

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2019-008 University Neighborhood Overlay – Allowable uses, building heights, parking requirements, and sign regulations.

Description: Amend certain provisions of the City Code relating to provisions of the University Neighborhood Overlay (UNO) concerning use regulations, building heights, parking requirements, and sign regulations.

Overview of Proposed Code Amendments and Staff Recommendations

The Planning Commission recommendations and staff comments and recommendations are in the "University Neighborhood Overlay (UNO) Code Amendments Comparison Tables and Map Changes" beginning on page 2 of this report.

Board and Commission Actions

The amendments were initially presented to the Codes and Ordinances Joint Committee on June 19, 2019. Following deliberations, the Committee provided direction to staff to revise the proposed amendments and return at a future meeting.

The Codes and Ordinances Joint Committee heard the item on August 21, 2019. They voted 5-0 to recommend the proposed amendments with changes to the Planning Commission (Commissioners Azhar and Barrera-Ramirez absent).

The Planning Commission heard the item on August 27, 2019. They voted 12-1 to recommend the amendments in the report to the City Council. (Commissioner Shieh absent)

City Council Action

A public hearing at City Council was set for August 8, 2019 and postponed to September 19, 2019.

Ordinance Number: NA

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University Neighborhood Overlay (UNO) Code Amendments Comparison Tables and Map Changes

Amend. #	Existing Regulation	Planning Commission Recommendation Use Regulations	Staff Recommendation/Comments
1	Use Regulations: 25-2-754(D)(1)(a) Local uses (a list of pedestrian-oriented uses in the UNO section of the Code) are allowed in residential base districts with permitted building heights of 75 feet or greater.	The proposed amendment would reduce the building height to 50 feet.	Staff concurs with the Planning Commission Recommendation This expands opportunities for mixed use development and furthers <i>Imagine Austin's</i> goal of creating complete communities across the City of Austin.
2	New Regulation	The proposed amendments would add section: Use Regulations: 5-2-754 (K) Existing structures constructed under the provisions of this division may convert non-accessible parking spaces to: (1) a multi-family residential use; (2) a group residential use; and (3) local uses: (a) local uses allowed under this title must be located above or adjacent to the street wall area; (b) an art gallery use and an art workshop use are limited to 1,500 square feet of floor area; and (4) an indoor crop production use or convenience storage use; and (a) these uses shall not be located in or above a street wall area.	Staff concurs with the Planning Commission Recommendation Multiple factors have contributed to an oversupply of parking spaces in projects developed under UNO: <ul style="list-style-type: none"> • Changing driving habits of college students • The advent of micromobility devices • The transit-rich and pedestrian-friendly environment around the University of Texas • UNO's requirement that a car and dwelling unit be leased separately. This amendment would allow these unused parking spaces to be repurposed. This was possibility was planned for in the initial development of UNO which requires flat parking decks in parking garages that face a public street.

University Neighborhood Overlay (UNO) Code Amendments Comparison Tables and Map Changes

Amend. #	Existing Regulation	Planning Commission Recommendation	Staff Recommendation/Comments
	Building Heights (continued)		
3	<p>Height: 25-2-756(B)(2) A multi-family residential use or group residential use may exceed by 15 feet the maximum height prescribed by Appendix C (<i>University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits</i>) if:</p> <ul style="list-style-type: none"> the structure is located in an area for which the maximum height is at least 50 feet; and 10% of units/bedrooms are set aside for individuals earning 60% of local MFI for 40 years; and 10% of units/bedrooms are set aside for individuals earning 50% of local MFI for 40 years; and An additional 10% of units/bedrooms s are set aside for individuals earning 50% of local MFI for 40 years; or The applicant pays a one-time, annually adjusted fee for each square foot of net rentable residential floor area. 	<p>Height: 25-2-756 The proposed amendment would allow building heights to be increased by 25 feet in the Outer West Campus Subdistrict and Guadalupe Subdistrict if a project is in a height district of 50 feet and greater or by 125 feet in the Inner West Campus Subdistrict if:</p> <ul style="list-style-type: none"> 10% of units/bedrooms are set aside for individuals earning 60% of local MFI for 40 years; 10% of units/bedrooms are set aside for individuals earning 50% of local MFI for 40 years; and An additional 10% of units/bedrooms s are set aside for individuals earning 50% of local MFI for 40 years; or The applicant pays a one-time, annually adjusted fee for each square foot of net rentable residential floor area. 	<p>Staff concurs with the Planning Commission Recommendation This amendment would increase the number of on-site affordable units in West Campus.</p> <p>Based on the potential increased supply of on-site affordable housing, the Neighborhood Housing and Community Development Department (NHCD) has given these amendments a positive Affordability Impact Statement which is included on page 17 of this report.</p> <p>The affordability percentages are carried over from the current Code.</p>

