 3 maintains the ordinance's applicability to multifamily and mobile home park developments of 5 or more occupied units.

Location in Code
Division 23-3E-3: Tenant Notification and Relocation

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: **I.E.**

Topic	Sub-Topic
Housing Choices	Live/Work

Policy Question

No question listed.

Current Code or Policy

Live/work is not a specific use type in current code, but mixed use buildings that allow a combination of residential and commercial uses are permitted in specific zones

CodeNEXT Draft 3

Live/work is a land use in Draft 3, allowing it by-right in certain zones. It is defined as: An integrated housing unit and working space occupied and used by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes complete kitchen space and sanitary facilities in compliance with the Building Code; and working space reserved for and regularly used by one or more occupants of the unit. Standards specific to the Live/Work use are in 23-4E-6210.

Location in Code
23-4E-6210 Live/Work
23-4D Specific to Zones

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: **II.A.1**

Topic	Sub-Topic
Housing Choices	Strategic Housing Blueprint

Policy Question

What should be our overall housing capacity goal to meet the goals in Imagine Austin and the Strategic Housing Blueprint?

Current Code or Policy

The Austin Strategic Housing Blueprint (adopted by Council in 2017) sets a goal of creating 135,000 housing units, 60,000 of which are income-restricted affordable, over 10 years. As stated in the Blueprint, achieving these goals will require utilization of several tools, including but not limited to density bonus programs and more flexible zoning regulations.

CodeNEXT consultants have suggested that a standard measure of capacity in relation to meeting a planning goal is to allow for at least twice the capacity needed to meet the planning goal (see Slide 3 from presentation to Council Work Session, Feb. 13, 2018)

CodeNEXT Draft 3

Location in Code

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: **II.A.2**

Topic	Sub-Topic
Housing Choices	Strategic Housing Blueprint

Policy Question

Does Draft Three or Planning Commission recommendations meet our housing capacity and policy goals in the Strategic Housing Blueprint?

Current Code or Policy

The Austin Strategic Housing Blueprint (adopted by Council in 2017) sets a goal of creating 135,000 housing units, 60,000 of which are income-restricted affordable housing, over 10 years.

PC Recommendation

Motion 12:
Recommend approval of Article 23-3E (Affordable Housing Bonus Program), but with direction for staff to develop revisions that will address the following concerns:

1. Establish as additional items of intent for the program to:
 - a. meet the annual affordable housing goals set forth by city council;
 - b. generally permit sites to utilize affordable bonus entitlements; and
 - c.maximize affordable units in high-opportunity areas, whether built on-site or financed via fee-in-lieu.
2. Reinstate expedited review for SMART Housing and expand it to the Affordable Housing Bonus Program at all stages for projects that participate in the program per the original requirements of 2000.
3. Explore a Super Density Bonus for large-scale affordable projects that offer over 50% of units as affordable
4. Establish a Density Bonus pilot program with a revision and review window of 18-months with an annual re-evaluation period to ensure the program is properly calibrated, and staff and consultants to continue to hold workshops with stakeholders, including affordable housing advocates, builders, affordable housing builders, construction companies, developers, and community advocates to continue to work out the bonus program.
5. Staff to use White Exhibit 1 Pages 20-25 (Edits to the SMART program) and White Exhibit 1 Pages 45-48 (SIMPLICITY & HOUSING BLUEPRINT GOALS - yellow from Housing Coalition) as a directive to prioritize those changes as they review this Article

Motion 87:
As stated in Kenny Exhibit 2 - ADU Bonus Amendments:
Apply Changes to the Citywide Density Bonus Program
Create a Corridor Density Bonus Program
Create an NHCD Review after the implementation of the bonuses
Alter the ADU and R-scale compatibility restrictions

Additional provisions not stated in Kenny Exhibit 2
NHCD review will be 18 months after implementation
LA and RR zones will have a by-right ADU and it will no longer have an affordability requirement
Within 1/8 of a mile of any school, the Corridor ADU Bonus will apply

Staff Response to PC Recommendation

Motion 12:
NHCD: Support generally; but opposed to the following elements:
1 a) Staff support annual evaluation of and recommending updates to the Affordable Housing Bonus Program, but do not believe the Land Development Code is the appropriate place to include annual goals. Further, this is a market-based tool that is subject to fluctuations in market conditions. Staff recommend reporting the Affordable Housing Bonus Program production in the context of how it is helping the City achieve its Strategic Housing Blueprint goals on an annual basis.
5) Staff do not recommend requiring density bonus projects to comply with S.M.A.R.T. Housing requirements unless it can be evidenced that typical density bonus projects would be S.M.A.R.T. Housing compliant and that this would not deter participation in density bonus programs.
DSD: Review turnaround times for SMART Housing projects are currently in a policy document and have been in effect since the program's inception. Staff adheres to these review times to the extent possible; however, turnaround times are impacted by application volume, regulatory complexities, and available resources. DSD does not recommend reincorporating review times into the land development code. Review times are administrative and were removed from Title 25 and moved into the criteria manuals to be adopted via the rules process. Adopting review times by rule preserves the public stakeholder engagement component and provides staff with the flexibility to make adjustments based on the previously identified factors without having to initiate a code amendment.

Motion 87:
DSD: Neutral with exception of school distance provision- increases complexity of review and will increase review times.
NHCD: NHCD recommends a fee-in-lieu, rather than on-site affordable ADUs. NHCD supports ADUs in general. With regard to ADUs and the Affordable Housing Bonus Program, the Department's positions is that property owners opting into the program through ADU development pay a fee-in-lieu into the Housing Trust Fund, rather than income-restrict the ADU on their sites. We take this position for many reasons, including the higher per-unit cost associated with monitoring these units and potential issues related to how tenants are selected. City Council has expressed interest in creating a waitlist for affordable housing units that may include priorities for people with housing barriers (including criminal backgrounds, poor credit, or who are exiting homelessness). Employing this waitlist approach for ADUs may cause potential bonus program applicants to decide not to utilize the program at all. Other cities are grappling with how to enforce affordability in ADUs as well – Portland, OR decided not to require ADUs to be affordable after difficulties with their proposal were identified. Staff support evaluation and reporting on Affordable Housing Bonus Program (see Draft 3 23-3E-1070 and response to Item 12)

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Location in Code

Item Number: **II.A.3**

Topic	Sub-Topic
Housing Choices	Strategic Housing Blueprint

Policy Question

Which are the best tools in the Strategic Housing Blueprint that help meet housing goals?

II.A.3.a Why? Are certain tools most effective in particular areas?

Current Code or Policy

All 60+ strategies discussed in the Blueprint are important and should be pursued in order to meet the goals of producing 135,000 total units (including 60,000 affordable units) in the next 10 years. Appendix B of the Blueprint lists each strategy and denotes with an asterisk which are considered "highest impact" strategies (see pages 41-45).

Some tools are more effective at targeting specific income levels (for example, funding is the most appropriate type of tool for reaching very deep levels of affordability) or a certain tenure type (for example, tax abatements often focus on assisting homeowners as opposed to renters).

CodeNEXT Draft 3

Location in Code

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: **II.A.4**

Topic	Sub-Topic
Housing Choices	Strategic Housing Blueprint

Policy Question

How do we measure and calibrate the non-zoning sections to achieve housing capacity goals along with environmental, transportation and other Imagine Austin goals?

Current Code or Policy

Most of the current land development code was drafted and amended prior to the adoption of Imagine Austin in 2012.

CodeNEXT Draft 3

Staff have developed an Affordability Impact Statement for CodeNEXT Draft 3 that discusses, among other topics, the tradeoffs inherent in proposals for greater environmental, transportation, or review regulations aimed at achieving different Imagine Austin goals, relative to keeping housing costs in check.

See AIS here: <http://www.ci.austin.tx.us/edims/pio/document.cfm?id=298194>

PC Recommendation

Motion 1:
General Policy Guidelines
1. Establish triage points after the Council adopts the codes such as quarterly check-ins as problems are found with code language. Problems first are revisited by Planning Commission and then Council.
2. Complete rework of the Plan to Plan including transitions, centers, TODs, and Neighborhood Plans. Following the adoption of CodeNEXT, Land Use Commission revisit the Imagine Austin Centers and Corridors.
3. Process to phase out F25 with stakeholder input regarding items such as Conditional Overlays, TODs, etc. Process to be revisited by Planning Commision and then Council.
4. Prior to the Code being enacted, test and model the code in a wide-range of development scenarios with stakeholder participation, and testing of the financial impacts of the Code, including additional staffing needs, development fee increases, Density Bonus Program resources, and a quantified effect of working in two codes. Staff and consultants to prepare a Report Card of the Planning Commission mapping recommendations. After the Code has been implemented, additional testing to help inform the triage process and measure if the added density is delivering. the anticipated affordable units.
5. Entire Code needs to be reviewed by a Master Editor prior to adoption
6. Planning Commission Recommendation is the starting point for Council Review.
7. Land Use Commission's recommendation is shown to Council by each Division. Prior to the Code adoption, Staff to show Council what major elements of Title 25 are not being included in CodeNEXT.
8. Performance mechanisms be identified by PC and staff to show the success and failures of the Code, particularly as it relates to Affordable Housing, displacement, demolition, review times/ permitting, and Imagine Austin Performance Indicators.
9. Staff and Council explore methods to capture the added value of the added density along corridors to help finance transit projects along corridors.

Staff Response to PC Recommendation

PAZ:
1. Staff anticipates that amendments will be needed after adoption.
2. No.
3. No.
4. Staff anticipates testing after the code is adopted (before it is effective).
5. Neutral.
6. Neutral.
7. Neutral.
8. Concur, but it will take many years of on-the-ground changes to make this evaluation.
9. Neutral.

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Location in Code

Item Number: **II.B.1**

Topic	Sub-Topic
Housing Choices	Accessory Dwelling Unit (ADU)

Policy Question

Should ADU’s be allowed in more areas across Austin?

II.B.1a Where are they allowed to be built now? What areas don't currently allow them?

PC Recommendation

Motion 53:
Apply the Street Scale Incentive (formerly the Preservation Incentive) to all Residential zones

Motion 87:
As stated in Kenny Exhibit 2 - ADU Bonus Amendments:
Apply Changes to the Citywide Density Bonus Program
Create a Corridor Density Bonus Program
Create an NHCD Review after the implementation of the bonuses
Alter the ADU and R-scale compatibility restrictions

Additional provisions not stated in Kenny Exhibit 2
NHCD review will be 18 months after implementation
LA and RR zones will have a by-right ADU and it will no longer have an affordability requirement
Within 1/8 of a mile of any school, the Corridor ADU Bonus will apply

Staff Response to PC Recommendation

NHCD recommends a fee-in-lieu, rather than on-site affordable ADUs.

NHCD supports ADUs in general. With regard to ADUs and the Affordable Housing Bonus Program, the Department's position is that property owners opting into the program through ADU development pay a fee-in-lieu into the Housing Trust Fund, rather than income-restrict the ADU on their sites. We take this position for many reasons, including the higher per-unit cost associated with monitoring these units and potential issues related to how tenants are selected. City Council has expressed interest in creating a waitlist for affordable housing units that may include priorities for people with housing barriers (including criminal backgrounds, poor credit, or who are exiting homelessness). Employing this waitlist approach for ADUs may cause potential bonus program applicants to decide not to utilize the program at all. Other cities are grappling with how to enforce affordability in ADUs as well – Portland, OR decided not to require ADUs to be affordable after difficulties with their proposal were identified.

Current Code or Policy

The current code allows ADUs in zones SF-3 and SF-5 through MF-6, plus DMU and CBD. In areas that have adopted neighborhood plans and chose the secondary apartment infill tool, ADUs are also allowed in SF-1 and SF-2 zoning.

The Strategic Housing Blueprint (adopted in 2017) recommends relaxing regulations on internal and external ADUs to make it easier to create these structures in more parts of Austin.

ZAP Recommendation

The Zoning and Platting Commission recommends that Austin reduce the allowed size of ADUs consistent with other cities and find other ways to encourage the use of this infill tool. ADUs should be allowed by right in all house form zones and CodeNEXT should allow detached, attached and garage ADUs, fast-track and eliminate permit fees for smaller ADUs (<500 sq. ft.) and income-restricted ADUs, and vary permitted floor area by lot size (600, 850, and 1,100 sq. ft.).

Environmental Recommendation

No recommendation

CodeNEXT Draft 3

ADUs are allowed in all residential house-scale (R) zones, all RM zones, and MU1 zones.

Historic Landmark Recommendation

Encourage ADUs as a tool to retain older, historic-age residential buildings (50+ years) while increasing density. (a) Allow larger ADUs in the rear of older houses by right, with the condition of retaining and rehabilitating the historic-age house; or allow existing houses equal to or less than 1,375 square feet (25% of allowable ADU square footage) to be classified as ADUs while remaining at the front of the lot. The maximum allowable area for new construction should be within a set square footage or percentage of the lot size of existing house's area. (b) Allow rear additions to existng houses on cottage lots to be classified as ADUs as long as they maintain the roofline and width of the existing house. (c) Waive parking requirements for ADUs if the existing house is retained and rehabilitated.

Staff Response to B & C

ZAP:
Condo regime still allowed under Draft 3. ADUs are allowed in RR, LA, R1 zones if unit participated in the bonus program. ADUs are allowed by right in all other Residential House-Scale Zones. Maximum ADU size has been calibrated to lot size in Draft 3 which includes three ranges of lot sizes

Location in Code
23-4D Specific to Zones

Item Number: **II.B.2**

Topic	Sub-Topic
Housing Choices	Accessory Dwelling Unit (ADU)

Policy Question

What should be the maximum allowable size of ADUs?

Current Code or Policy

Current code allows a maximum ADU size of 1,100 sq ft or 0.15 FAR, whichever is smaller, with a limitation of 550 sq ft on the second floor.

CodeNEXT Draft 3

Draft 3 has an ADU size limit of 750 SF - 1,100 SF, depending on the lot size. The second story 550 sq ft limit remains.

Location in Code
23-4D Specific to Zones

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

The Zoning and Platting Commission recommends that Austin reduce the allowed size of ADUs consistent with other cities and find other ways to encourage the use of this infill tool. ADUs should be allowed by right in all house form zones and CodeNEXT should allow detached, attached and garage ADUs, fast-track and eliminate permit fees for smaller ADUs (<500 sq. ft.) and income-restricted ADUs, and vary permitted floor area by lot size (600, 850, and 1,100 sq. ft.).

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

Encourage ADUs as a tool to retain older, historic-age residential buildings (50+ years) while increasing density. (a) Allow larger ADUs in the rear of older houses by right, with the condition of retaining and rehabilitating the historic-age house; or allow existing houses equal to or less than 1,375 square feet (25% of allowable ADU square footage) to be classified as ADUs while remaining at the front of the lot. The maximum allowable area for new construction should be within a set square footage or percentage of the lot size of existing house's area. (b) Allow rear additions to existing houses on cottage lots to be classified as ADUs as long as they maintain the roofline and width of the existing house. (c) Waive parking requirements for ADUs if the existing house is retained and rehabilitated.

Staff Response to B & C

ZAP:
Condo regime still allowed under Draft 3. ADUs are allowed in RR, LA, R1 zones if unit participated in the bonus program. ADUs are allowed by right in all other Residential House-Scale Zones. Maximum ADU size has been calibrated to lot size in Draft 3 which includes three ranges of lot sizes

HLC Recommendation: Neutral

Item Number: **II.B.3**

Topic	Sub-Topic
Housing Choices	Accessory Dwelling Unit (ADU)

Policy Question

Should ADU's be made more feasible in single family zones (Residential house-scale zones LA - R4)?

II.B.3.a Where should ADUs be made more feasible, such as near transportation corridors or activity centers?

II.B.3.b How should ADUs be made more feasible, such as FAR bonuses for preserving an existing house or parking reductions?

Current Code or Policy

The current code allows ADUs in zones SF-3 and SF-5 through MF-6, plus DMU and CBD. In areas that have adopted neighborhood plans and chose the secondary apartment infill tool, ADUs are also allowed in SF-1 and SF-2 zoning. Required parking is 1 per ADU, but w/in 1/4 mile of a transit corridor (IA corridor that has transit) no parking is required.

The Strategic Housing Blueprint (adopted in 2017) recommends relaxing regulations on internal and external ADUs to make it easier to create these structures in more parts of Austin.

CodeNEXT Draft 3

ADUs are allowed in all residential house-scale (R) zones, all RM zones, and MU1 zones.

No parking is required for an ADU.

An ADU preservation bonus exists for zones with an FAR cap. The bonus allows the FAR of the ADU to not count against the overall FAR of the lot if the original house is preserved.

PC Recommendation

Motion 53:
Apply the Street Scale Incentive (formerly the Preservation Incentive) to all Residential zones

Motion 87:
As stated in Kenny Exhibit 2 - ADU Bonus Amendments:
Apply Changes to the Citywide Density Bonus Program
Create a Corridor Density Bonus Program
Create an NHCD Review after the implementation of the bonuses
Alter the ADU and R-scale compatibility restrictions

Additional provisions not stated in Kenny Exhibit 2
NHCD review will be 18 months after implementation
LA and RR zones will have a by-right ADU and it will no longer have an affordability requirement
Within 1/8 of a mile of any school, the Corridor ADU Bonus will apply

Staff Response to PC Recommendation

Motion 53:
Neutral - only makes sense for R zones that have FAR limit

Motion 87:
DSD: Neutral with exception of school distance provision- increases complexity of review and will increase review times.
NHCD: NHCD recommends a fee-in-lieu, rather than on-site ADUs. NHCD supports ADUs in general. With regard to ADUs and the Affordable Housing Bonus Program, the Department's positions is that property owners opting into the program through ADU development pay a fee-in-lieu into the Housing Trust Fund, rather than income-restrict the ADU on their sites. We take this position for many reasons, including the higher per-unit cost associated with monitoring these units and potential issues related to how tenants are selected. City Council has expressed interest in creating a waitlist for affordable housing units that may include priorities for people with housing barriers (including criminal backgrounds, poor credit, or who are exiting homelessness). Employing this waitlist approach for ADUs may cause potential bonus program applicants to decide not to utilize the program at all. Other cities are grappling with how to enforce affordability in ADUs as well – Portland, OR decided not to require ADUs to be affordable after difficulties with their proposal were identified. Staff support evaluation and reporting on Affordable Housing Bonus Program (see Draft 3 23-3E-1070 and response to Item 12)

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning. (a) Limit height of front façade to the prevailing height of the neighborhood, with additional stories set back at least 15’ from the front of the façade. (b) Require upper-story setbacks of 15’ or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in older neighborhoods [could also be only for existing buildings 40+ years old]

Staff Response to B & C

HLC Recommendation: Opposed

Location in Code
23-4D-2 Residential House-Scale Zones

Item Number: II.C.1

Topic	Sub-Topic
Housing Choices	Housing Types and Choices

Policy Question

Should more housing choices and types be allowed in more areas across Austin?

II.C.1.a What housing types are we trying to encourage? Are they missing from the city or missing from certain areas? Who are the most likely occupants for each target housing type (ie, smaller household v. families with children, etc)?

Current Code or Policy

Existing zoning allows up to 2 units/lot for SF-3 zoning, but then jumps to 12 units/acre (with a minimum lot size of 10,500 sq ft) for SF-5 and SF-6. There are no existing zones that both allow and limit development to 3 or 4 units on smaller lots.

The Strategic Housing Blueprint recommends that at least 30% of new housing should be a range of housing types from small-lot single-family to eight-plexes to help address Austin's need for multi-generational housing.

Imagine Austin HN P1 states to “distribute a variety of housing types throughout the City to expand the choices available to meet the financial and lifestyle needs of Austin's diverse population.”

CodeNEXT Draft 3

Codenext Draft 3 contains R3 and R4 zones, which allow 3 or 4 units on a lot (up to 8 units in R4 if the Affordable Housing Bonus Program is used).

PC Recommendation

Motion 41:
Change Cooperative Housing to Permitted in MH, MS1A, MU3B, MU5
Change Cooperative Housing to Permitted in R3B-C, R4C,R4A-C, RM1A-B;

Motion 57:
Allow a three units, attached or detached, as a residential use in the R3 zones. Exact definition and alterations to Use Tables to be determined by staff.

Motion 60:
Add a "Small Lot Single-Family Use" as a permitted use in R2D and R2E with the following development standards. R2C remains the same.
min. lot size: 2500 sf.
max lot size: 4999sf
min. lot width: 36'
Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500 sf
Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5', Rear 10'.
Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses."
Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max"

Motion 64:
Make one new zone (staff to determine which zoning base [R, RM, etc.]) for the Small Lot Single-Family Use with the following development standards:
min. lot size: 2500 sf.
max lot size: 4999sf
min. lot width: 25'
Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500 sf
Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5' or 0 when adjacent to Small Lot Uses, Rear 10'.
Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses."
Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max
Staff to prepare a new zone that only permits the single use.

Motion 74:
Create a new zone (RM1C) which has the same uses as R2C, but with a permitted density of 14 units per acre maximum.
0.4 FAR limit for the site
R2C height limits, building form (mcmansion) and setback tables,
1 space per unit with additional proposed parking matrix reductions,
Add Note to Table A: minimum 10’ separation between buildings. No compatibility setbacks.
No multi-unit buildings
Staff to review proposed zone to ensure it does not have a negative impact on Density Bonus program

Staff Response to PC Recommendation

Motion 41:
Staff recommends the proposed Co-Housing land use.

Motion 57:
Disagree; a use cannot be exclusively CUP

Motion 60:
No. This is virtually identical to R2D and R2E already in D3.

Motion 64:
No. This is virtually identical to R2D and R2E already in D3.

Motion 74:
PAZ: Neutral - staff would like to evaluate further
DSD: Conflicts with FAR limit in motion 47
NHCD: Would need to review for any potential impact on Density Bonus program

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning. (a) Limit height of front façade to the prevailing height of the neighborhood, with additional stories set back at least 15’ from the front of the façade. (b) Require upper-story setbacks of 15’ or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in older neighborhoods [could also be only for existing buildings 40+ years old]

Staff Response to B & C

HLC Recommendation: Opposed

Location in Code
23-4D Specific to Zones

Item Number: **II.C.2**

Topic	Sub-Topic
Housing Choices	Housing Types and Choices

Policy Question

Where should more housing choices and types be allowed?

Current Code or Policy

Existing development patterns in Austin are zoned such that SF-3 properties often abut major commercial corridors, with little or inconsistently applied transitional zoning, making for abrupt changes in building typology and adjacency of disparate uses.

CodeNEXT Draft 3

Draft 3 largely carries forward existing entitlements, with very moderate additions to density and height along corridors, and new residential entitlements for properties previously zoned commercial only.

PC Recommendation

Motion 108:
Map Corridor Transitions per modified Kazi Corridor Transitions Directive, as voted on by Planning Commission

Staff Response to PC Recommendation

PAZ: Pending. Staff is still in the process of reviewing this and will develop a response after mapping has been tested.
WPD: WPD is neutral on extensive mapping changes without further analysis of the potential drainage and water quality impacts.

