

## April 23, 2019 Planning Commission Q&A Report

7. **Rezoning:** [C14-2018-0141 - 1907 Inverness Zoning Change; District 5](#)  
Location: 1907 Inverness Boulevard, Williamson Creek Watershed; South Austin Combined (South Manchaca) NP Area  
Owner/Applicant: Marquee Investments, LLC (Alex Bahrami)  
Agent: Austex Building Consultants (Jonathan Perlstein)  
Request: SF-3-NP to NO-MU-NP, as amended  
Staff Rec.: **Recommended**  
Staff: [Wendy Rhoades](#), 512-974-7719  
Planning and Zoning Department

Question: Commissioner Schneider

- Since this was last before the PC, have there been discussions between the neighbors and the owner/developer? What has been the outcome of those discussions?
- There were concerns raised that there may be numerous code violations at the proposed property, have those concerns been addressed?
- Has there been a change in the opposition to the proposed change from the neighbors? Is there a valid petition in place and if so can you explain what that means for approval at the PC or the council?

Answer: Staff

1. Discussions between the Owner and Agent and the neighbors have not occurred since the last Planning Commission meeting on February 26, 2019.
2. The Owner and Agent provided a survey of the Property with impervious cover figures (61.2% of the property), but to my knowledge they have not done background work to start addressing the code violations, and have not been in contact with the Code Department.
3. The neighbors remain opposed to the proposed rezoning to the NO-MU-NP district. The valid petition remains at 33.34% and is informational to the Planning Commission. At final readings of the rezoning ordinance at Council, 9 out of 11 Council members must vote in favor of the rezoning change to NO-MU-NP in order for the case to be approved. This case is listed on Council's April 25th agenda, however, Staff is requesting postponement to May 9th in order to have adequate time to re-compile the backup that will be forwarded to Council.

7. CodeAmendment: [C20-2019-006 - Residential Affordable Housing Development Bonus Program](#)

Request: Consider an ordinance amending Title 25 of the Land Development Code that establishes a residential affordable housing development bonus program and authorizes certain modifications, waivers, and requirements related to site development requirements; and discuss and consider modified site plan requirements for certain residential affordable housing developments.

Staff Rec.: **Recommended**

Staff: [Lauren Avioli](#), 512-974-3141

Neighborhood Housing and Community Development Department

Question: Commissioner Shaw

**Building Forms on Single Family Zoned Lots**

The draft ordinance does not specify allowable building forms for residential and commercial zones. For residentially zoned lots such as SF-2 and SF-3, which make-up most of the residential neighborhoods within the urban core, building forms include single family and duplexes as allowed under current code if 100% affordable. If not 100% affordable, the resolution calls for a minimum of 3 units which could include building forms such as 3 or more units on a lot, multiplexes, townhouses, and cottage buildings. Below are examples of building types that seem to be permitted within SF2 and SF3 zones.

The ordinance allows additional units on SF2 and SF3 properties without subdivision, but this would not allow for separate ownership of the individual units. Only SF5, SF6 and MF zones allow for condominiums. Therefore, to increase opportunities for home ownership, SF2 and SF3 lots would need to be subdivided or re-zoned to allow for condominiums. Furthermore, *25-2 Zoning, Subchapter C – Use and Development Regulations, Article 4 Additional Requirements for Certain Uses* places additional requirements such site size, lot size, minimum distance from similar uses, and maximum number of units per lot, which are not waived under this ordinance and would restrict use of townhouses and multiple units on a single lot.

Question 1 – Under this draft ordinance, what types of building forms would be allowed on currently zoned SF2 and SF3 zoned lots given the additional code requirements controlling development on residential lots?

Question 2- What types of development would allow for ownership of individual units on SF2 and SF3 properties under this draft ordinance?

Question 3 – Does staff recommend any additional code changes to both ensure these amendments will result in additional affordable units, especially additional units for home ownership on SF2 and SF3 zoned properties?

**Resolution Directive to Review Options for Transitions between Properties**

The draft ordinance waives current compatibility requirements including height and setbacks. The resolution also directs the Planning Commission to review setbacks/buffers and other options to address transitions between adjacent properties.

Question 1- What setbacks/buffers and other options to address transitions between development with increased density under this draft ordinance and existing single family residences would staff recommend based on current best practices?

Question 2 – Follow-up to previous question, what would be the triggers such as height, number of units or non-residential uses for these optional measures?

Question 3 – Would staff support compatibility design requirements from the East Austin Corridor Plan including screening of waste receptacles, landscape buffers, hooding or shielding of exterior lighting, noise limits, location of waste receptacles, design of off-street parking?

