

## **ORDINANCE AMENDMENT REVIEW SHEET (Council)**

**Amendment:** C20-2022-004 Compatibility on Corridors

**Description:** Consider an amendment to Title 25 of the City Code to modify compatibility standards as applied to certain projects on certain corridors.

**Proposed Language:** See attached draft code language and background information.

### **Summary of proposed code amendment**

- The proposed amendment will generally reduce compatibility for a residential or mixed-use project on a defined set of corridors: Medium, Large, or Light Rail Line. For all eligible projects on a corridor:
  - Compatibility will extend 300' in distance (vs 540' today)
  - Compatibility will be triggered by zoning only (not use)
  - An additional 5' of height will be allowed vs current standards
- Projects providing affordable housing may be granted a further reduction in compatibility:
  - Maximum height at a distance of 100' from a triggering property for projects on a light rail line
  - 65' of height at a distance of 100' from a triggering property and 90' of height at 200' from a triggering property on a large corridor
  - 65' of height at a distance of 150' from a triggering property and 90' of height at 250' from a triggering property on a medium corridor
- Minimum parking requirements are reduced for residential or mixed-use corridor properties:
  - 25% of what would otherwise be required for a light rail line or large corridor
  - 50% of what would otherwise be required for a medium corridor

**Background:** Initiated by City Council [Resolution 20220609-066](#).

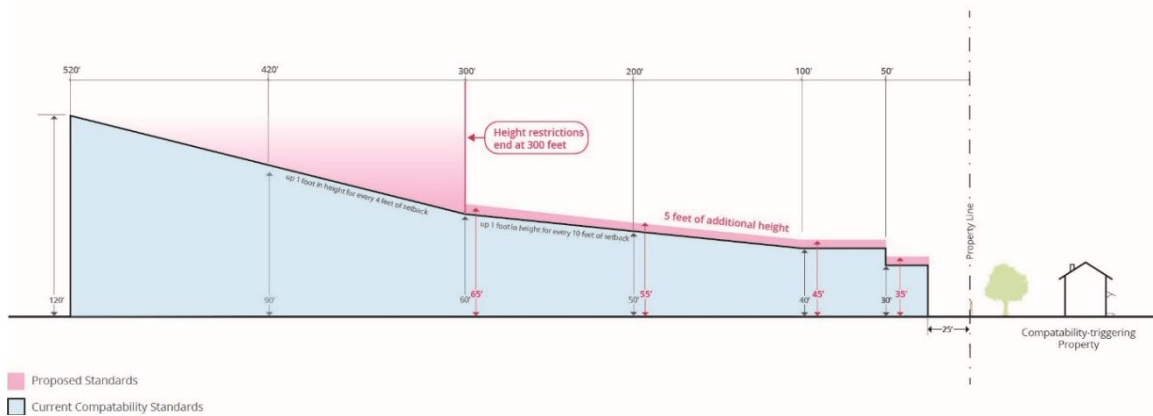
The City of Austin's current compatibility standards apply to sites that are within 540 feet (or nearly two downtown blocks) of the property line of an urban family residence (SF-5) or more restrictive zoning district. Compatibility standards also apply when a site is adjacent to a lot on which a use permitted in an SF-5 or more restrictive zoning district is located.

Current compatibility standards include:

- Height and Setback Limitations
- Scale and Clustering Requirements
- Screening Requirements

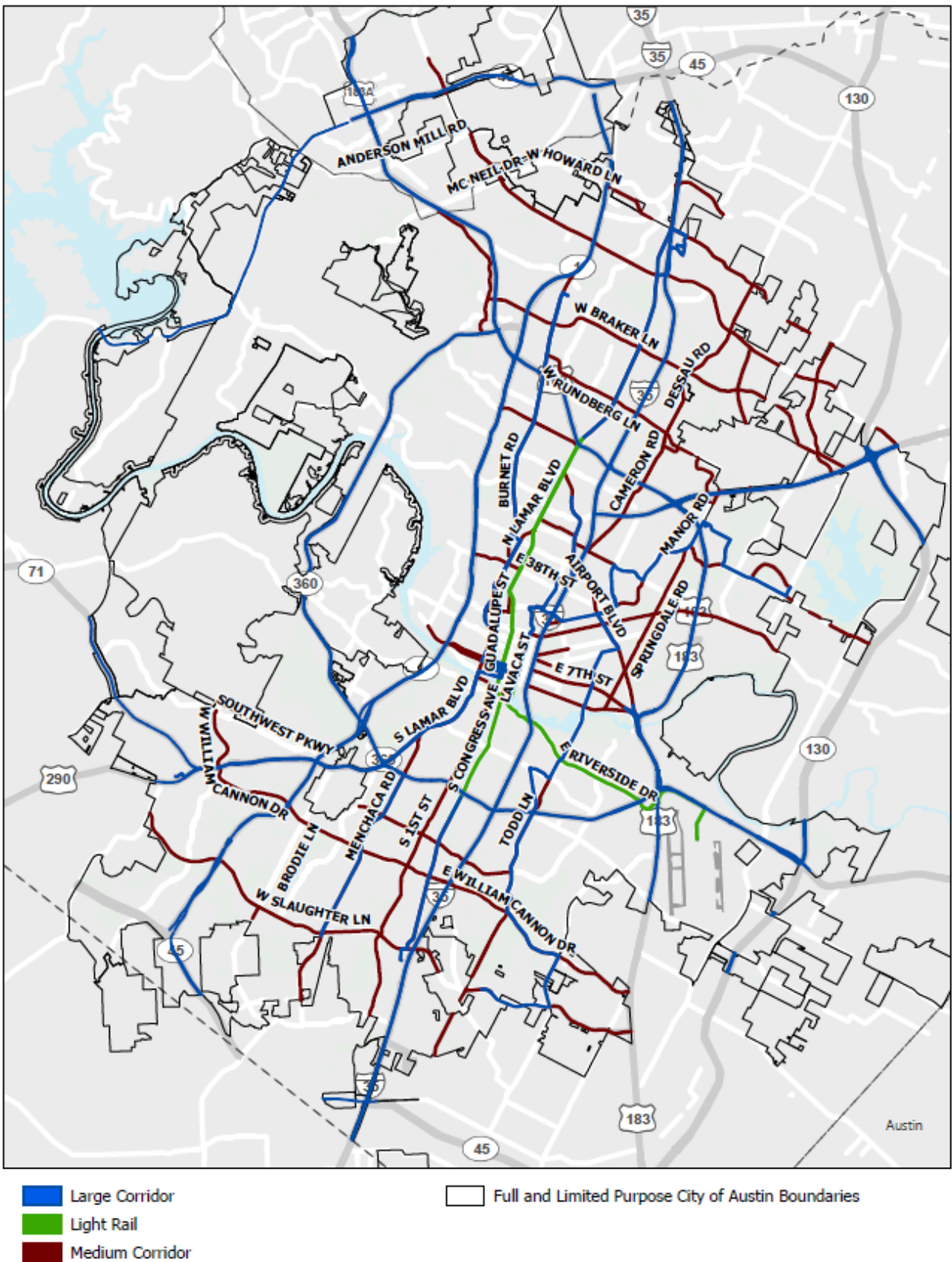
The dimensional characteristics of the City's current compatibility standards are shown in the image below, with annotations in pink text showing the proposed compatibility standards along light rail lines, large corridors, and medium corridors as defined in the ordinance:

### Existing Compatibility Standards and Proposed Compatibility Standards Along Specified Corridors

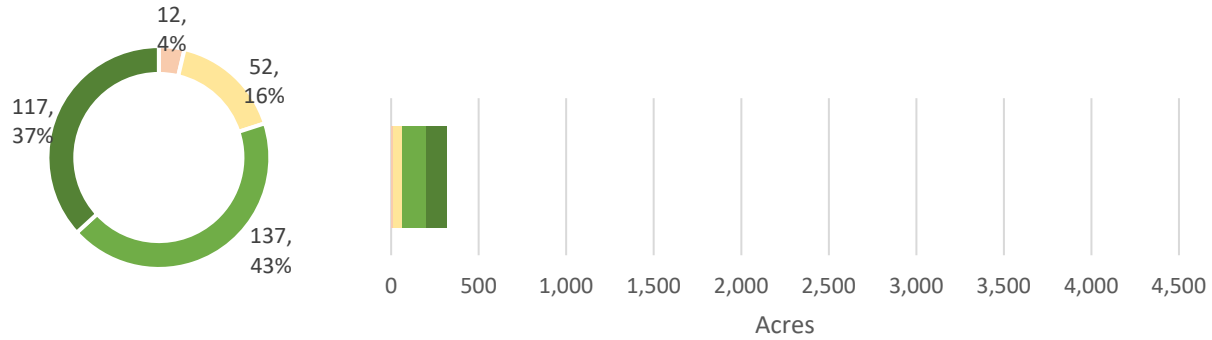


In June 2022, City Council adopted a resolution that directed staff to modify the application of compatibility to projects on certain corridors (see corridor map, below), such that compatibility would generally be reduced by stopping the reach of compatibility at 300' from a triggering property (or about one city block length) and allowing an additional 5' in height to current height limits (see Proposed Compatibility Standards and Proposed Compatibility Standards Along Specified Corridors figure, above). In addition, projects providing affordable housing would be granted greater relief from compatibility. Minimum parking requirements would also be reduced for all residential or mixed-use projects on the specified corridors (see figures immediately below; see attached presentation for larger figures).

