

## Amendment to Base Document #1

Direction in Response to City Manager's March 15, 2019 Memo re:

### Land Development Code Revision Policy Guidance

Each of the City Manager's five questions is restated below and followed by specific direction.

**Question 1. Scope of Code Revision.** To what extent should the Land Development Code be revised?

**Option A.** Adopt a new Land Development Code, consisting of:

- i. A new Land Development Code (text) and Zoning Map, to take effect concurrently; or
- ii. A new Land Development Code (text) only, with the effective date deferred until Council adopts a new Zoning Map.

**Option B.** Adopt a limited set of amendments to the existing Land Development Code, targeting improvements in one or more policy areas.

In response to Question 1, the City Council selects Option A.i. and provides the following additional direction:

1. **Overall Scope.** The code revision process should use the staff-recommended Draft 3 (text and map) as a baseline, with revisions made to implement policy direction provided below and in response to Questions 2-5. The code revision process should leverage the community engagement and feedback from the prior process to rewrite the Land Development Code and include elements that are consistent with the policy direction provided below and in response to Questions 2-5. The Manager should work to deliver a new code that is simplified, can be applied consistently, and furthers the goals of the City.

2. **Timeline.** The manager should have a revised Land Development Code (text) and Zoning Map ready for Council action on First Reading in October of this year (the Planning Commission having already issued its report on the new Code and Map). In order to complete the mapping process in 2019, if more extensive Zoning Map modifications are needed to address policy direction from Council, those modifications would be adopted at a later date after allowing sufficient time to complete any associated planning or testing activities.

3. **Communication.** The Manager should establish and communicate clearly the public input process for Council's adoption of the revised Land Development Code, including timelines and opportunities for public input. Include a transparent and educational public process under which stakeholders are informed and confident in how their input has been received and is being evaluated.

4. **Code Text.**

- a. The revised Land Development Code should be sufficiently clear and unambiguous that administrative criteria manuals are not relied upon to establish policy, except in circumstances where Council has directed that particular requirements be established administratively. Simplicity should be a priority when developing the new Land Development Code.

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b. Creative Spaces. Propose options to preserve creative space, including zoning categories specific to cultural spaces and incentives to create dedicated, below market rate creative spaces in developments along corridors and in centers.

c. Age Friendly Policies. Propose options for provisions in the LDC to carry out the land use recommendations from the Age Friendly Action Plan, including supports for multigenerational housing, visitability, and other provisions. Additionally, there should be provisions that enable day cares and senior living centers in all parts of the City, at a scale commensurate with its surroundings.

d. Land Use and Zoning Categories.

i. The new LDC should focus on the size and scale of the built environment and regulate uses through context-sensitive policies that are clearly identified in the code and apply equitably throughout the City instead of through by-lot zoning regulations. Use restrictions should continue and be improved through a framework that identifies a range of incompatible uses among zoning categories, such as to avoid adult entertainment, hazardous industrial, or other activities that aren't supportive to surrounding residential or civic uses. Simple, clear requirements of conditions should be established, such as distance requirements and hours of operation.

ii. Propose options for prohibiting uses along corridors that displace potential housing opportunities, such as self-storage facilities or other uses that do not contribute to overall policy goals.

e. The new LDC should provide for the following as it relates to shaping the City's sustainable water future by preventing flooding, protecting water quality, and promoting water conservation.

i. Developments should retain more water on-site and encourage beneficial reuse.

ii. Require developments 5,000 sq ft and greater to treat water quality.

iii. Expand the use of Green Stormwater Infrastructure (GSI) controls to treat residential subdivisions including roads.

iv. Remove exemptions to impervious cover limits in the redevelopment exceptions throughout the water quality section for all watersheds

v. Coordinate with Water Forward to Reduce Water Demand.

f. Transportation and VMT. Developments should be able to use a predetermined set of transportation demand management tools such as building additional bike lanes or sidewalks, providing bike storage, public transit stops and other mechanisms.