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning. (a) Limit height of front façade to the prevailing height of the neighborhood, with additional stories set back at least 15’ from the front of the façade. (b) Require upper-story setbacks of 15’ or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in older neighborhoods [could also be only for existing buildings 40+ years old]

Staff Response to B & C

HLC Recommendation: Opposed

Location in Code
23-4D Specific to Zones

Item Number: **II.C.3**

Topic	Sub-Topic
Housing Choices	Housing Types and Choices

Policy Question

Should there be equitable distribution of housing density throughout the city?

Current Code or Policy

Existing housing density is a product of past zoning and policy decisions.

Imagine Austin HN P1 states to “distribute a variety of housing types throughout the City to expand the choices available to meet the financial and lifestyle needs of Austin’s diverse population.”

The Strategic Housing Blueprint includes geographic goals for citywide housing dispersion: "Within each Council District: At least 10% of rental housing units that are affordable to households earning at or below 30% MFI; and at least 25% of ownership housing units that are affordable to households earning at or below 120% MFI." These goals will not be able to be achieved if there is not enough multifamily zoning mapped through CodeNEXT in each council district.

CodeNEXT Draft 3

Draft 3 largely carries forward existing entitlements, with very moderate additions to density and height along corridors, and new residential entitlements for properties previously zoned commercial only.

Location in Code
MAPPING

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning. (a) Limit height of front façade to the prevailing height of the neighborhood, with additional stories set back at least 15’ from the front of the façade. (b) Require upper-story setbacks of 15’ or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in older neighborhoods [could also be only for existing buildings 40+ years old]

Staff Response to B & C

HLC Recommendation: Opposed

Item Number: **II.C.4**

Topic	Sub-Topic
Housing Choices	Housing Types and Choices

Policy Question

In which zones should Cooperative Housing be allowed?

Current Code or Policy

The Strategic Housing Blueprint recommends that regulations on cooperative housing be relaxed to allow for a wider range of more affordable housing options throughout the city.

CodeNEXT Draft 3

Draft 3 permits Cooperative Housing in R3A, R3B, and R3C with a CUP, R3D, R4A, R4B, R4C, RM1A, and RM1B with a MUP, and RM2A to MU3A and MU5A is permitted by-right.

Location in Code
23-4D Specific to Zones

PC Recommendation

Motion 41:
Change Cooperative Housing to Permitted in MH, MS1A, MU3B, MU5
Change Cooperative Housing to Permitted in R3B-C, R4C,R4A-C, RM1A-B;

Motion 82:
Allow the following uses as a permitted use in all MU and MS zones except MU1A and MU1B:
Residential Care Facilities, Senior/Retirement Housing, Work/Live, Library, Museum, or Public Art Gallery, Meeting Facility, Mobile Food Sales, General Retail Under 5,000 SF, Performance Venue/Theater, Live Music, Indoor Recreation (all sizes), Cooperative Housing, Group Residential, Manufactured Home, and all sizes of Daycares

Staff Response to PC Recommendation

Motion 41:
Staff recommends the proposed Co-Housing land use.

Motion 82:
PAZ: Concur

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: II.D.1

Topic	Sub-Topic
Housing Choices	Fair Housing

Policy Question

How do we measure and calibrate how the land development code affirmatively furthers fair housing over the next 30 years?

Current Code or Policy

The Strategic Housing Blueprint identifies implementing the City of Austin's Fair Housing Action Plan and bolstering enforcement of existing fair housing requirements as a high impact strategy. The Fair Housing Action Plan identifies barrier #6: "Overly complex land use regulations limit housing choice and create impediments to housing affordability." It is recommended that land use and regulatory requirements be modified to expand housing choice and reduce housing access barriers.

CodeNEXT Draft 3

The City of Austin can measure these goals by measuring to geographic targets identified on page 16 of the Austin Strategic Housing Blueprint. Within each Council District: At least 10% of rental housing units that are affordable to households earning at or below 30% MFI; and at least 25% of ownership housing units that are affordable to households earning at or below 120% MFI. These goals will not be able to be achieved if there is not enough multifamily zoning mapped through CodeNEXT in each council district.

Location in Code

PC Recommendation

Motion 1:
General Policy Guidelines
1. Establish triage points after the Council adopts the codes such as quarterly check-ins as problems are found with code language. Problems first are revisited by Planning Commission and then Council.
2. Complete rework of the Plan to Plan including transitions, centers, TODs, and Neighborhood Plans. Following the adoption of CodeNEXT, Land Use Commission revisit the Imagine Austin Centers and Corridors.
3. Process to phase out F25 with stakeholder input regarding items such as Conditional Overlays, TODs, etc. Process to be revisited by Planning Commision and then Council.
4. Prior to the Code being enacted, test and model the code in a wide-range of development scenarios with stakeholder participation, and testing of the financial impacts of the Code, including additional staffing needs, development fee increases, Density Bonus Program resources, and a quantified effect of working in two codes. Staff and consultants to prepare a Report Card of the Planning Commission mapping recommendations. After the Code has been implemented, additional testing to help inform the triage process and measure if the added density is delivering. the anticipated affordable units.
5. Entire Code needs to be reviewed by a Master Editor prior to adoption
6. Planning Commission Recommendation is the starting point for Council Review.
7. Land Use Commission's recommendation is shown to Council by each Division. Prior to the Code adoption, Staff to show Council what major elements of Title 25 are not being included in CodeNEXT.
8. Performance mechanisms be identified by PC and staff to show the success and failures of the Code, particularly as it relates to Affordable Housing, displacement, demolition, review times/ permitting, and Imagine Austin Performance Indicators.
9. Staff and Council explore methods to capture the added value of the added density along corridors to help finance transit projects along corridors.

Motion 12:
Recommend approval of Article 23-3E (Affordable Housing Bonus Program), but with direction for staff to develop revisions that will address the following concerns:
1. Establish as additional items of intent for the program to:
 a. meet the annual affordable housing goals set forth by city council;
 b. generally permit sites to utilize affordable bonus entitlements; and
 c.maximize affordable units in high-opportunity areas, whether built on-site or financed via fee-in-lieu.
2. Reinstate expedited review for SMART Housing and expand it to the Affordable Housing Bonus Program at all stages for projects that participate in the program per the original requirements of 2000.
3. Explore a Super Density Bonus for large-scale affordable projects that offer over 50% of units as affordable
4. Establish a Density Bonus pilot program with a revision and review window of 18-months with an annual re-evaluation period to ensure the program is properly calibrated, and staff and consultants to continue to hold workshops with stakeholders, including affordable housing advocates, builders, affordable housing builders, construction companies, developers, and community advocates to continue to work out the bonus program.
5. Staff to use White Exhibit 1 Pages 20-25 (Edits to the SMART program) and White Exhibit 1 Pages 45-48 (SIMPLICITY & HOUSING BLUEPRINT GOALS - yellow from Housing Coalition) as a directive to prioritize those changes as they review this Article

Motion 13:
Upon Council's review of Article 23-3E, Council consider sending that division back to the Planning Commission for additional feedback.

Staff Response to PC Recommendation

Motion 1:
PAZ:
1. Staff anticipates that amendments will be needed after adoption.
2. No.
3. No.
4. Staff anticipates testing after the code is adopted (before it is effective).
5. Neutral.
6. Neutral.
7. Neutral.
8. Concur, but it will take many years of on-the-ground changes to make this evaluation.
9. Neutral.

Motion 12:
NHCD: Support generally; but opposed to the following elements:
1 a) Staff support annual evaluation of and recommending updates to the Affordable Housing Bonus Program, but do not believe the Land Development Code is the appropriate place to include annual goals. Further, this is a market-based tool that is subject to fluctuations in market conditions. Staff recommend reporting the Affordable Housing Bonus Program production in the context of how it is helping the City achieve its Strategic Housing Blueprint goals on an annual basis.
5) Staff do not recommend requiring density bonus projects to comply with S.M.A.R.T. Housing requirements unless it can be evidenced that typical density bonus projects would be S.M.A.R.T. Housing compliant and that this would not deter participation in density bonus programs.
DSD: Review turnaround times for SMART Housing projects are currently in a policy document and have been in effect since the program's inception. Staff adheres to these review times to the extent possible; however, turnaround times are impacted by application volume and available resources. DSD does not recommend reincorporating review times into the land development code. Review times are administrative and were removed from Title 25 and moved into the criteria manuals to be adopted via the rules process. Adopting review times by rule preserves the public stakeholder engagement component and provides staff with the flexibility to make adjustments based on the previously identified factors without having to initiate a code amendment.

Motion 13:
PAZ: No. Process for adopting code should be consistent.

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: II.D.2

Topic	Sub-Topic
Housing Choices	Fair Housing

Policy Question

How do we create more affordable housing throughout the city, including in high opportunity areas?

Current Code or Policy

The Strategic Housing Blueprint identifies implementing the City of Austin's Fair Housing Action Plan and bolstering enforcement of existing fair housing requirements as a high impact strategy. The Fair Housing Action Plan identifies barrier #6: "Overly complex land use regulations limit housing choice and create impediments to housing affordability." It is recommended that land use and regulatory requirements be modified to expand housing choice and reduce housing access barriers.

PC Recommendation

Motion 12:
Recommend approval of Article 23-3E (Affordable Housing Bonus Program), but with direction for staff to develop revisions that will address the following concerns:

1. Establish as additional items of intent for the program to:
 - a. meet the annual affordable housing goals set forth by city council;
 - b. generally permit sites to utilize affordable bonus entitlements; and
 - c.maximize affordable units in high-opportunity areas, whether built on-site or financed via fee-in-lieu.
2. Reinstate expedited review for SMART Housing and expand it to the Affordable Housing Bonus Program at all stages for projects that participate in the program per the original requirements of 2000.
3. Explore a Super Density Bonus for large-scale affordable projects that offer over 50% of units as affordable
4. Establish a Density Bonus pilot program with a revision and review window of 18-months with an annual re-evaluation period to ensure the program is properly calibrated, and staff and consultants to continue to hold workshops with stakeholders, including affordable housing advocates, builders, affordable housing builders, construction companies, developers, and community advocates to continue to work out the bonus program.
5. Staff to use White Exhibit 1 Pages 20-25 (Edits to the SMART program) and White Exhibit 1 Pages 45-48 (SIMPLICITY & HOUSING BLUEPRINT GOALS - yellow from Housing Coalition) as a directive to prioritize those changes as they review this Article

Motion 13:
Upon Council's review of Article 23-3E, Council consider sending that division back to the Planning Commission for additional feedback.

Motion 87:
As stated in Kenny Exhibit 2 - ADU Bonus Amendments:
Apply Changes to the Citywide Density Bonus Program
Create a Corridor Density Bonus Program
Create an NHCD Review after the implementation of the bonuses
Alter the ADU and R-scale compatibility restrictions

Additional provisions not stated in Kenny Exhibit 2
NHCD review will be 18 months after implementation
LA and RR zones will have a by-right ADU and it will no longer have an affordability requirement
Within 1/8 of a mile of any school, the Corridor ADU Bonus will apply

Motion 111:
Map the areas adjacent to Imagine Austin corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Map the areas adjacent to core transit corridors and future core transit corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Exempt TODs from compatibility entirely, by either mapping or text as determined by Staff. Direct Staff to review policy on exempting TODs from compatibility

Staff Response to PC Recommendation

Motion 12:
NHCD: Support generally; but opposed to the following elements:
1 a) Staff support annual evaluation of and recommending updates to the Affordable Housing Bonus Program, but do not believe the Land Development Code is the appropriate place to include annual goals. Further, this is a market-based tool that is subject to fluctuations in market conditions. Staff recommend reporting the Affordable Housing Bonus Program production in the context of how it is helping the City achieve its Strategic Housing Blueprint goals on an annual basis.
5) Staff do not recommend requiring density bonus projects to comply with S.M.A.R.T. Housing requirements unless it can be evidenced that typical density bonus projects would be S.M.A.R.T. Housing compliant and that this would not deter participation in density bonus programs.

DSD: Review turnaround times for SMART Housing projects are currently in a policy document and have been in effect since the program's inception. Staff adheres to these review times to the extent possible; however, turnaround times are impacted by application volume, regulatory complexities, and available resources. DSD does not recommend reincorporating review times into the land development code. Review times are administrative and were removed from Title 25 and moved into the criteria manuals to be adopted via the rules process. Adopting review times by rule preserves the public stakeholder engagement component and provides staff with the flexibility to make adjustments based on the previously identified factors without having to initiate a code amendment.
Motion 13:
PAZ: No. Process for adopting code should be consistent.

Motion 87:
DSD: Neutral with exception of school distance provision- increases complexity of review and will increase review times.
NHCD: NHCD recommends a fee-in-lieu, rather than on-site ADUs. NHCD supports ADUs in general. With regard to ADUs and the Affordable Housing Bonus Program, the Department's positions is that property owners opting into the program through ADU development pay a fee-in-lieu into the Housing Trust Fund, rather than income-restrict the ADU on their sites. We take this position for many reasons, including the higher per-unit cost associated with monitoring these units and potential issues related to how tenants are selected. City Council has expressed interest in creating a waitlist for affordable housing units that may include priorities for people with housing barriers (including criminal backgrounds, poor credit, or who are exiting homelessness). Employing this waitlist approach for ADUs may cause potential bonus program applicants to decide not to utilize the program at all. Other cities are grappling with how to enforce affordability in ADUs as well – Portland, OR decided not to require ADUs to be affordable after difficulties with their proposal were identified. Staff support evaluation and reporting on Affordable Housing Bonus Program (see Draft 3 23-3E-1070 and response to Item 12)

Motion 111:
PAZ: Pending. Staff is still in the process of reviewing this and will develop a response after mapping has been tested.
WPD: Neutral on extensive mapping changes without further analysis of the potential drainage and water quality impacts.
NHCD: Do not support increases to base entitlements, as it may impact the ability to achieve affordable housing benefits. Do support increases to entitlements through a bonus program. Staff support updating TOD Regulating Plans

ZAP Recommendation

To provide the maximum benefits, AHBP should be made available in as many zones as possible. For example, the AHBP should be available in all Main Street zones. Commercial properties with no housing should be allowed to participate in the AHBP by paying fee-in-lieu. To ensure compatibility, height and FAR should not increase in or near residential house form zones. Bonuses in these locations should be limited to increases in units

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

ZAP:
No change in Draft 3. Main Street 1 & 2 zones do not have bonuses

The Austin Strategic Housing Blueprint sets the following geograhic goals: "Within each Council District: At least 10% of rental housing units that are affordable to households earning at or below 30% MFI; and at least 25% of ownership housing units that are affordable to households earning at or below 120% MFI." These goals will not be able to be achieved if there is not enough multifamily zoning mapped through CodeNEXT in each council district

Location in Code

Item Number: **II.D.3**

Topic	Sub-Topic
Housing Choices	Fair Housing

Policy Question

What land development policies conflict with or hinder the ability to affirmatively further fair housing?

PC Recommendation

Motion 40:
Comparability:
Between 25-50 feet from the triggering lot line: 35 foot height limit
50-100 feet: 45 foot height limit
100-150 feet: 65 foot height limit
150-225 feet: 75 foot height limit
225-300 feet: 90 foot height limit
Full height at 300 feet
Affordable bonuses are exempt at 100 feet

Motion 43:
Update each district to max height of "35 feet from top of slab to top of roof" and "slab height is limited to a maximum of 5' above finished grade and a maximum of 12" above highest finished grade." Staff will continue to work to clarify and correct the height with the intent stated

Motion 44:
Delete Frontyard Impervious Cover Regulation in all R Zones

Motion 46:
Remove articulation from all R zones

Staff Response to PC Recommendation

Motion 40:
PAZ: Pending review by Frego to determine impact on housing numbers

Motion 43:
DSD: Do not concur. This further complicates how height is to be measured, will increase plan submittal requirements, and could have unintended consequences, pariculalry in the Urban Watershed where there are no no cut and fill limits.

Motion 44:
PAZ: No, deletion of this provision will allow paving of the entire front yard.
WPD: Overall impervious cover limit maintained for the site: no impact on drainage or water quality.

Motion 46:
PAZ: Neutral.

Current Code or Policy

The City of Austin's Fair Housing Action Plan identifies: minimum site area requirements for multifamily housing, limits on ADUs, compatibility standards, overly restrictive neighborhood plans and excessive parking requirements.

ZAP Recommendation

CodeNEXT hurts Austin's ability to provide affordable housing in two ways. The first is by reducing the percentage of affordable units that must be provided in the Affordable Housing Bonus Program (AHBP) and the second is by providing increased by-right entitlements without imposing affordability requirements in return

Environmental Recommendation

No recommendation

CodeNEXT Draft 3

In Draft 3, parking minimums have been reduced for multiple zones, compatibility standards have been updated, ADUs are allowed in more zones by right, and minimum site area requirements have been replaced by standard numbers of dwelling units per acre or FAR maximums.
@Greg Dutton

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

ZAP:
In Draft 3, properties that received a Mixed-Use zone and do not currently have residential entitlements are required to opt-in to the bonus program to build residential. This is indicated with a (-A) on the map

Location in Code

Item Number: II.E.1

Topic	Sub-Topic
Housing Choices	Housing Supply

Policy Question

Where should more by-right housing be allowed through increased base entitlements?

II.E.1.a Should there be by-right housing increases allowed? (through base entitlements)

II.E.1.b Should additional by-right housing be allowed only through Affordable Housing Density Bonuses?

II.E.1.c How much new housing on corridors should be by-right versus affordable housing bonus?

Current Code or Policy

By-right housing is allowed in Rural Residential, Single-Family (SF) 1-6, Multi-Family (MF) 1-6, Mobile Home, Lake Commercial (L), Central Business District (CBD), Downtown Mixed Use (DMU), Commercial Highway (CH), and Research and Development (R&D) zones. The Mixed Use Combining District (-MU) and Vertical Mixed Use Building Combining District (-V) also permit housing by-right in a development.

CodeNEXT Draft 3

By-right housing is allowed in Rural Residential (RR), Lake Austin (LA), Residential House Scale (R) 1-4, Residential Manufactured Home (MH), Residential Multi-Unit (RM) 1-5, Main Street 1-3, Mixed-Use 1-5, Commercial Center (CC), Urban Center (UC), and Downtown Core (DC) zones. Mixed Use zones with a "-A" designation cannot build housing by-right. In this type of zoning, participation in the Affordable Housing Bonus Program is required to build housing; this was done to ensure that commercial properties without by-right zoning today only receive the ability to build housing under CodeNEXT zones if some of the housing to be built is affordable.

Increasing base entitlements for housing will increase capacity for more housing units overall. However, for bonus programs, increases in base entitlements will decrease the attractiveness of bonus entitlements, and could lead to decreased participation in the bonus program.

Location in Code

23-4D Specific to Zones

PC Recommendation

Motion 17:
Increase the base entitlements in DC per DAA recommendation, including:
- Increase driveway width maximum to 30' to allow for 3 lanes of traffic flow
- Frontage Requirements: Create exception for <1/2 block sites. Either significantly reduce the % gross frontage requirement or change requirement to "net" frontage or only require one block face of the site to comply. Or remove requirement in DC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW. The definition of active commercial uses (Commercial Group A in the Downtown Plan Overlay Zone) needs to be clarified or refined to allow for ground level office or multi-family lobbies. Additionally, revise the requirement that prohibits stairs/ramps in required setbacks to allow them in required setbacks.
- (intent) Recalibrate the Downtown Density Program to maximize the yield of affordable housing units in a way that does not impede taking up of the bonus, particularly related to small lots
- FAR and height for the PID area, not including Judge's Hill, be increased to unlimited for the Density Bonus Program

Motion 18:
Change DC zone FAR max to 12:1.

Motion 69:
Staff to find a way to alter the development standards to make R4 more feasible and recommend those changes to Council, particularly impervious cover

Motion 72:
Increase the base standard units of Cottage Court in the R4 zones from 3 to 4 units and 6 to 8 units

Motion 75:
Increase units per acre by 20% in all multi-unit zones for base and bonus units and always round the numbers up

Motion 80:
Increase the bonus height maximums in Main Street zones as follows:
MS2A, MS2B, MS2C: 45' to 65'
MS3A, MS3B: 60' to 80', 120'
Increase the bonus height maximums in Mixed Use zones as follows:
MU1C, MU1D, MU2A: 45' to 65'
MU2B, MU3A, MU3B: 60' to 80'
MU4A, MU4B: 60' to 80', 120'
MU5A: 100'
Increase base heights:
MS1A, MS1B: 35' to 40'
MU1A, MU1B: 32' to 40'

Motion 86:
Increase heights in the CC zone to the following heights:
Replace CC40 with CC50; Replace CC60 with CC75; Replace CC80 with CC90.
Replace CC40 with CC50 (50' overall max height); Replace CC60 with CC75 (75' overall max height); Replace CC80 with CC90 (90' overall max height)

Change CC40, CC60, CC80 FAR max to 5:1
Remove all minimum setbacks for all CC zones, and clarify reference to easements.
Revise CC zones to increase heights & FAR.
Set setbacks to 0 feet unless stated otherwise in 23-4D-9070
Allow exceptions for small sites downtown such as:
Create exception for <1/2 block sites. Either significantly reduce the % gross frontage requirement or change requirement to "net" frontage or only require one block face of the site to comply. Or remove requirement in CC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW.
Table G: For commercial buildings greater than or equal to one-half block width:
Except for building support spaces (including as Austin Energy vault, fire pump), entries must be oriented to the street and located at sidewalk level. No ramps or stairs allowed within public right- of-way or front setback
For commercial buildings less than one-half block width:
The primary entry must be oriented to the street and located at the sidewalk level.

Motion 87:
As stated in Kenny Exhibit 2 - ADU Bonus Amendments:
Apply Changes to the Citywide Density Bonus Program
Create a Corridor Density Bonus Program
Create an NHCD Review after the implementation of the bonuses
Alter the ADU and R-scale compatibility restrictions

Additional provisions not stated in Kenny Exhibit 2
NHCD review will be 18 months after implementation
LA and RR zones will have a by-right ADU and it will no longer have an affordability requirement
Within 1/8 of a mile of any school, the Corridor ADU Bonus will apply

Staff Response to PC Recommendation

NHCD: Generally, for bonus programs any increase in base entitlements will decrease the attractiveness of bonus entitlements, and could lead to decreased participation in the bonus program or a decreased number of affordable units. Increases in bonus entitlements without any increases in base entitlements can increase participation in bonus programs.

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning. (a) Limit height of front façade to the prevailing height of the neighborhood, with additional stories set back at least 15’ from the front of the façade. (b) Require upper-story setbacks of 15’ or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in older neighborhoods [could also be only for existing buildings 40+ years old]

Staff Response to B & C

HLC Recommendation: Opposed

Item Number: II.E.2

Topic	Sub-Topic
Housing Choices	Housing Supply

Policy Question

Where should more intense Residential House Scale Zones (R4) and Residential Multi-Unit Zones (RM1 – RM5) be mapped so as to allow for sufficient housing choice in appropriate places?