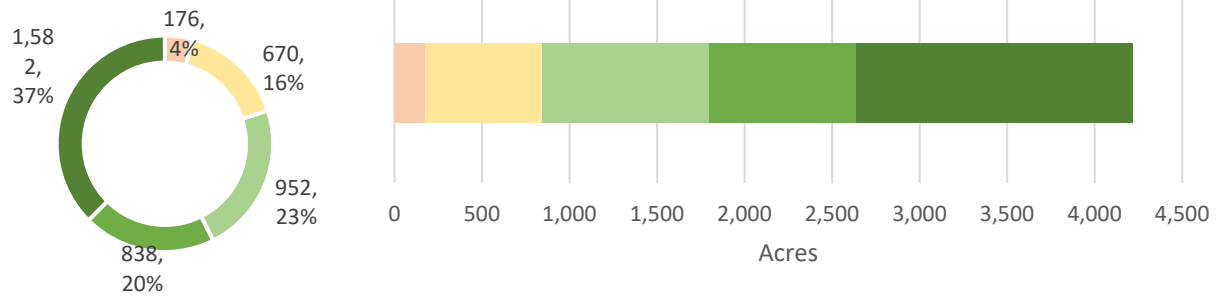




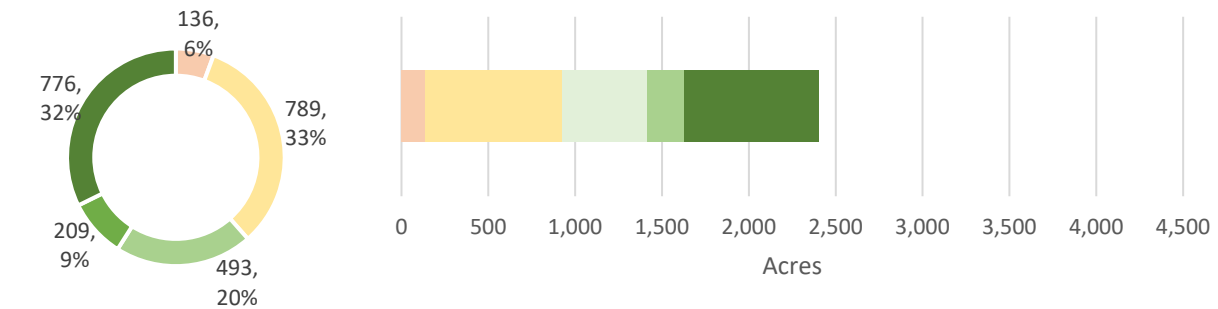
### Light Rail Corridor



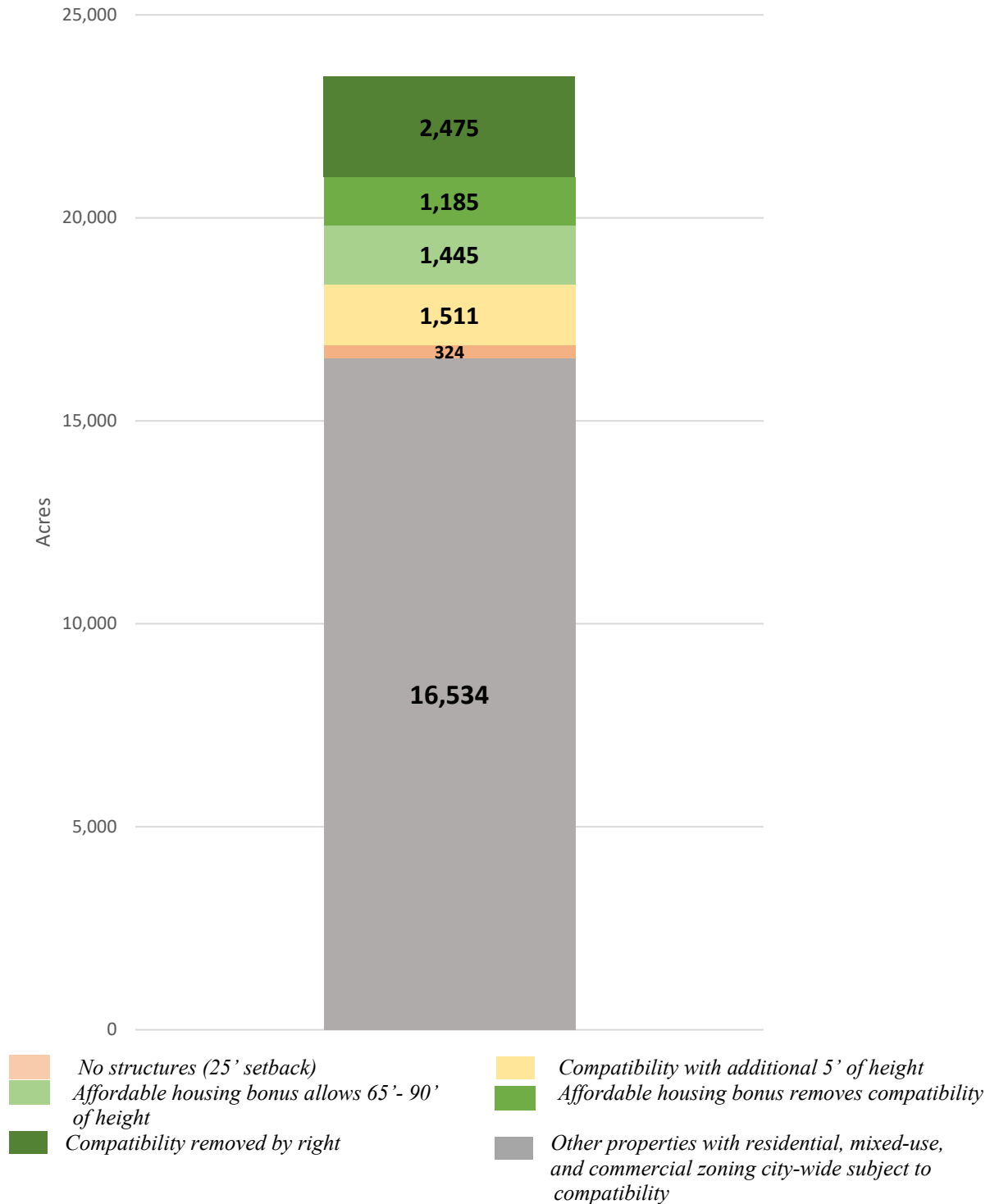
### Large Corridor



### Medium Corridor



## Total Acreage of Properties Impacted by Compatibility Under Current and Proposed Standards



**Staff Recommendation: Not recommended as drafted.** Staff recommends postponement of this item in order to undertake a broader process to evaluate options for refining compatibility standards in the context of the wide array of development tradeoffs, including affordability, mobility, environment, and equity. Specifically, there are two primary issues with the item as drafted:

**1. Minimal Impact:** These modifications would allow only a subset of corridor properties (already itself a subset of all citywide properties where compatibility is limiting the number of people who can live near transit, goods, and services) to benefit from relaxed compatibility:

- Most corridor properties would be granted an additional 5' in height with this proposal; however, this is not enough to accommodate an additional story of development;
- Only a portion of corridor properties (36% by acreage) would have compatibility completely removed, assuming no participation in the affordability bonus program (see Total Properties Impacted by Compatibility Under Proposed Standards, below);
- A subset of corridor properties would have compatibility partially or fully removed, assuming there is participation in the affordability bonus:
  - Light rail corridor: 80% by acreage
  - Large corridor: 80% by acreage
  - Medium corridor: 62% by acreage
- It's unknown whether the proposed affordability bonus program will relax the applicable compatibility regulations enough to incentivize the number of affordable units required for the bonus.