University Neighborhood Overlay (UNO) Code Amendments Comparison Tables and Map Changes

Amend. #	Existing Regulation	Planning Commission Recommendation	Staff Recommendation/Comments
		Building Heights (continued)	
4	Appendix C (University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, and Height Limits) texts and maps indicating UNO boundaries, subdistricts, and building heights.	<p>The proposed amendment would add a new map, <i>Additional Height and Affordability</i>, to Appendix C indicating areas where the height bonuses described in Section 25-2-756 (Height) are permitted.</p> <p>The commission recommended that the map originally submitted to them be amended to allow the 25 foot height bonus along the north side of 24th St. between Lamar Blvd. and Leon St. and along San Gabriel St. between 24th St. and MLK Jr. Blvd. See the map as amended by the Planning Commission on page 11 of this report.</p>	<p>Staff recommends the map as originally submitted to the Planning Commission</p> <p>The areas indicated on the map where the height bonus are and are not allowed result from monthslong discussions and agreements among nine community organizations.</p> <p>There is community opposition to the Planning Commission's recommendation.</p> <p>See the original map on page 12 of this report.</p>
5	Appendix C (University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, and Height Limits)	<p>Appendix C (University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, and Height Limits)</p> <p>The proposed amendment would redraw the UNO Subdistrict Boundaries map to expand the Inner West Campus Subdistrict. Page 13 of this report.</p> <p>The proposed amendment would redraw the Height Limits map to expand the 175 foot height district to reflect the proposed expansion of the Inner West Campus Subdistrict. Page 15 of this report.</p>	<p>Staff does not recommend the changes</p> <p>The changes made by the PC were not among the amendments forwarded to them from the Codes and Ordinances Joint Committee.</p> <p>Staff believes that the significant impacts of the Planning Commission's recommendations need to be studied and subject to a broader community conversation involving residents, property owners, business owners, Greek organizations, and nearby neighborhood and community organizations.</p> <p>There is community opposition to the Planning Commission's recommendation.</p> <p>See original maps on pages 14 and 16 of this report.</p>

University Neighborhood Overlay (UNO) Code Amendments Comparison Tables and Map Changes

Amend. #	Existing Regulation	Planning Commission Recommendation	Staff Recommendation/Comments
	Building Heights (continued)		
6	Heights: 25-2-758 (B)(2) If the north side of a building is adjacent to a street other than an alley and is greater than 65 feet in height, the upper portion of the north side of the building must be set back within a building envelope that is formed by a plane that extends from a point on the property line 65 feet high toward the building at an angle of 62 degrees above horizontal.	The proposed amendment would strike Code section 25-2-758 (B) (2).	Staff concurs with the Planning Commission Recommendation 25-2-758 (B) (2) was originally intended to reduce shadows and allow sunlight to penetrate to the ground on the Winter Solstice. However, for north-facing properties in Inner West Campus, this Code provision would preclude these sites from taking advantage of the additional height for the proposed amendments to Section 25-2-756.

University Neighborhood Overlay (UNO) Code Amendments Comparison Tables and Map Changes

Amend. #	Existing Regulation	Planning Commission Recommendation	Staff Recommendation/Comments
		Parking	
7	<p>25-6-601 Parking Requirements For University Neighborhood Overlay District.</p> <p>(A) Except as otherwise provided in this section, the minimum off-street parking requirement in the university neighborhood overlay district is 60 percent of that prescribed by Appendix A (<i>Tables Of Off-Street Parking And Loading Requirements</i>).</p> <p>(B) Off-street parking is not required for a commercial use if the use:</p> <ol style="list-style-type: none"> (1) occupies less than 6,000 square feet of gross floor area; or (2) is located on: <ol style="list-style-type: none"> (a) Guadalupe Street between Martin Luther King, Jr. Blvd. and West 29th Street; or (b) West 24th Street between Guadalupe Street and Rio Grande Street. <p>(C) For a multi-family residential use, the minimum off-street parking requirement is 40 percent of that prescribed by Appendix A (<i>Tables Of Off-Street Parking And Loading</i></p>	<p>The proposed amendment would remove all parking requirements for the area covered by UNO. The Planning Commission provided direction to staff to develop code language to address parking for persons with disabilities. Upon discussions with the Code Revision team, staff is recommending using the code provisions for the CBD and DMU.</p> <p>25-6-591 (B)(1)(2) - Parking Provisions For Development in The Central Business District (CBD) and The Downtown Mixed Use (DMU) and Public (P) Zoning Districts.</p> <ol style="list-style-type: none"> (1) If off-street parking is provided, it must include parking for persons with disabilities as required by the Building Code and may not include fewer accessible spaces than would be required under Paragraph (2)(a) of this subsection. (2) 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. <ol style="list-style-type: none"> (a) The following requirements apply if no parking is provided for a use, other than parking for persons with disabilities: 	<p>Staff concurs with the Planning Commission Recommendation</p> <p>The Planning Commission's recommendation is in alignment with the May 2, 2019 policy direction Council gave for the code revision regarding eliminating parking:</p> <p>"...in areas that are within the ¼ mile of activity centers, activity corridors, and transit priority network, except that some parking requirements may be maintained for areas where elimination of parking requirements would be particularly disruptive." P. 13</p> <p>The proposed elimination of required parking in West Campus acknowledges the increasingly urban, pedestrian-friendly, and transit-rich environment around the University of Texas. It also reflects the changing nature of student automobile use as reflected in the increasing number of unused parking spaces in UNO projects that are addressed in Amendment #2 on page 2 of this report.</p>