Question 4 – Following up to previous question, if so, what would be the triggers for these additional design requirements?

### **Affordable Housing in High Opportunity Areas**

The Council acknowledges that Planning Commission may recommend modifications to the amendments described in this resolution to best achieve the goals in Imagine Austin. Within the resolution, Council establishes the priority for increasing affordable housing in High Opportunity Areas as specified in the Strategic Housing Blueprint Implementation Plan. However, the resolution does not provide any measures to incentivize affordable development in these areas.

Question 1 – What modifications to this draft ordinance can be made to meet the Council priority for prioritizing affordable housing within High Opportunity Areas?

### **Distance from Imagine Austin Activity Corridors**

25-1-722 Eligibility (C)(4) allows additional entitlements when the development is within ¼ mile of an activity corridor and served by a bus or transit line.

Question 1 – With recent approval of Austin Strategic Mobility Plan, should this language be modified to include the Transit Priority Network roadways that are served by bus or transit?

Question 2 – Because this is clearly intended to place affordable housing within walking distance of transit, should the ¼ mile distance defined more specifically as “walkable” or “accessible by pedestrians”?

Question 3 – Would staff recommend that all new developments under this ordinance within the ¼ mile provide sidewalks to increase walkability to corridors with transit?

### **Site Plan Review Process and Drainage Criteria**

During Council deliberations on site plan review requirements, Council was clear that they wanted a site plan process similar to what is required for current levels of residential development but that included the same criteria for drainage. The draft ordinance proposed to accomplish this by allowing projects meeting the affordability requirements under these amendments to be treated as Small Projects per 25-5-3.

Question 1 – Does the process for site plan approval under 25-5-3 require that drainage for developments meet current criteria for drainage review which require storm water controls for developments with 3 or more units?

Question 2 – Watershed Department staff said that impervious cover is the only criteria impacting drainage from a development. Wouldn't the location and orientation of structures on a lot also impact the drainage from a site?

Question 3 – Does Watershed Department staff recommend changes to the drainage requirements to prevent flooding including localized flooding in conjunction with ordinances such as this which increase actual density? At a minimum, please include benefits and importance of requirements such as 1) new development and redevelopment treating storm water for the total amount of impervious cover (no grand-fathering for existing impervious cover which brings older development in conformance with latest flood control requirements) and 2) "residential heavy" changes previously proposed and 3) proposed Atlas 14 amendments.

### **ADA Parking**

Council was clearly concerned that ADA parking be provided for developments under this ordinance. The draft ordinance under 25-6-471 OFF-STREET PARKING FACILITY REQUIRED addresses ADA parking.

Question 1 – What are the applicable federal, state and local requirements for ADA parking?

Question 2 – What are the specific requirements for residential development ADA parking?

Question 3 - Does current code allow developers to meet the ADA parking requirements by providing off-site parking?

Question 4 – How does providing ADA parking off-site provide for the parking needs of individuals with disabilities as opposed to having parking near their residence?

Question 5 – Would the needs of those with disabilities be better met by requiring these affordable developments provide on-site, off-street parking based on the number of ADA parking spaces that would be required if development complied with the current code?