**2. Additional Complexity:** These modifications would add complexity to the code by:

- Applying new compatibility standards that differ from current compatibility regulations, resulting in multiple compatibility standards that could apply to a corridor property, depending on how the property is used;
- The proposed amendments will be unpredictable for staff, developers, and the public; standards will depend on how corridor properties are used and triggering properties are zoned.

HPD staff generally supports revising compatibility standards to better reflect City policy goals and to increase housing along transit corridors to enable more people to live in walking distance to transit, with a focus on incentivizing affordable units; however, these proposed draft code amendments have the potential to create considerable administrative burden while providing a fairly small benefit in terms of additional housing units and affordability.

Staff would recommend reconsideration of compatibility changes as part of a broader discussion of amendments being made to the code, many of which are or have been drawn from the 2019-2020 Land Development Code (LDC) Revision. As such, the proposed compatibility standards of the draft LDC could be considered or used as starting point; these standards considerably simplified the application of compatibility by triggering based on adjacent zone only, ending the reach of compatibility at 100' of distance, and allowing developments with on-site affordable housing to be exempted from compatibility step-backs. The draft LDC proposal is also more in line with how Austin's peer cities regulate compatibility, with Austin's current standards being extremely conservative by comparison, which limits the number of households who can live in proximity to transit, goods, and services.

#### **Board and Commission Actions**

**October 19, 2022:** Reviewed and discussed by the Codes and Ordinances Joint Committee. No action taken.

**November 8, 2022:** A public hearing was conducted and closed by Planning Commission; the item was postponed to the November 15, 2022 meeting.

**November 10, 2022:** A briefing was given to the Housing and Planning Committee of Council. No action taken.

**November 15, 2022:** The item was discussed at the Planning Commission and recommended on an 7-2 vote, with amendments (see attachment).

#### **Council Action**

**December 1, 2022:** A public hearing has been scheduled.

**Ordinance Number:** NA

**City Staff:** Greg Dutton    **Phone:** (512) 974-3509    **Email:** greg.dutton@austintexas.gov



## ATTACHMENT A: Existing Compatibility Requirements, Changes Proposed in 2019 Land Development Code Revisions, and Compatibility Standards in Other Cities

The City of Austin's current compatibility standards apply to sites that are within 540 feet (or nearly two downtown blocks) of the property line of an urban family residence (SF-5) or more restrictive zoning district. Compatibility standards also apply when a site is adjacent to a lot on which a use permitted in an SF-5 or more restrictive zoning district is located.

Current compatibility standards include:

- Height and Setback Limitations
- Scale and Clustering Requirements
- Screening Requirements
- Design Regulations

The table below shows the dimensional characteristics of the City's current compatibility standards and what was proposed in the LDC Revision Draft 2.

	Side Setback	Rear Setback	Height limit within 50'	Height limit within 100'	Height limit beyond 100'
<b>Austin's Current Standards</b>	15 to 25 feet <sup>4</sup>	15 to 25 feet <sup>4</sup>	30 feet & 2 stories	40 feet & 3 stories	Gradually increases until 540' from triggering property <sup>5</sup>
<b>LDC Revision Draft 2 Proposed Standards</b>	15 to 20 feet <sup>1</sup>	30 feet <sup>2</sup>	35 feet <sup>3</sup>	45 feet <sup>3</sup>	Height max. of zone

<sup>1</sup> Dependent on lot width and zone, higher for industrial zones

<sup>2</sup> Greater for some industrial zones

<sup>3</sup> Some zones with a higher base/bonus height not subject to compatibility

<sup>4</sup> Dependent on length of street frontage and site size

<sup>5</sup> Height limit ends at 100' if the triggering property is based on use rather than zoning

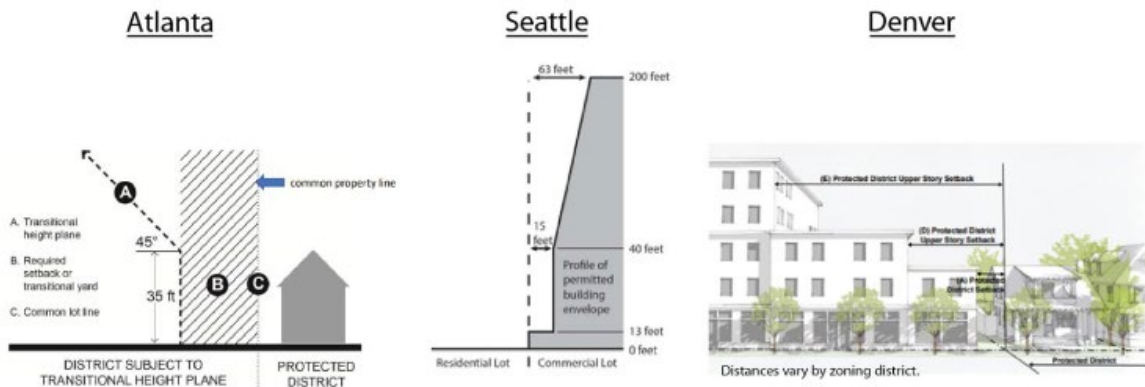
### Compatibility standards in other cities:

Compared to similar regulations in Atlanta, Denver, and Seattle, Austin's compatibility standards are significantly more restrictive. All three cities have regulations that require additional setbacks and height limits adjacent to low-density residential zoning districts, known as "protected districts". In Atlanta, setbacks vary by zoning district, but under the 45-degree plane (see below) a building can reach at least 110 feet in height at 100 feet from the protected district's property line. Seattle has the least restrictive height restrictions with buildings able to reach over 300 feet in height at 100 feet from the residential property line. In Denver, zoning districts with a height maximum of 70 feet can reach full height at 40 feet from protected district's property line.

Generally, zoning districts that allow more height are limited to 75 feet within 175 feet of the

protected district; however, this height restriction does not apply to all zoning districts, building forms, and contexts.

Other cities researched do not include use-based compatibility standards and rely solely on zoning districts to trigger compatibility standards; Austin currently utilizes both zoning district and existing uses to trigger compatibility. Additional research is needed to examine potential unintended consequences of amending use-based compatibility standards. Single family uses within Commercial Zoning Districts appear to be more frequently located within the Eastern Crescent and track with historically liberal application of higher intensity zoning districts within Communities of Color.



**RESOLUTION NO. 20220609-066**

**WHEREAS**, Austin is facing an affordability crisis as the housing market reaches record rents and home prices; and

**WHEREAS**, City Council has recently passed a number of resolutions to address affordability and housing supply, including reforms for accessory dwelling units, Vertical Mixed Use, Equitable Transit Oriented Development, and affordable housing bonus programs for commercial zones; and

**WHEREAS**, Austin voters approved substantial investments in corridor improvements, active transportation, and Project Connect in 2016, 2018, and 2020; and

**WHEREAS**, current compatibility regulations, established in the 1980s, limit housing capacity on corridors by limiting the height of developments of properties within 540 feet of single-family properties, which is significantly more restrictive compared to cities with similar regulations; and

**WHEREAS**, current parking minimums may require more parking than currently needed and conflict with the City's goal of reaching a 50/50 transportation mode share; and

**WHEREAS**, moderate changes to compatibility and parking regulations on corridors would increase affordable and market-rate housing supply and support the City's transit investments; and

**WHEREAS**, Planning Commission, Zoning and Platting Commission, City Council, and community members have provided substantial feedback in the last 10 years on potential changes to the compatibility regulations and parking minimums; and

**WHEREAS**, the Austin City Council is committed to enacting policy changes to increase housing capacity and support transit investments on corridors;  
**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Council initiates the following amendments to City Code Title 25 (*Land Development Code*) to increase housing capacity and support transit investments on corridors by relaxing compatibility regulations and reducing parking minimums. It is Council's intent that these amendments apply to a property that is front-facing or side-facing a corridor. It is Council's intent that these amendments apply when the property's existing compatibility or parking regulations are more restrictive.

