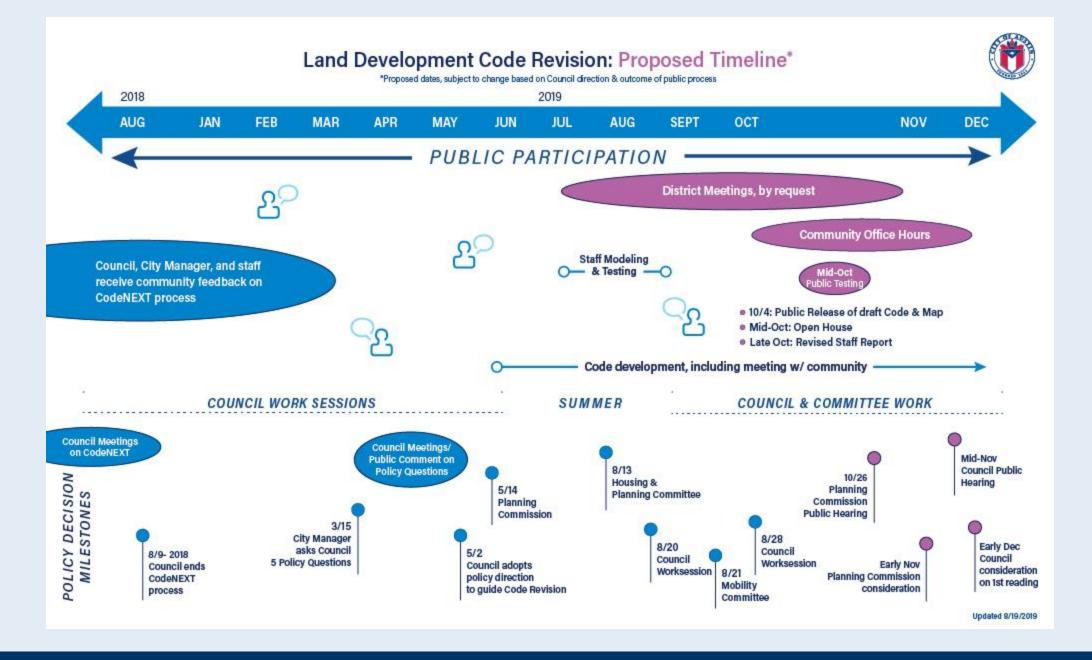
LAND DEVELOPMENT CODE REVISION

URBAN TRANSPORTATION COMMISSION October 8, 2019



AGENDA

Council Direction

9/26/2019

MISSING MIDDLE HOUSING

Council Direction

"The new code should prioritize **all types of homes for all kinds of people in all parts of town** (our Strategic Housing Blueprint goals)..."

"The **goal of providing additional missing middle housing** should inform the **mapping** of missing middle zones, consistent with the direction provided throughout this document.

a. Map new Missing Middle housing in transition areas adjacent to activity centers, activity corridors, or the transit priority network."

"Reduced site development standards as appropriate *for missing middle housing options* such as duplexes, multiplexes, townhomes, cooperatives 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."

MISSING MIDDLE HOUSING

Current Code	Draft 3	Potential Revisions	Effect of Change
 Most drainage and water quality regulations are written such that they apply to all types of development 1- and 2-unit developments are reviewed for very few regulations 3+-unit developments are reviewed for all regulations 	 Established a set of streamlined drainage and water quality requirements that apply to all 1- and 2-unit development and some small scale missing middle development Missing middle must meet specific eligibility requirements 	 Increase unit cap to 9 and max. impervious cover to 50% Apply to missing middle citywide Remove requirement for engineer's certification; enforce existing Plumbing Code provision Streamline requirement for waterway setbacks; remove requirement for construction on slopes SOS amendment for Barton Springs Zone 	 Streamlined regulations facilitate development of small scale missing middle housing Establishes regulatory parity; ensures that projects of very similar scale, with the same potential for environmental and drainage impacts, are subject to the same requirements

MARKET RATE AFFORDABLE MULTIFAMILY

Council Direction

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

"Existing market rate affordable multifamily shall not be mapped to be upzoned."