University Neighborhood Overlay (UNO) Code Amendments Comparison Tables and Map Changes

<p>7 cont'd</p>	<p><i>Requirements</i>) if the multi-family residential use:</p> <p>(1) participates in a car sharing program that complies with the program requirements prescribed by administrative rule, as determined by the director of the Watershed Protection and Development Review Department; or</p> <p>(2) sets aside for a period of not less than 15 years from the date a certificate of occupancy is issued at least 10 percent of the dwelling units on the site to house persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office, in addition to complying with Section 25-2-756 (<i>Affordable Housing</i>).</p>	<p>(i) the minimum number of accessible parking spaces is calculated by taking 20 percent of the parking required for the use under Appendix A (<i>Tables of Off-Street Parking and Loading Requirements</i>) 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.</p> <p>(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. The availability of this option is contingent on the establishment of a fee by separate ordinance and the adoption of a program by the director to administer the fee and establish eligibility criteria. A decision by the director that a use is ineligible for a fee in-lieu is final.</p> <p>(iii) The director may waive or reduce the number of accessible spaces required if no accessible spaces can be provided consistent with the requirements of Paragraph (2)(a)(i) and the use is ineligible for participation in the fee in-lieu program under Paragraph (2)(a)(ii).</p> <p>(iv) An off-site or on-street parking space designated for persons with disabilities that is located within 250</p>	
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University Neighborhood Overlay (UNO) Code Amendments Comparison Tables and Map Changes

7 cont'd		<p>feet of a use may be counted towards the number of parking spaces the use is required to provide under Paragraph (2)(a)(i).</p> <p>(b) If any off-street parking is provided for a use, other than parking for persons with disabilities, then the use is subject to the requirements in Paragraph (1).</p>	
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University Neighborhood Overlay (UNO) Code Amendments Comparison Tables and Map Changes

	Existing Regulation	Planning Commission Recommendation	Staff Recommendation/Comments
	Signs		
8	<p>25-10-133 University Neighborhood Overlay Zoning District Signs.</p> <p>(C) A sign may not exceed 100 square feet of sign area, except that this limitation does not apply along the following roadways:</p> <ol style="list-style-type: none"> (1) Guadalupe Street, from Martin Luther King, Jr. Blvd. to West 29th Street; (2) West 24th Street, from Guadalupe Street to Leon Street; (3) Martin Luther King, Jr. Blvd., from Pearl Street to the alley one block east of University Avenue; and (4) West 29th Street, from Guadalupe Street to Rio Grande Street. 	<p>The proposed amendment would change the maximum sign size in (C) from 100 square feet to 150 square feet.</p>	<p>Staff concurs with the Planning Commission Recommendation</p>
9	<p>25-10-133 University Neighborhood Overlay Zoning District Signs.</p> <p>(F) No sign may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building</p>	<p>The proposed amendment would amend 25-10-133 (F) to read:</p> <p>(F) An on-premise sign is allowed</p>	<p>Staff concurs with the Planning Commission Recommendation</p> <p>This amendment would bring the regulations more in line with industry practices. The existing regulation has resulted in numerous Board of Adjustment cases to allow non-engraved or non-inlaid building signs on upper floors of taller projects.</p>

University Neighborhood Overlay (UNO) Code Amendments Comparison Tables and Map Changes