**BE IT FURTHER RESOLVED:**

The City Council directs the City Manager to prepare a code amendment that accomplishes the following for a property located on a Light Rail, Larger, or Medium Corridor:

1. Defines Light Rail Corridors to include Project Connect Light Rail Lines and their Future Extensions (i.e. Orange and Blue Lines);

2. Defines Larger Corridors to include:
  - a. Austin Strategic Mobility Plan (ASMP) Level 5 Streets (i.e., major highways); and
  - b. Project Connect MetroRapid Routes (i.e., Expo Center, Pleasant Valley, Burnet to Menchaca & Oak Hill\* [exact route still under development], and Gold Lines), excluding Future Extensions.
3. Defines Medium Corridors to include:
  - a. Imagine Austin Corridors that have been constructed but do not qualify as Light Rail or Larger Corridors; and
  - b. 2016 Bond Corridor Construction Program corridors that do not qualify as Light Rail or Larger Corridors.
4. Modifies the compatibility height and setback regulations to:
  - a. limit the applicability to properties located on the same side of corridors;
  - b. tie the applicability to zoning classification, rather than existing land use;
  - c. end compatibility regulations at a 300' distance from the nearest triggering property;

- d. for any residential or mixed-use property on a corridor, allow more flexibility for what can be located in the 25' setback but not including dumpsters and with consideration of locating green infrastructure, landscape buffering, and green walls and solid fencing for sound attenuation;
  - e. for any residential or mixed-use property on a corridor, amend City Code Sections 25-2-1062 and 25-2-1063 to:
    - i. increase height from 30' to 35';
    - ii. increase height from 40' to 45';
    - iii. increase height from 50' to 55'; and
  - f. exempt the following from compatibility regulations:
    - i. any residential use permitted in an SF-6 or more restrictive zoning district and developed in accordance with site development standards allowed within an SF-6 or more restrictive zoning district; and
    - ii. any building consisting of only residential uses with a maximum of 12 units and a maximum of 35' height.
5. Creates a bonus program for a property on a corridor that provides on-site affordable units and allows:



- a. properties on Light Rail Corridors to end compatibility height and setback regulations at 100' distance from the nearest triggering property; and
  - b. properties on Larger Corridors to:
    - i. reach 65' height at 100' distance,
    - ii. reach 90' height at 200' distance; and
  - c. properties on Medium Corridors to:
    - i. reach 65' height at 150' distance,
    - ii. reach 90' height at 250' distance; and
  - d. properties utilizing fee-in-lieu options to be eligible only if and when the fees are updated to match the equivalent of on-site construction costs.
6. Except for accessible parking, modifies parking for a residential or mixed-use property on a corridor as follows:
- a. require a property on a Light Rail or Larger Corridor to build only 25% of the parking currently required;
  - b. require a property on a Medium Corridor to build only 50% of the parking currently required; and
7. Require a property on a Light Rail, Larger, or Medium Corridor and within 300 feet from a school to maintain existing parking regulations.
8. Prohibit Type 2 and Type 3 short term rental (STR) use in units along these corridors.

**BE IT FURTHER RESOLVED:**

The City Council directs the City Manager to explore the following ideas and, if feasible, include these ideas in the code amendment:

1. with the goal of promoting the use of more sustainable, climate-friendly transportation modes, explore the advantages of requiring implementation of Transportation Demand Management (TDM) measures in the recently updated Transportation Criteria Manual to qualify for the parking reductions, and with Austin Transportation Department Director approval, achieve further reductions as part of a tiered system that applies multiple TDM measures to a development;
2. appropriate reduction in parking requirements for a property on a Larger or Medium Corridor and within 300 feet of a school in exchange for construction of multi-bedroom units; and
3. applying Light Rail or Larger Corridor regulations to Transit Oriented Developments (TODs) and Regulating Plans where current regulations are more restrictive;
4. provide analysis of the affordable housing capacity yield of this Resolution; and
5. explore limiting triggering for civic uses and non-residential uses in residentially-zoned areas.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to explore collaborating with local school districts on reserving public street space for school use.



**BE IT FURTHER RESOLVED:**

Provide modeling and visual analysis for a variety of lot sizes and depths.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to bring an ordinance for Council consideration no later than September 2022.

**ADOPTED:** June 9, 2022

**ATTEST:**

*G. Brady for*

Myrna Rios  
City Clerk



## PLANNING COMMISSION RECOMMENDATION 20221115-19

Date: November 15, 2022

Subject: Code Amendment - Compatibility and Parking Requirements along Certain Roadways.

Motioned By: Commissioner Thompson

Seconded By: Commissioner Azhar

### Recommendation

Recommend an ordinance amending City Code Title 25 to create a new overlay that modifies compatibility and parking requirements along certain roadways and include the following amendments:

1. § 25-2-769.04 (D), Strike out "two stories" and "three stories" in this section and remove the reference to stories from all other parts of the ordinance.

To read as follows: "The height limitation for a structure is: (1) ~~two stories and~~ 35 feet, if the structure is 50 feet or less from a triggering property; (2) ~~three stories and~~ 45 feet, if the structure is more than 50 feet and not more than 100 feet from a triggering property; or"

2. § 25-2-769.06 (F), Fee in lieu funds must be used within 0.25 miles of a corridor.
3. § 25-2-769.06 (F) (2) and (3), and § 25-2-769.04 (B) (2), Allow the same compatibility standards on both light rail and large corridors. This standard should be the following:

- a structure can reach allowable height if the structure is located at least 100 feet from a triggering property if it is participating in an affordable housing program.

- a structure can reach allowable height if the structure is located at least 200 feet from a triggering property if it is not participating in an affordable housing program.

4. § 25-2-769.06 (F) (4), and § 25-2-769.04 (B) (2), The compatibility standards for medium corridors should be the following:

- a structure can reach a maximum height of 65 ft if the structure is located at least 100 feet from a triggering property if it is participating in an affordable housing program.

- a structure can reach a maximum height of 85 ft if the structure is located at least 150 feet from a triggering property if it is participating in an affordable housing program.

- a structure can reach the allowable height if the structure is located at least 200 feet from a triggering property, whether it is participating in an affordable housing program or not.

5. § 25-2-769.04 (C), Define what is or is not allowed in the 25 foot compatibility setback. We should ensure that refuse uses such as dumpsters are not allowed and buildings, meaning covered spaces which a human can inhabit, are not allowed. Otherwise, all other uses should be allowed.
6. § 25-6-471 (K) (3), If a development has a residential use only and is located on a light rail corridor, there should be no minimum parking requirement, except for meeting the requirements for ADA compliance
7. § 25-2-769.02 (4), Red Line MetroRail should be included as a Light Rail Corridor, where it is already being treated as a corridor under consideration as a part of this ordinance
8. § 25-2-769.06 (E) (7) (c), Remove the requirement for equal access to parking facilities, unless parking and rent are bundled
9. § 25-2-769.03 (C) Include the 803 and 801 Metro Rapid routes (not including parts that are under the light rail corridor category) as a large corridor.
10. § 25-2-769.02 (6) and § 25-2-769.04 (B) Ensure that properties with SF-6 zoning or use:
  - do not trigger compatibility on to other structures
  - do not have compatibility triggered on them from properties zoned SF-5 or more restrictive
11. § 25-2-769.04, Compatibility should only be triggered by a conforming residential use in SF5 or more restrictive zones.
12. § 25-2-769.04 Ensure that properties with 11 or less units:
  - do not trigger compatibility on to other structures
  - do not have compatibility triggered on them from properties zoned SF-5 or more restrictive.
13. § 25-2-769.01, Ensure that this ordinance governs over NCCD requirements along the light rail corridors unless the conflicting provision is less restrictive.
14. Clarify and ensure that W Martin Luther King Jr. Blvd. is considered a medium corridor between N Lamar Blvd. and Austin City Limits, both in the map and the corridor list. Include the widest reading of Council guidance that we were noticed for.

**Vote : 7-2**

Aye: Chair Shaw, Vice-Chair Hempel and Commissioners Anderson, Azhar, Flores, Howard, and Thompson.

Nay: Commissioners Llanes Pulido and Mushtaler

Absent: Commissioners Cox, Shieh and Schneider

One vacancy on the dais (District 2)

Attest: Andrew D. Rivera



Planning Commission Staff Liaison



# Affordability Impact Statement

Housing and Planning Department

November 3, 2022

## **Amendment:** C20-2022-004 Compatibility on Corridors

**Description:** Consider an amendment to Title 25 of the City Code to modify compatibility standards as applied to certain projects on certain corridors. (Compatibility standards limit the building height allowed on properties within 540 feet of single-family zoning or uses.)