Answer: Staff, see attachment Staff Responses to Commissioner Shaw

Staff Responses to Commissioner Shaw

Topic	Info	Question	Response
<p>Building Forms on Single Family Zoned Lots</p>	<p>The draft ordinance does not specify allowable building forms for residential and commercial zones. For residentially zoned lots such as SF-2 and SF-3, which make-up most of the residential neighborhoods within the urban core, building forms include single family and duplexes as allowed under current code if 100% affordable. If not 100% affordable, the resolution calls for a minimum of 3 units which could include building forms such as 3 or more units on a lot, multiplexes, townhouses, and cottage buildings. Below are examples of building types that seem to be permitted within SF2 and SF3 zones.</p> <p>The ordinance allows additional units on SF2 and SF3 properties without subdivision, but this would not allow for separate ownership of the individual units. Only SF5, SF6 and MF zones allow for condominiums. Therefore, to increase opportunities for home ownership, SF2 and SF3 lots would need to be subdivided or re-zoned to allow for condominiums. Furthermore, 25-2 Zoning, Subchapter C – Use and Development Regulations, Article 4 Additional Requirements for Certain Uses places additional requirements such site size, lot size, minimum distance from similar uses, and maximum number of units per lot, which are not waived under this ordinance and would restrict use of townhouses and multiple units on a single lot.</p>	<p>Question 1 – Under this draft ordinance, what types of building forms would be allowed on currently zoned SF2 and SF3 zoned lots given the additional code requirements controlling development on residential lots?</p>	<p>As stated in the Draft Ordinance Section 25-1-720 (D), the Residential Affordable Housing Development Bonus Program (Bonus Program) will govern over any conflicting provisions. As multi-family is not an allowed use in the SF zones, the allowed density within the Bonus Program will govern and multi-family use will be allowed. Building form is not specified beyond what is specified in the Land Development Code.</p> <p>Code Sections that are not in conflict with the Bonus Program will still apply. For instance, a Townhouse use will still be required to be on separate lots per Section 25-2-775, and Condominium Residential Use will still have a minimum site area of 14,000 sq. ft per 25-2-776. However, townhome-like buildings intended as a multifamily use are permitted, and condo regimes are permitted as a financial structure for homeownership.</p>
		<p>Question 2- What types of development would allow for ownership of individual units on SF2 and SF3 properties under this draft ordinance?</p>	<p>Housing types conducive to ownership generally include single family detached homes, townhomes, and multifamily structures with condo regimes. The proposed ordinance does not specify particular building types beyond what is currently allowed in the Land Development Code. A participant in the program could use the enhanced entitlements to build the type of structure that is best for the characteristics of the lot on which they are building, the residents they are trying to serve, and the project's financing structure. Staff expect that some participants will create ownership product using this proposed program for inclusion in their existing Community Land Trust or shared equity programs.</p>
		<p>Question 3 – Does staff recommend any additional code changes to both ensure these amendments will result in additional affordable units, especially additional units for home ownership on SF2 and SF3 zoned properties?</p>	<p>While staff cannot ensure the result of additional affordable units, staff would support waiving any underlying minimum site area requirements under 25-2 Zoning, Subchapter C – Use and Development Regulations, Article 4 - Additional Requirements for Certain Uses. This would allow more flexibility in what uses could be applied in the SF zones.</p>
<p>Resolution Directive to Review Options for Transitions between Properties</p>	<p>The draft ordinance waives current compatibility requirements including height and setbacks. The resolution also directs the Planning Commission to review setbacks/buffers and other options to address transitions between adjacent properties.</p>	<p>Question 1- What setbacks/buffers and other options to address transitions between development with increased density under this draft ordinance and existing single family residences would staff recommend based on current best practices?</p>	<p>To help provide a transition without compromising the intent of the Ordinance, staff would support the inclusion of a 5-10 foot landscape buffer, starting at the property line. Staff recommend that this landscape buffer only be triggered when the development exceeds the base zone height.</p>
		<p>Question 2 – Follow-up to previous question, what would be the triggers such as height, number of units or non-residential uses for these optional measures?</p>	<p>See response to Question 1 on Resolution Directive to Review Options for Transitions Between Properties.</p>
		<p>Question 3 – Would staff support compatibility design requirements from the East Austin Corridor Plan including screening of waste receptacles, landscape buffers, hooding or shielding of exterior lighting, noise limits, location of waste receptacles, design of off-street parking?</p>	<p>Staff would support the inclusion of the following design requirements:</p> <ul style="list-style-type: none"> <li>- Waste receptacles must be enclosed and location approved by DSD</li> <li>- Waste collection restriction of hours (ERC 4.2.4 D.5.c)</li> <li>- Screening of mechanical equipment (ERC 4.7.2 A and B)</li> <li>- Light shielding (ERC 4.2.4 D.4.b.i-iv)</li> <li>- Landscape buffer as described in Question 1 on Resolution Directive to Review Options for Transitions Between Properties</li> </ul>
		<p>Question 4 – Following up to previous question, if so, what would be the triggers for these additional design requirements?</p>	<p>With the exception of the landscape buffer, staff support the other design requirements be required for all developments.</p>