Current Code	Draft 3	Potential Revisions	Effect of Change
Market rate affordable multifamily properties exist in a variety of zones	 No specific consideration given to market rate affordable multifamily properties 	 Market rate affordable multifamily properties mapped with zones comparable to current zones If comparable zone is R4 or higher intensity, an affordable housing bonus option is available 	 No by-right increase or decrease to entitlements Retains non-conformities where they exist today

HOUSING CAPACITY/YIELD

Council Direction

"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."

"The new code and map should allow for housing capacity equivalent to at least three times the Austin Strategic Housing Blueprint (ASHB) goal of 135,000 new housing units..."

HOUSING CAPACITY/YIELD

	Current Code	Draft 3	Potential Revisions	Effect of Change
•	145k estimated capacity using analysis which included feasibility	 287k estimated capacity using analysis which included feasibility 	 Adjusting zones to reach 405k capacity goal using analysis which includes feasibility Increasing affordable housing bonuses Mapping transition areas 	 More market rate units and income-restricted affordable units to be built More types of housing at different price points in all parts of town, including high opportunity areas, which helps the City affirmatively further fair housing Supports multimodal transportation goals Enables more people to live closer to work and services

Council Direction

"The Land Development Code should support the city's 10-year Affordable Housing Goals and align resources and ensure a unified strategic direction to achieve a shared vision of housing affordability for all Austinites in all parts of the city. The City Manager should identify and propose for Council approval amendments to the Land Development Code that will (1) further the housing goals established in the Austin Strategic Housing Blueprint (ASHB) and (2) implement recommendations for achieving these goals included in the Austin Strategic Housing Blueprint (ASHB) and the ASHB Implementation Plan (if adopted by Council)."

"In general, within activity centers, along activity corridors, along the transit priority network, and in transition areas, additional entitlements beyond current zoning should only be provided: i. to increase the supply of missing middle housing, which shall include an affordable housing bonus program where economically viable or, ii. through a density bonus that requires some measure of affordable housing."

Current Code	Draft 3	Potential Revisions	Effect of Change
 Affordability Unlocked is the only citywide bonus program About a dozen different bonus programs tied to specific parts of city 	 Proposed a citywide affordable housing bonus program that was tied to zoning districts Increased the amount of land where affordable housing could be achieved through a bonus by over 24,000 acres and increased high opportunity acreage from 25% to 50% Calibrated to ensure participation in a variety of development types Affirmative marketing, dispersion, and multi-bedroom unit requirements Multiple maps of census tracts show affordable unit requirements for each zone 	 New bonus for certain zones Bonus expanded in some zones New processes for strengthening compliance Simplif affordable unit set-aside maps 	 Increased bonuses incentivize participation, resulting in more housing units (including affordable units) overall More zones with bonuses mapped in more places increases opportunities to achieve more affordable units New compliance processes improve enforcement Simplified set-aside maps make implementation clearer and easier

Fundamentals of City-Wide Affordable Housing Bonus Program

- Due to state law prohibiting inclusionary zoning and rent control, program must be voluntary; it relies on incentives
- It is one of the few tools that does not require financial subsidy from the City or another entity

Benefits of City-Wide Affordable Housing Bonus Program

- Affordable Housing Bonus Program can create income-restricted affordable housing units that will remain affordable for long periods of time (40 years for rental; 99 for ownership)
- Opportunity to tie clearly identified benefits and costs together to the gain of both community and developer

Benefits of City-Wide Affordable Housing Bonus Program

- Addresses City of Austin's Federally-Required Analysis of Impediments to Fair Housing Choice (AI):
 - Strengthen and align bonus programs
 - Bonus program should contribute to the diversity of housing stock in the city and expand the opportunity for protected classes to live throughout the city
- The Federal Transit Administration (FTA) Grants
 - FTA grants require an affordable housing component
 - FTA grants require transit-supportive density