Current Code or Policy

R4 is most similar to today's SF-5; RM 1-5 are most similar to SF-6 and MF-1-6. These zones are found throughout Austin. SF-5 and SF-6 allow for a duplex, two-family, townhouse, or condominium use and may be used as a transition between a single-family and multi-family residential use.

CodeNEXT Draft 3

R4 and RM 1-5 were usually mapped on lots zoned SF-5, SF-6, and MF 1-6. R4 allows for single-family, duplex, multi-family, cottage court, townhouse, and accessory dwelling unit uses. The RM zones allow for single-family, single-family attached, duplex, live/work, multi-family, townhouse uses. These zones can be found throughout Austin.

In general, multi-unit zones allow for more affordable types of housing. Additionally, these zones are proposed to allow participation in the Affordable Housing Bonus Program. In order to affirmatively further fair housing, zones that allow for more affordable types of housing and/or participation in the Affordable Housing Bonus Program should be mapped across the city, especially in higher opportunity areas.

Location in Code
23-4D Specific to Zones

PC Recommendation

Motion 74:
Create a new zone (RM1C) which has the same uses as R2C, but with a permitted density of 14 units per acre maximum. 0.4 FAR limit for the site
R2C height limits, building form (mcmansion) and setback tables,
1 space per unit with additional proposed parking matrix reductions,
Add Note to Table A: minimum 10’ separation between buildings. No compatibility setbacks.
No multi-unit buildings

Staff to review proposed zone to ensure it does not have a negative impact on Density Bonus program

Motion 111:
Map the areas adjacent to Imagine Austin corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Map the areas adjacent to core transit corridors and future core transit corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Exempt TODs from compatibility entirely, by either mapping or text as determined by Staff. Direct Staff to review policy on exempting TODs from compatibility

Staff Response to PC Recommendation

Motion 74:
PAZ: Neutral - staff would like to evaluate further
DSD: Conflicts with FAR limit in motion 47
NHCD: Would need to review for any potential impact on Density Bonus program

Motion 111:
PAZ: Pending. Staff is still in the process of reviewing this and will develop a response after mapping has been tested.
WPD: Neutral on extensive mapping changes without further analysis of the potential drainage and water quality impacts.
NHCD: Do not support increases to base entitlements, as it may impact the ability to achieve affordable housing benefits. Do support increases to entitlements through a bonus program. Staff support updating TOD Regulating Plans

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: **II.E.3**

Topic	Sub-Topic
Housing Choices	Housing Supply

Policy Question

How many dwelling units should be allowed per lot (depending on the size) in residential zones R2 - R4?

Current Code or Policy

The R2 zones are most similar to today's SF-2, SF-3, and SF-4B zones. SF-2 and SF-4B today allow up to one unit per lot and SF-3 allows up to two units per lot.

CodeNEXT Draft 3

R2 allows up to two units per lot, R3 allows up to three units per lot, and R4 allows up to four units per lot.

PC Recommendation

Motion 87:
As stated in Kenny Exhibit 2 - ADU Bonus Amendments:
Apply Changes to the Citywide Density Bonus Program
Create a Corridor Density Bonus Program
Create an NHCD Review after the implementation of the bonuses
Alter the ADU and R-scale compatibility restrictions

Additional provisions not stated in Kenny Exhibit 2
NHCD review will be 18 months after implementation
LA and RR zones will have a by-right ADU and it will no longer have an affordability requirement
Within 1/8 of a mile of any school, the Corridor ADU Bonus will apply

Staff Response to PC Recommendation

Motion 87:
DSD: Neutral with exception of school distance provision- increases complexity of review and will increase review times.
NHCD: NHCD recommends a fee-in-lieu, rather than on-site ADUs. NHCD supports ADUs in general. With regard to ADUs and the Affordable Housing Bonus Program, the Department's positions is that property owners opting into the program through ADU development pay a fee-in-lieu into the Housing Trust Fund, rather than income-restrict the ADU on their sites. We take this position for many reasons, including the higher per-unit cost associated with monitoring these units and potential issues related to how tenants are selected. City Council has expressed interest in creating a waitlist for affordable housing units that may include priorities for people with housing barriers (including criminal backgrounds, poor credit, or who are exiting homelessness). Employing this waitlist approach for ADUs may cause potential bonus program applicants to decide not to utilize the program at all. Other cities are grappling with how to enforce affordability in ADUs as well – Portland, OR decided not to require ADUs to be affordable after difficulties with their proposal were identified. Staff support evaluation and reporting on Affordable Housing Bonus Program (see Draft 3 23-3E-1070 and response to Item 12)

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Location in Code
23-4D Specific to Zones

Item Number: **II.E.4**

Topic	Sub-Topic
Housing Choices	Housing Supply

Policy Question

In which zones should STRs be allowed by-right, or allowed with a Minor Use Permit or Conditional Use Permit?

Current Code or Policy

Short-Term Rentals are divided into three types. Type 1 is owner-occupied, and is allowed in zones that allow single-family (SF) and multi-family (MF) uses. Type 2 are not owner-occupied, apply to single-family or duplex properties, and are allowed in Central Business District (CBD), Downtown Mixed Use (DMU), Planned Unit Development (PUD), General Retail-Mixed Use (GR-MU), Commercial Services-Mixed Use (CS-MU), Commercial Services Vertical Mixed Use (CS-V), and General Retail Vertical Mixed Use (GR-V). Type 3 are not owner occupied and are part of a multi-family use.

CodeNEXT Draft 3

Short-Term Rentals are divided into three types. Type 1 is owner-occupied and is associated with an owner-occupied principal residential unit. These rentals are permitted in Lake Austin (LA), Rural Residential (RR), Residential House Scale (R) 1-4, Residential Multi-Unit (RM) 1-5, Mobile Home (MH), Mixed-Use (MU) 1-2 and MU5A, Main Street (MS) 1-3, Commercial Center (CC), Urban Center (UC), and Downtown Core (DC). Type 2 cannot be part of a multi-family residential use and is not owner occupied. These rentals are only valid for properties that received a license before November 23, 2015 or submitted an application before November 12, 2015; they are not permitted in any of the CodeNEXT zones. Type 3 rentals are part of a multi-family use and are permitted in the Residential House Scale (R) 4, Residential Multi-Unit (RM) 1-5, Residential Manufactured Home (MH), Mixed-Use (MU) 1-2 and MU5A, Main Street (MS) 1-3, Urban Center (UC), and Downtown Core (DC).

Location in Code
23-4D Specific to Zones

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: II.F.1

Topic	Sub-Topic
Housing Choices	Future Growth along Corridors and in Centers

Policy Question

Should we focus new, denser, mixed-use development achieving our housing goals on transportation corridors and in activity centers, rather than in the core of existing single-family neighborhoods?

Current Code or Policy

The current code assigns mostly commercial zoning classifications along transportation corridors. Most of the more intensive zoning along these corridors is Commercial Services (CS) and can include a mixed-use overlay with the combining district. While this allows for the option of a mix of uses, commercial-based zoning does not allow for residential uses outright. Thus, a zoning change is often sought to apply a mixed-use combining overlay.

CodeNEXT Draft 3

By-right residential has been largely applied to all major corridors with the intent to increase housing options. Previously commercial-only properties on corridors were given the ability to do residential in return for affordable housing.

PC Recommendation

Motion 87: As stated in Kenny Exhibit 2 - ADU Bonus Amendments: Apply Changes to the Citywide Density Bonus Program Create a Corridor Density Bonus Program Create an NHCD Review after the implementation of the bonuses Alter the ADU and R-scale compatibility restrictions Additional provisions not stated in Kenny Exhibit 2 NHCD review will be 18 months after implementation LA and RR zones will have a by-right ADU and it will no longer have an affordability requirement Within 1/8 of a mile of any school, the Corridor ADU Bonus will apply Motion 107: Map Imagine Austin Corridors as follows: 1) All commercial lots will be zoned as MS with the following rules: lots under 140 sq ft. deep zoned as MS2B, and lots between 140-220 sq ft. deep zoned as MS3B. Revise the Impervious Cover in MS2B to 90%, and MS3B to 95% Motion 110: Map Imagine Austin Regional Centers as UC-Unlimited, unless affected by compatibility. If affected by compatability, zone to the highest attainable UC per the limit of the affecting compatibility Direct staff to look at current projected yield of affordable units for the Regional Centers and ensure that the anticipated yield is not being diminished by the effect of the prescribed zoning Establish a program for Regional Center that uses opt-in methods similar to UNO, requiring certain development features, such as streetscaping, large-site connectivity, and mobility in order to get maximum heights. Motion 111: Map the areas adjacent to Imagine Austin corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map. Map the areas adjacent to core transit corridors and future core transit corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map. Exempt TODs from compatibility entirely, by either mapping or text as determined by Staff. Direct Staff to review policy on exempting TODs from compatibility Motion 113: Amend Imagine Austin to reclassify South Park Meadows as a Regional Center. Map South Park Meadows as UC.	
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Staff Response to PC Recommendation

NHCD: The UC-Unlimited zone is currently designed without an affordable housing bonus lever. Staff believe this change would result in a loss of affordable housing bonus capacity in regional centers. If Council would like to pursue rezoning regional centers to a UC zone that has a bonus (UC80, UC120, or UC180), staff would like to model projected yields under the UC zone and the Draft 3 zones assigned to each regional center and make a recommendation on which zones to utilize. Note that when additional community benefits (like streetscaping) are required to achieve a bonus, the amount of affordable housing that can be generated by a bonus program is reduced. Motion 87: DSD: Neutral with exception of school distance provision- increases complexity of review and will increase review times. NHCD: NHCD recommends a fee-in-lieu, rather than on-site ADUs. NHCD supports ADUs in general. With regard to ADUs and the Affordable Housing Bonus Program, the Department's positions is that property owners opting into the program through ADU development pay a fee-in-lieu into the Housing Trust Fund, rather than income-restrict the ADU on their sites. We take this position for many reasons, including the higher per-unit cost associated with monitoring these units and potential issues related to how tenants are selected. City Council has expressed interest in creating a waitlist for affordable housing units that may include priorities for people with housing barriers (including criminal backgrounds, poor credit, or who are exiting homelessness). Employing this waitlist approach for ADUs may cause potential bonus program applicants to decide not to utilize the program at all. Other cities are grappling with how to enforce affordability in ADUs as well – Portland, OR decided not to require ADUs to be affordable after difficulties with their proposal were identified. Staff support evaluation and reporting on Affordable Housing Bonus Program (see Draft 3 23-3E-1070 and response to Item 12) Motion 107: PAZ: Pending. Staff is still in the process of reviewing this and will develop a response after mapping has been tested. WPD: WPD generally opposes increases in impervious cover limits without analysis of the potential impact. Would need to study the potential impacts on floodplains, erosion potential, etc., based on the mapping extent. NHCD: Combined with the compatibility motion shown in Item 40, staff questions whether this recommendation would prevent the full bonus being allowed on these sites (also see recommendation regarding increased bonus heights in Item 80 and direction on permitting sites to utilize bonus entitlements in Item 12 section 1b). Motion 110: PAZ: Pending. Staff is still in the process of reviewing this and will develop a response after mapping has been tested. WPD: WPD is neutral on extensive mapping changes without further analysis of the potential drainage and water quality impacts. NHCD: Oppose unless an Affordable Housing Bonus option is added to the zone. The UC-Unlimited zone is currently designed without an affordable housing bonus lever. Staff believe this change would result in a loss of affordable housing bonus capacity in regional centers. If Council would like to pursue rezoning regional centers to a UC zone that has a bonus (UC80, UC120, or UC180), staff would like to model projected yields under the UC zone and the Draft 3 zones assigned to each regional center and make a recommendation on which zones to utilize. Note that when additional community benefits (like streetscaping) are required to achieve a bonus, the amount of affordable housing that can be generated by a bonus program is reduced. Motion 111: PAZ: Pending. Staff is still in the process of reviewing this and will develop a response after mapping has been tested. WPD: Neutral on extensive mapping changes without further analysis of the potential drainage and water quality impacts. NHCD: Do not support increases to base entitlements, as it may impact the ability to achieve affordable housing benefits. Do support increases to entitlements through a bonus program. Staff support updating TOD Regulating Plans Motion 113: PAZ: N/A beyond scope of CodeNEXT and requires separate process to ammend Imagine Austin NHCD: Oppose unless an Affordable Housing Bonus option is added to the zone. The Southpark Meadows area is currently proposed to be zoned MU3A-A. Staff believe this change could result in a loss of affordable housing bonus capacity, especially if zoned UC-Unlimited, which is not proposed to have an affordable housing bonus lever. If Council would like to pursue rezoning regional centers to a UC zone that has a bonus (UC80, UC120, or UC180), staff would like to model projected yields under the UC zone and the Draft 3 zones assigned to each regional center and make a recommendation on which zones to utilize. Note that when additional community benefits (like streetscaping) are required to achieve a bonus, the amount of affordable housing that can be generated by a bonus program is reduced.	
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ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Location in Code
23-4D Specific to Zones

Item Number: **II.F.2**

Topic	Sub-Topic
Housing Choices	Future Growth along Corridors and in Centers

Policy Question

What degree of change should be allowed to accommodate transitions between centers and corridors and residential house-scaled areas?

Current Code or Policy

The current code does not address transition zones unless those were created by specific regulating plans such as such as in Downtown, University Neighborhood Overlay, UNO, East Riverside, and transit-oriented developments.

CodeNEXT Draft 3

R4 districts were intended to be transitional elements between residential house scale development and mixed use or main street zones.

Location in Code
23-4D Specific to Zones

PC Recommendation

Motion 108:
Map Corridor Transitions per modified Kazi Corridor Transitions Directive, as voted on by Planning Commission

Staff Response to PC Recommendation

PAZ: Pending. Staff is still in the process of reviewing this and will develop a response after mapping has been tested.
WPD: WPD is neutral on extensive mapping changes without further analysis of the potential drainage and water quality impacts.

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning. (a) Limit height of front façade to the prevailing height of the neighborhood, with additional stories set back at least 15’ from the front of the façade. (b) Require upper-story setbacks of 15’ or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in older neighborhoods [could also be only for existing buildings 40+ years old]

Staff Response to B & C

HLC Recommendation: Opposed

Item Number: **II.F.3**

Topic	Sub-Topic
Housing Choices	Future Growth along Corridors and in Centers

Policy Question

How can we ensure that sites on transportation corridors are able to achieve and balance sufficient housing supply with non-zoning requirements related to environmental protection, open space, reducing flood risk, transportation, infrastructure, urban forest protection, etc.

Current Code or Policy

The current code assigns specific requirements related to environmental protections, open space, environmental protection, open space, reducing flood risk, transportation, infrastructure, urban forest protection, etc. that can dis-incentivize additional housing supply along corridors as those regulations reduce development potential on sites.

CodeNEXT Draft 3

Specific regulations to address environmental protection, open space, reducing flood risk, transportation, infrastructure, urban forest protection have been reinforced to continue the preservation of these legacy regulations.

Location in Code
Article 23-4C: General to All Development

PC Recommendation

Motion 36:
100% reduction in parking for properties located within a TOD with the following note about ADA parking: Except for a use occupying a designated historic landmark or an existing building in a designated historic district, off-street motor vehicle parking for persons with disabilities must be provided for a use that occupies 6,000 square feet or more of floor space under the requirements of this paragraph. (a) The following requirements apply if no parking is provided for a use, other than parking for persons with disabilities: (i) the minimum number of accessible parking spaces is calculated by taking 20 percent of the parking required for the use under Appendix A (Tables of Off-Street Parking and Loading Requirements) and using that result to determine the number of accessible spaces required under the Building Code. The accessible spaces may be provided on- or off-site, within 250 feet of the use. (ii) The director may waive or reduce the number of accessible spaces required under Paragraph (2)(a)(i) if the applicant pays a fee in-lieu to be used by the city to construct and maintain accessible parking in the vicinity of the use.

Motion 111:
Map the areas adjacent to Imagine Austin corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Map the areas adjacent to core transit corridors and future core transit corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Exempt TODs from compatibility entirely, by either mapping or text as determined by Staff. Direct Staff to review policy on exempting TODs from compatibility

Staff Response to PC Recommendation

Motion 36:
PAZ: Neutral: staff would need to amend each TOD plan to change the parking reduction from 40% max to 100% max. Not an item that can be addressed with D3.
ATD: ATD is in favor of requiring adequate ADA parking spaces, however off-site and/or fees in lieu will need to be addressed within the TCM.

Motion 111:
PAZ: Pending. Staff is still in the process of reviewing this and will develop a response after mapping has been tested.
WPD: Neutral on extensive mapping changes without further analysis of the potential drainage and water quality impacts.
NHCD: Do not support increases to base entitlements, as it may impact the ability to achieve affordable housing benefits. Do support increases to entitlements through a bonus program. Staff support updating TOD Regulating Plans

ZAP Recommendation

No recommendation

Environmental Recommendation

The current tree protections in the Code be preserved, without change, except to add provisions that encourage preservation of young trees.

Also: In Section 23-4D-8110(F), reinsert the existing Tier 1 requirement that all PUDs must exceed the minimum landscaping requirements of the Code; Delete Subsection 23-4D-8110(G)(2)(c), which is not superior to the GSI requirements proposed in CodeNEXT; modify Subsection 23-4D-8110(G)(2)(m) to remove the references to heritage and protected size trees and keep only the following language: "Preserves 75 percent of all the native caliper inches."

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

EC Recommendation #1:
NHCD: The Affordability Impact Statement (AIS) on Draft 3 indicated that new environmental standards may increase housing costs by increasing development costs and decreasing buildable site area. The AIS also acknowledged that these upfront housing cost increases may be off-set in the future by long-term savings associated with the preservation of life and property due to new flood mitigation standards, lower maintenance costs for green water quality controls, and potential savings from reduced water usage for landscaping.

EC Recommendation #2: WPD: Neutral
PWD: Agreed. Also, DSD staff is currently working on the document that identifies where Subchapter E sections are included in Draft 3.

Item Number: **II.G.1**

Topic	Sub-Topic
Housing Choices	Cooperative Housing

Policy Question

In which zones should Cooperative Housing be allowed by-right, or allowed with a Minor Use Permit or Conditional Use Permit?

Current Code or Policy

The Strategic Housing Blueprint (adopted in 2017) recommends that regulations on cooperative housing be relaxed to allow for a wider range of more affordable housing options throughout the city.

CodeNEXT Draft 3

Draft 3 permits Cooperative Housing in: R2B to R3C (CUP); R4A to RM1B (MUP); RM2A to RM5A (P); MU1A to MU3A, and MU5A (P); MS1B to MS3B (P); and all RC zones.

Location in Code
23-4D Specific to Zones

PC Recommendation

Motion 41:
Change Cooperative Housing to Permitted in MH, MS1A, MU3B, MU5
Change Cooperative Housing to Permitted in R3B-C, R4C,R4A-C, RM1A-B;

Motion 82:
Allow the following uses as a permitted use in all MU and MS zones except MU1A and MU1B:
Residential Care Facilities, Senior/Retirement Housing, Work/Live, Library, Museum, or Public Art Gallery, Meeting Facility, Mobile Food Sales, General Retail Under 5,000 SF, Performance Venue/Theater, Live Music, Indoor Recreation (all sizes), Cooperative Housing, Group Residential, Manufactured Home, and all sizes of Daycares

Staff Response to PC Recommendation

Motion 41:
Staff recommends the proposed Co-Housing land use.

Motion 82:
PAZ: Concur

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: **II.H**

Topic	Sub-Topic
Housing Choices	Occupancy Limits

Policy Question

No question listed.

Current Code or Policy

SF = 6/4 (inside McMansion); Duplex = 6/4; SF + ADU = 6+2/2+2; Duplex + ADU = Not applicable

CodeNEXT Draft 3

SF = 6/4 (inside McMansion); Duplex = 6/4; SF + ADU = 6+2/4+2; Duplex + ADU = 6+2/(4+2 = 6)

The Strategic Housing Blueprint recommends adding flexibility to occupancy limits.

PC Recommendation

Motion 99:
Throughout the City (regardless of McMansion), set occupancy at the following standards:
Single Family: 6
Duplex: 3 + 3
Single Family + ADU: 6 + 2
Duplex + ADU: 3 + 3 + 2
ADU alone: 2
Direct Staff to recommend more where appropriate

Staff Response to PC Recommendation

Motion 99:
PAZ: Neutral; proposal changes 2016 Council occupancy policy, however this proposal simplifies adminstration and enforcement of occupancy limits. Adding flexibility to occupancy limits would support the Strategic Housing Blueprint.
NHCD: Adding flexibility to occupancy limits would support the Strategic Housing Blueprint.

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Location in Code
23-3E-7040 Dwelling Occupancy Limit

Item Number: III.A.1

Topic	Sub-Topic
Neighborhood Character	Building Form and Scale

Policy Question

How should existing McMansion standards for regulating the scale and form of infill housing be carried forward or changed in a new code?

Current Code or Policy

Existing Subchapter F controls size, FAR, and design within the urban core boundaries.

PC Recommendation

Motion 43:
Update each district to max height of "35 feet from top of slab to top of roof" and "slab height is limited to a maximum of 5' above finished grade and a maximum of 12" above highest finished grade." Staff will continue to work to clarify and correct the height with the intent stated

Motion 46:
Remove articulation from all R zones

Motion 47:
Add a maximum FAR of 0.3 or 1800 sf to all R zones;
Add a maximum FAR of 0.3 or 1150 sf for single-family attached (the intent is to reduce the available FAR to single-family by 25%)
Intent is to reduce by 0.1 FAR under future motions

Motion 80:
Increase the bonus height maximums in Main Street zones as follows:
MS2A, MS2B, MS2C: 45' to 65'
MS3A, MS3B: 60' to 80', 120'
Increase the bonus height maximums in Mixed Use zones as follows:
MU1C, MU1D, MU2A: 45' to 65'
MU2B, MU3A, MU3B: 60' to 80'
MU4A, MU4B: 60' to 80', 120'
MU5A: 100'
Increase base heights:
MS1A, MS1B: 35' to 40'
MU1A, MU1B: 32' to 40'

Staff Response to PC Recommendation

Motion 43:
DSD: Do not concur. This further complicates how height is to be measured, will increase plan submittal requirements, and could have unintended consequences, paricalrly in the Urban Watershed where there are no no cut and fill limits.