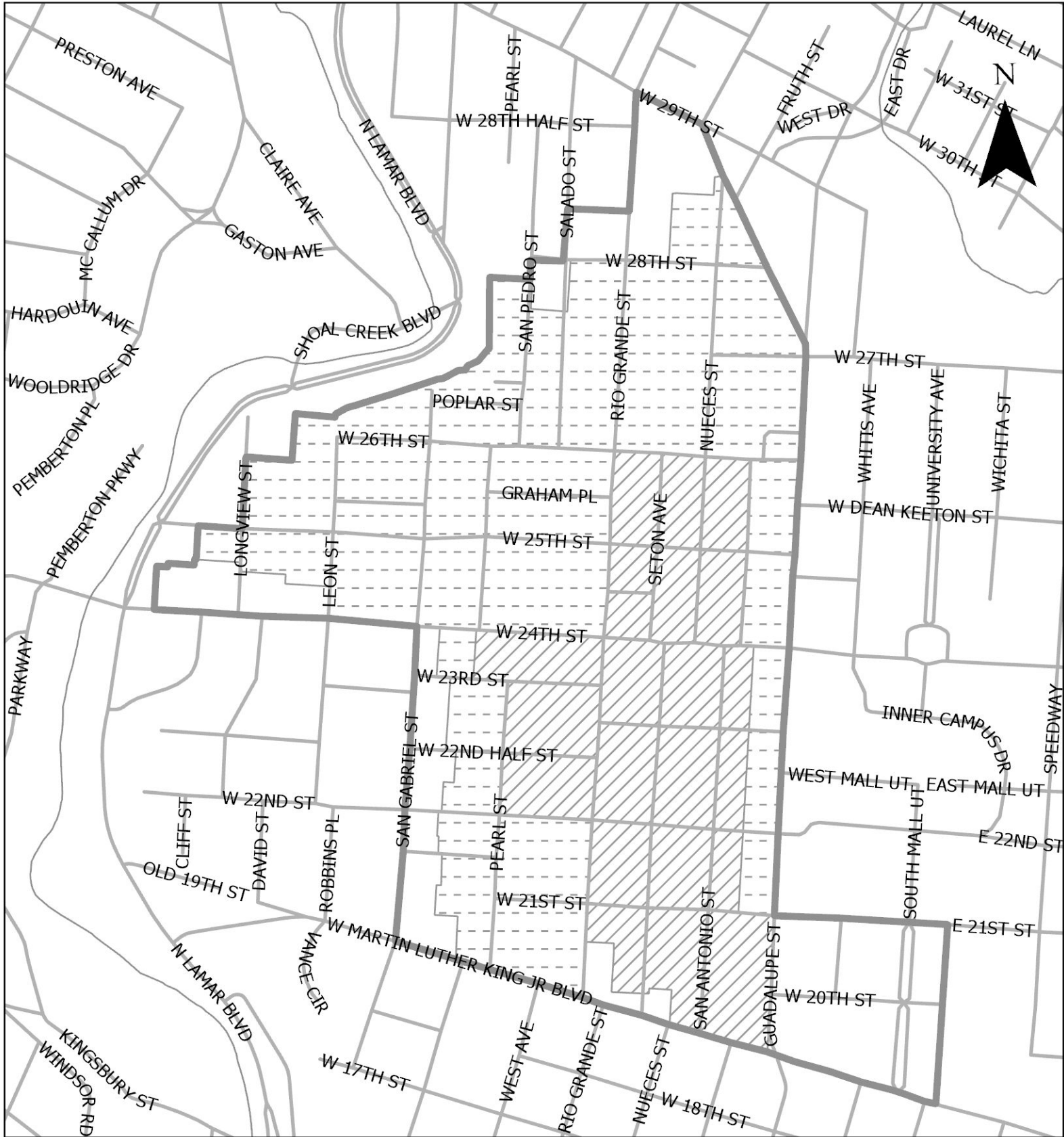
	Existing Regulation	Planning Commission Recommendation	Staff Recommendation/Comments
	Signs		
10	<p>25-10-133 University Neighborhood Overlay Zoning District Signs.</p> <p>(G) A wall sign may be a projecting sign if the sign complies with this subsection.</p> <p>(1) One projecting sign for each building facade is permitted.</p> <p>(2) The sign area of a projecting sign may not exceed 35 square feet.</p> <p>(3) A sign may extend from the building facade not more than the lesser of:</p> <p>(a) six feet; or</p> <p>(b) a distance equal to two-thirds the width of the abutting sidewalk.</p> <p>(4) For a sign that projects over state right-of-way, the state must approve the sign.</p>	<p>The proposed amendment to 25-10-133(G):</p> <p>(G) A wall sign is permitted if the sign complies with this subsection.</p> <p>(1) One projecting sign for each building facade is permitted.</p> <p>(2) The sign area of a projecting sign may not exceed 35 square feet.</p> <p>(3) A sign may extend from the building facade not more than the lesser of:</p> <p>(a) six feet; or</p> <p>(b) a distance equal to two-thirds the width of the abutting sidewalk.</p> <p>(4) For a sign that projects over state right-of-way, the state must approve the sign.</p>	<p>Staff concurs with the Planning Commission Recommendation</p>

Planning Commission Recommendation




University Neighborhood Overlay Additional Height & Affordability

Staff Recommendation: Staff recommends this map as submitted to the Planning Commission.




