

Council Member Kathie Tovo - December 6, 2019
Land Development Code 1st Reading Amendments

Petition Rights

Amendment #1: Council affirms that property owners have petition rights regarding the proposed rezoning of their properties and properties within a radius of 200 feet as these zoning proposals are depicted on the Land Development Code map.

Housing Affordability in Transition Areas

Amendment #2: Tie all increases in entitlements over current base zoning to strong affordability requirements. Include on-site affordable unit(s) for projects of five units or more and require appropriate fees-in-lieu for projects between three and five units.

Amendment #3: To manage on-site affordable units in smaller projects, partner with local nonprofit organizations, such as Foundation Communities, to identify qualified tenants and provide ongoing monitoring.

Amendment #4: To protect renters, do not up-zone existing market affordable missing middle housing, including duplexes, triplexes, and fourplexes.

Amendment #5: Allocate bond or other funding to create a low- or no-interest loan program to upgrade aging multifamily properties that might pose health or safety risks to tenants (I intend to bring forward an Item from Council creating this fund in January 2020)

Amendment #6: To help existing homeowners stay in place, take the following steps to assist them in creating income-generating second units:

- Develop pre-approved ADU plans in a variety of sizes to expedite permitting and cut costs for both homeowners and the city (such plans could also be used by non-homesteaded properties).
- Create programs to educate homeowners about financing options for ADUs or other second units.
- Allocate \$1 million in bond or other funding to create a low or no-interest loan program for lower- and perhaps middle-income homeowners to assist in building income-generating additional units. (I intend to bring forward an Item from Council creating this fund in January 2020)

Affordable Housing Bonus Program (AHBP)

Amendment #7: Properties with current Vertical Mixed Use zoning should access the AHBP with requirements of at least 10% affordable units or more.

Amendment #8: Standardize VMU Median Family Income affordability levels to 60% for rental units and 80% ownership.

Amendment #9: Include VMU in the three-year lookback period / evaluation cycle to analyze participation and success.

Amendment #10: Exclude properties on the Repeat Offender List from participating in the AHBP program until they are no longer listed or the Housing Director has made a determination that participation is permissible because the existing multi-family structure requires extensive repairs and rehabilitation costs that will exceed 50% of the market value as determined by the building official. Should this determination be made, public notification is required.

Amendment #11: Assess an annual compliance and monitoring fee to properties that participate in the AHBP program.

Amendment #12: For all AHBP units, work with stakeholders and require tenant protections similar to what is currently required in the Rental Housing Development Assistance lease addendum.

Amendment #13: Continue the analysis of the opportunities or challenges associated with allowing for income averaging for income-restricted units and propose a unit threshold for which income averaging would be permitted.

Amendment #14: Institute fees or fines for non-compliance within the Affordable Housing Bonus Program.

Housing Opportunity in MU/MS Zones

Amendment #15: Staff should require a percentage of onsite residential with an affordability requirement in MU zones and develop an incentive within MS zones.

Minimize loss of housing to Type 2 and 3 STRs

Amendment #16: Prohibit STRs within density bonus units.

Amendment #17: Prohibit Type 2 and Type 3 STRs within transition zones.

Amendment #18: Reduce percentage of short-term rentals Type 3 allowed in MU and MS zones.

Amendment #19: Prohibit income-restricted units from being permitted as short-term rentals.

Rainey Street District

Amendment #20: Maintain current Floor-to-Area entitlements for the Rainey Street District until mobility improvements have been implemented.

Note: Maintain the maximum FAR of 15:1 in the Rainey Street Subdistrict Regulations of the Downtown Density Bonus Program codified in § 25-2-739.

Preservation Incentive

Amendment #22: For buildings 30 years or older:

- (a) If the structure has a side-gabled, cross-gabled, hipped, or pyramidal roof form, set the addition behind the existing roof's ridgeline or peak.

(b) If the structure has a front-gabled, flat, or shed roof form, set the addition back from the front wall one-half of the width of the front wall. For example, if the front wall is thirty feet (30') wide, set the addition back by at least fifteen feet (15').

(c) Retain the original roof configuration and pitch up to the greater of (a) 15' feet from the front facade or (b) the ridgeline of the original roof.

Support Safety, Functionality, and Complete Communities in Transition Areas

Amendments #23: For the safety of residents, ensure adequate sidewalks and infrastructure (water, sewer, drainage) to accommodate proposed up-zoning.

Amendment #24: Do not zone as RM1 or R4 properties within areas identified as "Localized Flood Identified Problem Areas."

Amendment #25: To foster complete communities per Imagine Austin, do not up-zone existing childcare centers, local businesses, cultural venues, historic districts or grocery stores located within transition areas or elsewhere.

Amendment #26: Remove transition areas on residential corridors that bisect existing house-scale neighborhoods.

Amendment #27: Revise map so that transition zones do not extend for more than 5 adjacent parcels in any area.

Amendment #28: Develop a strategy for ensuring access for emergency vehicles, trash collection, deliveries, work crews and other basic services in areas where parking is eliminated. Craft visual illustrations of how RM1 or R4 properties that take full advantage of every entitlement would accommodate basic services such as trash collection on a standard city lot.

Amendment #29: Retain current on-site parking requirements for residential properties within 750' and limit parking reductions to no more than 30% for commercial properties within 1500' of an urban core public school to maintain needed parking for parents, visitors, teachers, and staff at school campuses.

Environmental Regulations

Amendment #32: Enact a conservation subdivision code for greenfield sites.

Comprehensive Plan

Amendment #33: Amend the Draft Code as follows:

23-1A-4010 Consistency with the Comprehensive Plan

(A) Consistency Requirement. Legislative, quasi-judicial, and administrative decisions under this Title must be consistent with the Comprehensive Plan, as required by Article X of the City Charter.

(B) Consistency Standards for City Decisions.

(1) Legislative Decisions.

(a) An amendment to the zoning map is consistent with the Comprehensive Plan if the nature and location of allowed land uses is consistent with the growth concept map and, if applicable, a land use map included in an adopted small area plan or other plan element.

(b) The city council has sole authority to determine the consistency of a legislative decision, including the adoption or amendment of this Title, with the Comprehensive Plan and to balance the goals and policies of the Comprehensive Plan. ~~A decision by the council to approve a legislative decision shall constitute a finding that the decision is consistent with the Comprehensive Plan.~~

Recent Zoning Changes

Amendment #34: Update the draft Code Section 23-3C-10130 (University Neighborhood Overlay) to reflect changes adopted on November 14, 2019, and revise capacity numbers.

Amendment #35: Update the draft Code Section and update capacity numbers to reflect changes to the Mueller Planned Unit Development adopted on December 5, 2019.

Alternative Mapping

Amendment #36: Provide resources and support for neighborhoods that want to construct alternative maps.

Demolitions

Amendment #37: Require public notification for all properties of a demolition in a manner consistent with the notification processes associated with zoning or land use changes.

Amendment #38: Require affidavit for demolitions as proposed by staff.

Bars

Amendment #39: Require a Conditional Use Permit in Mixed Use and Main Street zoning categories for uses that derive 50% or more of sales from alcohol.