Motion 46:
PAZ: Neutral

Motion 47:
PAZ: No. Unecessarily complicated.
DSD: Do not concur. Significantly increases comple

Motion 80:
PAZ: Defer to NHCD; need to understand effect on Affordable Housing Bonus Program

NHCD: Oppose increased base entitlements. Need clarification on whether this motion included any increases in BASE heights, or if all height increases are achieved only through the affordable housing bonus program. Generally, for bonus programs any increase in base entitlements will decrease the attractiveness of bonus entitlements, and could lead to decreased participation in the bonus program or a decreased number of affordable units. Increases in bonus entitlements without any increases in base entitlements can increase participation in bonus programs.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation.

Historic Landmark Recommendation

Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning. (a) Limit height of front façade to the prevailing height of the neighborhood, with additional stories set back at least 15’ from the front of the façade. (b) Require upper-story setbacks of 15’ or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in older neighborhoods [could also be only for existing buildings 40+ years old]

Staff Response to B & C

HLC Recommendation: Opposed

Location in Code
23-4D Specific to Zones

Item Number: III.A.2

Topic	Sub-Topic
Neighborhood Character	Building Form and Scale

Policy Question

How do we incentivize preserving existing affordable structures in residential house scale zones (LA-R4) by making ADUs and additions more feasible?

Current Code or Policy

Current code does not include any provisions to incentivize ADUs. If ADU placement is infeasible on a property, a variance from the BOA may be needed.

CodeNEXT Draft 3

Draft 3 includes a preservation incentive for ADUs; it allows additional FAR (the FAR for the ADU does not count against overall FAR for the lot) if the original house is preserved.

PC Recommendation

Motion 53:
Apply the Street Scale Incentive (formerly the Preservation Incentive) to all Residential zones

Motion 87:
As stated in Kenny Exhibit 2 - ADU Bonus Amendments:
Apply Changes to the Citywide Density Bonus Program
Create a Corridor Density Bonus Program
Create an NHCD Review after the implementation of the bonuses
Alter the ADU and R-scale compatibility restrictions

Additional provisions not stated in Kenny Exhibit 2
NHCD review will be 18 months after implementation
LA and RR zones will have a by-right ADU and it will no longer have an affordability requirement
Within 1/8 of a mile of any school, the Corridor ADU Bonus will apply

Staff Response to PC Recommendation

Motion 53:
PAZ: Neutral - only makes sense for R zones that have FAR limit

Motion 87:
DSD: Neutral with exception of school distance provision- increases complexity of review and will increase review times.

NHCD: NHCD recommends a fee-in-lieu, rather than on-site ADUs. NHCD supports ADUs in general. With regard to ADUs and the Affordable Housing Bonus Program, the Department’s positions is that property owners opting into the program through ADU development pay a fee-in-lieu into the Housing Trust Fund, rather than income-restrict the ADU on their sites. We take this position for many reasons, including the higher per-unit cost associated with monitoring these units and potential issues related to how tenants are selected. City Council has expressed interest in creating a waitlist for affordable housing units that may include priorities for people with housing barriers (including criminal backgrounds, poor credit, or who are exiting homelessness). Employing this waitlist approach for ADUs may cause potential bonus program applicants to decide not to utilize the program at all. Other cities are grappling with how to enforce affordability in ADUs as well – Portland, OR decided not to require ADUs to be affordable after difficulties with their proposal were identified. Staff support evaluation and reporting on Affordable Housing Bonus Program (see Draft 3 23-3E-1070 and response to Item 12)

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation.

Historic Landmark Recommendation

No recommendation.

Staff Response to B & C

N/A

Location in Code
23-4D Specific to Zones

Item Number: III.A.3

Topic	Sub-Topic
Neighborhood Character	Building Form and Scale

Policy Question

Would a lower cap on size or FAR and/or allowing more units on lots help incent more affordable housing options?

Current Code or Policy

FAR and unit limits vary by allowed use and zone.

CodeNEXT Draft 3

FAR and unit limits vary by allowed use and zone.

PC Recommendation

Motion 53:
Apply the Street Scale Incentive (formerly the Preservation Incentive) to all Residential zones

Motion 87:
As stated in Kenny Exhibit 2 - ADU Bonus Amendments:
Apply Changes to the Citywide Density Bonus Program
Create a Corridor Density Bonus Program
Create an NHCD Review after the implementation of the bonuses
Alter the ADU and R-scale compatibility restrictions

Additional provisions not stated in Kenny Exhibit 2
NHCD review will be 18 months after implementation
LA and RR zones will have a by-right ADU and it will no longer have an affordability requirement
Within 1/8 of a mile of any school, the Corridor ADU Bonus will apply

Staff Response to PC Recommendation

Motion 53:
PAZ: Neutral - only makes sense for R zones that have FAR limit

Motion 87:
DSD: Neutral with exception of school distance provision- increases complexity of review and will increase review times.

NHCD: NHCD recommends a fee-in-lieu, rather than on-site ADUs. NHCD supports ADUs in general. With regard to ADUs and the Affordable Housing Bonus Program, the Department’s positions is that property owners opting into the program through ADU development pay a fee-in-lieu into the Housing Trust Fund, rather than income-restrict the ADU on their sites. We take this position for many reasons, including the higher per-unit cost associated with monitoring these units and potential issues related to how tenants are selected. City Council has expressed interest in creating a waitlist for affordable housing units that may include priorities for people with housing barriers (including criminal backgrounds, poor credit, or who are exiting homelessness). Employing this waitlist approach for ADUs may cause potential bonus program applicants to decide not to utilize the program at all. Other cities are grappling with how to enforce affordability in ADUs as well – Portland, OR decided not to require ADUs to be affordable after difficulties with their proposal were identified. Staff support evaluation and reporting on Affordable Housing Bonus Program (see Draft 3 23-3E-1070 and response to Item 12)

ZAP Recommendation

To provide the maximum benefits, AHBP should be made available in as many zones as possible. For example, the AHBP should be available in all Main Street zones. Commercial properties with no housing should be allowed to participate in the AHBP by paying fee-in-lieu. To ensure compatibility, height and FAR should not increase in or near residential house form zones. Bonuses in these locations should be limited to increases in units

Environmental Recommendation

No recommendation.

Historic Landmark Recommendation

Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning. (a) Limit height of front façade to the prevailing height of the neighborhood, with additional stories set back at least 15’ from the front of the façade. (b) Require upper-story setbacks of 15’ or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in older neighborhoods [could also be only for existing buildings 40+ years old]

Staff Response to B & C

ZAP:
No change in Draft 3. Main Street 1 & 2 zones do not have bonuses

HLC Recommendation: Opposed

Location in Code
23-4D Specific to Zones

Item Number: **III.A.4**

Topic	Sub-Topic
Neighborhood Character	Building Form and Scale

Policy Question

Would further refining the McMansion standards being carried into the proposed new code such that it fully accounts for the entire built square footage of a building help incentivize preservation of existing smaller homes?

Current Code or Policy

Current code for Subchapter F (McMansion) includes floor area ration (FAR) exemptions (they are not counted against FAR) for attics, basements, and parking structures that meet certain specific criteria.

CodeNEXT Draft 3

Draft code attempts to simplify FAR calculations by not including attics, basements, or parking structures in the FAR calculation.

Location in Code
23-4D Specific to Zones

PC Recommendation

Motion 106:
Revise the definition of Residential Gross Floor Area (GFA) to reduce the number of exemptions as follows:
RESIDENTIAL GROSS (GFA) The total enclosed area of all floors in a building with a clear height of more than five feet, measured to the outside surface of the exterior walls. The term excludes loading docks, 1st floor porches, stoops, basements, attics, stories below grade plane, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas.
In exchange, in all Residential Zones, allow for an increase of 0.05 FAR

Staff Response to PC Recommendation

PAZ: Do not concur. FAR needs to be consistent and coordinated with other proposals.

DSD: Do not recommend. Concur with PAZ.

NHCD: Generally, for bonus programs any increase in base entitlements will decrease the attractiveness of bonus entitlements, and could lead to decreased participation in the bonus program or a decreased number of affordable units.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation.

Historic Landmark Recommendation

Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning. (a) Limit height of front façade to the prevailing height of the neighborhood, with additional stories set back at least 15’ from the front of the façade. (b) Require upper-story setbacks of 15’ or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in older neighborhoods [could also be only for existing buildings 40+ years old]

Staff Response to B & C

HLC Recommendation #1: Opposed

Item Number: **III.B.1**

Topic	Sub-Topic
Neighborhood Character	Uses

Policy Question

In which zones should Short Term Rentals be restricted?

Current Code or Policy

Short-Term Rentals are divided into three types. Type 1 is owner-occupied, and is allowed in zones that allow single-family (SF) and multi-family (MF) uses. Type 2 are not owner-occupied, apply to single-family or duplex properties, and are allowed in Central Business District (CBD), Downtown Mixed Use (DMU), Planned Unit Development (PUD), General Retail-Mixed Use (GR-MU), Commercial Services-Mixed Use (CS-MU), Commercial Services Vertical Mixed Use (CS-V), and General Retail Vertical Mixed Use (GR-V). Type 3 are not owner occupied and are part of a multi-family use.

CodeNEXT Draft 3

Short-Term Rentals are divided into three types. Type 1 is owner-occupied and is associated with an owner-occupied principal residential unit. These rentals are permitted in Lake Austin (LA), Rural Residential (RR), Residential House Scale (R) 1-4, Residential Multi-Unit (RM) 1-5, Mobile Home (MH), Mixed-Use (MU) 1-2 and MU5A, Main Street (MS) 1-3, Commercial Center (CC), Urban Center (UC), and Downtown Core (DC). Type 2 cannot be part of a multi-family residential use and is not owner occupied. These rentals are only valid for properties that received a license before November 23, 2015 or submitted an application before November 12, 2015; they are not permitted in any of the CodeNEXT zones. Type 3 rentals are part of a multi-family use and are permitted in the Residential House Scale (R) 4, Residential Multi-Unit (RM) 1-5, Residential Manufactured Home (MH), Mixed-Use (MU) 1-2 and MU5A, Main Street (MS) 1-3, Urban Center (UC), and Downtown Core (DC).

Location in Code
23-4D Specific to Zones

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: **III.B.2**

Topic	Sub-Topic
Neighborhood Character	Uses

Policy Question

In which zones should Level 1 and 2 Bar/Nightclubs be allowed by right, or allowed with a Minor Use Permit or Conditional Use Permit?

Current Code or Policy

In current code a cocktail lounge use is permitted by right in CBD zoning, and a conditional use in L, DMU, CS-1, and CH zoning.

CodeNEXT Draft 3

Level 1 CUP: MU1B, MU1D, MU2B, MU3A

Level 1 MUP: MU4A, MS1B, MS2B, MS2C

Level 1 Permitted by-right: MU3B, MU4B, MU5A, MS3A, MS3B, CC, UC, DC, AV

Level 2 CUP: MU4A, MS2B

Level 2 MUP: MU3B, MU5A, MS3A, MS3B

Level 2 Permitted by-right: MU4B, CC, UC, DC, AV

Location in Code
23-4D Specific to Zones

PC Recommendation

Motion 50:
Require a CUP for all Bars/ Nightclubs (Level 2 only) within 200 feet of a Residential zone rather than permitting by-right. Beyond 200 feet remains permitted by-right.
Add specific language in Specific to Use section for Bars and Nightclubs
Allow any non-permitted alcohol uses in Draft 3 (Level 1 or Level 2) as a CUP within the MS zones, except MS1A and MS2A

Motion 19:
Move Section 23-4B-1020(F)(2) Late Hours Permit to Specific for Use for Restaurant and Bar

Staff Response to PC Recommendation

Concur with both motions.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: **III.B.3**

Topic	Sub-Topic
Neighborhood Character	Uses

Policy Question

Should we require higher level of review for Level 1 and 2 Bar/Nightclubs within 200 feet of residential house scale zones (LA – R4)?

Current Code or Policy

Current code requires a conditional use permit for any cocktail lounge that does not have CBD zoning, regardless of proximity to residences.

CodeNEXT Draft 3

Draft 3 requires restaurants that operate with a late-hours permit to obtain a conditional use permit if located within 200 feet of a Residential House Scale Zone. In Draft 3, this provision only applies to restaurants, not bars/nightclubs.

Location in Code
23-4D Specific to Zones

PC Recommendation

Motion 50:
Require a CUP for all Bars/ Nightclubs (Level 2 only) within 200 feet of a Residential zone rather than permitting by-right. Beyond 200 feet remains permitted by-right.
Add specific language in Specific to Use section for Bars and Nightclubs
Allow any non-permitted alcohol uses in Draft 3 (Level 1 or Level 2) as a CUP within the MS zones, except MS1A and MS2A

Motion 19:
Move Section 23-4B-1020(F)(2) Late Hours Permit to Specific for Use for Restaurant and Bar

Staff Response to PC Recommendation

Concur with both motions.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: **III.B.4**

Topic	Sub-Topic
Neighborhood Character	Parking

Policy Question

How could changing parking requirements affect our ability to achieve Strategic Housing Blueprint, public safety, mobility, and other Imagine Austin goals?

Current Code or Policy

Parking requirements are assigned by zone and use.

The Strategic Housing Blueprint discusses the relationship between parking and affordability (pg 38) and acknowledges that relaxing parking requirements can reduce rental rates or the costs of providing units (pg 32). It also recommends that the City consider changes to parking policies with relation to cooperative housing (pg 34) and housing sited near transit (pg 37).

CodeNEXT Draft 3

Parking requirements are assigned by zone and use.
Reduced parking in conjunction with an approved TDM plan will allow for context-sensitive parking solutions.

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Location in Code
23-4D Specific to Zones

Item Number: **III.B.5**

Topic	Sub-Topic
Neighborhood Character	Parking

Policy Question

What should the minimum parking requirement be for residential house scale zones (LA – R4)? In areas with narrow streets and in areas lacking sidewalks, different size streets, or different sidewalk conditions?

Current Code or Policy

Parking requirements for residential zones are based on the particular use; the standard required parking is 2 spaces per unit for a residential use. There are exceptions for Accessory Dwelling Units near Imagine Austin corridors. There is not a distinction for areas that have narrow streets or different roadway conditions.

CodeNEXT Draft 3

Parking requirements for Residential House Scale Zones are based on the particular use. The standard required parking is 1 per unit for residential uses. Some uses such as Bed and Breakfast or Cooperative Housing have different parking requirements. There is not a distinction for areas that have narrow streets or different roadway conditions.

PC Recommendation

Motion 94:
Eliminate all parking minimums by directing staff to get as close to no parking requirements as possible while balancing ADA accessibility, and finding ways for neighborhoods to use residential parking and metered parking as a solution, RPP, and parking benefit districts. Excludes the areas that have already been voted on to have no parking requirements. Methods to be vetted through the Fire Department and Public Safety. Incorporate Vision Zero and Transportation Safety Improvement Program into consideration

Motion 95
Direct Staff to find a solution to preserve parking at specific sites near schools, of any type or district, where parking is an identified problem, utilizing school permit parking systems or other street parking restrictions. Staff to take pedestrian and bicycle safety into consideration.

Staff Response to PC Recommendation

Motion 94:
Staff response pending

Motion 95:
PAZ: Outside the scope of CodeNEXT.
ATD: ATD suggests reviewing AISD parking requirements to include school-specific TDM policies for staff, parents, and students to include Vision Zero goals and to enhance pedestrian and bicycle infrastructure to/from school sites during the site plan phase.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Location in Code
23-4D-2040 Parking Requirements

Item Number: III.B.6

Topic	Sub-Topic
Neighborhood Character	Parking

Policy Question

What should the minimum parking requirement be for residential house scale zones (LA – R4)? In areas with access to transit, or other context elements?

Current Code or Policy

Parking requirements for residential zones are based on the particular use; the standard required parking is 2 spaces per unit for a residential use. There are exceptions for Accessory Dwelling Units near Imagine Austin corridors. There is not a distinction for areas that have narrow streets or different roadway conditions.

CodeNEXT Draft 3

Parking requirements for Residential House Scale Zones are based on the particular use. The standard required parking is 1 per unit for residential uses. Some uses such as Bed and Breakfast or Cooperative Housing have different parking requirements. For areas that are within 1/4 mile to 1/2 mile of a transit corridor, there is a 20% reduction and a 10% reduction respectively.

PC Recommendation

Motion 36:
100% reduction in parking for properties located within a TOD with the following note about ADA parking: Except for a use occupying a designated historic landmark or an existing building in a designated historic district, off-street motor vehicle parking for persons with disabilities must be provided for a use that occupies 6,000 square feet or more of floor space under the requirements of this paragraph. (a) The following requirements apply if no parking is provided for a use, other than parking for persons with disabilities: (i) the minimum number of accessible parking spaces is calculated by taking 20 percent of the parking required for the use under Appendix A (Tables of Off-Street Parking and Loading Requirements) and using that result to determine the number of accessible spaces required under the Building Code. The accessible spaces may be provided on- or off-site, within 250 feet of the use. (ii) The director may waive or reduce the number of accessible spaces required under Paragraph (2)(a)(i) if the applicant pays a fee in-lieu to be used by the city to construct and maintain accessible parking in the vicinity of the use.

Motion 94:
Eliminate all parking minimums by directing staff to get as close to no parking requirements as possible while balancing ADA accessibility, and finding ways for neighborhoods to use residential parking and metered parking as a solution, RPP, and parking benefit districts. Excludes the areas that have already been voted on to have no parking requirements. Methods to be vetted through the Fire Department and Public Safety. Incorporate Vision Zero and Transportation Safety Improvement Program into consideration

Motion 95
Direct Staff to find a solution to preserve parking at specific sites near schools, of any type or district, where parking is an identified problem, utilizing school permit parking systems or other street parking restrictions. Staff to take pedestrian and bicycle safety into consideration.

Staff Response to PC Recommendation

Motion 36
PAZ: Neutral: staff would need to amend each TOD plan to change the parking reduction from 40% max to 100% max. Not an item that can be addressed with D3.
ATD: ATD is in favor of requiring adequate ADA parking spaces, however off-site and/or fees in lieu will need to be addressed within the TCM.

Motion 94:
Staff response pending

Motion 95:
PAZ: Outside the scope of CodeNEXT.
ATD: ATD suggests reviewing AISD parking requirements to include school-specific TDM policies for staff, parents, and students to include Vision Zero goals and to enhance pedestrian and bicycle infrastructure to/from school sites during the site plan phase.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Location in Code
23-4E-3060 Off-Street Motor Vehicle Parking Adjustments

Item Number: III.C.1

Topic	Sub-Topic
Neighborhood Character	Compatibility

Policy Question

How does compatibility affect our Strategic Housing Blueprint housing capacity and other Imagine Austin policy goals?

Current Code or Policy

To the extent that compatibility decreases the amount of buildable area on a site, it can increase the per-unit cost of delivering housing. A white paper on missing middle housing produced by the Austin Community Design & Development Center and the UT Center for Sustainable Development discusses the impacts of compatibility on prototypical housing developments. This white paper was submitted as an attachment in a response to Mayor and Council for Resolution No. 20160616-035.

PC Recommendation

Motion 39:
Whatever the compatibility trigger is, stepbacks start at the triggering property's lot line
Whatever the compatibility trigger is, setbacks start at the triggering property's lot line (regardless of an alley)

Motion 40:
Between 25-50 feet from the triggering lot line: 35 foot height limit
50-100 feet: 45 foot height limit
100-150 feet: 65 foot height limit
150-225 feet: 75 foot height limit
225-300 feet: 90 foot height limit
Full height at 300 feet
Affordable bonuses are exempt at 100 feet

Motion 87:
As stated in Kenny Exhibit 2 - ADU Bonus Amendments:
Apply Changes to the Citywide Density Bonus Program
Create a Corridor Density Bonus Program
Create an NHCD Review after the implementation of the bonuses
Alter the ADU and R-scale compatibility restrictions
Additional provisions not stated in Kenny Exhibit 2
NHCD review will be 18 months after implementation
LA and RR zones will have a by-right ADU and it will no longer have an affordability requirement
Within 1/8 of a mile of any school, the Corridor ADU Bonus will apply

Motion 109:
Direct staff to remove the compatibility impacts to CC zoning in the Downtown area, particularly related to the two parcels zoned R2C-H near Judge's Hill and the property on the southern corner of 15th street with R zoning

Motion 111:
Map the areas adjacent to Imagine Austin corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Map the areas adjacent to core transit corridors and future core transit corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Exempt TODs from compatibility entirely, by either mapping or text as determined by Staff. Direct Staff to review policy on exempting TODs from compatibility

Staff Response to PC Recommendation

Motion 39:
PAZ: Concur

Motion 40:
PAZ: Pending review by Frego to determine impact on housing numbers

Motion 87:
DSD: Neutral with exception of school distance provision- increases complexity of review and will increase review times.
NHCD: NHCD recommends a fee-in-lieu, rather than on-site ADUs. (see PC Recommendation Report for full response).

Motion 109:
PAZ: Neutral. The CC parcels that are affected by compatibility are under the Historic Landmark overlay. Impact of motion negligible.

Motion 111:
PAZ: Pending. Staff is still in the process of reviewing this and will develop a response after mapping has been tested.
WPD: Neutral on extensive mapping changes without further analysis of the potential drainage and water quality impacts.
NHCD: Staff do not support increases to base entitlements, as it may impact the ability to achieve affordable housing benefits. Do support increases to entitlements through a bonus program. Staff support updating TOD Regulating Plans

ZAP Recommendation

The Zoning and Platting Commission recommends that house form zones (and not use) trigger compatibility. We recommend that current compatibility rules be reduced by about one-third, allowing 40’ buildings 100 feet away, 60’ high-rises 200 feet away; and 80’ story high-rises 300 feet away from house form zones. Step back provisions should be included for RM1B, and MU1 (A-D). Step-backs should be based on the distance from triggering property line and not on the widths of roadways and alleys. The Zoning and Platting Commission recommends that in addition to height, massing and uses be included. CUPs must be required for uses that are inappropriate in the vicinity of house form zones (including those involving alcohol and extended hours of operation). Compatibility requirements should also ensure that out of scale massing (such as MU1C and MU1D zones) be prohibited within 300’ of residential house form zones. In addition, other compatibility provisions such as driveway and parking placement, dumpster placement, mechanical equipment placement, etc. should be retained from the current code. ZAP recommends that side yard setbacks be evaluated In an effort to provide uniformity

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

ZAP:
No significant change in Draft 3

Location in Code

Item Number: III.C.2

Topic	Sub-Topic
Neighborhood Character	Compatibility

Policy Question

Should transition zones be used between centers and corridors and residential house-scaled neighborhood cores?

III.C.2.a: What are the different definitions of "transition zone" that have emerged in discussions about CodeNEXT? If creating "transition zones" becomes an approved Council goal, how can we create a community-driven process for evaluating and designing those?

Current Code or Policy

The current code does not address transition zones unless those were created by specific regulating plans such as such as in Downtown, University Neighborhood Overlay, UNO, East Riverside, and transit-oriented developments.

CodeNEXT Draft 3

Draft 3 does not specify certain transition zones, but is generally refers to lots that back up to properties that front corridors, and the blocks beyond that, moving to the interior of a neighborhood; elements between residential house scale development and mixed use or main street zones.