 University Neighborhood Overlay

Proposed Additional Height

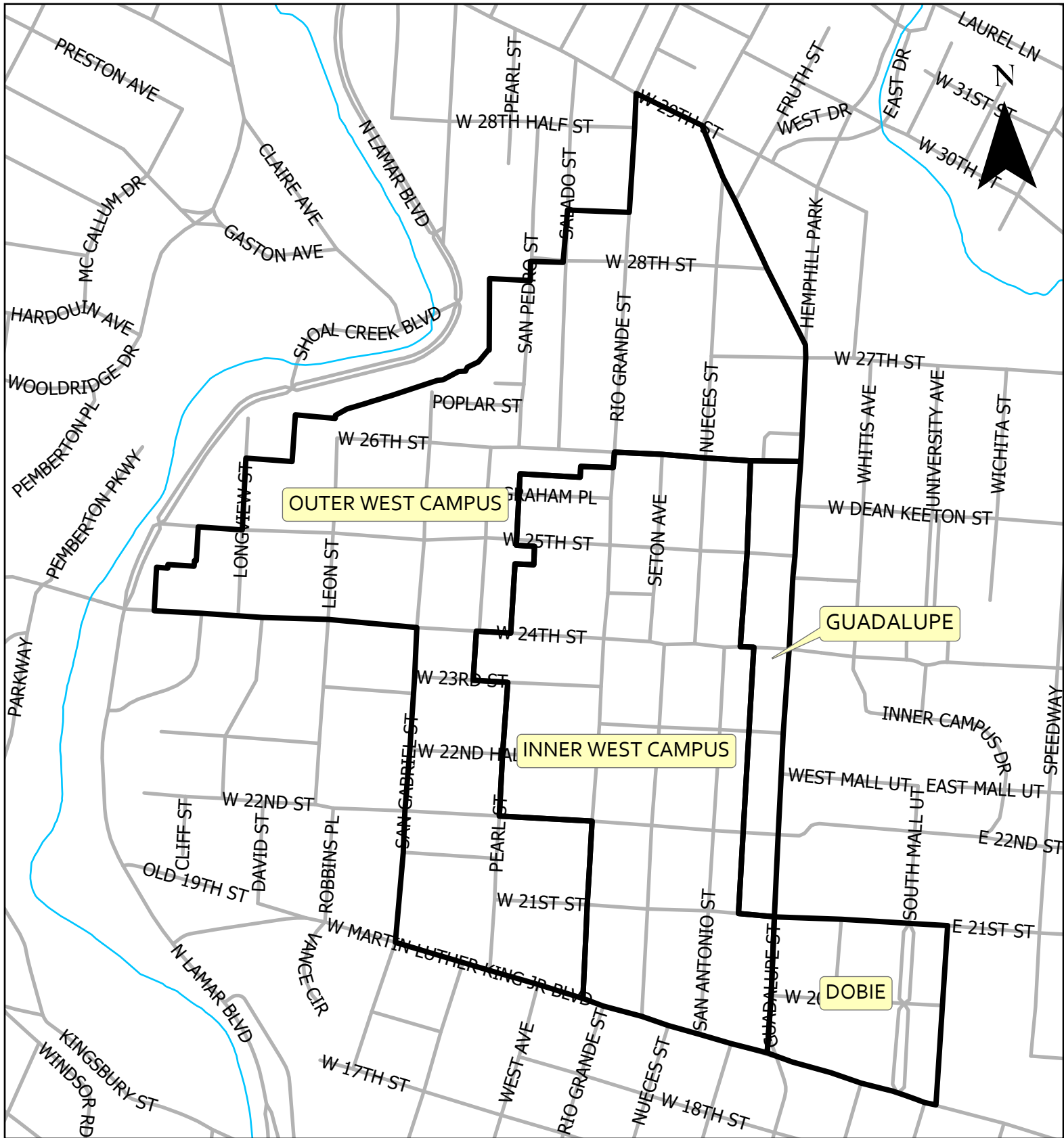
 125 feet

 25 feet