Topic	Info	Question	Response
Affordable Housing in High Opportunity Areas	The Council acknowledges that Planning Commission may recommend modifications to the amendments described in this resolution to best achieve the goals in Imagine Austin. Within the resolution, Council establishes the priority for increasing affordable housing in High Opportunity Areas as specified in the Strategic Housing Blueprint Implementation Plan. However, the resolution does not provide any measures to incentivize affordable development in these areas.	Question 1 – What modifications to this draft ordinance can be made to meet the Council priority for prioritizing affordable housing within High Opportunity Areas?	Allowing the ordinance to apply in any commercial or residential zone, overlay, or regulating plan provides opportunities for achieving affordable housing in amenity-rich areas, rather than restricting the program to specific parts of town, as is done with current density bonus programs. Because land costs tend to be higher in areas of higher opportunity, the City can offer 2018 affordable housing bond funding or other types of funding to enable affordable housing providers to obtain sites in high opportunity areas for affordable housing (see the resolution's purpose statement on pg 4). The City will infuse this subsidy into projects through its existing gap financing programs (Rental Housing Development & Ownership Housing Development Assistance) or through the new bond-funded land acquisition program. For more information on these programs, see the Austin Strategic Housing Blueprint Implementation Briefing Book ( <a href="http://www.austintexas.gov/housingblueprint">http://www.austintexas.gov/housingblueprint</a> ).
Distance from Imagine Austin Activity Corridors	25-1-722 Eligibility (C)(4) allows additional entitlements when the development is within ¼ mile of an activity corridor and served by a bus or transit line.	<p>Question 1 – With recent approval of Austin Strategic Mobility Plan, should this language be modified to include the Transit Priority Network roadways that are served by bus or transit?</p> <p>Question 2 – Because this is clearly intended to place affordable housing within walking distance of transit, should the ¼ mile distance defined more specifically as “walkable” or “accessible by pedestrians”?</p> <p>Question 3 – Would staff recommend that all new developments under this ordinance within the ¼ mile provide sidewalks to increase walkability to corridors with transit?</p>	<p>ATD agrees that with the adoption of the ASMP, it is important to allow for right-sized density both within ¼ mile of Imagine Austin Activity Corridors served by a bus or transit line as well as within ¼ mile of Transit Priority Network roadways to help facilitate efficient and reliable transit available to individuals of all incomes.</p> <p>The S.M.A.R.T. Housing program contains a similar criterion for transit access and measures this by walking distance from the site to the nearest transit route. Staff are supportive of the addition of "walking distance" to maintain consistency with the S.M.A.R.T. Housing program code language.</p> <p>Staff recognize the need for accessible routes to transit; however, staff do not recommend requiring affordable housing providers to construct sidewalks to transit corridors as a condition of the proposed program. To do so would reduce the viability of more sites for affordable housing. Staff do recommend further coordination among the Neighborhood Housing, Austin Transportation, and Public Works departments per LDC 25-1-702 (B), which enables Neighborhood Housing to work with these departments to update sidewalk prioritization in conjunction with the Sidewalk Master Plan and identify new needs for construction of sidewalks around affordable housing developments. Staff also recommend reporting out on these efforts as part of the annual review called for in Resolution 20190221-027.</p>
Site Plan Review Process and Drainage Criteria	During Council deliberations on site plan review requirements, Council was clear that they wanted a site plan process similar to what is required for current levels of residential development but that included the same criteria for drainage. The draft ordinance proposed to accomplish this by allowing projects meeting the affordability requirements under these amendments to be treated as Small Projects per 25-5-3.	<p>Question 1 – Does the process for site plan approval under 25-5-3 require that drainage for developments meet current criteria for drainage review which require storm water controls for developments with 3 or more units?</p> <p>Question 2 – Watershed Department staff said that impervious cover is the only criteria impacting drainage from a development. Wouldn't the location and orientation of structures on a lot also impact the drainage from a site?</p>	<p>Reviewing a development as a small project site plan under LDC 25-5-3 (<i>Small Projects</i>) does not in itself change the drainage standards that the development must meet; a development reviewed as a small project would be subject to the same code requirements as a development reviewed through the standard site plan process. However, the requested modified site plan process for qualifying Affordable Housing Bonus Program projects is still under development and will be brought forward separate from this draft ordinance. Streamlining the review process may require waiving or modifying the applicable drainage standards. Staff need more time to identify the key code requirements and associated review procedures necessary to implement a review process that more closely resembles residential building permit review while minimizing potential drainage impacts.</p> <p>Correct. The connectedness of impervious cover and direction of stormwater runoff can alter drainage patterns such that concentrated off-site flows result in lot-to-lot flooding impacts. Staff will consider ways to minimize potential lot-to-lot drainage impacts when designing a streamlined review process for qualifying Affordable Housing Bonus Program projects.</p>