Policy Objectives

- Median Family Income (MFI) Levels & Affordability Periods
 - *Rental units: 60% MFI for 40 years*
 - Ownership units: 80% MFI for 99 years
- Incentivize on-site affordable units whenever possible
 - Offer alternatives to on-site affordable units to increase participation; fees in lieu of units, off-site units, and land donations are potential alternatives that require approval
 - Criteria for approval will be located in the new Affordable Housing Criteria Manual
- Replicate Vertical Mixed Use Program to the extent possible with "-A" zones
 - Parcels that don't currently allow residential units are designated as "-A" and all residential space will be considered bonus area for which affordability requirements will apply
- Option to incentivize the creation of 2- and 3-bedroom units
- Promote affirmative marketing, unit dispersion & access
- Enforce through rulemaking, contractual agreements, land use restrictions, monitoring, and reporting

Calibrating the Program

- Goal: Create base & bonus entitlements that make participation in the program attractive
 - Program should be calibrated to market, which varies by development cycle and geography
 - Value of the bonus varies by zone and by location
 - "Cost" to provide an affordable unit varies by location, whether it is rental or ownership, and construction type
 - Requiring too many affordable units will disincentivize program participation and the provision of affordable units; sites will be developed under base entitlements without any affordable units
 - Program works best:
 - Where development is occurring
 - To provide the highest numbers of units at 60% MFI and above

TRANSITION AREA

Council Direction

"Map new Missing Middle housing in transition areas adjacent to activity centers, activity corridors, or the transit priority network."

Current Code	Draft 3	Potential Revisions	Effect of Change
 Transition areas do not exist in many places Does not provide sufficient opportunities for missing middle housing No affordability bonus in most neighborhoods 	 New missing middle zones with affordable bonus Missing middle zones applied where current zoning allows or where recommended through plans 	 Apply missing middle zones in transition areas based on Council criteria through data-driven and context sensitive considerations 	 Increase missing middle housing capacity near corridors Missing middle housing provides transition Expand housing diversity and affordability Support a 50/50 mode share goal

TRANSITION AREA – ACCUMULATIVE APPROACH

Council Direction

"The LDC Revisions should map properties for missing middle housing in transition areas that meet some or all of the following criteria. Entitlements and length of transition areas should be relatively more or less intense for areas that meet more or fewer of the criteria listed below, respectively:

i. Located on Transit Priority Network, or Imagine Austin Centers or Corridors

ii. Located within the Urban Core as defined by the Residential Design and Compatibility Standards Area (McMansion Ordinance)

iii. Has a well-connected street grid

iv. Located in a high opportunity area as defined in the Enterprise Opportunity360 Index."

"The goal of providing additional missing middle housing should inform the mapping of missing middle zones ...Generally, the transition area should be two (2) to (5) lots deep beyond the corridor lot."

NON-TRANSITION AREA MAPPING

Council Direction

"Generally, revisions to the Zoning map should not result in a downzoning of an existing use."

"Map revisions to provide additional housing capacity should include broader use of zones that allow for affordable housing density bonuses than in Draft 3."

"In general...additional entitlements beyond current zoning should only be provided...through a density bonus that requires some measure of affordable housing."

"Residential uses should be allowed in commercial zoning categories. Draft 3 mapping included affordability requirements for commercial properties where residential uses are not permitted and these requirements should be maintained in the new draft."

NON-TRANSITION AREA MAPPING

Current Code	Draft 3	Potential Revisions	Effect of Change
 400+ zoning combinations (e.g. CS-V- MU-CO) Limited amount of zones provide for affordable housing bonus Lack of clarity that residential zones allow for 2 units 	 Mapped new zones comparable to current entitlements (e.g. MS3A) Generally additional entitlements achieved through an affordable housing bonus 	 New bonus for certain zones Bonus expanded in some zones Residential zones allow 2 units and up to 3 with preservation incentive 	 Most new units provided through a bonus: market rate and income- restricted units

NON-TRANSITION AREA MAPPING: F25

Council Direction

"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."