5. **Zoning Map.** The revised zoning map should limit the Former Title 25 (F25) zoning classification to unique zoning districts (e.g., NCCDs and PDAs) for which no similar district exists under the revised Land Development Code. Specialized zoning districts that exist today and are of a type contained in the new Code, such as Planned Unit Developments and regulating plans, should be carried over and not be classified as F25.

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**Question 2. Housing Capacity.** To what extent should the Land Development Code provide for additional housing capacity in order to achieve the 135,000 additional housing units recommended by the Strategic Housing Blueprint?

- Option A** Maintain the level of housing capacity provided by current Code (i.e., approximately 145,000 new units);
- Option B** Provide a level of housing capacity comparable to Draft 3 of CodeNEXT (i.e., approximately 287,000 new units); or
- Option C** Provide greater housing capacity than Draft 3, through enhanced measures to allow construction of additional residential units.

In response to Question 2, the City Council selects Option B with targeted C options and provides the following additional direction:

1. **Objective.** The revised Land Development Code should provide a greater level of housing capacity than Draft 3, and the City Manager should consider this goal in developing proposed revisions to the Code text and zoning map.

a. The new code and map should achieve a minimum yield of 135,000 new housing units as desired in the 10-year Austin Strategic Housing Blueprint (ASHB). As a result, the new code and map should allow for housing capacity equivalent to three times the Austin Strategic Housing Blueprint (ASHB) goal of 135,000 new housing units, as well as for ASHB goals of 60,000 affordable housing units, preservation of 10,000 affordable housing units, production of sufficient numbers of Permanent Supportive Housing (PSH) units each year sufficient to address needs, and 30% Missing Middle Housing, and be achieved in a manner consistent with Austin Strategic Housing Blueprint 10 year goals and direction provided throughout this document.

b. In general, additional by-right entitlements achieved through mapping and code revisions should be provided only with the intent to increase (1) the supply of income-restricted affordable housing alongside market-rate units in activity centers, along activity corridors, and in transition areas, and (2) of small scale missing middle housing for which it is not economically viable to require density bonus.

i. ~~By right entitlements should only be granted where that entitlement carries with it the requirement to provide additional income-restricted affordable housing units or missing middle housing.~~

ii. ~~[Option: By right entitlements should be granted where it provides for additional affordable housing bonus opportunities.]~~

iii. ~~The granting of new entitlements in areas currently or susceptible to gentrification (as defined by the Uprooted Report) should be limited so as to reduce displacement and dis-incentivize the redevelopment of older, multi-family residential development, unless substantial increases in long-term affordable housing will be otherwise achieved.~~

c. In general, housing affordability should be the primary policy driver of code and mapping revisions and the Manager should explore:

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i. how to ensure that in areas currently experiencing or susceptible to gentrification additional by-right entitlements should only be granted where that entitlement carries with it affordable housing units or smaller scale missing middle housing so as to reduce displacement and dis-incentivize the redevelopment of older, multi-family residential development. The granting of additional by right entitlements in these areas should be limited unless substantial increases in long-term affordable housing or in the number of affordable workforce market rate housing will be otherwise achieved;

ii. options to allow some level of administrative variances for some building form regulations (setbacks, height, building cover, etc) to help maximize the shared community values of housing, tree preservation, parks, and mitigating flood risk; and

iii. the feasibility of how regulations can overlap (e.g., how a drainage field can also safely serve as open space.

d. The City Manager shall provide estimates for the potential impacts of the new map on transit ridership as well as affordable housing goals.

2. **Code Text.** Code revisions to provide additional housing capacity should include:

a. Non-zoning regulations will be applied so as that provide flexibility to allow for higher unit yields for parcels within activity centers and fronting activity corridors when alternative equivalent means can be determined to ensure the balance of needs, while protecting environment and sustainability (landscaping, parkland and tree preservation), public safety, transportation, utility and right of way needs. subject thereto, the prioritization of non zoning regulations will be for transportation [Option: and utility] right of way acquisition, traffic mitigation and transportation demand management, drainage, water quality, [Option: Parkland dedication, heritage tree preservation];

b. A city-led testing process to assess the impact of revised regulations which includes participation by design and technical professionals. The testing should examine how the proposed zoning and non-zoning code provisions perform when applied to various types and scales of development. It should provide accurate and careful modeling of corridor and transition area regulations so that Council and community discussions can focus on achieving policy results and include proposed non-zoning regulations as previously directed by Council Resolution No. 20180628-125.