**Background:** Initiated by City Council Resolution 20220609-066.

### **Summary of proposed code amendment**

- The proposed amendment will generally reduce compatibility for a primarily residential project on a defined set of corridors: Medium, Large, or Light Rail Line. For all eligible projects on a corridor:
  - Compatibility standards will extend 300' in distance (compared to 540' today)
  - Compatibility will be triggered by zoning only (not use)
  - An additional 5' of height will be allowed compared to current standards
- Projects providing affordable housing may be granted a further reduction in compatibility:
  - Maximum height at a distance of 100' from a triggering property for projects on a light rail line
  - 65' of height at a distance of 100' from a triggering property and 90' of height at 200' from a triggering property on a large corridor
  - 65' of height at a distance of 150' from a triggering property and 90' of height at 250' from a triggering property on a medium corridor
- Minimum parking requirements are reduced for residential or mixed-use corridor properties:
  - 25% of what would otherwise be required for a light rail line or large corridor
  - 50% of what would otherwise be required for a medium corridor

**Note on concurrent proposed ordinance:** The proposed amendment would relax compatibility for 1,089 properties and remove it entirely for 193 properties that currently allow residential uses. If proposed amendment C20-2021-012 (Residential in Commercial) is implemented, compatibility would be relaxed for 2,155 properties and removed for 586.



## Findings and Policy Considerations

Impact	Property Typology	Percent of Eligible Properties Affected
Positive	Properties with proposed relaxed or removed compatibility standards that do not pose a displacement risk and are not along highways	70% (1,919)
Neutral	Eligible parcels with existing residential use* that could be incentivized to redevelop  <i>*mixed-use, mobile home or apartment/condo</i>	6% (162)
Negative	Eligible parcels located within 500 feet of a highway	25% (674)

### Positive Impact

*Properties with proposed relaxed or removed compatibility standards that do not pose a displacement risk and are not along highways*

- **Lowering parking requirements** to 25% of current requirements along light rail lines or larger corridors and 50% of current requirements along medium corridors will lower development cost per housing unit.
- **Siting homes on corridors could increase household transit use relative to automobiles**, lowering auto-related household spending and benefiting household health<sup>1,2</sup>.
- **Increasing allowed building heights by relaxing or removing compatibility by right** increases the potential housing stock that a parcel can provide.
- **Bedroom parity between income-restricted and market-rate units is a housing justice issue.** One-bedroom efficiency units are the most cost effective to build. As a result, applicants may build market-rate units with two to three bedrooms and income-restricted units with one bedroom. **The proposed ordinance precludes this from happening, requiring that “the bedroom count for affordable units shall be comparable to the bedroom count for market rate units.”** However, **parity in square footage is not required**; minimum unit size is governed instead by site development standards, such that there is a minimum unit size, but income-restricted units could be smaller than market-rate units.



## Neutral Impact

*Eligible parcels with existing residential use that could be incentivized to redevelop*

- **Some protections against displacement are included in the proposed amendments.** An occupied multifamily building may only be demolished if it needs significant repairs amounting to 50% of the total building value as determined by the Development Services Department.
  - If demolished, "The proposed development will replace all existing units [**market rate or income restricted**] that were affordable to a household earning 80 percent MFI or below in the previous year and have at least as many bedrooms." This is a strong tool for equitably preserving affordable housing stock.
  - There are no restrictions preventing a property owner from neglecting a property until it needs significant repairs, or that exempt properties that have been neglected.
  - Housing and Planning Staff acknowledge that displacement is inherently traumatic, and that these protections aim to preclude displacement but do not stop it outright.
- **The proposed amendments include some assistance for displaced tenants.** Property owners are required to provide "relocation benefits that are consistent with Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C.A. 4601, et seq." These benefits include providing at least 90 days written notice prior to eviction and paying for moving expenses.

## Negative Impact

*Eligible parcels located within 500 feet of a highway*

- **Living close to highways is associated with negative health outcomes.** Seniors, minors, persons with asthma, persons with diabetes, and persons of color – particularly Black persons – are at greatest risk<sup>3,4</sup>. These health outcomes include:
  - **Premature death**
  - **Onset of childhood asthma**
    - **Cardiovascular disorders and mortality**
    - **Impaired lung function**
  - **Direct costs** for these conditions (medication, specialist visits, hospitalization, emergency room visits) are high. The U.S. Centers for Disease Control estimates the direct costs of asthma at \$346/month on average for individuals<sup>5</sup>. The degree to which insurance covers this cost (for insured patients) varies by individual, and the



rates of insurance coverage varies by race, with people of color being uninsured at higher rates than white people<sup>6</sup>.

- **Indirect costs** for these conditions include days of work lost due to illness, losing the ability to work at all because of illness, and increased home costs for managing illness (hiring housekeepers, delivery, etc.).
  - **Environmental Racism** puts some groups at risk more frequently, and at greater levels, than others. For example, diabetes puts people at high risk for illness from air pollution: it is most common among First Nations, Black, Latine, Asian, and white communities, in that order. Further, Black people experience worse health outcomes from airborne pollutants than white people with equal incomes. In Austin's recent history, residents of color have fought public policy that sites dangerous uses close to their homes. There is indeed a great need for affordable housing, but Austinites have made it clear that citing housing next to environmental hazards is unacceptable.
- The Housing and Planning Staff Report recommends postponing consideration of Compatibility on Corridors, such that further refining could increase the potential housing stock that the program enables. **The authors of this analysis recommend that during that time, the City carry out deep engagement with public health experts and lower-income communities of color, as these communities would experience the most severe health outcomes from highway proximity.**
- **Housing and Planning staff acknowledge the inconsistency in City policy regarding development along highways.** Many parcels with residential zoning already exist next to highways, and Compatibility on Corridors would not introduce residential uses into new areas. Since it would intensify those uses, however, staff feel it is appropriate to introduce this concern.



## **Final Determination**

Housing and Planning Staff believe that the proposed ordinance will have an overall positive impact to housing affordability in Austin, if modified to exempt properties within 500 feet of a highway.

The proposed ordinance will increase potential housing capacity substantially for 193 properties, and marginally for 1,089 properties on corridors. The proposed amendments increase development potential but include strong protections against displacement. Intensifying residential uses along highways is associated with negative health outcomes, especially for Black people and other people of color; removing eligibility from properties within 500 feet of a highway would remove the amendments' most significant threat to household affordability and bring them in line with EPA recommendations.

### **Manager's Signature**

A handwritten signature in black ink, appearing to read "Stephanie Greathouse".

Stephanie (Stevie) Greathouse 11/3/2022  
HPD Division Manager





## Endnotes

<sup>1</sup> Evaluating Public Transportation Health Benefits, 2020, Victoria Transport Policy Institute, [https://www.vtpi.org/tran\\_health.pdf](https://www.vtpi.org/tran_health.pdf)

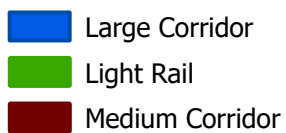
<sup>2</sup> Quantifying the health benefits of transit-oriented development: Creation and application of the San Diego Public Health Assessment Model (SD-PHAM), 2022, Transport Policy, <https://www.sciencedirect.com/science/article/pii/S0967070X21002870>

<sup>3</sup> [Disparities in the Impact of Air Pollution | American Lung Association](https://www.lung.org/clean-air/outdoors/who-is-at-risk/disparities), <https://www.lung.org/clean-air/outdoors/who-is-at-risk/disparities>

<sup>4</sup> [Residential Proximity to Major Highways — United States, 2010 \(cdc.gov\)](https://www.cdc.gov/mmwr/preview/mmwrhtml/su6203a8.htm), <https://www.cdc.gov/mmwr/preview/mmwrhtml/su6203a8.htm>

<sup>5</sup> [The Economic Burden of Asthma in the United States, 2008-2013 - PubMed \(nih.gov\)](https://pubmed.ncbi.nlm.nih.gov/29323930/), <https://pubmed.ncbi.nlm.nih.gov/29323930/>

<sup>6</sup> [There are clear, race-based inequalities in health insurance and health outcomes](https://www.brookings.edu/blog/usc-brookings-schaeffer-on-health-policy/2020/02/19/there-are-clear-race-based-inequalities-in-health-insurance-and-health-outcomes/), <https://www.brookings.edu/blog/usc-brookings-schaeffer-on-health-policy/2020/02/19/there-are-clear-race-based-inequalities-in-health-insurance-and-health-outcomes/>