Current Code	Draft 3	Potential Revisions	Effect of Change
Many specialized zones	 Mapped F25: Regulating plan areas (East Riverside, North Burnet, Transit- Oriented Development) Unique zoning designations (CURE, CO, PDA, NCCD, PUD) 	 Regulating plans not mapped as F25 but with unique regulating plan area designation (ERC, NBG, TOD, PUD) Applying missing middle zones to areas of NCCDs that fall within transition areas 	 Reduces amount of F25 shown in draft map

COMPATIBILITY

Council Direction

"Lot(s) adjacent to parcels fronting an activity corridor will be mapped with a zone that does not trigger compatibility and that could provide a step-down in scale from the zone of the parcel fronting an activity corridor."

"The revised zoning map should include a transition zone that will eliminate the impact of compatibility for parcels along all activity corridors and within activity centers...Lot(s) adjacent to parcels fronting an activity corridor will not trigger compatibility and will be in scale with any adjacent residential house-scale zones."

"In general, consider revisions that minimize the impact of compatibility standards on properties facing transportation corridors, particularly in relation to shallow lots."

Current Code	Draft 3	Potential Revisions	Effect of Change
 Unpredictable, triggered by zone <i>or</i> use Compatibility restricts height and unit yield on majority of growth corridors 	 Compatibility based on zone adjacency only Length of compatibility area reduced Majority of corridors still affected by compatibility, particularly shallow lots 	 Mapping of new transition areas with zones that do not trigger compatibility on each other or corridor properties 	 Consistent and predictable compatibility application Increase buildable capacity on corridors

DOWNTOWN ZONING

Council Direction

"Code and map revisions should maximize potential for employment and residential units within Downtown, in accordance with the Downtown Austin Plan and the guidance in this document, with affordable housing benefits included and calibrated."

"The application of non-zoning regulations to smaller, remaining downtown sites should allow for greater potential for employment and residential units than Draft 3, with affordable housing benefits included and calibrated in accordance with the Downtown Austin Plan and the direction of this document."

DOWNTOWN ZONING

Current Code	Draft 3	Potential Revisions	Effect of Change
 Central Business District (CBD) FAR 8:1 No height limit 	 Downtown Core (DC) FAR 8:1 No height limit 	 No change in overall zoning entitlements Small increase (5') to CC zone heights 	 Implements the Downtown Austin Plan (DAP) zoning Tweaks to CC improve
 Downtown Mixed Use (DMU) FAR 5:1 120' height limit Unlimited density 	 Commercial Center (CC) FAR 5:1 120' height limit Unlimited density 		 development potential for smaller sites Downtown Density Bonus Program remains appealing option
Various other zones	 Various other zones FAR 3:1, 80' FAR 2:1, 60' FAR 1:1, 40' 		

DOWNTOWN DENSITY BONUS

Council Direction

"Code and map revisions should maximize potential for employment and residential units within Downtown, in accordance with the Downtown Austin Plan and the guidance in this document, with affordable housing benefits included and calibrated."

Current Code	Draft 3	Potential Revisions	Effect of Change
 Various FAR and height bonuses mapped by subdistrict Bonus height and/or FAR capped 	 No change to bonus map subdistricts Bonus height and/or FAR capped 	 No change to subdistrict boundaries, but increase/eliminate bonus caps in some subdistricts 	

DOWNTOWN PARKING

Council Direction

"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."

"The Manager should determine if parking in certain areas should be counted against FAR."

"The Manager should explore options for adopting parking maximums or minimum unit-yield in areas necessary to ensure sufficient transit-supportive development."