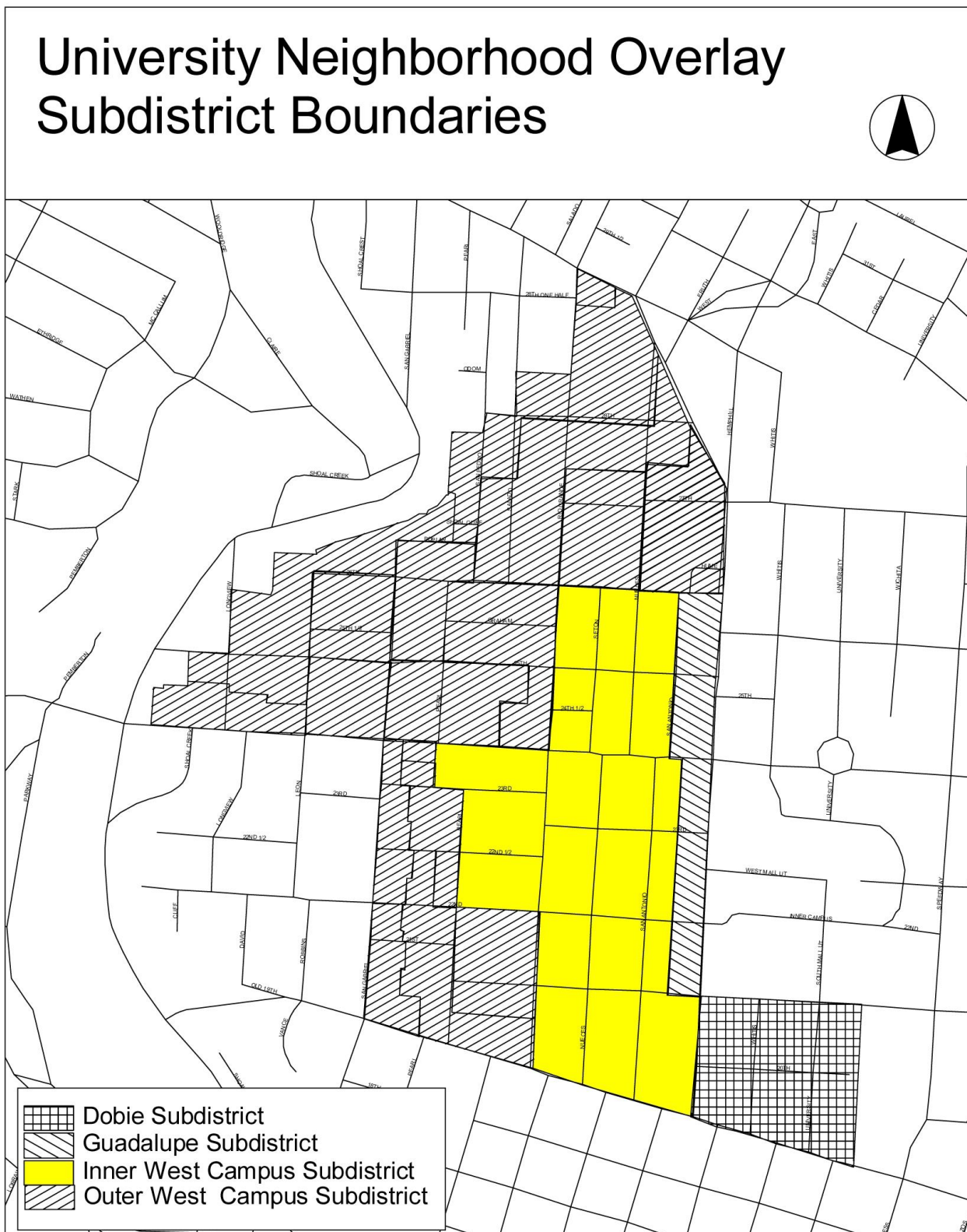
0 250 500 1,000 Feet


University Neighborhood Overlay Planning Commission Proposed SubDistricts

Planning Commission