 Full and Limited Purpose City of Austin Boundaries

	Name	Segment	Category	Corridor Type
1	Center Ridge Drive	Between North I.H.-35 Frontage Road and Center Line Pass	Project Connect	Light Rail
2	North Lamar Boulevard	Between West Guadalupe Street and the south curb of West	Project Connect	Light Rail
3	West Guadalupe Street	Between Guadalupe Street and North Lamar Boulevard	Project Connect	Light Rail
4	Guadalupe Street	Between 45th Street and West Cesar Chavez Street	Project Connect	Light Rail
5	West Riverside Drive	Between South 1st Street and South Congress Avenue	Project Connect	Light Rail
6	South Congress Avenue	Between Riverside Drive and Ralph Ablanedo Drive	Project Connect	Light Rail
7	East State Highway 71 Frontage Roads	Between Spirit of Texas Drive and South U.S. Highway 183	Project Connect	Light Rail
8	Riverside Drive	Between South U.S. Highway 183 and South Congress Avenue	Project Connect	Light Rail
9	Trinity Street	Between its terminus south of Cesar Chavez and East 4th Street	Project Connect	Light Rail
10	4th Street	Between Trinity Street and Guadalupe Street	Project Connect	Light Rail
11	IH-35	Between City Limit & City Limit	Level 5	Larger Corridor
12	MOPAC EXPRESSWAY (LOOP 1)	Between SH 45 N & SH 45 S	Level 5	Larger Corridor
13	US 183/183 A (RESEARCH BLVD/ANDERSON LN/ED BLUESTEIN	Between City Limit & City Limit	Level 5	Larger Corridor
14	W US 290	Between City Limit & CAPITAL OF TEXAS HIGHWAY (LOOP 360)	Level 5	Larger Corridor
15	W SH 71	Between City Limit & W US 290	Level 5	Larger Corridor
16	BEN WHITE BLVD (US 290/SH 71)	Between CAPITAL OF TEXAS HIGHWAY (LOOP 360) & US 183	Level 5	Larger Corridor
17	E US 290	Between AIRPORT BLVD & City Limit	Level 5	Larger Corridor
18	E SH 71	Between US 183 & City Limit	Level 5	Larger Corridor
19	SH 45 N	Between US 183 & City Limit	Level 5	Larger Corridor
20	SH 45 S	Between MOPAC EXPRESSWAY (LOOP 1) & FM 1626	Level 5	Larger Corridor
21	SH 130	Between City Limit & City Limit	Level 5	Larger Corridor
22	CAPITAL OF TEXAS HIGHWAY (LOOP 360)	Between US 183 & BEN WHITE BLVD (US 290/SH 71)	Level 5	Larger Corridor

23	RM 620	Between City Limit & US 183	Level 5	Larger Corridor
24	Menchaca RD	Between W Slaughter LN & W Ben White BLVD	MetroRapid	Larger Corridor
25	S Lamar BLVD	Between W Ben White BLVD & W Cesar Chavez ST	MetroRapid	Larger Corridor
26	W Cesar Chavez ST	Between S Lamar BLVD & Lavaca ST	MetroRapid	Larger Corridor
27	Lavaca ST	Between W Cesar Chavez ST & W 6th ST	MetroRapid	Larger Corridor
28	W 6TH ST	Between Lavaca ST & N Lamar BLVD	MetroRapid	Larger Corridor
29	W 5th ST	Between N Lamar BLVD & Guadalupe ST	MetroRapid	Larger Corridor
30	Guadalupe ST	Between W 5th ST & W Cesar Chavez ST	MetroRapid	Larger Corridor
31	N Lamar BLVD	Between W 5th ST & W 45th ST	MetroRapid	Larger Corridor
32	W 45th ST	Between N Lamar BLVD & Burnet RD	MetroRapid	Larger Corridor
33	Burnet RD	Between W 45th ST & Palm Way	MetroRapid	Larger Corridor
34	San Antonio ST	Between W 4th St & W 3rd ST	MetroRapid	Larger Corridor
35	W 3rd ST	Between San Antonio ST & Nueces ST	MetroRapid	Larger Corridor
36	Nueces ST	Between 3rd ST & 4th ST	MetroRapid	Larger Corridor
37	4th ST	Between Nueces ST & Trinity ST	MetroRapid	Larger Corridor
38	Trinity ST	Between E 4th ST & San Jacinto Blvd	MetroRapid	Larger Corridor
39	San Jacinto BLVD	Between E 4th ST & E Dean Keeton ST	MetroRapid	Larger Corridor
40	E Dean Keeton ST	Between San Jacinto BLVD & Manor RD	MetroRapid	Larger Corridor
41	Manor RD	Between E Dean Keeton ST & Berkman DR	MetroRapid	Larger Corridor
42	Berkman DR	Between Manor RD & E 51st ST	MetroRapid	Larger Corridor
43	E 51st ST	Between Berkman DR & Manor RD	MetroRapid	Larger Corridor
44	Manor RD	Between E 51st ST & Ed Bluestein BLVD	MetroRapid	Larger Corridor
45	Springdale RD	Between Ed Bluestein BLVD & Pecan Brook Dr	MetroRapid	Larger Corridor
46	Pecan Brook DR	Between Springdale RD & Crystalbrook DR	MetroRapid	Larger Corridor
47	Tumbleweed DR	Between Pecan Brook DR & Purple Sage DR	MetroRapid	Larger Corridor
48	Purple Sage DR	Between Tumbleweed DR & Crystalbrook DR	MetroRapid	Larger Corridor
49	Crystalbrook DR	Between Pecan Brook DR & Loyola LN	MetroRapid	Larger Corridor
50	Loyola LN	Between Crystalbrook DR & Decker LN	MetroRapid	Larger Corridor
51	Decker LN	Between Loyola LN & Colony Loop DR	MetroRapid	Larger Corridor
52	Red River ST	Between Dean Keeton ST & E 45th ST	MetroRapid	Larger Corridor
53	E 45th ST	Between Red River ST & Airport BLVD	MetroRapid	Larger Corridor

54	Airport BLVD	Between E 46th ST & E Highland Mall BLVD	MetroRapid	Larger Corridor
55	Airport BLVD	Between Manor RD & Oak Springs DR	MetroRapid	Larger Corridor
56	Oak Springs DR	Between Airport BLVD & Webberville RD	MetroRapid	Larger Corridor
57	Webberville RD	Between Oak Springs DR & N Pleasant Valley RD	MetroRapid	Larger Corridor
58	Pleasant Valley RD	Between Webberville RD & E Oltorf ST	MetroRapid	Larger Corridor
59	E Oltorf ST	Between S Pleasant Valley RD & Burleson RD	MetroRapid	Larger Corridor
60	Burleson RD	Between E Oltorf ST & E Ben White BLVD	MetroRapid	Larger Corridor
61	Todd LN	Between E Ben White BLVD & E St Elmo RD	MetroRapid	Larger Corridor
62	S Pleasant Valley RD	Between E St Elmo RD & E William Cannon DR	MetroRapid	Larger Corridor
63	E William Cannon DR	Between S Pleasant Valley RD & Mc Kinney Falls PKWY	MetroRapid	Larger Corridor
64	McKinney Falls PKWY	Between E William Cannon DR & Thaxton RD	MetroRapid	Larger Corridor
65	Thaxton RD	Between McKinney Falls PKWY & E Slaughter LN	MetroRapid	Larger Corridor
66	E Slaughter LN	Between Thaxton RD & Goodnight Ranch BLVD	MetroRapid	Larger Corridor
67	E 11th ST	Between Branch ST & Navasota ST	Imagine Austin	Medium Corridor
68	E 12th ST	Between N IH 35 SVRD NB & Poquito ST	Imagine Austin	Medium Corridor
69	W 35th ST	Between N Mopac EXPY NB & W 38th ST	Imagine Austin	Medium Corridor
70	W 38th ST	Between W 35th ST & Guadalupe ST	Imagine Austin	Medium Corridor
71	North Loop BLVD	Between N Lamar BLVD & Avenue F	Imagine Austin	Medium Corridor
72	E 53rd ST	Between Avenue F & Bruning AVE	Imagine Austin	Medium Corridor
73	Bruning AVE	Between E 53RD ST & Airport BLVD	Imagine Austin	Medium Corridor
74	E 51st ST	Between Airport BLVD & Berkman DR	Imagine Austin	Medium Corridor
75	E 51st ST	Between Manor RD & Ed Bluestein BLVD	Imagine Austin	Medium Corridor
76	Airport BLVD	Between N Lamar BLVD & E Highland Mall BLVD	Imagine Austin	Medium Corridor
77	Airport BLVD	Between E 45th ST & Manor RD	Imagine Austin	Medium Corridor
78	Airport BLVD	Between Oak Springs Dr & Levander Loop	Imagine Austin	Medium Corridor
79	Lake Austin BLVD	Between Exposition BLVD & Mopac EXPY	Imagine Austin	Medium Corridor
80	W 6th ST	Between Mopac EXPY & N Lamar BLVD	Imagine Austin	Medium Corridor
81	W 5th ST	Between Mopac EXPY & N Lamar BLVD	Imagine Austin	Medium Corridor
82	W 5th ST	Between Guadalupe ST & Lavaca ST	Imagine Austin	Medium Corridor