Location in Code
23-4D Specific to Zones

PC Recommendation

Motion 108:
Map Corridor Transitions per modified Kazi Corridor Transitions Directive, as voted on by Planning Commission

Staff Response to PC Recommendation

PAZ: Pending. Staff is still in the process of reviewing this and will develop a response after mapping has been tested.
WPD: WPD is neutral on extensive mapping changes without further analysis of the potential drainage and water quality impacts.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning. (a) Limit height of front façade to the prevailing height of the neighborhood, with additional stories set back at least 15’ from the front of the façade. (b) Require upper-story setbacks of 15’ or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in older neighborhoods [could also be only for existing buildings 40+ years old]

Staff Response to B & C

HLC Recommendation: Opposed

Item Number: III.C.3

Topic	Sub-Topic
Neighborhood Character	Compatibility

Policy Question

Should compatibility standards be used between centers and corridors and residential house-scaled neighborhood cores?

Current Code or Policy

Compatibility provisions in the current code would likely be triggered by proximity of centers/corridors and residential house-scaled property. Current compatibility is triggered by zoning or use, and has a reach of 540 feet from the triggering property.

PC Recommendation

Motion 40:
Between 25-50 feet from the triggering lot line: 35 foot height limit
50-100 feet: 45 foot height limit
100-150 feet: 65 foot height limit
150-225 feet: 75 foot height limit
225-300 feet: 90 foot height limit
Full height at 300 feet
Affordable bonuses are exempt at 100 feet

Motion 111:
Map the areas adjacent to Imagine Austin corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Map the areas adjacent to core transit corridors and future core transit corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Exempt TODs from compatibility entirely, by either mapping or text as determined by Staff. Direct Staff to review policy on exempting TODs from compatibility

Staff Response to PC Recommendation

Motion 40:
PAZ: Pending review by Frego to determine impact on housing numbers

Motion 111:
PAZ: Pending. Staff is still in the process of reviewing this and will develop a response after mapping has been tested.
WPD: Neutral on extensive mapping changes without further analysis of the potential drainage and water quality impacts.
NHCD: Do not support increases to base entitlements, as it may impact the ability to achieve affordable housing benefits. Do support increases to entitlements through a bonus program. Staff support updating TOD Regulating Plans

ZAP Recommendation

The Zoning and Platting Commission recommends that house form zones (and not use) trigger compatibility. We recommend that current compatibility rules be reduced by about one-third, allowing 40’ buildings 100 feet away, 60’ high-rises 200 feet away; and 80’ story high-rises 300 feet away from house form zones. Step back provisions should be included for RM1B, and MU1 (A-D). Step-backs should be based on the distance from triggering property line and not on the widths of roadways and alleys. The Zoning and Platting Commission recommends that in addition to height, massing and uses be included. CUPs must be required for uses that are inappropriate in the vicinity of house form zones (including those involving alcohol and extended hours of operation). Compatibility requirements should also ensure that out of scale massing (such as MU1C and MU1D zones) be prohibited within 300’ of residential house form zones. In addition, other compatibility provisions such as driveway and parking placement, dumpster placement, mechanical equipment placement, etc. should be retained from the current code. ZAP recommends that side yard setbacks be evaluated In an effort to provide uniformity

The Zoning served and Platting commission recommends that CodeNext provide enhanced environmental protections in central and east Austin to treat different areas of the city equitably and to avoid the negative consequences of impervious cover and overdevelopment in all areas of the city.

Environmental Recommendation

No recommendation

CodeNEXT Draft 3

Draft 3 has compatibility standards for any zone RM1A and greater (except for DC) when adjacent to or across a 60-foot or less right-of-way or 20-foot or less alley from a Residential House Scale Zone.

Compatibility in Draft 3 requires adjacency to be triggered, so distances greater than described above (alley >20 ft, or ROW >60 ft, would not trigger compatibility.

Historic Landmark Recommendation

Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning. (a) Limit height of front façade to the prevailing height of the neighborhood, with additional stories set back at least 15’ from the front of the façade. (b) Require upper-story setbacks of 15’ or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in older neighborhoods [could also be only for existing buildings 40+ years old]

Staff Response to B & C

ZAP:
No significant change in Draft 3

HLC Recommendation: Opposed

Location in Code
23-4D Specific to Zones

Item Number: **III.C.4**

Topic	Sub-Topic
Neighborhood Character	Compatibility

Policy Question

How should we minimize the impact of noise and light pollution, deliveries and trash collection in areas of transition?

Current Code or Policy

Current code requires specific types of lighting to be fully shielded or cut off and has specific standards for illuminating buildings.

Visual screening is required of a water control facility, stormwater drainage facility, and an area where motor vehicles are moved, loaded, parked, or stored as well as for loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions.

CodeNEXT Draft 3

Standards for screening waste receptacles, loading and service areas, and other elements is found in 23-4E-4130 Visual Screening. Items that require screening include: a large waste receptacle, an area used for loading and service, an outdoor storage area (various types), and ground-level mechanical equipment.

Standards for shielding and cutting off outdoor lighting are found in 23-E-2 Outdoor Lighting. With a few exceptions, light fixtures are required to be fully shielded and cut off; there are specific standards for illuminating buildings, signs, and flags.

Location in Code
Division 23-4E-2: Outdoor Lighting
23-4E-4130 Visual Screening

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation.

Environmental Recommendation

Staff draft provisions to address sound and light pollution and weigh safety considerations

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

EC Recommendation: WPD: Neutral

Item Number: III.C.5

Topic	Sub-Topic
Neighborhood Character	Compatibility

Policy Question

Should minimum lot sizes in residential zone districts (LA – R4) reflect patterns found in existing single family areas?

Current Code or Policy

The standard size for a residential lot in a Single-Family zone is 5,750SF, but can be as large as one acre in LA zoning or 10,000SF in SF-1 zoning. Smaller lots are allowed in certain areas, such as those zoned SF-4A (3,500SF) and where a neighborhood opted-in to infill tools such as small lot amnesty (2,500SF), Cottage Homes (2,500SF), or Urban Homes (3,500SF).

CodeNEXT Draft 3

Lot sizes vary from 1 acre for LA zoning to 10,000 SF in R1A. The minimum lot size for a single family use in most R zones is 5,000SF; however the zone size may be smaller for specific zones and types of residential uses such as single-family attached and townhouses.

PC Recommendation

Motion 55:
Create comparable R zones in R1 and R2 that maintain the 5750 sf minimum lot size and a minimum 50' lot width. Number of zones to be created is to be determined by staff.

Motion 60:
Add a "Small Lot Single-Family Use" as a permitted use in R2D and R2E with the following development standards. R2C remains the same.
min. lot size: 2500 sf.
max lot size: 4999sf
min. lot width: 36'
Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500 sf
Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5', Rear 10'.
Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses."
Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max"

Motion 64:
Make one new zone (staff to determine which zoning base [R, RM, etc.]) for the Small Lot Single-Family Use with the following development standards:
min. lot size: 2500 sf.
max lot size: 4999sf
min. lot width: 25'
Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500 sf
Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5' or 0 when adjacent to Small Lot Uses, Rear 10'.
Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses."
Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max
Staff to prepare a new zone that only permits the single use.

Staff Response to PC Recommendation

Motion 55:
PAZ: No. Creating more zones with slightly different min. lot sizes and lot widths will cause confusion and add complexity.
DSD: Do not recommend. Concur with PAZ.

Motion 60:
PAZ: No. This is virtually identical to R2D and R2E already in D3.
DSD: Do not recommend. Concur with PAZ.
WPD: Agree with PAZ/DSD.

Motion 64:
PAZ: No. This is virtually identical to R2D and R2E already in D3.
DSD: Do not recommend. Concur with PAZ.
WPD: Agree with PAZ/DSD.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning. (a) Limit height of front façade to the prevailing height of the neighborhood, with additional stories set back at least 15’ from the front of the façade. (b) Require upper-story setbacks of 15’ or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in older neighborhoods [could also be only for existing buildings 40+ years old]

Staff Response to B & C

HLC Recommendation: Opposed

Location in Code
23-4D Specific to Zones

Item Number: III.C.6

Topic	Sub-Topic
Neighborhood Character	Compatibility

Policy Question

What lot sizes should be allowed in the City?

Current Code or Policy

The current code allows a variety of minimum lot sizes dependent on the particular zone and use.

PC Recommendation

Motion 55:
Create comparable R zones in R1 and R2 that maintain the 5750 sf minimum lot size and a minimum 50' lot width. Number of zones to be created is to be determined by staff.

Motion 60:
Add a "Small Lot Single-Family Use" as a permitted use in R2D and R2E with the following development standards. R2C remains the same.
min. lot size: 2500 sf.
max lot size: 4999sf
min. lot width: 36'
Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500 sf
Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5', Rear 10'.
Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses."
Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max"

Motion 64:
Make one new zone (staff to determine which zoning base [R, RM, etc.]) for the Small Lot Single-Family Use with the following development standards:
min. lot size: 2500 sf.
max lot size: 4999sf
min. lot width: 25'
Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500 sf
Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5' or 0 when adjacent to Small Lot Uses, Rear 10'.
Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses."
Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max
Staff to prepare a new zone that only permits the single use.

Staff Response to PC Recommendation

Motion 55:
PAZ: No. Creating more zones with slightly different min. lot sizes and lot widths will cause confusion and add complexity.
DSD: Do not recommend. Concur with PAZ.

Motion 60:
PAZ: No. This is virtually identical to R2D and R2E already in D3.
DSD: Do not recommend. Concur with PAZ.
WPD: Agree with PAZ/DSD.

Motion 64:
PAZ: No. This is virtually identical to R2D and R2E already in D3.
DSD: Do not recommend. Concur with PAZ.
WPD: Agree with PAZ/DSD.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

CodeNEXT Draft 3

In Draft 3, minimum lot sizes are dependent on the particular zone and use.

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Location in Code
23-4D Specific to Zones

Item Number: III.C.7

Topic	Sub-Topic
Neighborhood Character	Compatibility

Policy Question

Explain current compatibility standards and the staff recommendation for compatibility standards. What are the planning principles that informed staff’s recommendation?

Current Code or Policy

Current compatibility standards are triggered by both use and/or zone of certain types, and require a setback and height restriction based on a "tent" that radiates from the triggering property to a distance of 540 feet.

PC Recommendation

Motion 40:
Between 25-50 feet from the triggering lot line: 35 foot height limit
50-100 feet: 45 foot height limit
100-150 feet: 65 foot height limit
150-225 feet: 75 foot height limit
225-300 feet: 90 foot height limit
Full height at 300 feet
Affordable bonuses are exempt at 100 feet

Motion 111:
Map the areas adjacent to Imagine Austin corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Map the areas adjacent to core transit corridors and future core transit corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Exempt TODs from compatibility entirely, by either mapping or text as determined by Staff. Direct Staff to review policy on exempting TODs from compatibility

Staff Response to PC Recommendation

Motion 40:
Pending review by Frego to determine impact on housing numbers
DSD: Staff supportive of a stair-step regulation rather than an angled measurement for height restrictions.

Motion 111:
PAZ: Pending. Staff is still in the process of reviewing this and will develop a response after mapping has been tested.
WPD: Neutral on extensive mapping changes without further analysis of the potential drainage and water quality impacts.
NHCD: Do not support increases to base entitlements, as it may impact the ability to achieve affordable housing benefits. Do support increases to entitlements through a bonus program. Staff support updating TOD Regulating Plans

ZAP Recommendation

The Zoning and Platting Commission recommends that house form zones (and not use) trigger compatibility. We recommend that current compatibility rules be reduced by about one-third, allowing 40’ buildings 100 feet away, 60’ high-rises 200 feet away; and 80’ story high-rises 300 feet away from house form zones. Step back provisions should be included for RM1B, and MU1 (A-D). Step-backs should be based on the distance from triggering property line and not on the widths of roadways and alleys. The Zoning and Platting Commission recommends that in addition to height, massing and uses be included. CUPs must be required for uses that are inappropriate in the vicinity of house form zones (including those involving alcohol and extended hours of operation). Compatibility requirements should also ensure that out of scale massing (such as MU1C and MU1D zones) be prohibited within 300’ of residential house form zones. In addition, other compatibility provisions such as driveway and parking placement, dumpster placement, mechanical equipment placement, etc. should be retained from the current code. ZAP recommends that side yard setbacks be evaluated In an effort to provide uniformity

Environmental Recommendation

No recommendation

CodeNEXT Draft 3

Draft 3 compatibility is triggered by zone adjacency only (not use); and is triggered on any zone RM1A and greater (except for DC) when adjacent to or across a 60-foot or less right-of-way or 20-foot or less alley from a Residential House Scale Zone.

Compatibility in Draft 3 requires setbacks as well as stepbacks; the stepbacks mimic what is built, in practice, under a height "tent."

Draft 3 compatibility was created with an understanding that many of Austins commercial corridors abut single family (residential house-scale) zoning, and the reach of the tent was changed to 100ft (beyond 100ft a property may built to the max allowed in that zone) so that corridor properties could reach max height in most instances.

Location in Code
23-4D Specific to Zones

Historic Landmark Recommendation

Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning. (a) Limit height of front façade to the prevailing height of the neighborhood, with additional stories set back at least 15’ from the front of the façade. (b) Require upper-story setbacks of 15’ or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in older neighborhoods [could also be only for existing buildings 40+ years old]

Staff Response to B & C

ZAP:
No significant change in Draft 3

HLC Recommendation: Opposed

Item Number: III.D

Topic	Sub-Topic
Neighborhood Character	Historic Preservation

Policy Question

No questions listed.

Current Code or Policy

Chapter 25-11 Building, Demolitin, and Relocation Permits; Special Requirements for Historic Structures contains historic preservation regulations.

CodeNEXT Draft 3

Location in Code
Chapter 23-7: Building, Demolition, and Relocation Permits; Special Requirement Permits For Historic Structures

PC Recommendation

Motion 52:
For Residential Zones that allow an ADU Preservation Incentive, change the name to ADU "Streetscale Incentive," and change the word "preserved" to "conserved." Add the definition of the word "conserved" to the definitions section

Motion 53:
Apply the Street Scale Incentive (formerly the Preservation Incentive) to all Residential zones

Staff Response to PC Recommendation

Motion 52:
Concur

Motion 53:
Neutral - only makes sense for R zones that have FAR limit

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

Multiple recommendations.

Also: The term preservation should be defined. Commissioners recommend the definition adopted by the Secretary of the Interior.

Staff Response to B & C

Item Number: **III.E.1**

Topic	Sub-Topic
Neighborhood Character	MUP/CUP

Policy Question

In which zones should STRs be allowed by-right, or allowed with a Minor Use Permit or Conditional Use Permit?

Current Code or Policy

Short-Term Rentals are divided into three types. Type 1 is owner-occupied, and is allowed in zones that allow single-family (SF) and multi-family (MF) uses. Type 2 are not owner-occupied, apply to single-family or duplex properties, and are allowed in Central Business District (CBD), Downtown Mixed Use (DMU), Planned Unit Development (PUD), General Retail-Mixed Use (GR-MU), Commercial Services-Mixed Use (CS-MU), Commercial Services Vertical Mixed Use (CS-V), and General Retail Vertical Mixed Use (GR-V). Type 3 are not owner occupied and are part of a multi-family use.

CodeNEXT Draft 3

Short-Term Rentals are divided into three types. Type 1 is owner-occupied and is associated with an owner-occupied principal residential unit. These rentals are permitted in Lake Austin (LA), Rural Residential (RR), Residential House Scale (R) 1-4, Residential Multi-Unit (RM) 1-5, Mobile Home (MH), Mixed-Use (MU) 1-2 and MU5A, Main Street (MS) 1-3, Commercial Center (CC), Urban Center (UC), and Downtown Core (DC). Type 2 cannot be part of a multi-family residential use and is not owner occupied. These rentals are only valid for properties that received a license before November 23, 2015 or submitted an application before November 12, 2015; they are not permitted in any of the CodeNEXT zones. Type 3 rentals are part of a multi-family use and are permitted in the Residential House Scale (R) 4, Residential Multi-Unit (RM) 1-5, Residential Manufactured Home (MH), Mixed-Use (MU) 1-2 and MU5A, Main Street (MS) 1-3, Urban Center (UC), and Downtown Core (DC).

Location in Code
23-4D Specific to Zones

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: **III.E.2**

Topic	Sub-Topic
Neighborhood Character	MUP/CUP

Policy Question

In which zones should small (by number of children) child care uses be allowed by-right, or allowed with a Minor Use Permit or Conditional Use Permit?

Current Code or Policy

Day care services (limited) are for six or fewer persons. This use is Conditional: LA and L zoning

Permitted by-right: RR, SF1-6, MF 1-6, MH, NO, LO, GO, LR, GR, CBD, -MU, W/LO, CS, CS-1, CH, IP, MI, and LI.

Not permitted: CR, DR, and AG.

CodeNEXT Draft 3

Draft 3 defines a small day care as one with less than seven children. This use is allowed with:

CUP: LA zoning

By-right: RR, R1,-R4, RM1-RM5, MH, MU1-MU5, MS1-MS3, CC, UC, DC, CW, RD, and P.

Not permitted: CR, IF, IG, IH. AG, AV, CL, and PR zones.

PC Recommendation

Motion 42:
Daycares with less than 7 children permitted in R zones,
Daycares with 7-20 children require a MUP in all R zones,
Daycares with 7-20 children permitted in all RM zones;
Commercial Daycares require a CUP in R zones; Commercial Daycares in RM zones stay the same as D3.

Motion 82:
Allow the following uses as a permitted use in all MU and MS zones except MU1A and MU1B:
Residential Care Facilities, Senior/Retirement Housing, Work/Live, Library, Museum, or Public Art Gallery, Meeting Facility, Mobile Food Sales, General Retail Under 5,000 SF, Performance Venue/Theater, Live Music, Indoor Recreation (all sizes), Cooperative Housing, Group Residential, Manufactured Home, and all sizes of Daycares

Staff Response to PC Recommendation

Motion 42:
Concur

Motion 82:
Concur

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Location in Code
23-4D Specific to Zones

Item Number: III.E.3

Topic	Sub-Topic
Neighborhood Character	MUP/CUP

Policy Question

In which zones should Level 1 and 2 Bar/Nightclubs be allowed by right, or allowed with a Minor Use Permit or Conditional Use Permit?

Current Code or Policy

Bar/Nightclub is not a land use in current code; the closest equivalent use is cocktail lounge. A cocktail lounge is permitted by-right in CBD zoning and the ground floor of the Waterfront Overlay. Cocktail lounges are conditional in L, DMU, CS-1, CH zones. It is not permitted in other zoning districts.

CodeNEXT Draft 3

A Level 1 Bar/Nightclub
Permitted by-right: MU3B, MU4B, MU5A, MS3A, MS3B, CC, UC, and DC
MUP in MU4A, MS2B, and MS2C
CUP in MU1B, MU1D, MU2B, and MU3A zones.
Not permitted: R, RM, MU1A, MU1C, MU2A, MS1A, MS2A, CR, CW, IF, IG, IH, RD, AG, AV, CL, P, and PR zones.

A Level 2 Bar/Nightclub Permitted by-right: MU4B, CC, UC, DC
MUP in MU3B, MU5A, MS3A, MS3B
CUP in MU4A.
Not permitted: R, RM, MU1A-MU3A, MS1A-MS2C, CR, CW, IF, IG, IH, RD, AG, AV, CL, P, and PR zones.

Location in Code
23-4D Specific to Zones

PC Recommendation

Motion 50:
Require a CUP for all Bars/ Nightclubs (Level 2 only) within 200 feet of a Residential zone rather than permitting by-right. Beyond 200 feet remains permitted by-right.
Add specific language in Specific to Use section for Bars and Nightclubs
Allow any non-permitted alcohol uses in Draft 3 (Level 1 or Level 2) as a CUP within the MS zones, except MS1A and MS2A

Motion 19:
Move Section 23-4B-1020(F)(2) Late Hours Permit to Specific for Use for Restaurant and Bar

Staff Response to PC Recommendation

Concur with both motions.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: III.E.4

Topic	Sub-Topic
Neighborhood Character	MUP/CUP

Policy Question

Should we require higher level of review for Level 1 and 2 Bar/Nightclubs within 200 feet of residential house scale zones (LA – R4)?

Current Code or Policy

In current code, all bars are a Conditional Use except within CBD zoning or the ground floor of the Waterfront Overlay. Restaurants with a Late-Hours permit are a Conditional Use only if they are located within 540 feet from single family zoning. For those Restaurants with Late-Hours that are a Conditional Use, parking must be 200 feet away. The compatibility variance is part of the Conditional Use process.

CodeNEXT Draft 3

Draft 3 requires restaurants that operate with a late-hours permit to obtain a conditional use permit if located within 200 feet of a Residential House Scale Zone. In Draft 3, this provision only applies to restaurants, not bars/nightclubs.

PC Recommendation

Motion 50:
Require a CUP for all Bars/ Nightclubs (Level 2 only) within 200 feet of a Residential zone rather than permitting by-right. Beyond 200 feet remains permitted by-right.
Add specific language in Specific to Use section for Bars and Nightclubs
Allow any non-permitted alcohol uses in Draft 3 (Level 1 or Level 2) as a CUP within the MS zones, except MS1A and MS2A

Motion 19:
Move Section 23-4B-1020(F)(2) Late Hours Permit to Specific for Use for Restaurant and Bar

Staff Response to PC Recommendation

Concur with both motions.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Location in Code
23-4D Specific to Zones

Item Number: III.F

Topic	Sub-Topic
Neighborhood Character	Occupancy Limits

Policy Question

No questions listed.

Current Code or Policy

SF = 6/4 (inside McMansion);
Duplex = 6/4;
SF + ADU = 6+2/2+2;
Duplex + ADU = Not applicable

CodeNEXT Draft 3

SF = 6/4 (inside McMansion);
Duplex = 6/4;
SF + ADU = 6+2/4+2;
Duplex + ADU = 6+2/(4+2 = 6)

PC Recommendation

Motion 99:
Throughout the City (regardless of McMansion), set occupancy at the following standards:
Single Family: 6
Duplex: 3 + 3
Single Family + ADU: 6 + 2
Duplex + ADU: 3 + 3 + 2
ADU alone: 2
Direct Staff to recommend more where appropriate

Staff Response to PC Recommendation

PAZ: Neutral; proposal changes 2016 Council occupancy policy, however this proposal simplifies adminstration and enforcement of occupancy limits. Adding flexibility to occupancy limits would support the Strategic Housing Blueprint.

NHCD: Adding flexibility to occupancy limits would support the Strategic Housing Blueprint.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Location in Code
23-3E-7040 Dwelling Occupancy Limit

Item Number: **III.G**

Topic	Sub-Topic
Neighborhood Character	Neighborhood Plans

Policy Question

How should Neighborhood Plan Future Land Use Maps inform the proposed zoning maps?