c. Measures to dis-incentivize the demolition and replacement of an existing housing unit(s) with a single, larger housing unit. Remodeling should be very simple, so it is much easier to preserve an existing home than tear down and replace it with another larger structure. Provide options to revise McMansion ordinance that provide for ability to add a room or limited remodel but constrain ability to demolish existing home and replace with another larger single family home. If an existing affordable home is preserved, the balance of the lot's entitlements can be used to add more dwelling units.

3. **Zoning Map.** Map revisions to provide additional housing capacity should include broader use of zones that allow for affordable housing density bonuses than in Draft 3. Provide options and a timeline for mapping changes to zoning to achieve additional housing capacity and affordable housing goals to include provisions such as use of upzoning, Future Land Use Maps, and/or zoning upon sale of property.

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**Question 3. Missing Middle Housing Types.** To what extent should the Land Development Code encourage more “missing-middle” housing types, such as duplexes, multiplexes, townhomes, cottage courts, and accessory dwelling units?

- Option A** Maintain the range of housing types provided for by the current Land Development Code;
- Option B** Provide for a range of housing types comparable to Draft 3; or
- Option C** Provide for a greater range of housing types than Draft 3.

In response to Question 3, the City Council selects Option B with targeted C options and provides the following additional direction:

1. **Code Text.** Code revisions to increase the supply of missing middle housing should include:
  - a. Allowing accessory dwelling units (ADUs), both external and internal/attached, to be permitted and more easily developed in all residential zones;
  - b. Where appropriate, allowing new housing types to qualify as ADUs, including existing homes being preserved, tiny homes on wheels, Airstream-style trailers, modular homes, mobile and manufactured homes, and 3D-printed homes; and
  - c. Reduced site development standards for missing middle housing options such as duplexes, multiplexes, townhomes, and cottage courts in order to facilitate development of additional units. Council will need to determine the appropriate criteria to achieve more affordable housing while protecting environment and sustainability, public safety, transportation, utility and right of way needs.
2. **Zoning Map.** The goal of providing additional missing middle housing should inform the mapping of transition zones, with context sensitive criteria direction provided by Council, and consistent with the direction provided throughout this document. Increasing opportunities for missing middle housing will be a continuing goal for future district level planning projects as suggested at the end of this document. Provide options and a timeline for mapping changes to zoning to achieve additional housing capacity and affordable housing goals to include provisions such as use of upzoning, Future Land Use Maps, and/or zoning upon sale of property

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**Question 4. Compatibility Standards.** To what extent should the City’s “compatibility standards” (i.e., rules limiting development near residential properties) be modified to provide additional opportunities for development?

- Option A** Maintain compatibility standards comparable to those in the current Land Development Code;
- Option B** Reduce the impact of compatibility standards on development to a degree consistent with changes proposed in Draft 3; or

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**Option C** Reduce the impact of compatibility standards on development to a greater degree than Draft 3.

In response to Question 4, the City Council selects Enhanced Option C and provides the following additional direction:

1. **Objective.** Compatibility standards in the Code should be set to enable the City to reach its affordable housing and mobility goals. The code revision should reduce the impact of compatibility standards on development within activity centers and activity corridors as established in Draft 3.

2. **Code Text.** Maintain Draft 3's no-build and vegetative buffers between residential and commercial uses, as well as other compatibility triggers and standards for properties adjacent to a Residential House-Scale zone.

i. Include standards related to noise, uses, utility screening, trash, loading and pick-up zones as well as shielded lighting.

ii. Include Green Infrastructure from Draft 3 and continue tree preservation policy as well as increasing tree canopy along corridors and centers to enhance walkability and curb heat island effect.