83	W Anderson LN	Between N Mopac EXPY & N Lamar BLVD	Imagine Austin	Medium Corridor
84	Braker LN	Between Jollyville RD & Dawes PL	Imagine Austin	Medium Corridor
85	Medical PKWY	Between W 45th ST & Marathon BLVD	Imagine Austin	Medium Corridor
86	Dessau RD	Between E Howard LN & E Rundberg LN	Imagine Austin	Medium Corridor
87	Cameron RD	Between E Rundberg LN & E 51st ST	Imagine Austin	Medium Corridor
88	E 7th ST	Between N IH 35 & Levander Loop	Imagine Austin	Medium Corridor
89	E Cesar Chavez	Between N IH 35 & Levander Loop	Imagine Austin	Medium Corridor
90	Harris Branch PKWY	Between E Howard LN & E US 290	Imagine Austin	Medium Corridor
91	Howard LN	Between Wells Branch PKWY & N SH 130	Imagine Austin	Medium Corridor
92	Jollyville RD	Between Barrington Way & Great Hills TRL	Imagine Austin	Medium Corridor
93	Arboretum BLVD	Between Great Hills TRL & N Capital of Texas HWY	Imagine Austin	Medium Corridor
94	Loyola LN	Between Manor RD & Crystalbrook DR	Imagine Austin	Medium Corridor
95	Decker Lake RD	Between Decker LN & City Limits	Imagine Austin	Medium Corridor
96	Manor RD	Between N IH 35 & E Dean Keeton ST	Imagine Austin	Medium Corridor
97	Manor RD	Between Berkman DR & E 51st ST	Imagine Austin	Medium Corridor
98	Springdale RD	Between Pecan Brooks DR & City Limits	Imagine Austin	Medium Corridor
99	E Martin Luther King JR BLVD	Between San Jacinto BLVD & City Limits	Imagine Austin	Medium Corridor
100	Parmer LN	Between Lakeline BLVD & E US 290	Imagine Austin	Medium Corridor
101	S Pleasant Valley RD	Between E William Cannon DR & Onion Creek DR	Imagine Austin	Medium Corridor
102	S Pleasant Valley RD	Between E Oltorf ST & current terminus south of Oltorf ST	Imagine Austin	Medium Corridor
103	Old Lockhart RD / Bradshaw RD	Between FM 1327 & E Slaughter LN	Imagine Austin	Medium Corridor
104	Riverside DR	Between S Lamar BLVD & S 1st ST	Imagine Austin	Medium Corridor
105	Riverside DR	Between S Congress AVE & Blue Line	Imagine Austin	Medium Corridor



106	Rundberg LN	Between current terminus west of Burnet RD & Cameron RD	Imagine Austin	Medium Corridor
107	Ferguson LN	Between Cameron RD & City Limits	Imagine Austin	Medium Corridor
108	Slaughter LN	Between Goodnight Ranch BLVD & Brodie LN	Imagine Austin	Medium Corridor
109	S Congress AVE	Between E Riverside DR & the Colorado River	Imagine Austin	Medium Corridor
110	S 1st ST	Between W Riverside DR & E FM 1626 RD	Imagine Austin	Medium Corridor
111	Springdale RD	Between Manor RD & E Cesar Chavez ST	Imagine Austin	Medium Corridor
112	E Stassney LN	Between S Pleasant Valley RD & West Gate BLVD	Imagine Austin	Medium Corridor
113	Tuscany Way	Ferguson LN & Springdale RD	Imagine Austin	Medium Corridor
114	Wells Branch PKWY	Between N Mopac EXPY & Killingsworth LN	Imagine Austin	Medium Corridor
115	William Cannon DR	Between S Mopac EXPY & S Pleasant Valley RD	Imagine Austin	Medium Corridor
116	William Cannon DR	Between Mc Kinney Falls PKWY & City Limits	Imagine Austin	Medium Corridor
117	N Lamar BLVD	Between W Guadalupe ST & 45th ST	Imagine Austin	Medium Corridor
118	N Lamar BLVD	Between 5th ST & Cesar Chavez ST	Imagine Austin	Medium Corridor
119	Burnet RD	Between Gracy Farms LN & Palm Way	CCP	Medium Corridor
120	W 24th ST	Between N Lamar BLVD & Guadalupe ST	CCP	Medium Corridor
121	Nueces ST	Between Guadalupe St & 24th St	CCP	Medium Corridor
122	Slaughter LN	Between FM 1826 RD & Brodie LN	CCP	Medium Corridor
123	William Cannon DR	Between Southwest PKWY & Mopac EXPY	CCP	Medium Corridor



**HOUSING &  
PLANNING**

# Code Amendment: Compatibility on Corridors

City Council  
December 1, 2022



# Content

- Background
- Council resolution
- Proposed draft changes
- Staff's recommendation
- Timeline



# Background

- Draft LDC is suspended (March 2020)
- VMU2 is passed on 6/9/22:
  - Allows 30' additional feet for more/deeper affordability
  - Parking reduction to 25% of standard for properties on light rail lines
  - Compatibility reduced to 100' for properties on light rail lines



# Council Resolution 6/9/22

- *WHEREAS, Austin is facing an affordability crisis as the housing market reaches record rents and home prices; and*
- *WHEREAS, City Council has recently passed a number of resolutions to address affordability and housing supply, including reforms for accessory dwelling units, Vertical Mixed Use, Equitable Transit Oriented Development, and affordable housing bonus programs for commercial zones; and*
- *WHEREAS, Austin voters approved substantial investments in corridor improvements, active transportation, and Project Connect in 2016, 2018, and 2020;*



# Council Resolution 6/9/22

- *WHEREAS, current compatibility regulations, established in the 1980s, limit housing capacity on corridors by limiting the height of developments of properties within 540 feet of single-family properties, which is significantly more restrictive compared to cities with similar regulations; and*
- *WHEREAS, current parking minimums may require more parking than currently needed and conflict with the City's goal of reaching a 50/50 transportation mode share; and*



# Council Resolution 6/9/22

- *WHEREAS, moderate changes to compatibility and parking regulations on corridors would increase affordable and market-rate housing supply and support the City's transit investments; and*
- *WHEREAS, Planning Commission, Zoning and Platting Commission, City Council, and community members have provided substantial feedback in the last 10 years on potential changes to the compatibility regulations and parking minimums; and*
- *WHEREAS, the Austin City Council is committed to enacting policy changes to increase housing capacity and support transit investments on corridors;*



# Council Resolution 6/9/22

- For a residential or mixed-use project on light rail, large corridors, medium corridors:
  - Compatibility ends at 300' in distance from triggering property (zoning only)
  - Additional 5' in height
  - Parking reduced to 25% (light rail and large corridor) or 50% (medium corridor)