Current Code or Policy

The Future Land Use Maps (FLUMs) provide broad direction as to the type and location of future development. A FLUM depicts the types of future development using different colors for different types of development such as yellow for single-family, red for commercial, and green for parks and open space.

CodeNEXT Draft 3

Future Land Use Maps (FLUMs) from each neighborhood plan were used to ensure congruency and reduce disparities between proposed zoning and neighborhoods’ desired land uses. Text recommendations from the neighborhood plans helped further specify where new zones should be applied.

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

Texas Local Government Code § 211.004 requires that zoning regulations be adopted in accordance with the adopted comprehensive plan. Austin City Charter Article X, § 6 also requires that all land development regulations, including zoning and map, shall be consistent with the comprehensive plan, element or portion thereof as adopted. The CodeNEXT draft 2 map does not follow the Growth Concept Map’s directive to focus development along the corridors and activity centers. Imagine Austin directs that where a small area plan exists, recommendations should be consistent with text of the plan and its Future Land Use Map. The CodeNEXT draft 2 map disregards both the text and the map of Austin’s comprehensive plan. CodeNEXT is meant to be an implementation process, not a new planning exercise. The Zoning and Platting Commission recommends that future mapping be consistent with directives and maps in Imagine Austin, including the small area plans.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

Location in Code
MAPPING

Item Number: **IV.A.1**

Topic	Sub-Topic
Permitting and Procedures	Notification & Public Input

Policy Question

Should existing notification timelines be changed from current code?

Current Code or Policy

Notification requirements are in Section 25-5-4 and 25-1 Article 6. Notification timelines vary depending on the type of application and/or the type of meeting being noticed.

CodeNEXT Draft 3

Draft 3 retains existing (current code) notification timelines.

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

CodeNEXT has increased impediments to public participation, diminished transparency given enhanced administrative authority, and suggested the creation of bodies with no clear policy reason for doing so. The Zoning and Platting Commission is concerned about the following issues:

- Less notification;
- Shorter time periods and impediments to appeals;
- Changes to determination of standing to appeal;
- Minor Use Adjustments;
- Minor Use Permits (MUP); and the
- Broadening of special exemptions.

Revisions to Elements of the Code: Scrutinize and revise elements related to appeals, notifications, increased administrative authority, and the broadening of special exemptions as a means of ensuring the public can provide input throughout the process.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

Location in Code

Item Number: **IV.A.2**

Topic	Sub-Topic
Permitting and Procedures	Notification & Public Input

Policy Question

Should opportunities for public input on development projects change from current code?

Current Code or Policy

Land Development regulations under current code provide a variety of public input opportunities, depending on the type of application and nature of development request (Conditional Use, Hill Country, Administrative).

CodeNEXT Draft 3

Draft 3 also provides a variety of public input opportunities, depending on the type of application and nature of development request (Conditional Use, Hill Country, Administrative).

Location in Code

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

CodeNEXT has increased impediments to public participation, diminished transparency given enhanced administrative authority, and suggested the creation of bodies with no clear policy reason for doing so. The Zoning and Platting Commission is concerned about the following issues:

- Less notification;
- Shorter time periods and impediments to appeals;
- Changes to determination of standing to appeal;
- Minor Use Adjustments;
- Minor Use Permits (MUP); and the
- Broadening of special exemptions.

Revisions to Elements of the Code: Scrutinize and revise elements related to appeals, notifications, increased administrative authority, and the broadening of special exemptions as a means of ensuring the public can provide input throughout the process

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

Item Number: **IV.A.3**

Topic	Sub-Topic
Permitting and Procedures	Notification & Public Input

Policy Question

Should the level of notification and opportunities for input, for example for Minor Use Permits and Conditional Use Permits, be commensurate with the potential impact(s) of proposed type of uses?

Current Code or Policy

Current code allows certain uses as permitted in some zoning districts, and conditional in other zoning districts. The intent is to be commensurate with the potential impact of the proposed use in context with surrounding zones.

CodeNEXT Draft 3

Draft 3 introduces a "minor use" to be potentially administratively approved, with an appeal to a public hearing at Land Use Commission. Assigning which uses are minor and conditional in particular zones will have the intent of being commensurate with the potential impact on the proposed use in context with surrounding zones.

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

CodeNEXT has increased impediments to public participation, diminished transparency given enhanced administrative authority, and suggested the creation of bodies with no clear policy reason for doing so. The Zoning and Platting Commission is concerned about the following issues:

- Less notification;
- Shorter time periods and impediments to appeals;
- Changes to determination of standing to appeal;
- Minor Use Adjustments;
- Minor Use Permits (MUP); and the
- Broadening of special exemptions.

Revisions to Elements of the Code: Scrutinize and revise elements related to appeals, notifications, increased administrative authority, and the broadening of special exemptions as a means of ensuring the public can provide input throughout the process

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

Location in Code

Item Number: IV.B.1

Topic	Sub-Topic
Permitting and Procedures	Review Timeline/Process

Policy Question

Should review timelines be shortened? If so, how?

Current Code or Policy

Review timelines are not in the Land Development Code; they are housed within the Criteria Manual. This change occurred in 2016 with Ordinance No. 20160421-039.

CodeNEXT Draft 3

Review timelines are not in Draft 3; they are housed within the Criteria Manual.

PC Recommendation

Motion 12:
Recommend approval of Article 23-3E (Affordable Housing Bonus Program), but with direction for staff to develop revisions that will address the following concerns:
1. Establish as additional items of intent for the program to:
 a. meet the annual affordable housing goals set forth by city council;
 b. generally permit sites to utilize affordable bonus entitlements; and
 c.maximize affordable units in high-opportunity areas, whether built on-site or financed via fee-in-lieu.
2. Reinstate expedited review for SMART Housing and expand it to the Affordable Housing Bonus Program at all stages for projects that participate in the program per the original requirements of 2000.
3. Explore a Super Density Bonus for large-scale affordable projects that offer over 50% of units as affordable
4. Establish a Density Bonus pilot program with a revision and review window of 18-months with an annual re-evaluation period to ensure the program is properly calibrated, and staff and consultants to continue to hold workshops with stakeholders, including affordable housing advocates, builders, affordable housing builders, construction companies, developers, and community advocates to continue to work out the bonus program.
5. Staff to use White Exhibit 1 Pages 20-25 (Edits to the SMART program) and White Exhibit 1 Pages 45-48 (SIMPLICITY & HOUSING BLUEPRINT GOALS - yellow from Housing Coalition) as a directive to prioritize those changes as they review this Article

Motion 102:
Recommend approval of Chapter 23-6 with amendments previously approved and the following additional changes:
1. Direct Staff to revisit Site Plan Lite and establish a process not to exceed 2 months that is administered by DAC with Watershed Protection review.

Staff Response to PC Recommendation

Motion 12:
NHCD: Support generally; but opposed to the following elements:
1 a) Staff support annual evaluation of and recommending updates to the Affordable Housing Bonus Program, but do not believe the Land Development Code is the appropriate place to include annual goals. Further, this is a market-based tool that is subject to fluctuations in market conditions. Staff recommend reporting the Affordable Housing Bonus Program production in the context of how it is helping the City achieve its Strategic Housing Blueprint goals on an annual basis.
5) Staff do not recommend requiring density bonus projects to comply with S.M.A.R.T. Housing requirements unless it can be evidenced that typical density bonus projects would be S.M.A.R.T. Housing compliant and that this would not deter participation in density bonus programs.
DSD: Review turnaround times for SMART Housing projects are currently in a policy document and have been in effect since the program's inception. Staff adheres to these review times to the extent possible; however, turnaround times are impacted by application volume, regulatory complexities, and available resources. DSD does not recommend reincorporating review times into the land development code. Review times are administrative and were removed from Title 25 and moved into the criteria manuals to be adopted via the rules process. Adopting review times by rule preserves the public stakeholder engagement component and provides staff with the flexibility to make adjustments based on the previously identified factors without having to initiate a code amendment.

Motion 102:
Neutral
DSD: Site Plans are the tool that the City uses to demonstrate a project's compliance with all applicable regulations across multiple departments and disciplines, reviewing the building and development in context with the site work. All interconnected disciplines evaluate a proposed development in context and ensure a conflict free construction. The scope of review matches the scope of the regulations; therefore, regulations would need to be reduced for these projects in order for the required review (and review mechanism) to be condensed. Additional policy direction is required in order to determine which regulatory areas the City would be willing to relax to incentivize this project type.

ZAP Recommendation

CodeNEXT has increased impediments to public participation, diminished transparency given enhanced administrative authority, and suggested the creation of bodies with no clear policy reason for doing so. The Zoning and Platting Commission is concerned about the following issues:
• Less notification;
• Shorter time periods and impediments to appeals;
• Changes to determination of standing to appeal;
• Minor Use Adjustments;
• Minor Use Permits (MUP); and the
• Broadening of special exemptions.

Revisions to Elements of the Code: Scrutinize and revise elements related to appeals, notifications, increased administrative authority, and the broadening of special exemptions as a means of ensuring the public can provide input throughout the process

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

Location in Code

Item Number: IV.B.2

Topic	Sub-Topic
Permitting and Procedures	Review Timeline/Process

Policy Question

Should some types of projects have reduced requirements to reduce permitting barriers and home remodeling costs (for example, to help families stay in their homes)

Current Code or Policy

CodeNEXT Draft 3

23-2A-3040 (Three to Six-Unit Residential) creates a new, scaled and streamlined single-permit process for 3 to 6 unit development meeting certain criteria.

Location in Code

PC Recommendation

Motion 12:
Recommend approval of Article 23-3E (Affordable Housing Bonus Program), but with direction for staff to develop revisions that will address the following concerns:
1. Establish as additional items of intent for the program to:
 a. meet the annual affordable housing goals set forth by city council;
 b. generally permit sites to utilize affordable bonus entitlements; and
 c.maximize affordable units in high-opportunity areas, whether built on-site or financed via fee-in-lieu.
2. Reinstate expedited review for SMART Housing and expand it to the Affordable Housing Bonus Program at all stages for projects that participate in the program per the original requirements of 2000.
3. Explore a Super Density Bonus for large-scale affordable projects that offer over 50% of units as affordable
4. Establish a Density Bonus pilot program with a revision and review window of 18-months with an annual re-evaluation period to ensure the program is properly calibrated, and staff and consultants to continue to hold workshops with stakeholders, including affordable housing advocates, builders, affordable housing builders, construction companies, developers, and community advocates to continue to work out the bonus program.
5. Staff to use White Exhibit 1 Pages 20-25 (Edits to the SMART program) and White Exhibit 1 Pages 45-48 (SIMPLICITY & HOUSING BLUEPRINT GOALS - yellow from Housing Coalition) as a directive to prioritize those changes as they review this Article

Motion 102:
Recommend approval of Chapter 23-6 with amendments previously approved and the following additional changes:
1. Direct Staff to revisit Site Plan Lite and establish a process not to exceed 2 months that is administered by DAC with Watershed Protection review.

Staff Response to PC Recommendation

Motion 12:
NHCD: Support generally; but opposed to the following elements:
1 a) Staff support annual evaluation of and recommending updates to the Affordable Housing Bonus Program, but do not believe the Land Development Code is the appropriate place to include annual goals. Further, this is a market-based tool that is subject to fluctuations in market conditions. Staff recommend reporting the Affordable Housing Bonus Program production in the context of how it is helping the City achieve its Strategic Housing Blueprint goals on an annual basis.
5) Staff do not recommend requiring density bonus projects to comply with S.M.A.R.T. Housing requirements unless it can be evidenced that typical density bonus projects would be S.M.A.R.T. Housing compliant and that this would not deter participation in density bonus programs.
DSD: Review turnaround times for SMART Housing projects are currently in a policy document and have been in effect since the program's inception. Staff adheres to these review times to the extent possible; however, turnaround times are impacted by application volume, regulatory complexities, and available resources. DSD does not recommend reincorporating review times into the land development code. Review times are administrative and were removed from Title 25 and moved into the criteria manuals to be adopted via the rules process. Adopting review times by rule preserves the public stakeholder engagement component and provides staff with the flexibility to make adjustments based on the previously identified factors without having to initiate a code amendment.

Motion 102:
Neutral
DSD: Site Plans are the tool that the City uses to demonstrate a project's compliance with all applicable regulations across multiple departments and disciplines, reviewing the building and development in context with the site work. All interconnected disciplines evaluate a proposed development in context and ensure a conflict free construction. The scope of review matches the scope of the regulations; therefore, regulations would need to be reduced for these projects in order for the required review (and review mechanism) to be condensed. Additional policy direction is required in order to determine which regulatory areas the City would be willing to relax to incentivize this project type.

ZAP Recommendation

The Zoning and Platting Commission recommends that properly credentialed engineers review subjects that they are licensed in, including site plans for three to nine residential units.

Environmental Recommendation

EC Recommendation: Support of proposed drainage certification regulations for single-family residential and missing middle developments with recommendation that staff review and inspect all engineer's certification submittals; exceptions for owner-occupied, projects < 400 ft2, and projects attached to existing structure; fees waived for ADUs providing affordable housing at 70% MFI for 10 years. Link to EC recommendation: <http://www.austintexas.gov/edims/document.cfm?id=296849>

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

ZAP: WPD: Floodplain review for site plans, subdivisions, and building permits is currently completed by properly credentialed engineering staff. Drainage review for site plans and subdivisions is currently completed by engineering staff as well. Draft 3 proposes a requirement for a simplified drainage analysis by a licensed professional engineer for 3 – 6 unit development on residential lots to address lot-to-lot drainage issues while minimizing design, construction, and permitting costs to the applicant.

EC: WPD: Oppose. Staff is concerned that the EC proposal to review and inspect drainage plans on all 1 and 2 family and Missing Middle projects will create an administrative and financial burden on these projects disproportionate to the benefits derived. However, staff is open to exploring other potential approaches to help prevent and correct negative drainage impacts to adjacent properties from residential Building Permit-related construction.

Item Number: **IV.B.3**

Topic	Sub-Topic
Permitting and Procedures	Review Timeline/Process

Policy Question

Should we establish pre-approved building and remodel design options (for example to help seniors age in place, and middle and lower income households to remain in their neighborhoods)?

Current Code or Policy

CodeNEXT Draft 3

Location in Code

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: **IV.C.1**

Topic	Sub-Topic
Permitting and Procedures	Residential Permitting

Policy Question

Do we want to make diverse housing types more feasible by modifying the site plan process?

Current Code or Policy

For residential projects exceeding two units on a site, current code requires compliance with all land development code regulations and triggers submittal of a full site plan to demonstrate compliance.

CodeNEXT Draft 3

Draft 3 creates a new, scaled and streamlined single-permit process for 3 to 6 unit development meeting certain criteria.

Location in Code
23-2A-3040 Three to Six-Unit Residential

PC Recommendation

Motion 102:
Recommend approval of Chapter 23-6 with amendments previously approved and the following additional changes:
1. Direct Staff to revisit Site Plan Lite and establish a process not to exceed 2 months that is administered by DAC with Watershed Protection review.

Staff Response to PC Recommendation

Motion 102:
Neutral
DSD: Site Plans are the tool that the City uses to demonstrate a project's compliance with all applicable regulations across multiple departments and disciplines, reviewing the building and development in context with the site work. All interconnected disciplines evaluate a proposed development in context and ensure a conflict free construction. The scope of review matches the scope of the regulations; therefore, regulations would need to be reduced for these projects in order for the required review (and review mechanism) to be condensed. Additional policy direction is required in order to determine which regulatory areas the City would be willing to relax to incentivize this project type.
WPD: Open to working on this process with staff and policymakers. However, the Environmental Officer does not think 2 months is a reasonable timeframe for full environmental and drainage review.

Austin Energy: The length of a site plan review is often determined by the applicant's original effort put into the design and subsequent efforts to address comments or not

ZAP Recommendation

The Zoning and Platting Commission recommends that properly credentialed engineers review subjects that they are licensed in, including site plans for three to nine residential units

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

ZAP: WPD: Floodplain review for site plans, subdivisions, and building permits is currently completed by properly credentialed engineering staff. Drainage review for site plans and subdivisions is currently completed by engineering staff as well. Draft 3 proposes a requirement for a simplified drainage analysis by a licensed professional engineer for 3 – 6 unit development on residential lots to address lot-to-lot drainage issues while minimizing design, construction, and permitting costs to the applicant.

Item Number: **IV.C.2**

Topic	Sub-Topic
Permitting and Procedures	Residential Permitting

Policy Question

How should permitting barriers and home remodeling costs be addressed to help families stay in their homes as directed by the Family Homestead Initiative?

Current Code or Policy

CodeNEXT Draft 3

Location in Code

PC Recommendation

Motion 102:
Recommend approval of Chapter 23-6 with amendments previously approved and the following additional changes:
1. Direct Staff to revisit Site Plan Lite and establish a process not to exceed 2 months that is administered by DAC with Watershed Protection review.

Staff Response to PC Recommendation

Motion 102:
Neutral
DSD: Site Plans are the tool that the City uses to demonstrate a project's compliance with all applicable regulations across multiple departments and disciplines, reviewing the building and development in context with the site work. All interconnected disciplines evaluate a proposed development in context and ensure a conflict free construction. The scope of review matches the scope of the regulations; therefore, regulations would need to be reduced for these projects in order for the required review (and review mechanism) to be condensed. Additional policy direction is required in order to determine which regulatory areas the City would be willing to relax to incentivize this project type.
WPD: Open to working on this process with staff and policymakers. However, the Environmental Officer does not think 2 months is a reasonable timeframe for full environmental and drainage review.

Austin Energy: The length of a site plan review is often determined by the applicant's original effort put into the design and subsequent efforts to address comments or not

ZAP Recommendation

The Zoning and Platting Commission recommends that properly credentialed engineers review subjects that they are licensed in, including site plans for three to nine residential units

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

ZAP: WPD: Floodplain review for site plans, subdivisions, and building permits is currently completed by properly credentialed engineering staff. Drainage review for site plans and subdivisions is currently completed by engineering staff as well. Draft 3 proposes a requirement for a simplified drainage analysis by a licensed professional engineer for 3 – 6 unit development on residential lots to address lot-to-lot drainage issues while minimizing design, construction, and permitting costs to the applicant.

Item Number: **V.A**

Topic	Sub-Topic
Manage Growth	Impact Fees

Policy Question

No questions listed.

Current Code or Policy

CodeNEXT Draft 3

Location in Code

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

ATD: A Street Impact Fee study is underway to identify a fee that would be charged to development as a way for growth to contribute to the needed auto capacity improvements based on the impact of the new development. Staff has projected growth over the next 10 years based on current development trends, emerging development projects, and the Imagine Austin growth concept (in coordination with Austin Water and the City demographer), and is currently identifying auto capacity projects needed based on the projected growth. The third phase of the study, to begin in Fall/Winter 2018, will be to develop policy language and administrative guidelines to implement a Street Impact Fee. During the policy development phase, the relationship to mitigation and transportation impact analysis processes identified in the land development code will be established.

ZAP Recommendation

The Zoning and Platting Commission recommends that CodeNEXT ties any increases in entitlements (increased height, FAR, or density) to requirements to provide affordable housing. The Zoning and Platting Commission recommends that the city require a certain percent of all units to be multi- bedroom, to give low-income families with children housing priority, achieve deeper affordability by lowering MFI thresholds and adjust fees to be more in line with actual housing costs

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

ZAP:
MS3 zones height changes in Draft 3 to 60’ by-right with a 25’ bonus

Item Number: **V.B**

Topic	Sub-Topic
Manage Growth	Green Buildings

Policy Question

No questions listed.

Current Code or Policy

Achieving a particular star rating under the Austin Energy Green Building Program (AEGB) is a part of the Downtown Design District, S.M.A.R.T. Housing Program, the University Neighborhood Overlay (UNO) and Planned Unit Development (PUD) standards.

CodeNEXT Draft 3

Achieving a particular star rating under the Austin Energy Green Building Program (AEGB) is a part of the Building Design Option Points; achieving a specified AEGB rating is included in the Downtown Density Bonus Program, in S.M.A.R.T. housing, and in the University Neighborhood Overlay, CC, DC, and PUD zones.

Location in Code
23-4D Specific to Zones
23-3E-4020 Program Requirements

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: **V.C**

Topic	Sub-Topic
Manage Growth	Infrastructure

Policy Question

No questions listed.

Current Code or Policy

Current code includes Subchapter E which dictates sidewalk location and widths for certain development types, while widths and locations for other development types are contained within the TCM.

Current code requires that development projects demonstrate sufficient capacity for the design flood in compliance with the Drainage Criteria Manual.

CodeNEXT Draft 3

D3 strengthens sidewalk requirements by requiring sidewalks along with new subdivisions and re-subdivisions be constructed concurrently with adjacent streets to ensure sidewalk infrastructure is constructed and to improve ADA access at the beginning stages of development. Additionally, street trees are now required along with sidewalks to provide shade and safety improvements for pedestrians.

D3 carries forward the requirement that development projects demonstrate sufficient capacity for the design flood in compliance with the Drainage Criteria Manual. In addition, D3 strengthens provisions for flood risk reduction by requiring redevelopment to provide flood mitigation through on- or off-site controls, conveyance improvements, and/or payment-in-lieu. (Link to Staff Report on CodeNEXT Drainage Impacts: <https://austintexas.app.box.com/s/6d8swwm3nd6h92jk2ic0gnqb7vm8qf5x>)

Location in Code

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

The Zoning and Platting Commission recommends that the sidewalk requirements not be relegated to the Transportation Criteria Manual. Current sidewalk requirements included in Subchapter E of the current land development code should be retained and included in CodeNext.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

ZAP:
Dimensional requirements of sidewalks found in Subchapter E are not included in Draft 3

Item Number: **V.D**

Topic	Sub-Topic
Manage Growth	Small Area Planning

Policy Question

No questions listed.

Current Code or Policy

The process for small area planning is not outlined in the code, but specific regulatory provisions of small area plans (such as the University Neighborhood Overlay) can be adopted as part of the code.

CodeNEXT Draft 3

The process for small area planning is not outlined in the code, but specific regulatory provisions of small area plans (such as the University Neighborhood Overlay) can be adopted as part of the code.

Location in Code

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

Align CodeNEXT to Imagine Austin whenever possible, especially mapping and small area plans

Texas Local Government Code § 211.004 requires that zoning regulations be adopted in accordance with the adopted comprehensive plan. Austin City Charter Article X, § 6 also requires that all land development regulations, including zoning and map, shall be consistent with the comprehensive plan, element or portion thereof as adopted. The CodeNEXT draft 2 map does not follow the Growth Concept Map's directive to focus development along the corridors and activity centers. Imagine Austin directs that where a small area plan exists, recommendations should be consistent with text of the plan and its Future Land Use Map. The CodeNEXT draft 2 map disregards both the text and the map of Austin's comprehensive plan. CodeNEXT is meant to be an implementation process, not a new planning exercise. The Zoning and Platting Commission recommends that future mapping be consistent with directives and maps in Imagine Austin, including the small area plans.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

Item Number: **V.E.1**

Topic	Sub-Topic
Manage Growth	F25

Policy Question

Should zoning from the current land development code be preserved via F25? Should it be maintained in some cases and not others? What should be the process for future changes to F25?