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		<p>Question 3 – Does Watershed Department staff recommend changes to the drainage requirements to prevent flooding including localized flooding in conjunction with ordinances such as this which increase actual density? At a minimum, please include benefits and importance of requirements such as 1) new development and redevelopment treating storm water for the total amount of impervious cover (no grand-fathering for existing impervious cover which brings older development in conformance with latest flood control requirements) and 2) “residential heavy” changes previously proposed and 3) proposed Atlas 14 amendments.</p>	<p>Staff continue to evaluate options to minimize potential flooding and environmental impacts for qualifying Affordable Housing Bonus Program projects that proceed under a modified site plan review process.</p>																																				
ADA Parking	<p>Council was clearly concerned that ADA parking be provided for developments under this ordinance. The draft ordinance under 25-6-471 OFF-STREET PARKING FACILITY REQUIRED addresses ADA parking.</p>	<p>Question 1 – What are the applicable federal, state and local requirements for ADA parking?</p> <p>Question 2 – What are the specific requirements for residential development ADA parking?</p> <p>Question 3 - Does current code allow developers to meet the ADA parking requirements by providing off-site parking?</p> <p>Question 4 – How does providing ADA parking off-site provide for the parking needs of individuals with disabilities as opposed to having parking near their residence?</p>	<p>Federal, State, and Local accessible parking space requirements are based on the total number of provided parking spaces on-site and require the same number of spaces based on the IBC Table 1106.1 (below):</p> <table border="1" data-bbox="1642 565 2486 938"> <thead> <tr> <th>Total Parking Spaces in Lot</th> <th>Required Minimum Number of Accessible Parking Spaces</th> <th>Required Minimum Number of Van Accessible Parking Spaces</th> </tr> </thead> <tbody> <tr> <td>1 - 25</td> <td>1</td> <td>1</td> </tr> <tr> <td>26 – 50</td> <td>2</td> <td>1</td> </tr> <tr> <td>51 – 75</td> <td>3</td> <td>1</td> </tr> <tr> <td>76 – 100</td> <td>4</td> <td>1</td> </tr> <tr> <td>101 – 150</td> <td>5</td> <td>1</td> </tr> <tr> <td>151 – 200</td> <td>6</td> <td>1</td> </tr> <tr> <td>201 – 300</td> <td>7</td> <td>1</td> </tr> <tr> <td>301 – 400</td> <td>8</td> <td>1</td> </tr> <tr> <td>401 – 500</td> <td>9</td> <td>2</td> </tr> <tr> <td>500 – 1000</td> <td>2% of total</td> <td>1 out of every 8 accessible spaces</td> </tr> <tr> <td>Over 1001</td> <td>20 plus 1 for each 100 over 1000</td> <td>1 out of every 8 accessible spaces</td> </tr> </tbody> </table> <p>Purely residential land uses are exempt from ADA parking unless accessible units are provided: IBC 1103.2.3 Detached one-and two-family dwellings, their accessory structures and their associated sites and facilities are not required to comply with ADA parking. Note that per Austin’s LDC, multi-family housing is considered a commercial use and thus is required to comply with ADA parking requirements.</p> <p>Yes. 25-6-510 Off-Site Parking (G) Except as provided in Section 25-6-591 (Parking Provisions for Development in the Central Business District (CBD) and the Downtown Mixed Use (DMU) Zoning District), a required parking space for persons with disabilities may not be located in an off-site parking facility unless the director determines that existing conditions preclude on-site parking. Parking in the CBD/DMU zoning districts allows for off-site accessible parking spaces within 250 feet of the use.</p> <p>Existing accessible parking inventory can assist with accessible parking requirements in certain situations, including infill development opportunities, by allowing for additional residential units to be constructed and to utilize these existing parking spaces. Off-site accessible parking spaces, or accessible spaces located adjacent to a site, are required to maintain an accessible path to/from the unit which adheres to federal ADA standards.</p>	Total Parking Spaces in Lot	Required Minimum Number of Accessible Parking Spaces	Required Minimum Number of Van Accessible Parking Spaces	1 - 25	1	1	26 – 50	2	1	51 – 75	3	1	76 – 100	4	1	101 – 150	5	1	151 – 200	6	1	201 – 300	7	1	301 – 400	8	1	401 – 500	9	2	500 – 1000	2% of total	1 out of every 8 accessible spaces	Over 1001	20 plus 1 for each 100 over 1000	1 out of every 8 accessible spaces
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		Question 5 – Would the needs of those with disabilities be better met by requiring these affordable developments provide on-site, off-street parking based on the number of ADA parking spaces that would be required if development complied with the current code?	By allowing for off-site and adjacent accessible parking spaces to be utilized in conjunction with affordable housing construction, more efficient land use can be unlocked by allowing for more affordable residential units to be constructed while also meeting the needs of Austin’s residents with disabilities.