Recommendation

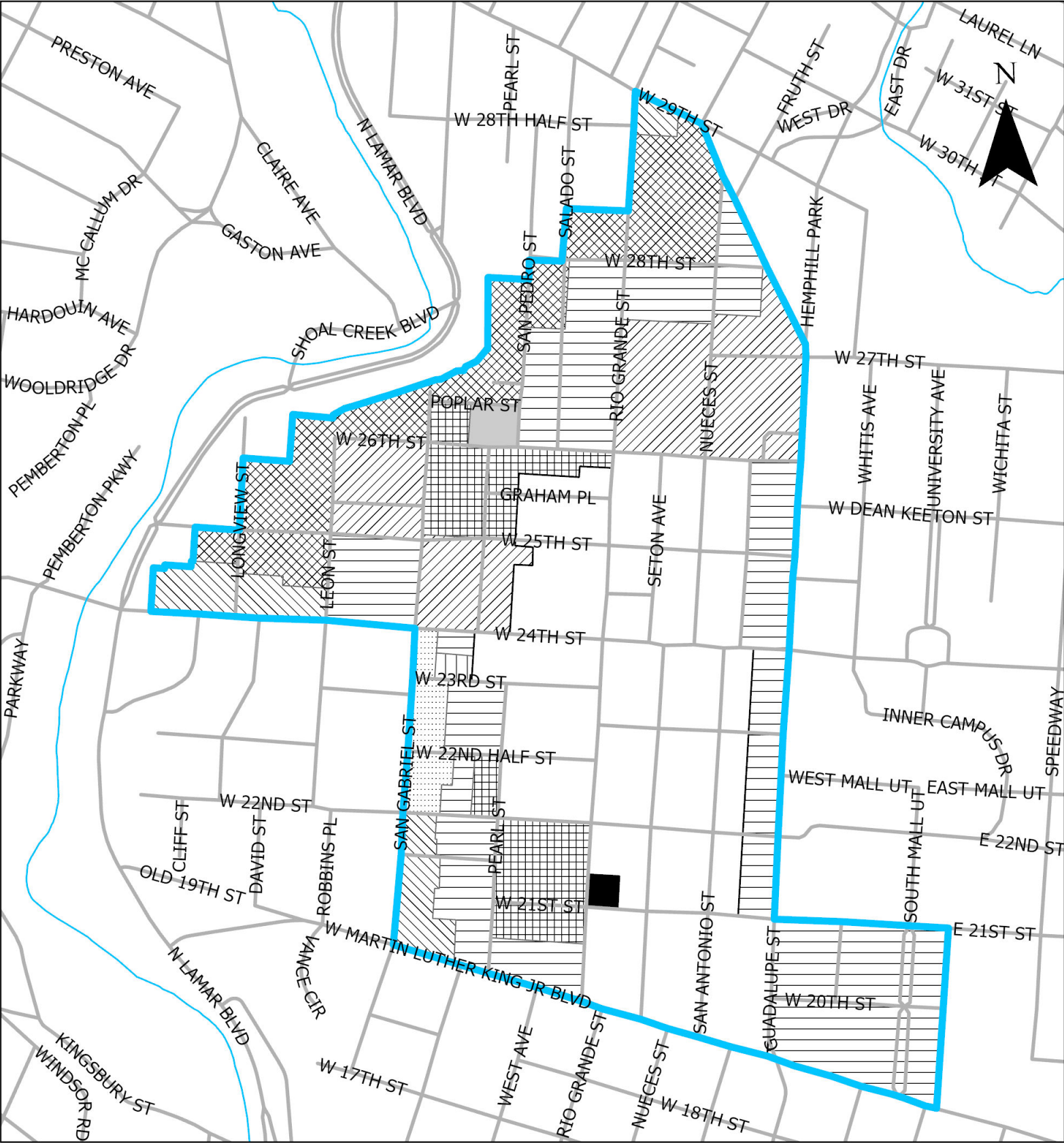


Staff Recommendation: Staff recommends leaving the map in Code unchanged.