Current Code or Policy

N/A. F25 is not a zoning classification in current code.

PC Recommendation

Motion 1:
General Policy Guidelines
1. Establish triage points after the Council adopts the codes such as quarterly check-ins as problems are found with code language. Problems first are revisited by Planning Commission and then Council.
2. Complete rework of the Plan to Plan including transitions, centers, TODs, and Neighborhood Plans. Following the adoption of CodeNEXT, Land Use Commission revisit the Imagine Austin Centers and Corridors.
3. Process to phase out F25 with stakeholder input regarding items such as Conditional Overlays, TODs, etc. Process to be revisited by Planning Commision and then Council.
4. Prior to the Code being enacted, test and model the code in a wide-range of development scenarios with stakeholder participation, and testing of the financial impacts of the Code, including additional staffing needs, development fee increases, Density Bonus Program resources, and a quantified effect of working in two codes. Staff and consultants to prepare a Report Card of the Planning Commission mapping recommendations. After the Code has been implemented, additional testing to help inform the triage process and measure if the added density is delivering. the anticipated affordable units.
5. Entire Code needs to be reviewed by a Master Editor prior to adoption
6. Planning Commission Recommendation is the starting point for Council Review.
7. Land Use Commission's recommendation is shown to Council by each Division. Prior to the Code adoption, Staff to show Council what major elements of Title 25 are not being included in CodeNEXT.
8. Performance mechanisms be identified by PC and staff to show the success and failures of the Code, particularly as it relates to Affordable Housing, displacement, demolition, review times/ permitting, and Imagine Austin Performance Indicators.
9. Staff and Council explore methods to capture the added value of the added density along corridors to help finance transit projects along corridors.

Motion 116:
Staff to establish a 3-year sunset process for F25, including community participation - particularly those areas that have already completed a small area planning process. New zones or subzones may need to be created to accommodate the sunset process. For areas scheduled to undergo a Small Area Plan, F25 will get phased out as part of that review if it has not already been phased out.

Staff Response to PC Recommendation

Motion 1:
PAZ: 1. Staff anticipates that amendments will be needed after adoption. 2. No. 3. No. 4. Staff anticipates testing after the code is adopted (before it is effective). 5. Neutral. 6. Neutral. 7. Neutral. 8. Concur, but it will take many years of on-the-ground changes to make this evaluation. 9. Neutral.

Motion 116:
PAZ: Pending
NHCD: Staff support transitioning F25 zones to CodeNEXT zones where appropriate.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Location in Code
23-4D-8080 Former Title 25 (F25) Zone

Item Number: **VI.A**

Topic	Sub-Topic
Small/Local Business, Creative Community	Live/Work

Policy Question

Should we allow more live/ work/opportunities by-right?(office, retail, and residential spaces)

Current Code or Policy

Live/work is not a land use in current code.

CodeNEXT Draft 3

Live/work is permitted by-right in RM1A-RM5A and in MS1A-MS3B.

PC Recommendation

Motion 82:
Allow the following uses as a permitted use in all MU and MS zones except MU1A and MU1B:
Residential Care Facilities, Senior/Retirement Housing, Work/Live, Library, Museum, or Public Art Gallery, Meeting Facility, Mobile Food Sales, General Retail Under 5,000 SF, Performance Venue/Theater, Live Music, Indoor Recreation (all sizes), Cooperative Housing, Group Residential, Manufactured Home, and all sizes of Daycares

Staff Response to PC Recommendation

Motion 82
PAZ: Concur.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Location in Code
23-4D Specific to Zones

Item Number: **VI.B**

Topic	Sub-Topic
Small/Local Business, Creative Community	Uses

Policy Question

Should there be a more specific zoning category for creative spaces?

Current Code or Policy

Current code does not have a Work/Live or Live/Work use.

CodeNEXT Draft 3

Draft 3 has new uses: Work/Live, Live/Work, and Performance Venue/Theater that can be used as creative spaces.

PC Recommendation

Motion 38:
List "Live Music Venue" as a separate use that is permitted in all the same use tables with the same permission standards as "Performance Venue/ Theater," but without the requirements for alcohol sales.
Define in Definitions

Staff Response to PC Recommendation

Motion 38:
PAZ: No. This would allow live music venues to function as a bar and would be permitted in districts where Performance Venue/Theater is allowed (more permissive than a bar).

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Location in Code
23-4D Specific to Zones

Item Number: **VI.C**

Topic	Sub-Topic
Small/Local Business, Creative Community	

Policy Question

Support small, local businesses and the creative community: what is the menu of strategies that can help us meet this goal?

Current Code or Policy

Staff answer pending. Refer to CodeNEXT staff for EDD final response.

CodeNEXT Draft 3

Location in Code

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: VII.A

Topic	Sub-Topic
Floodrisk and Wildfire Mitigation	Impervious Cover

Policy Question

No questions listed.

Current Code or Policy

Current code has two sets of impervious cover limits – zoning limits and watershed limits. For all existing single family lots and for other types of development within the Urban watersheds, impervious cover is set exclusively by zoning. For other types of development in the rest of the city, the impervious cover limit is governed by the lower (i.e., more protective) of the two requirements. The Watershed Protection Department uses the maximum impervious cover allowed by the code to model and map floodplains as well as to design upgrades to drainage infrastructure.

CodeNEXT Draft 3

D3 maintains the same approach of setting impervious cover limits through zoning and watershed regulations. WPD compared the difference in maximum impervious cover entitlements allowed by current code versus CodeNEXT. The analysis showed a slight decrease (-0.44%) in the maximum amount of impervious cover allowed by CodeNEXT for Draft 3. (See full report here: <https://austintexas.app.box.com/s/s6gu5h96dpq4bzbxbx8yerd8pf7q3fz60>)

Location in Code
23-4D Specific to Zones

PC Recommendation

Motion 44: Delete Front yard Impervious Cover Regulation in all R Zones
Motion 69: Staff to find a way to alter the development standards to make R4 more feasible and recommend those changes to Council, particularly impervious cover
Motion 77: Increase impervious cover in RM1A to 60% for all other uses beyond residential, unless the primary use is parking
Motion 107: Map Imagine Austin Corridors as follows: 1) All commercial lots will be zoned as MS with the following rules: lots under 140 sq ft. deep zoned as MS2B, and lots between 140-220 sq ft. deep zoned as MS3B.
Revise the Impervious Cover in MS2B to 90%, and MS3B to 95%
Motion 7: Add language to 23-1A-6010 and 23-1A-6020 regarding Minimum Development Potential as shown in Steven Oliver Exhibit 1, excluding heritage trees.

Staff Response to PC Recommendation

Motion 44: PAZ: No, deletion of this provision will allow paving of the entire front yard. WPD: Overall impervious cover limit maintained for the site: no impact on drainage or water quality.
Motion 69: WPD: generally opposes increases in impervious cover limits without analysis of the potential impact. Would need to study the potential impacts on floodplains, erosion potential, etc., based on the mapping extent.
Motion 77: WPD: generally opposes increases in impervious cover limits without analysis of the potential impact. Would need to study the potential impacts on floodplains, erosion potential, etc., based on the mapping extent.
Motion 107: PAZ: Pending. WPD: WPD generally opposes increases in impervious cover limits without analysis of the potential impact. Would need to study the potential impacts on floodplains, erosion potential, etc., based on the mapping extent. NHCD: Combined with the compatibility motion shown in Item 40, staff questions whether this recommendation would prevent the full bonus being allowed on these sites (also see recommendation regarding increased bonus heights in Item 80 and direction on permitting sites to utilize bonus entitlements in Item 12 section 1b).

Motion 7: PAZ: No. Amendments can be made, as needed, when conflicts are identified. DSD: This is a policy decision concerning the hierarchy of code requirements where the city's codes have conflicting provisions and impacts. This adds a layer of review, and is potentially more complicated and less predictable than the variance processes in Draft 3. DSD is supportive of the concept of a hierarchy of code to address regulatory conflicts that arise during the review process; however, additional policy direction is needed to determine regulatory priorities. WPD: Strongly oppose. As currently worded, the amendment undermines multiple existing regulations related to the environment, water quality, and drainage, including: • Non-degradation standard of the Save Our Springs (SOS) ordinance • Stormwater management for water quality and flood risk reduction • Restrictions on development in the floodplain • Waterway setbacks for creeks and lakes • Setbacks for critical environmental features such as caves, wetlands, and springs • Tree and urban forest protections (excluding heritage trees) • Requirements for preserving floodplain health • Steep slope protections • Limitations on the depth of cut and fill • Preservation of open space and natural areas • Provision of landscape elements and vegetated setbacks
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Many sites across the city are significantly constrained by natural features such as floodplains and steep topography. As worded, the amendment would allow for development to encroach on environmental setbacks and reduce the footprint of stormwater control measures in order to accommodate the entitled amount of impervious cover. Staff recommends upholding the current policy of reducing impervious cover entitlements as necessary to accommodate environmental features and protections. To the extent that the reasonable use of a property is eliminated, the existing variance process allows for adjustments to water quality and drainage regulations.

ZAP Recommendation

The Zoning served and Platting commission recommends that CodeNext provide enhanced environmental protections in central and east Austin to treat different areas of the city equitably and to avoid the negative consequences of impervious cover and overdevelopment in all areas of the city.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

ZAP: WPD: To provide enhanced environmental protections in central and east Austin, Staff supports the Environmental Commission recommendation of extending cut and fill requirements and construction on slope regulations to Urban watersheds. Only affects about 4% of land area (so little impact to most sites), but sites affected are steep and would benefit from increased protections. This would be a shift in existing policy from the Urban Watersheds Ordinance and SMART Growth policies. Will need to discuss the differences between the Drinking Water Protection Zone (4 ft maximum cut and fill) and Suburban Watersheds (up to 8 ft administrative cut and fill). WPD compared the difference in maximum impervious cover entitlements allowed by current code versus CodeNEXT. The analysis showed a slight decrease (-0.44%) in the maximum amount of impervious cover allowed by CodeNEXT for Draft 3, with a larger decrease for Urban watersheds (-1.14%). (See full report here: <https://austintexas.app.box.com/s/s6gu5h96dpq4bzbxbx8yerd8pf7q3fz60>) Regardless of the location of development, negative impacts of impervious cover will continue to be mitigated by multiple environmental and drainage regulations, including impervious cover limits, engineered stormwater controls for water quality, erosion, and flood control, and the requirement to demonstrate no adverse flooding impacts.

Item Number: **VII.B**

Topic	Sub-Topic
Floodrisk and Wildfire Mitigation	Wildfire Risk

Policy Question

No questions listed.

Current Code or Policy

Exception for minimum 2 access points for new subdivisions is not allowed in wildfire risk areas as defined by National Fire Protection Association standards.

CodeNEXT Draft 3

Minimum 2 access points for new subdivisions is not allowed in wildfire risk areas as shown on AFD map.

Location in Code
23-9F-3030C

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: VII.C

Topic	Sub-Topic
Floodrisk and Wildfire Mitigation	Flood Mitigation

Policy Question

No questions listed.

Current Code or Policy

Since 1974, development has been required to provide stormwater management to ensure that post-development stormwater peak flows not exceed those that exist from the site at the time of application. This helps minimize adverse flood impacts downstream due to the new development. This current code does not account for impervious cover on a site that existed before 1974 that contributes to existing flood hazards.

CodeNEXT Draft 3

By requiring all sites to either match the peak runoff rates generated by undeveloped conditions or provide a payment-in-lieu of detention, D3 asks that redevelopment account for its proportionate share of downstream flooding by either constructing on-site controls, downstream conveyance improvements, or providing funding for the City to address other citywide flood hazards. (Link to Staff Report on CodeNEXT Drainage Impacts: <https://austintexas.app.box.com/s/6d8swwm3nd6h92jk2ic0gnqb7vm8qf5x>)

Location in Code

PC Recommendation

Motion 111:
Map the areas adjacent to Imagine Austin corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Map the areas adjacent to core transit corridors and future core transit corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors
Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.

Exempt TODs from compatibility entirely, by either mapping or text as determined by Staff. Direct Staff to review policy on exempting TODs from compatibility

Staff Response to PC Recommendation

Motion 111:
PAZ: Pending. Staff is still in the process of reviewing this and will develop a response after mapping has been tested.
WPD: Neutral on extensive mapping changes without further analysis of the potential drainage and water quality impacts.
NHCD: Do not support increases to base entitlements, as it may impact the ability to achieve affordable housing benefits. Do support increases to entitlements through a bonus program. Staff support updating TOD Regulating Plans

ZAP Recommendation

The Zoning and Platting Commission would like answers to the following questions: In regards to the Flood Mitigation Task Force (FMTF) Report: Which regulatory recommendations identified in the report are addressed in CodeNEXT? What feedback did the consultants provide for each regulatory recommendation in the FMTF Report? How is each recommendation addressed in CodeNEXT? If any recommendation was not addressed in CodeNEXT, what is the rationale?

We also request answers to the following general questions: Numerous individuals and groups have raised flooding concerns. How have those individual concerns been addressed? How is the comment process demonstrating the community's concerns are being heard and addressed? Additionally, it must be noted that the Environmental Commission is not making a recommendation on the second draft due to not having enough information. What additional information is needed? How quickly can that information be provided?

The Zoning and Platting Commission has requested (and requests again) the following information specific to flooding: Data on all the locations of localized flooding throughout the city; a list of all buyout locations; and identified buyout locations including money secured for buyouts, buyout status pending and properties identified but no money available to proceed with the buyouts.

The Zoning and Planning Commission recommends that the City of Austin implement a regional storm water management system for the remaining watersheds that don't have a Regional Storm Management Program (RSMP). We would also like the RSMP to be the subject of a third party evaluation per the flood mitigation task force recommendation.

Environmental Recommendation

Incorporate into CodeNEXT the implementation of an interim regulation that redefines the 100-year storm event and floodplain

Also: Draft Code be revised to require that requests for floodplain variances be presented to the Environmental Commission for a recommendation before being presented to City Council

Also: Support for proposed regulations requiring re-development projects reduce the peak runoff (flood) flows to match the peak runoff from an undeveloped site

Also: Support of proposed drainage certification regulations for single-family residential and missing middle developments with recommendation that staff review and inspect all engineer's certification submittals; exceptions for owner-occupied, projects < 400 ft2, and projects attached to existing structure; fees waived for ADUs providing affordable housing at 70% MFI for 10 years.

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

EC Recommendation #1, WPD: WPD has initiated the process to create interim floodplain regulations to redefine the design storm events based the current data produced by the National Weather Service.

EC #2: WPD: Staff is currently considering modifications to the floodplain variance process. NHCD: The Affordability Impact Statement (AIS) on Draft 3 indicated that new environmental standards may increase housing costs by increasing development costs and decreasing buildable site area. The AIS also acknowledged that these upfront housing cost increases may be off-set in the future by long-term savings associated with the preservation of life and property due to new flood mitigation standards, lower maintenance costs for green water quality controls, and potential savings from reduced water usage for landscaping.

EC #4: WPD: Oppose. Staff is concerned that the EC proposal to review and inspect drainage plans on all 1 and 2 family and Missing Middle projects will create an administrative and financial burden on these projects disproportionate to the benefits derived. However, staff is open to exploring other potential approaches to help prevent and correct negative drainage impacts to adjacent properties from residential Building Permit-related construction. DSD: Opposed. Concur with WPD comments.

ZAP recommendation: WPD: Staff responded to these questions in December of 2017. Responses reflect Draft 2 and were posted as backup at the following link: <http://www.austintexas.gov/edims/document.cfm?id=288825>. Updated information regarding modeling and Draft 3 is found in the links to referenced documents field.

Item Number: **VIII.A**

Topic	Sub-Topic
Transportation	Parking

Policy Question

Parking Reductions. No questions listed.

Current Code or Policy

CodeNEXT Draft 3

Location in Code
23-4D Specific to Zones

PC Recommendation

Motion 94:
Eliminate all parking minimums by directing staff to get as close to no parking requirements as possible while balancing ADA accessibility, and finding ways for neighborhoods to use residential parking and metered parking as a solution, RPP, and parking benefit districts. Excludes the areas that have already been voted on to have no parking requirements. Methods to be vetted through the Fire Department and Public Safety. Incorporate Vision Zero and Transportation Safety Improvement Program into consideration

Motion 95
Direct Staff to find a solution to preserve parking at specific sites near schools, of any type or district, where parking is an identified problem, utilizing school permit parking systems or other street parking restrictions. Staff to take pedestrian and bicycle safety into consideration.

Staff Response to PC Recommendation

Motion 94:
Staff response pending

Motion 95:
PAZ: Outside the scope of CodeNEXT.
ATD: ATD suggests reviewing AISD parking requirements to include school-specific TDM policies for staff, parents, and students to include Vision Zero goals and to enhance pedestrian and bicycle infrastructure to/from school sites during the site plan phase.

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: **VIII.B**

Topic	Sub-Topic
Transportation	Street or Sidewalk Design

Policy Question

Street design (traffic signal design, bus stops, bike lanes, curb cuts). No questions listed.

Current Code or Policy

CodeNEXT Draft 3

Location in Code
Article 23-9F: Street Design

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

A walkable streetscape may no longer be required. Setbacks along core transit corridors and urban roadways will be narrower and will be a patchwork of depths. Current code under Subchapter E requires a 15’ setback consisting of street trees and/or benches on core transit corridors and a similar 12’ wide streetscape for urban roadways. This pedestrian- friendly design is eliminated in CodeNEXT and replaced with inconsistent and smaller setbacks determined by zoning, not by street type. For example, Mixed-Use (MU) can have a 10 ft. setback and be adjacent to Main Street (MS) that requires a 5’ setback. In addition, “private frontage” is allowed to substitute for the required setback in MU and MS.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

Maintain the historic street pattern. (a) Require new buildings to be set back at the median setback of the block, instead of the average of the adjacent neighboring buildings, as proposed in Draft 2. (b) Ensure that sidewalks, driveways, parking pads, and landscaping are compatible with historic development patterns.

Staff Response to B & C

ZAP:
No significant change to Draft 3

Item Number: **VIII.C**

Topic	Sub-Topic
Transportation	Street or Sidewalk Design

Policy Question

Sidewalk design. No questions listed.

Current Code or Policy

CodeNEXT Draft 3

Location in Code
Division 23-9E-6: Sidealks, Urban Trails, and Street Trees

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

A walkable streetscape may no longer be required. Setbacks along core transit corridors and urban roadways will be narrower and will be a patchwork of depths. Current code under Subchapter E requires a 15’ setback consisting of street trees and/or benches on core transit corridors and a similar 12’ wide streetscape for urban roadways. This pedestrian- friendly design is eliminated in CodeNEXT and replaced with inconsistent and smaller setbacks determined by zoning, not by street type. For example, Mixed-Use (MU) can have a 10 ft. setback and be adjacent to Main Street (MS) that requires a 5’ setback. In addition, “private frontage” is allowed to substitute for the required setback in MU and MS.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

Maintain the historic street pattern. (a) Require new buildings to be set back at the median setback of the block, instead of the average of the adjacent neighboring buildings, as proposed in Draft 2. (b) Ensure that sidewalks, driveways, parking pads, and landscaping are compatible with historic development patterns.

Staff Response to B & C

ZAP:
No significant change to Draft 3

Item Number: **VIII.D**

Topic	Sub-Topic
Transportation	Urban Trails

Policy Question

No questions listed.

Current Code or Policy

CodeNEXT Draft 3

Location in Code
23-9E-6030 Urban Trails

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: IX.A

Topic	Sub-Topic
Environment	Open Space Requirements

Policy Question

Parkland, civic space and open space requirements. No questions listed.

Current Code or Policy

Current Code requires parkland dedication in the form of fees or land or a combination (25-1-601), as well as common open space on commercial projects greater than two acres in size. The composition of common open spaces is stated in Subchapter E Design Standards and Mixed Use Article 2.7.

CodeNEXT Draft 3

Draft 3 (addenda) requires Common Open Space on projects 2 acres or larger in some House Scale zones; RM zones with more than 10 units; MU zones except for MU1 A and B; MS zones, and Regional zones. It requires Civic Space on projects 4 acres or larger in some House Scale, RM MU, and regional zones. Civic space is not required in MS zones. 23-4C-1030 (B) states that civic spaces or land dedicated for parks may be used to meet Common Open Space requirements. (ie. common can double as civic or parkland if it meets civic or parkland requirements also)

Location in Code
Division 23-4C-2: Civic Open Space
Division 23-4C-1: Large Site Requirements

PC Recommendation

Motion 27:
In Section 23-4C-1010, create (B)(1) and (2) instead of (C) and (D), add "and that have a zone that requires it", and strike "four acres" and replace with "eight acres."
In Section 23-4C-1040(B)(3), replace "eight acres" with "twelve acres"

Motion 29:
Remove Section 23-4C-1030 Common Open Space, eliminating the Common Open Space requirements.

Motion 31:
Replace language in Section 23-4C-1040(B)(4) with:
An applicant shall locate each residential lot within:
(a) one-quarter mile of a safe pedestrian travel distance from existing or proposed civic open space if the development is located within the urban core; and
(b) a half mile of a safe pedestrian travel distance from existing or proposed civic open space if the development is located outside of the urban core
Add a definition of "safe pedestrian travel"

Motion 34:
Strike Section 23-4C-2050(D)

Motion 35:
Revise language to: Where appropriate for the nature of the Civic Open Space, the design shall make shade an integral feature for people utilizing the civic space.

Staff Response to PC Recommendation

Motion 27:
PAZ: No. Will reduce opportunities for civic open space.
PARD: Oppose, the combination of this and #29 mean that no open space is required on projects 8 acres and greater.
WPD: Oppose. Will reduce the enhanced natural function provided by larger, contiguous pervious areas. The Green Infrastructure Working Group supported the creation of contiguous areas of pervious cover that also enhance connectivity between sites and serve as desirable public and private open spaces.

Motion 29:
PAZ: Zones that currently have *only* common open space requirements should have common open space replaced with personal open space.
DSD: For those projects that have no other open space requirement, common open space has provided a benefit not otherwise found since it was expanded in the 2013 amendments to Subchapter E (Design Standards). Concur with PAZ.
PARD: The combination of this item and #27 mean that no common open space is required on projects less than 8 acres in size.
WPD: Oppose. Will reduce the enhanced natural function provided by larger, contiguous pervious areas. The Green Infrastructure Working Group supported the creation of contiguous areas of pervious cover that also enhance connectivity between sites and serve as desirable public and private open spaces.

Motion 31:
PAZ: No. Redundant with existing civic open space access requirements.

