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Potential Policy Direction for Land Development Code Rewrite

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Steve Adler



ONLINE

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Mon Nov 18, 2019 9:14 am

Colleagues,

In advance of the staff's planned November 25th release of a subsequent staff supplemental report, Council Member Alter and I would like to share some areas we hope staff will examine and consider adjusting. Several colleagues have noted some of the following issues during previous work sessions, but we thought it might be useful to post them to the message board as potential policy direction that could be included in the supplemental report, or as council policy direction at 1st reading.

1. Residential house-scale zones and transition zones: we should consider re-calibrating FAR and FAR exemptions in these zones if we want to achieve our shared objective of modest, attainable homes rather than giant, expensive homes.

The new code should count attics and garages toward total FAR (and potentially consider elimination of other FAR exemptions) in Residential house-scale zones and transition zones to reduce the size of house-scale buildings, unless it can be demonstrated that elimination of an exemption substantially reduces housing unit capacity.

The new code should include an updated and clear definition of 'Residential Unit' so that only spaces truly meant for separate habitation are included in unit counts.

2. Preservation Bonus: we do not believe the current draft preservation bonus is calibrated to achieve our shared goals around affordability, preservation of existing, older housing stock, and gently increasing density with smaller units. The October 4th draft increases FAR for duplexes and allows an unlimited FAR for the preservation bonus unit.

The new code should include adjustments to the proposed requirements and standards for Preservation Bonuses (including, without limitation, allowances for FAR and how much of an existing structure may be demolished and still be considered a 'preserved' structure) as may be necessary to achieve greater feasibility of the Preservation bonus, while incentivizing smaller units, prohibiting construction of units that exceed current McMansion limits, and minimizing increased flood risk.

3. Affordability Requirements: We continue to have properties that currently are zoned for only commercial uses that do not have the right to build residential uses today that were mapped in this draft to allow for residential uses by-right without an affordability requirement. These parcels are in high-opportunity areas and represent a missed opportunity for obtaining income-restricted affordable housing. We'd like that changed to follow council's consistently stated intentions and goals of capturing income-restricted affordable housing. We have ambitious goals in this area and we can't miss these opportunities. From the May 2, 2019 Council Direction: "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."

The new code should require participation in an affordable housing bonus program for residential development on sites that are currently zoned for commercial uses only.

4. Regional Centers: It does not appear that our current mapping sufficiently allows for additional growth in housing capacity within Imagine Austin Regional Centers as called for in our adopted comprehensive plan and the May 2nd council direction.

The mapping of increased entitlements in gentrifying areas should be further reduced and any resulting reduction of housing capacity should be mitigated by additional mapping of entitlements to allow for new missing middle housing within Imagine Austin Regional Centers (except those that currently have a regulating plan and are to be mapped F25) in high opportunity areas, or that are located in undeveloped (greenfield) areas.

We request staff provide an assessment of the impact on housing capacity of the above policy direction.

5. Corridors: Not all corridors share identical characteristics, and the mapping of missing middle housing in transition areas should reflect that context. We have discussed concerns with the mapping of transition areas on transit priority network corridors that are primarily residential, but there may be other contextual features of a given corridor to consider, such as a realistic assessment of existing and future transit demand.

The mapping of transition areas along corridors that are primarily residential in character shall be adjusted to include the lot with corridor frontage within the transition area, thus generally reducing the currently mapped transition area by the depth of at least one lot.

The mapping of transition areas shall be further reduced or eliminated along segments of corridors within the Transit Priority Network that are:

- not the primary intended transit ridership generators for the corridor - for example areas that are primarily opportunities for transit vehicles to make turning movements in order to reverse direction or serve other destinations, and are susceptible to elimination of service, or
- are primarily low-density residential areas that are located along a corridor in between areas that are higher ridership generators.

6. Development Reserve: The current code has a Development Reserve category. The new proposed code does not carry that category forward. As a result, there are properties zoned Development Reserve today that need a new proposed zoning designation. In subdivisions where unbuildable areas, such as green spaces owned by HOAs, are currently zoned Development Reserve, staff applied the same zoning as the adjacent neighborhood properties. These areas should instead be zoned to reflect their status as unbuildable open spaces.

Areas currently zoned as Development Reserve that are to be maintained as undevelopable open space for the foreseeable future should be mapped F25 or with a zoning district to reflect their unbuildable status.

In addition, several of our colleagues have expressed a concern about the mapping of increased entitlements in areas where our Watershed Protection Department has documented localized flooding. We request staff examine this issue and determine how housing capacity would be impacted if equivalent existing entitlements were maintained in areas with documented localized flooding.

Mayor Adler
Council Member Alter

Mayor