3. **Zoning Map.** Compatibility standards and initial mapping should work together in a way that maximizes housing capacity on parcels fronting activity corridors and within activity centers, consistent with applicable base zoning regulations and with any Affordable Housing Bonus otherwise available. Employment and other uses to create "complete communities" along transit and Imagine Austin corridors and centers should also be allowed in a way that is context-sensitive. In addition, regulations should still allow "village center" type low-density mixed-use and commercial use in neighborhoods to create "complete communities" as seen in places like Clarksville, Hyde Park, North Loop, and Tarrytown.

a. The revised zoning maps should reduce the impact of compatibility standards on development for parcels along all activity corridors and within activity centers. In redefining compatibility standards, the code revision should:

i. Define the maximum height allowed by-right plus affordable housing bonus, along activity corridors and in activity centers, and then establish regulations that create a step-down effect in the transition zones.

ii. In defining conditions for mapping the step-down in the transition zones, the City Manager should explore options for achieving the city's ASHB goals for income-restricted housing and additional housing capacity, including but not limited to the following conditions identified by the Planning Commission (item 108, Planning Commission Code Next Draft 3 Recommendation Report to Council, 6/22/18):

- Location on Transit Priority Network or Imagine Austin Centers or Corridors
- Location in Higher Opportunity Area
- Orientation of blocks relative to corridors

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- Residential blocks sided by MS or MU zoned lots
- Bound by other zones, use or environmental features (including topography)
- Localized flooding

iv. The City Manager shall also explore the following conditions:

- Reduce the depth and scale of transition zones so that the transition zone(s) do not overlap with the majority of the existing single-family neighborhood area.
  - Substantially reduce the length and level of entitlement in transitions zones in "Vulnerable" areas identified in the UT Gentrification Study, regardless of the number of criteria met above.
  - Step down transition areas to residential house scale as quickly as possible, while providing for a graceful transition in scale from the zone of the parcel fronting an activity corridor.
  - Lot(s) adjacent to parcels fronting an activity corridor will be mapped with a zone (RM1 and above) that does not trigger compatibility and is in scale with any adjacent residential house-scale zones
  - Consider split zoning. For lots located directly behind or adjacent to a deep corridor lot the back portion of the deep lot should be initially mapped with a zone (e.g. RM1 and above) that does not trigger compatibility for the front portion while providing relief for the adjacent impacted property.
- b. The City Manager shall provide to Council an analysis of the affordable housing and housing capacity yield when presenting the proposed mapping.

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**Question 5. Parking Requirements.** To what extent should the City's minimum parking requirements be modified to provide additional opportunities for development and/or encourage transit options consistent with the Imagine Austin comprehensive plan.

**Option A** Maintain minimum parking requirements comparable to those established in the current Land Development Code;

**Option B** Reduce the impact of minimum parking requirements on development to the same degree as Draft 3; or

**Option C** Reduce the impact of minimum parking requirements on development to a greater than Draft 3.

**In response to Question 5, the City Council selects Option C and provides the following additional direction:**

**1. Objective.** The code revision should seek to reduce the impact of minimum parking requirements on development to a greater degree than Draft 3.

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**2. Code Text.**

a. Minimum parking requirements should be eliminated in areas that are within the ¼ mile of activity centers, activity corridors, and transit stations with high-frequency service, except for areas where reductions in parking would be particularly disruptive, (e.g., neighborhoods with narrow streets and no sidewalks, areas near urban schools).

b. The City's visitability ordinance should be retained and expanded to missing middle housing in the new code. ADA-compliant parking should be required for commercial and multifamily certain larger scale developments, even if no minimum parking is otherwise required to ensure adequate number of dedicated parking spaces exist to safeguard those with permanent disabilities, temporary illness or injury are afforded a place to park near where they live, shop, or visit others. Off-site or on-street parking would challenge safety and accessibility and should not be allowed as means to provide for this parking. This is of critical importance with an aging population and generational housing.

c. Code revisions should provide that parking structures are able to evolve over time as transportation patterns change, including design standards for structured parking that will facilitate eventual conversion to residential or commercial uses.

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