Motion 35:
WPD: Oppose. The integration of shade into open space, especially through tree plantings, helps reduce urban heat island impacts and integrates nature into the city.

ZAP Recommendation

No recommendation.

Environmental Recommendation

Add setbacks for parks to improve functionality and compatibility; for residential development, add a provision that encourages street frontage or open spaces next to existing or proposed parkland; add "adjacency" regualtions for non-residential development, including regulations that discourage or screen loading docks and service entries from being located next to a park zone, and specify that screening must include vegetation; for subdivisions, add a regulation that lots must not block access to existing or dedicated parkland; for common open space, establish an impervious cover limit of 30 percent; in park deficient areas, clarify that land dedication is the priority or preferred manner of satisfying parkland requirements; ensure that common or civic open space is required for all zoning categories; screening on developments next to a park must include vegetation.

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

EC Recommendation: PARD: Specifically, PARD recommends "adjacency" regulations for lots developing next to a PR Zone. Add language in 23-4D Building Placement tables that would prevent trash, mechanical equipment and loading areas from being placed on the side adjacent to parkland (PR). Also, in order to place open space in the most optimal location, add the following to MU and MS Zones Building Placement Table (2) Additional Setback: Where Civic Space or Parkland is required, additional setback shall be provided if needed to comply with 23-4C-2030. Also, add a (D) to 23-5C-2 (Subdivision) that would require street frontage next to existing or proposed parkland so as not to block access to parkland.

Item Number: IX.B

Topic	Sub-Topic
Environment	Water Quality

Policy Question

Environment and water quality. No questions listed.

Current Code or Policy

For over 30 years, Austin has protected its natural resources through a number of regulatory measures including watershed impervious cover limits, stream and lake buffers, engineered stormwater controls ("ponds"), floodplain protections, cut and fill limits, steep slope protections, erosion and sedimentation control requirements, and protections for critical environmental features.

CodeNEXT Draft 3

Current water quality protection standards are carried forward to CodeNEXT, including the Watershed Protection Ordinance and SOS Ordinance. The new code builds upon this solid foundation with measures to enhance the environmental function and resiliency of sites. It requires sites to use green stormwater infrastructure, which offers a big opportunity to do more with rainfall, create more sustainable developments, and take pressure off our water supply lakes. In addition, Draft 3 also makes improvements to the design of creek crossings, the restoration of soils post-construction, and environmental review for residential building permits.

Location in Code

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation.

Environmental Recommendation

Lower the threshold for a water quality control to 5,000 square feet of impervious cover; current threshold is 8,000 square feet.

Also: Extend cut and fill requirements and construction on slope regulations to developments in the Urban Watershed, and directs staff to develop variance criteria to address cut and fill for foundation systems and underground parking

Also: Asked staff to come up with best management practices for 3-6 unit missing middle housing that includes green stormwater infrastructure practices that are visible, such as porous pavement or rainwater harvesting systems, even if the 3 to 6 unit developments are proposed for lots previously zoned for single-family residential.

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

EC Recommendation #1: WPD: 5,000 square feet was the staff recommendation in the 2013 Watershed Protection Ordinance. However, Council adjusted the threshold to 8,000 square feet on the dais. Staff would support changing the threshold back to 5,000 square feet, consistent with national best practice and Austin's own site plan threshold.

EC Recommendation #2: WPD: Staff supports extending cut and fill requirements and construction on slope regulations to Urban watersheds. Only affects about 4% of land area (so little impact to most sites), but sites affected are steep and would benefit from increased protections. This would be a shift in existing policy from the Urban Watersheds Ordinance and SMART Growth policies. Will need to discuss the differences between the Drinking Water Protection Zone (4 ft maximum cut and fill) and Suburban Watersheds (up to 8 ft administrative cut and fill). NHCD: The Affordability Impact Statement (AIS) on Draft 3 indicated that new environmental standards may increase housing costs by increasing development costs and decreasing buildable site area. The AIS also acknowledged that these upfront housing cost increases may be off-set in the future by long-term savings associated with the preservation of life and property due to new flood mitigation standards, lower maintenance costs for green water quality controls, and potential savings from reduced water usage for landscaping.

EC Recommendation #3: DSD: Opposed. Would require additional review staff and increase review fees. WPD: Disagree. To accomplish the Imagine Austin goal of providing a wider diversity of housing types, staff from multiple departments collaborated to develop a streamlined path for "missing middle" residential projects that maintain impervious cover and resulting environmental/drainage impacts at current levels. Under the Draft 3 proposal, a 3 - 6 unit project is eligible for this streamlined process only if it is residentially platted (e.g., the subdivision has already gone through drainage/environmental review) and does not propose more than 45% impervious cover (the same limit as a 1 - 2 unit project). Since this 3 - 6 unit product it is indistinguishable from a 1 - 2 unit product from a drainage and environmental perspective, staff believes that there is no justification to increase requirements over what is required for 1 - 2 units. The additional cost to provide GSI onsite could disincentivize 3 - 6 unit products in favor of 1 - 2 unit products. WPD plans to evaluate the use of onsite GSI for individual residential lots, but at present, workable solutions to permit, inspect, and ensure maintenance and permanent existence have not been established. NHCD: Concur with Watershed Staff Response. The Affordability Impact Statement (AIS) on Draft 3 indicated that new environmental standards may increase housing costs by increasing development costs and decreasing buildable site area. The AIS also acknowledged that these upfront housing cost increases may be offset in the future by long-term savings associated with the preservation of life and property due to new flood mitigation standards, lower maintenance costs for green water quality controls, and potential savings from reduce water usage for landscaping.

EC Recommendation #4: WPD: WPD has collaborated with Austin Water throughout CodeNEXT and will continue to do so. WPD staff support the proposed GSI code improvements, which increase ecological and social benefits (water conservation, urban heat island mitigation, integration of stormwater controls with landscaping, etc.). Beneficial use is effectively built in to the use of GSI controls and does not require a separate beneficial use component (as originally proposed in CodeNEXT Draft 1). Water Forward will consider additional solutions which would likely be implemented as part of the Building and/or Plumbing Codes (and not necessarily the Land Development Code). AWU: Austin Water is collaborating with other City Departments relative to City initiatives including a focus on those with integrated water resource management synergies and will continue to do so. Austin Water will continue to work cooperatively to maximize the collective impact of City Initiatives.

Item Number: IX.C

Topic	Sub-Topic
Environment	Infrastructure

Policy Question

Integrated Green Infrastructure Plan. No questions listed.

Current Code or Policy

The Integrated Green Infrastructure Plan will not be completed before the adoption of CodeNEXT. Recommend referencing Imagine Austin as the guiding document, with a specific focus on the policies and actions recommended for the green infrastructure priority program. Current code has extensive protections for Austin’s green infrastructure network, including waterway setbacks, sensitive feature protection, parkland dedication, impervious cover limits, landscape requirements, and tree preservation.

CodeNEXT Draft 3

In addition to protecting the existing network of green infrastructure, the new code will work to promote additional green infrastructure and further integrate nature into the city. The new code will distribute landscape elements throughout a site, enhance ecosystem service benefits, foster the beneficial use of stormwater, and capitalize on existing vegetation, trees, soils, and other natural features. In addition, the new code will require green stormwater infrastructure, which offers a big opportunity to do more with rainfall, create more sustainable developments, and take pressure off our water supply lakes.

Location in Code

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation.

Environmental Recommendation

Asked staff to work to align and clearly demonstrate connections and synergies between the following plans and tools and the final draft of the Land Development Code: the Austin Water Forward Plan, the Integrated Green Infrastructure Plan, the proposed Functional Green Program, the City’s Resilience Plan, the Long Range Parks Plan, the Equity Tool, Project Connect, the Strategic Mobility Plan, and the Austin Strategic Housing Blueprint.

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

EC Recommendation: WPD: Agree. Staff endeavors to align these initiatives to the extent feasible within assigned timelines.

Item Number: IX.D

Topic	Sub-Topic
Environment	Dark Skies

Policy Question

Dark Skies initiative (flood lighting on facades). No questions listed.

Current Code or Policy

Current code does not address the dark skies initiative specifically, but it requires specific types of lighting to be fully shielded or cut off and has specific standards for illuminating buildings.

CodeNEXT Draft 3

Draft 3 does not address the dark skies initiative specifically, but it includes standards for shielding and cutting off outdoor lighting. With a few exceptions, light fixtures are required to be fully shielded and cut off; there are specific standards for illuminating buildings, signs, and flags.

Location in Code
Division 23-4E-2: Outdoor Lighting

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation

Environmental Recommendation

Staff draft provisions to address sound and light pollution and weigh safety considerations

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

EC Recommendation: WPD: Neutral

Item Number: IX.E

Topic	Sub-Topic
Environment	Functional Green

Policy Question

“Functional Green” tools (green roofs and walls, stormwater collection and re-use, rain gardens). No questions listed.

Current Code or Policy

CodeNEXT Draft 3

Location in Code

PC Recommendation

No recommendation.

Staff Response to PC Recommendation

N/A

ZAP Recommendation

No recommendation

Environmental Recommendation

Direct staff to develop a program to apply the Functional Green Scoring system to all landscapes, regardless of impervious cover, to ensure that we are maximizing the benefits to be achieved via landscaping requirements and to achieve simplicity and consistency; Revise the width of landscape buffers for compatibility setbacks as follows: (a) Intermittent visual obstruction: 15 feet, (b) Semi-opaque: 15 feet, (c) Opaque: 15 feet; Remove details regarding plant quantities from the draft Code and move to criteria manual; Coordinate with the Water Forward Taskforce to incorporate recommendations that further incentivize beneficial reuse of non potable water and reduce water demand, including requirements for auxiliary water use and beneficial reuse of stormwater for irrigation, with consideration for the need to use potable water during dry periods, especially to help establish new or young vegetation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

EC Recommendation: DSD: Agree
WPD: Staff supports coordination with the Water Forward Task Force to incentivize beneficial reuse of stormwater and reduce potable water demand. Staff is neutral on non-water- related recommendations.
NHCD: The Affordability Impact Statement (AIS) on Draft 3 indicated that new environmental standards may increase housing costs by increasing development costs and decreasing buildable site area. The AIS also acknowledged that these upfront housing cost increases may be off-set in the future by long-term savings associated with the preservation of life and property due to new flood mitigation standards, lower maintenance costs for green water quality controls, and potential savings from reduced water usage for landscaping.

AWU: Austin Water is collaborating with other City Departments relative to City initiatives including a focus on those with integrated water resource management synergies and will continue to do so. Austin Water will continue to work cooperatively to maximize the collective impact of City Initiatives

Item Number: IX.F

Topic	Sub-Topic
Environment	Open Space Requirements

Policy Question

Open space requirements. No questions listed.

Current Code or Policy

Current Code requires parkland dedication in the form of fees or land or a combination (25-1-601), as well as common open space on commercial projects greater than two acres in size. The composition of common open spaces is stated in Subchapter E Design Standards and Mixed Use Article 2.7.

PC Recommendation

Motion 27:
In Section 23-4C-1010, create (B)(1) and (2) instead of (C) and (D), add "and that have a zone that requires it", and strike "four acres" and replace with "eight acres."
In Section 23-4C-1040(B)(3), replace "eight acres" with "twelve acres"

Motion 29:
Remove Section 23-4C-1030 Common Open Space, eliminating the Common Open Space requirements.

Motion 31:
Replace language in Section 23-4C-1040(B)(4) with:
An applicant shall locate each residential lot within:
(a) one-quarter mile of a safe pedestrian travel distance from existing or proposed civic open space if the development is located within the urban core; and
(b) a half mile of a safe pedestrian travel distance from existing or proposed civic open space if the development is located outside of the urban core
Add a definition of "safe pedestrian travel"

Motion 34:
Strike Section 23-4C-2050(D)

Motion 35:
Revise language to: Where appropriate for the nature of the Civic Open Space, the design shall make shade an integral feature for people utilizing the civic space.

Staff Response to PC Recommendation

Motion 27:
PAZ: No. Will reduce opportunities for civic open space.
PARD: Oppose because the combination of Motion 27 and #29 mean that no open space is required on projects less than 8 acres in size.
WPD: Oppose. Will reduce the enhanced natural function provided by larger, contiguous pervious areas. The Green Infrastructure Working Group supported the creation of contiguous areas of pervious cover that also enhance connectivity between sites and serve as desirable public and private open spaces.

Motion 29:
PAZ: Zones that currently have *only* common open space requirements should have common open space replaced with personal open space.
DSD: For those projects that have no other open space requirement, common open space has provided a benefit not otherwise found since it was expanded in the 2013 amendments to Subchapter E (Design Standards). Concur with PAZ.
PARD: The combination of Motion #29 and #27 mean that no common open space is required on projects less than 8 acres in size.
WPD: Oppose. Will reduce the enhanced natural function provided by larger, contiguous pervious areas. The Green Infrastructure Working Group supported the creation of contiguous areas of pervious cover that also enhance connectivity between sites and serve as desirable public and private open spaces.

Motion 31:
PAZ: No. Redundant with existing civic open space access requirements.

Motion 35:
WPD: Oppose. The integration of shade into open space, especially through tree plantings, helps reduce urban heat island impacts and integrates nature into the city.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Location in Code
23-4C-1040 Civic Open Space
23-4C-1010 Applicability

Item Number: **X.A**

Topic	Sub-Topic
Process After Adoption	

Policy Question

Should Council establish a period before the new Land Development Code becomes effective during which city staff will test the code and bring the results to Council for review?

Current Code or Policy

N/A

CodeNEXT Draft 3

Location in Code
N/A

PC Recommendation

Motion 1:
General Policy Guidelines
1. Establish triage points after the Council adopts the codes such as quarterly check-ins as problems are found with code language. Problems first are revisited by Planning Commission and then Council.
2. Complete rework of the Plan to Plan including transitions, centers, TODs, and Neighborhood Plans. Following the adoption of CodeNEXT, Land Use Commission revisit the Imagine Austin Centers and Corridors.
3. Process to phase out F25 with stakeholder input regarding items such as Conditional Overlays, TODs, etc. Process to be revisited by Planning Commision and then Council.
4. Prior to the Code being enacted, test and model the code in a wide-range of development scenarios with stakeholder participation, and testing of the financial impacts of the Code, including additional staffing needs, development fee increases, Density Bonus Program resources, and a quantified effect of working in two codes. Staff and consultants to prepare a Report Card of the Planning Commission mapping recommendations. After the Code has been implemented, additional testing to help inform the triage process and measure if the added density is delivering. the anticipated affordable units.
5. Entire Code needs to be reviewed by a Master Editor prior to adoption
6. Planning Commission Recommendation is the starting point for Council Review.
7. Land Use Commission's recommendation is shown to Council by each Division. Prior to the Code adoption, Staff to show Council what major elements of Title 25 are not being included in CodeNEXT.
8. Performance mechanisms be identified by PC and staff to show the success and failures of the Code, particularly as it relates to Affordable Housing, displacement, demolition, review times/ permitting, and Imagine Austin Performance Indicators.
9. Staff and Council explore methods to capture the added value of the added density along corridors to help finance transit projects along corridors.

Staff Response to PC Recommendation

Motion 1:
1. Staff anticipates that amendments will be needed after adoption.
2. Oppose
3. Oppose
4. Staff anticipates testing after the code is adopted (before it is effective).
5. Do not oppose
6. Do not oppose
7. Do not oppose
8. Do not oppose, but it will take many years of on-the-ground changes to make this evaluation.
9. Do not oppose

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Item Number: **X.A.1**

PC Recommendation

Staff Response to PC Recommendation

Topic	Sub-Topic
Process After Adoption	

Policy Question

What testing has occurred to date and how have the results been used and reported?

Current Code or Policy

ZAP Recommendation

Environmental Recommendation

CodeNEXT Draft 3

Historic Landmark Recommendation

Staff Response to B & C

Location in Code

Item Number: **X.A.2**

Topic	Sub-Topic
Process After Adoption	

Policy Question

What opportunities should be available to involve public stakeholders in the testing process?

Current Code or Policy

N/A

CodeNEXT Draft 3

Location in Code

PC Recommendation

Motion 1:
General Policy Guidelines
1. Establish triage points after the Council adopts the codes such as quarterly check-ins as problems are found with code language. Problems first are revisited by Planning Commission and then Council.
2. Complete rework of the Plan to Plan including transitions, centers, TODs, and Neighborhood Plans. Following the adoption of CodeNEXT, Land Use Commission revisit the Imagine Austin Centers and Corridors.
3. Process to phase out F25 with stakeholder input regarding items such as Conditional Overlays, TODs, etc. Process to be revisited by Planning Commision and then Council.
4. Prior to the Code being enacted, test and model the code in a wide-range of development scenarios with stakeholder participation, and testing of the financial impacts of the Code, including additional staffing needs, development fee increases, Density Bonus Program resources, and a quantified effect of working in two codes. Staff and consultants to prepare a Report Card of the Planning Commission mapping recommendations. After the Code has been implemented, additional testing to help inform the triage process and measure if the added density is delivering. the anticipated affordable units.
5. Entire Code needs to be reviewed by a Master Editor prior to adoption
6. Planning Commission Recommendation is the starting point for Council Review.
7. Land Use Commission's recommendation is shown to Council by each Division. Prior to the Code adoption, Staff to show Council what major elements of Title 25 are not being included in CodeNEXT.
8. Performance mechanisms be identified by PC and staff to show the success and failures of the Code, particularly as it relates to Affordable Housing, displacement, demolition, review times/ permitting, and Imagine Austin Performance Indicators.
9. Staff and Council explore methods to capture the added value of the added density along corridors to help finance transit projects along corridors.

Staff Response to PC Recommendation

Motion 1:
1. Staff anticipates that amendments will be needed after adoption.
2. Oppose
3. Oppose
4. Staff anticipates testing after the code is adopted (before it is effective).
5. Do not oppose
6. Do not oppose
7. Do not oppose
8. Do not oppose, but it will take many years of on-the-ground changes to make this evaluation.
9. Do not oppose

ZAP Recommendation

Environmental Recommendation

Historic Landmark Recommendation

Staff Response to B & C

Item Number: **X.A.3**

PC Recommendation

Staff Response to PC Recommendation

Topic	Sub-Topic
Process After Adoption	

Policy Question

What is the process for map and text amendments during this testing period?

Current Code or Policy

Current code requires either Planning Commission or Council to initiate text amendments.

Map amendments may be initiated by land use commission, Historic Landmark Commission (H zoning), Council, or applicant.

ZAP Recommendation

Environmental Recommendation

CodeNEXT Draft 3

Draft 3 of CodeNEXT also requires any text amendments to be initiated by Planning Commission or Council.

Map amendments may be initiated by land use commission, Historic Landmark Commission (H zoning), Council, or applicant.

Historic Landmark Recommendation

Staff Response to B & C

Location in Code

Item Number: **X.B**

PC Recommendation

Staff Response to PC Recommendation

Topic	Sub-Topic
Process After Adoption	

Policy Question

Should Council establish a time period of at least 6 months after final adoption before the new Land Development code takes effect?

Current Code or Policy

N/A

ZAP Recommendation

Environmental Recommendation

CodeNEXT Draft 3

Historic Landmark Recommendation

Staff Response to B & C

Location in Code

Item Number: **X.B.1**

Topic	Sub-Topic
Process After Adoption	

Policy Question

What process should Council establish for implementation of the code, over what timeframe?

Current Code or Policy

N/A

CodeNEXT Draft 3

Location in Code

PC Recommendation

Motion 1:
General Policy Guidelines
1. Establish triage points after the Council adopts the codes such as quarterly check-ins as problems are found with code language. Problems first are revisited by Planning Commission and then Council.
2. Complete rework of the Plan to Plan including transitions, centers, TODs, and Neighborhood Plans. Following the adoption of CodeNEXT, Land Use Commission revisit the Imagine Austin Centers and Corridors.
3. Process to phase out F25 with stakeholder input regarding items such as Conditional Overlays, TODs, etc. Process to be revisited by Planning Commision and then Council.
4. Prior to the Code being enacted, test and model the code in a wide-range of development scenarios with stakeholder participation, and testing of the financial impacts of the Code, including additional staffing needs, development fee increases, Density Bonus Program resources, and a quantified effect of working in two codes. Staff and consultants to prepare a Report Card of the Planning Commission mapping recommendations. After the Code has been implemented, additional testing to help inform the triage process and measure if the added density is delivering. the anticipated affordable units.
5. Entire Code needs to be reviewed by a Master Editor prior to adoption
6. Planning Commission Recommendation is the starting point for Council Review.
7. Land Use Commission's recommendation is shown to Council by each Division. Prior to the Code adoption, Staff to show Council what major elements of Title 25 are not being included in CodeNEXT.
8. Performance mechanisms be identified by PC and staff to show the success and failures of the Code, particularly as it relates to Affordable Housing, displacement, demolition, review times/ permitting, and Imagine Austin Performance Indicators.
9. Staff and Council explore methods to capture the added value of the added density along corridors to help finance transit projects along corridors.

Staff Response to PC Recommendation

Motion 1:
1. Staff anticipates that amendments will be needed after adoption.
2. Oppose
3. Oppose
4. Staff anticipates testing after the code is adopted (before it is effective).
5. Do not oppose
6. Do not oppose
7. Do not oppose
8. Do not oppose, but it will take many years of on-the-ground changes to make this evaluation.
9. Do not oppose

ZAP Recommendation

Environmental Recommendation

Historic Landmark Recommendation

Staff Response to B & C

Item Number: **X.B.2**

PC Recommendation

Staff Response to PC Recommendation

Topic	Sub-Topic
Process After Adoption	

Policy Question

What process should Council establish for amending the code as we go into the future?

Current Code or Policy

Current code requires either Planning Commission or Council to initiate text amendments.

ZAP Recommendation

Environmental Recommendation

CodeNEXT Draft 3

Draft 3 of CodeNEXT also requires any text amendments to be initiated by Planning Commission or Council.

Historic Landmark Recommendation

Staff Response to B & C

Location in Code

Item Number: **X.C**

Topic	Sub-Topic
Process After Adoption	

Policy Question

What process should Council establish for development of Criteria Manuals?

Current Code or Policy

The Technical Criteria Manuals are administrative and not in the land development code. Amendments to the criteria manuals are adopted by rule with a process that includes a robust internal and external stakeholder process.

CodeNEXT Draft 3

The Technical Criteria Manuals are administrative and not in the land development code. Amendments to the criteria manuals are adopted by rule with a process that includes a robust internal and external stakeholder process.

Location in Code

PC Recommendation

Motion 104:
Recommend approval of Chapter 23-11 with amendments previously approved and the following additional changes:
1. Technical Criteria Manuals go through a public process that are ultimately discussed at Planning Commission and possibly Council

Staff Response to PC Recommendation

DSD: Do not recommend. The Technical Criteria Manuals are administrative. The process for amending them includes a public stakeholder process.

ZAP Recommendation

Environmental Recommendation

Historic Landmark Recommendation

Staff Response to B & C