LAND DEVELOPMENT CODE REVISION

What's a Land Development Code?

The Land Development Code…

• is a tool that determines how land can be used throughout Austin

• is a tool that can help guide growth to where it can do the most good

• Needs to be updated to meet the needs and priorities of Austin today

The Land Development Code is not…
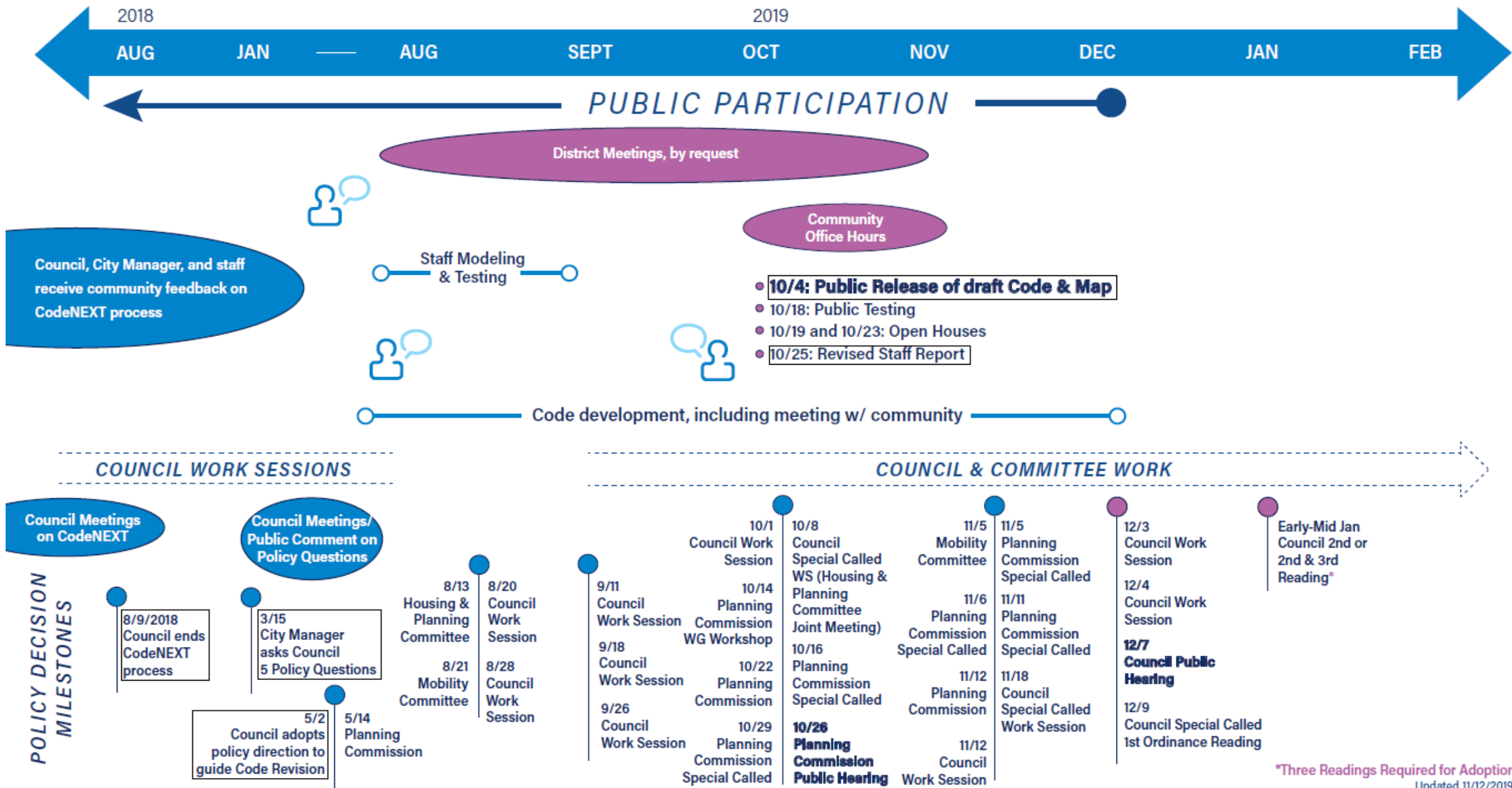
• The only solution to addressing community challenges

What Happened on Oct. 4?

- Staff published the *Draft Land Development Code Revision*, including...
  - Maps – draft citywide maps showing proposed zoning by parcel
  - Text – a draft comprehensive rewrite of the regulatory document
  - Staff report – a "quick guide" to staff's application of the Council Direction and recommendations in the draft Code
  - Responses to Boards and Commissions Recommendations – a review actions taken by Boards and Commissions as part of CodeNEXT and a response about whether or not its included in the Oct. 4 draft
- Since then...
  - Public Participation – two open houses, public testing, office hours, City Council Town Halls, Submit a Zoning Map exercise
  - Supplemental Staff Report – document containing recommended amendments and corrections from staff for the consideration of Planning Commission and City Council
  - Report Card – document showing how the draft Code performs regarding a variety of metrics and indicators
  - Planning Commission – on November 12, Planning Commission recommended the Draft LDC Revision with amendments and staff's Supplemental Report

Land Development Code Revision: Proposed Timeline*

*Proposed dates, subject to change based on Council direction & outcome of public process