DOWNTOWN PARKING

Current Code	Draft 3	Potential Revisions	Effect of Change
 No minimum on-site parking requirement for CBD and DMU zoning Accessible parking spaces required Shared parking allowed Commercial off-street parking is a CUP Parking maximum 	 No minimum on-site parking requirement for DC and CC zoning Accessible parking spaces required Shared parking allowed Commercial off-street parking is a CUP No parking maximum 	 No minimum on-site parking requirement for DC and CC zoning Accessible parking spaces required Shared parking allowed (clarified) Commercial off-street parking is permitted if accessory Parking maximum Allow convertible garages to be converted in the future without counting against FAR 	 Lets the market dictate parking while still requiring accessible spaces; preserves parking maximum Allows existing parking to be more easily shared and utilized Allows space for cars to be converted to space for people in the future

PARKING

Council Direction

"Minimum parking requirements should be generally eliminated 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 (conditions to be proposed by staff)."

Current Code	Draft 3	Potential Revisions	Effect of Change
 Sidewalks required at residential review, building permit, subdivision, and site plan Sidewalk fee-in-lieu is granted with high frequency No requirement for sidewalk rehabilitation Mitigation includes sidewalk construction 	 Required sidewalks be built at the same time as the street construction Strengthened administrative review for fee-in-lieu Ensure rehabilitation and new construction 	 Parking not required within ¼ mile of centers, corridors, or TPN if on an accessible route Some parking or other sidewalk mitigation may be required if not on an accessible route 	 Parking reductions applied in areas conducive to multi- modal transportation options Integrated land use regulations and mobility infrastructure

PARKING MAXIMUMS

Council Direction

"The Manager should...Explore options for adopting parking maximums or...in areas necessary to ensure sufficient transit-supportive development (e.g., TODs)."

Current Code	Draft 3	Potential Revisions	Effect of Change
 Parking maximums exist only in CBD and some regulating plans 	 Generally reduced on-site parking requirements Set a city-wide parking maximum of 200% for most zones 	 200% Citywide 150% for Centers, Corridors, or TPN 100% Downtown 	 Supports a TDM-first approach to transportation mitigation Supports a reliable, high- frequency transit system Allows for development to focus on housing people versus housing cars

INCREASING HOUSING CAPACITY

Council Direction

"In general, within activity centers, along activity corridors, along the transit priority network, and in transition areas, additional entitlements beyond current zoning should only be provided: i. to increase the supply of missing middle housing, which shall include an affordable housing bonus program where economically viable or, ii. through a density bonus that requires some measure of affordable housing."

"The granting of new entitlements in areas currently or susceptible to gentrification should be limited so as to reduce displacement and dis-incentivize the redevelopment of multi-family residential development, unless substantial increases in long-term affordable housing will be otherwise achieved. Existing market rate affordable multifamily shall not be mapped to be upzoned."

Current Code	Draft 3	Potential Revisions	Effect of Change
• Does not provide sufficient	 Approach to Increase 	Maintain current base	Increased housing
housing capacity	housing capacity did not	zoning capacity except in	capacity to improve: a)
 Increasing housing 	include transition zones	transition zones	jobs/housing balance and
capacity requires time-	 Lacked the benefit of 	Create transition zones	b) tools to provide more
consuming and	recent in-depth	specifically to provide	affordable housing
complicated by-lot	gentrification data and	missing middle housing	opportunities
rezoning	studies	Apply zones in areas	 More housing close to
		susceptible to	transit corridors; more
		displacement, guided by	types of housing
		the <i>Uprooted</i> study	

HOUSING CAPACITY & YIELD

Council Direction

"The new code and map should allow for housing capacity equivalent to at least 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 direction provided throughout this document."

Current Code	Draft 3	Potential Revisions	Effect of Change
• Yield goal: 135k and	 Yield goal: 135k and 	• Yield goal: 135k and	• By planning for 3x
with 60k units	with 60k units	with 60k units	capacity we're more
affordable at 80% MFI	affordable at 80% MFI	affordable at 80% MFI	likely to reach our
• Capacity: 145k (~1x)	• Capacity: 287k (2x)	• Capacity – Council	yield goal
		goal: 405k (3x)	• Greater yield of
			market-rate units will
			facilitate more
			affordable units

PERMITTING PROCESSES

Council Direction

"The new LDC provisions should.... Continue including and enhance a site plan process that assesses the infrastructure needs of developments, including the cumulative impact of development, and facilitate the installation of new infrastructure funded in whole or in part by new development."