University Neighborhood Overlay District Heights

Planning Commission
Recommendation

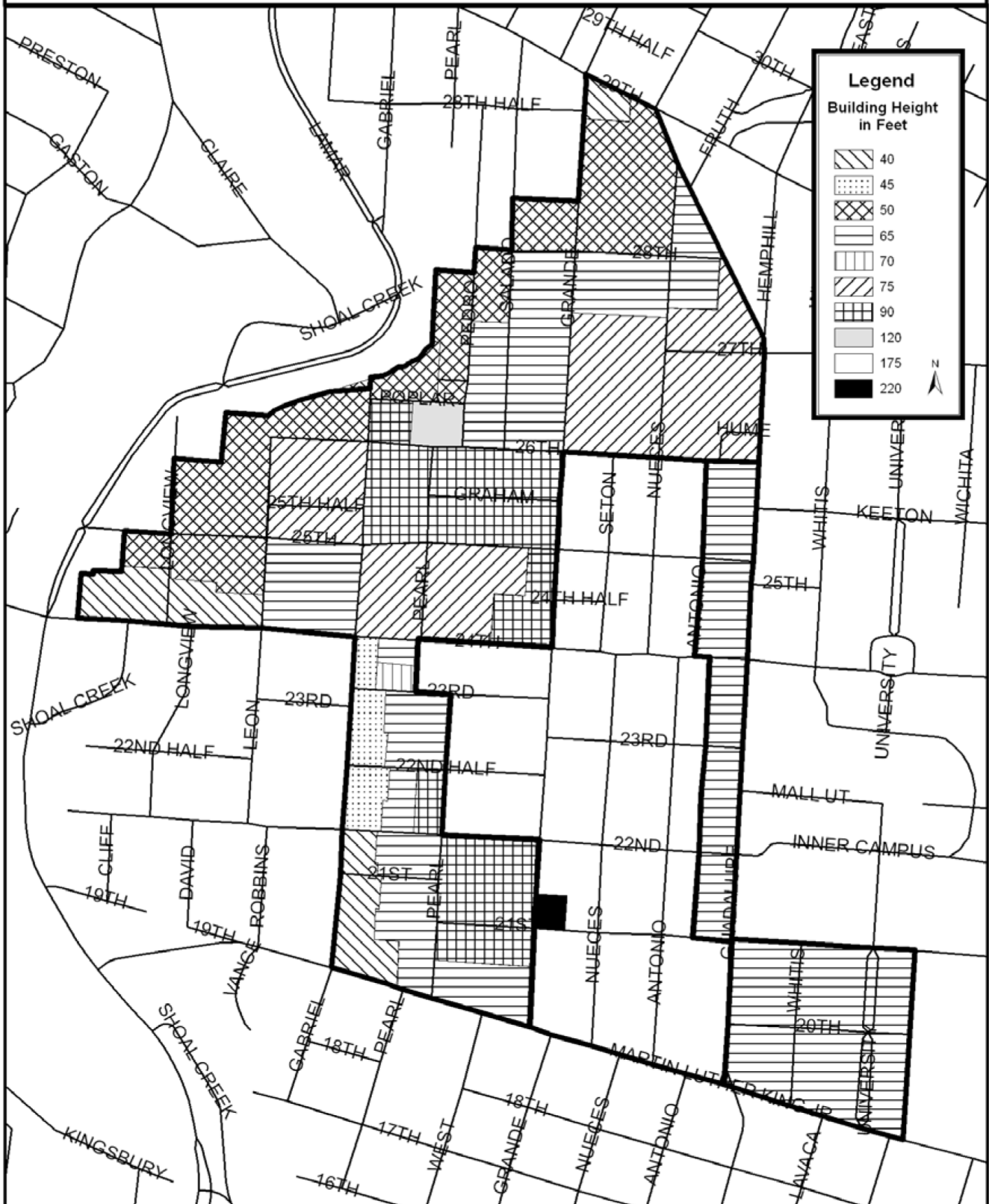


Building Height (feet)



Staff Recommendation: Staff recommends leaving the map in Code unchanged.

University Neighborhood Overlay Height Districts





Affordability Impact Statement
 Neighborhood Housing and Community Development Department
University Neighborhood Overlay Amendments

Proposed Regulation	The proposed ordinance would amend the University Neighborhood Overlay (UNO) regulations in Title 25 of the Land Development Code by increasing the number of lots in the Outer West Campus that may include local uses, allowing existing buildings to convert handicap parking to other uses, increasing the number of subdistricts that are eligible for a height bonus, increasing the bonus height in the Outer West Campus subdistrict, reducing parking requirements by-right, further reducing parking requirements for properties that provide additional affordable housing, and modifying sign regulations.
Land Use/Zoning Impacts on Housing Costs	<input checked="" type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral The proposed ordinance could result in less expensive market rate housing by allowing the cost of land to be distributed among more units.
Impact on Development Cost	<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input checked="" type="checkbox"/> Neutral No impact foreseen.
Impact on Affordable Housing	<input checked="" type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral The proposed ordinance would likely have a positive impact on affordable housing by increasing the number of lots that are eligible for a height bonus and increasing the bonus height in the Outer West Campus subdistrict. If a height bonus is used, it requires the provision of additional income-restricted affordable housing beyond what is required to develop under the UNO site development regulations without the use of a height bonus. The proposed changes would create a new incentive that ties further reduction in parking requirements to the provision of additional income-restricted affordable housing.
Imagine Austin Housing and Neighborhood Policies Implemented	HN P3
Strategic Housing Blueprint Strategies Implemented	Better utilize land for affordable housing
Other Policy Considerations	None.

Proposed Alternative Policy Language	None.
Date Prepared	June 4, 2019
Manager's Signature	<u>RH Copic</u>