2018

2019

AUG | **JAN** | **AUG** | **SEPT** | **OCT** | **NOV** | **DEC** | **JAN** | **FEB**

PUBLIC PARTICIPATION

District Meetings, by request

Community Office Hours

Council, City Manager, and staff receive community feedback on CodeNEXT process

Staff Modeling & Testing

- **10/4: Public Release of draft Code & Map**
- 10/18: Public Testing
- 10/19 and 10/23: Open Houses
- 10/25: Revised Staff Report

Code development, including meeting w/ community

COUNCIL WORK SESSIONS

COUNCIL & COMMITTEE WORK

Council Meetings on CodeNEXT

Council Meetings/ Public Comment on Policy Questions

POLICY DECISION MILESTONES

8/9/2018 Council ends CodeNEXT process

3/15 City Manager asks Council 5 Policy Questions

5/2 Council adopts policy direction to guide Code Revision

5/14 Planning Commission

8/13 Housing & Planning Committee

8/20 Council Work Session

8/21 Mobility Committee

8/28 Council Work Session

9/11 Council Work Session

9/18 Council Work Session

9/26 Council Work Session

10/1 Council Work Session

10/14 Planning Commission WG Workshop

10/22 Planning Commission

10/29 Planning Commission Special Called

10/26 Planning Commission Public Hearing

10/8 Council Special Called WS (Housing & Planning Committee Joint Meeting)

10/16 Planning Commission Special Called

11/5 Mobility Committee

11/6 Planning Commission Special Called

11/12 Planning Commission

11/5 Planning Commission Special Called

11/11 Planning Commission Special Called

11/18 Council Special Called Work Session

11/12 Council Work Session

12/3 Council Work Session

12/4 Council Work Session

12/7 Council Public Hearing

12/9 Council Special Called 1st Ordinance Reading

Early-Mid Jan Council 2nd or 2nd & 3rd Reading*

*Three Readings Required for Adoption

Updated 11/12/2019

Overview of May 2 Council Policy Direction

- **Scope**

- **Housing Capacity**

- **Missing Middle Housing**

- **Compatibility**

- **Parking**

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	LDC Draft Revisions	Effect of Change
• Yield goal: 135k and with 60k units affordable at 80% MFI • Capacity: 145k (~1x)	• Yield goal: 135k and with 60k units affordable at 80% MFI • Capacity – Council goal: 405k (3x)	• By planning for 3x capacity we're more likely to reach our yield goal • Greater yield of market-rate units will facilitate more affordable units • 397K housing capacity

MISSING MIDDLE HOUSING

Council Direction

*"Map **new Missing Middle housing** in transition areas **adjacent to activity centers, activity corridors, or the transit priority network**…ensure that the Land Development Codes and **permitting process are streamlined** to the greatest extent possible…"*

Current Code	LDC Draft Revisions	Effect of Change
• Difficult to have house scale multiunit housing for various reasons ranging from zoning districts to parking	• Increase units and max. impervious cover • Apply 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 house 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	LDC Draft Revisions	Effect of Change
• Market rate affordable multifamily properties exist in a variety of zones	• 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

AFFORDABLE HOUSING BONUS PROGRAM

Council Direction

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

Current Code	LDC Draft Revisions	Effect of Change
• Affordability Unlocked is the only citywide bonus program • About a dozen different bonus programs tied to specific parts of city • Bonus Program applies only to about 3% of the City	• New bonus for certain zones • Bonus expanded in some zones • New processes for strengthening compliance • Simplify 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 • New compliance processes improve enforcement • Simplified set-aside maps make implementation clearer and easier

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	LDC Draft 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	• 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

IMPERVIOUS COVER

Council Direction

"The revised Code text and map should result in **reduced allowable city-wide impervious cover***, improved city-wide water quality, and reduced overall flood risk."*

"Methods to measure and options to **reduce allowable impervious cover in each watershed** *relative to current code, and methods to measure and options to improve water quality in each watershed, should be developed for the new code and the following goals incorporated:*

- *Reductions in impervious cover city-wide should either* **decrease allowable impervious cover for, or make no change to, each individual watershed** *(relative to current code)."*

Preliminary Results

- Draft code and map result in a very small increase in allowed impervious cover citywide: 0.20%

- Most watersheds had essentially no change in allowable impervious cover, either up or down

- Only 2 of 68 watersheds had an increase of >1% (Johnson Creek at 1.6%; Waller Creek at 1.2%)

- Not a significant change from a watershed impact perspective

WATER QUALITY IMPROVEMENTS

- **Steep slopes.** Apply the requirements for construction on slopes to the Urban watersheds, which are currently exempt from steep slope protections.

- **Wetlands.** Add protection for wetlands along shoreline of Lady Bird Lake.

- **Environmental Resource Inventory.** Change triggers to increase protections for sensitive features (e.g., wetlands) in eastern watersheds.

- **Variance findings.** Revise findings to consider whether the proposed development as a whole provides greater overall protection than would be required without the variance.

- **Waterway crossings.** Establish new design standards to promote connectivity and minimize environmental disturbance.

- **Soil decompaction.** Require any soils that are compacted during site grading and construction operations to be decompacted for areas that will remain pervious.

- **Critical environmental features.** Prohibit proposed residential lots from containing critical environmental feature buffers.

- **Save Our Springs (SOS) Ordinance.** Any changes that would require an SOS Amendment will be pursued through a later, separate process to solicit additional public feedback.

PERMITTING PROCESSES

Current Code	LDC Draft 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.	• 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.

Questions?