"Code revisions for Council approval should include provisions to achieve the following ASHB 'Key Actions' that are related to the Land Development Code in addition to those already included in response to City Managers question 1 to 5 (* indicating strategies with highest potential impact):

*Streamline City Codes and Permitting Processes"

PERMITTING PROCESSES

Current Code	Draft 3	Potential Revisions	Effect of Change
 No ability to scale submittal requirements, outside of a strict "small project" list. Code language often does not adequately describe actual practice, resulting in confusion, delay, and cost. Too much emphasis on whether a project is "site plan exempt," rather clearly defining what regulations apply and the scope of review. 	 Carried forward "small projects" list. Attempted to provide a change by introducing a separate process for 3-8 units. Allowed staff to require more materials for an application, but not fewer. 	 Mandate that application requirements be scaled to the intensity of a project and the LDC requirements that apply. Clearly define the review process for projects historically called "site plan exempt," with appropriate flexibility to address safety and environmental impacts. De-emphasize "exemption" language, in favor of more accurate terminology. 	 Reduce needless costs by directing that application requirements be proportionate to the regulations a project has to meet. Provide predictability by matching labels with expected outcomes.

RELATED COUNCIL DIRECTION

"Continue including and enhance a site plan process that assesses the infrastructure needs of developments, including the cumulative impact of development, and facilitate the installation of new infrastructure funded in whole or in part by new development."

"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."

COMPREHENSIVE TRANSPORTATION REVIEW

- Umbrella category for Transportation Chapter.
- Encompasses projects that trigger:
 - ✓ Transportation Demand Management (TDM)
 - ✓ Transportation Impact Analysis (TIA), or
 - ✓ Both TDM & TIA

TRANSPORTATION DEMAND MANAGEMENT

Current Code	Draft 3	Potential Revisions	Effect of Change
Does not exist	 Comprehensive Transportation Review is introduced as an umbrella category for TIAs, TDM, and Multi- Modal Review Trigger of 1,000 net daily vehicle trips 	 Improve flow to assure TDM is first approach TIA process as a four tier system: 1) <1K trips no TIA, TDM and mitigation may be required; 2) 1K to 2K trips, TDM can be used to reduce trips to <1K or reduce trips to effect TIA scope; 3) >2K TDM can be used to reduce trips, however for traffic intense projects TDM and TIA will be required All TIAs will include a TDM element 	 Codifies a TDM first approach to transportation review More predictable, realistic, and multi- modal approach to transportation regulations Improves context- sensitive multi-modal transportation mitigation Provides a more strategic use of TIAs Enhanced enforceability

TRANSPORTATION IMPACT ANALYSIS

Current Code	Draft 3	Potential Revisions	Effect of Change
 Triggered when a development is expected to generate 2,000 daily trips 	 Trip trigger reduced to 1,000 daily or 100 peak hour trips Codified an Active Modes Analysis component Clarifies requirements for initial vs. updated TIA Imposes time limits on validity of TIA assumptions Clarifies geographic scope of intersections covered by TIA 	 Allows TDM to take the place of a TIA under 2000 daily trips Utilizes a TDM first approach 	 Requires multi-modal analysis and mitigation measures Incentivizes construction of improvements by the applicant Eliminates costly and redundant transportation analysis Utilizes demand management strategies to reduce vehicle trips and potentially take the place of a TIA in small scale development

TRANSPORTATION ANALYSIS AT ZONING

Current Code	Draft 3	Potential Revisions	Effect of Change
 Not explicitly required by Code, but frequently provided 	 Codified TIA as an option at zoning 	 Analysis will be a component of zoning cases, but a traditional TIA will not be required Require TIA with PUDs, other special districts at over 2,000 trips ROW or other access dedications still can be required at zoning 	 Right sizing analysis to the phase of development Inform Council with appropriate transportation information to make a legislative land use decision through zoning

QUESTIONS