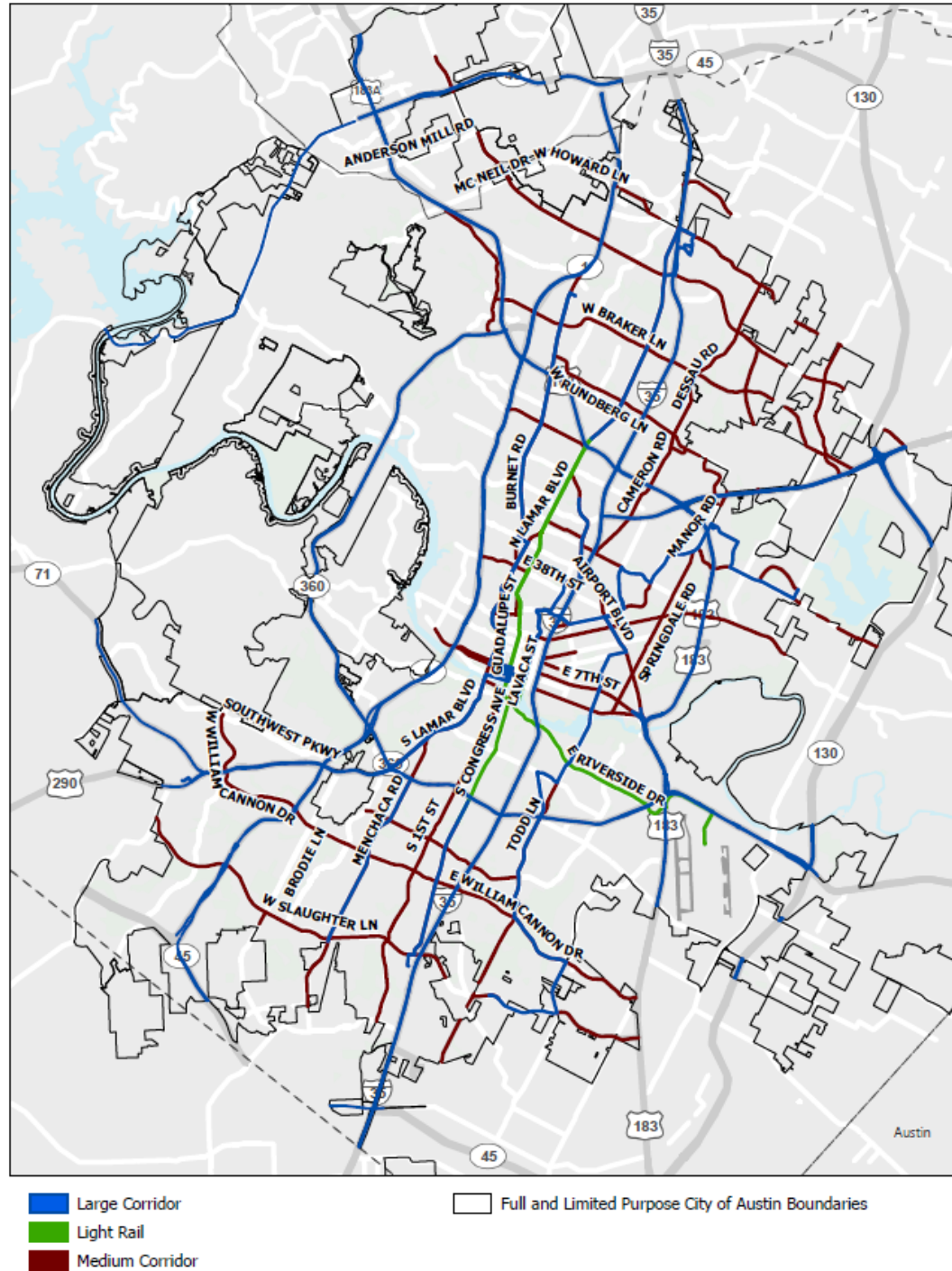


# Council Resolution 6/9/22

- For a residential or mixed-use project on specified corridors providing affordable housing:
  - Maximum height at a distance of 100' from a triggering property for projects on a light rail line
  - 65' of height at a distance of 100' from a triggering property and 90' of height at 200' from a triggering property on a large corridor
  - 65' of height at a distance of 150' from a triggering property and 90' of height at 250' from a triggering property on a medium corridor



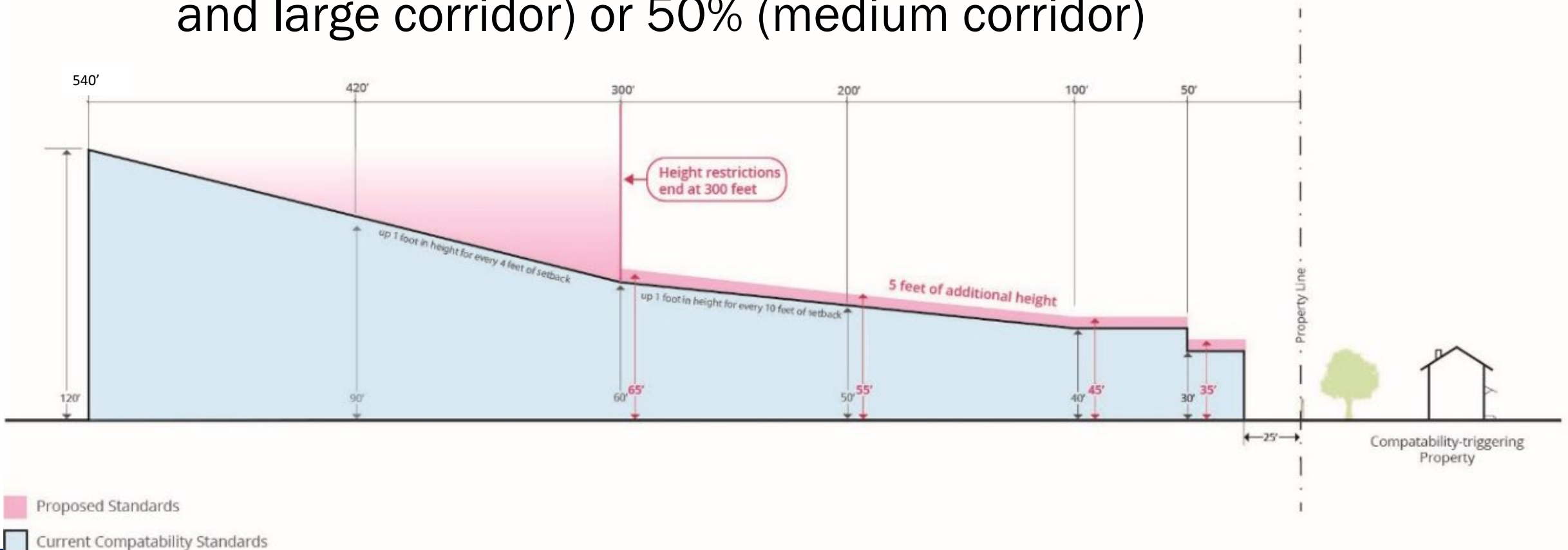
# Proposed draft changes: Applicability





# Proposed draft changes

- Relaxed compatibility + parking reduced to 25% (light rail and large corridor) or 50% (medium corridor)





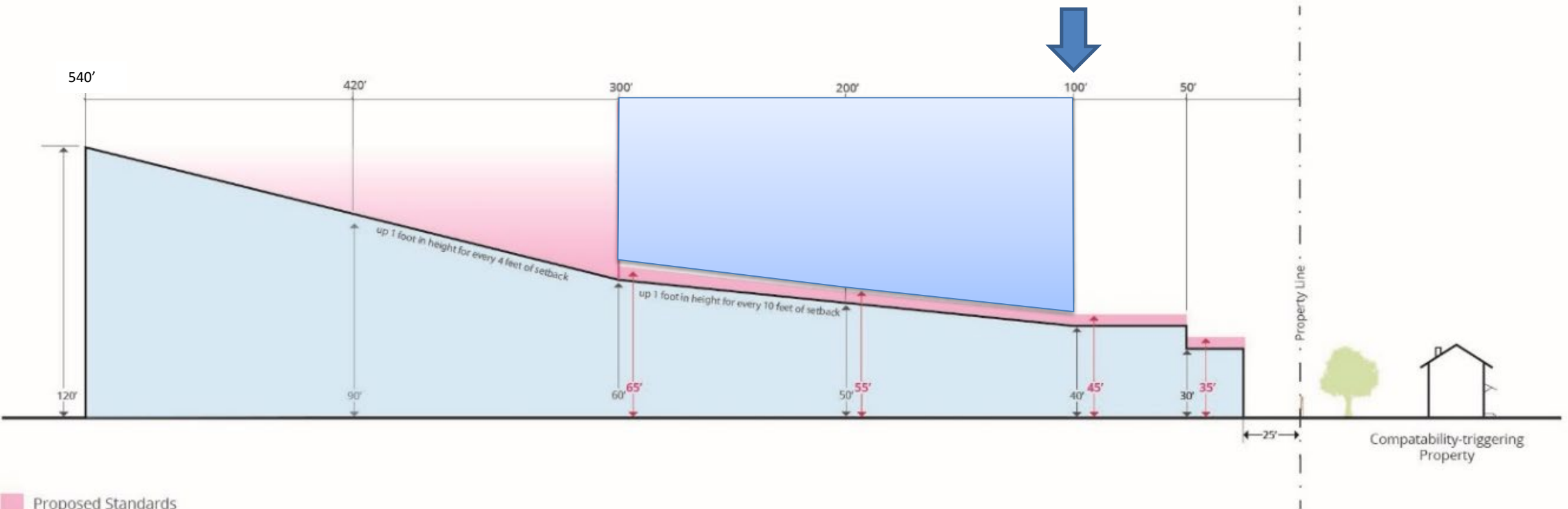
# Proposed draft changes

- Affordable housing required for additional relaxation:
  - Rental: 10% @ 60% MFI, 40 years
  - Owner: 10% @ 80% MFI, 99 years
  - Fee-in-lieu allowed



# Proposed draft changes – Light Rail Corridors

Light rail: compatibility ends



Proposed Standards

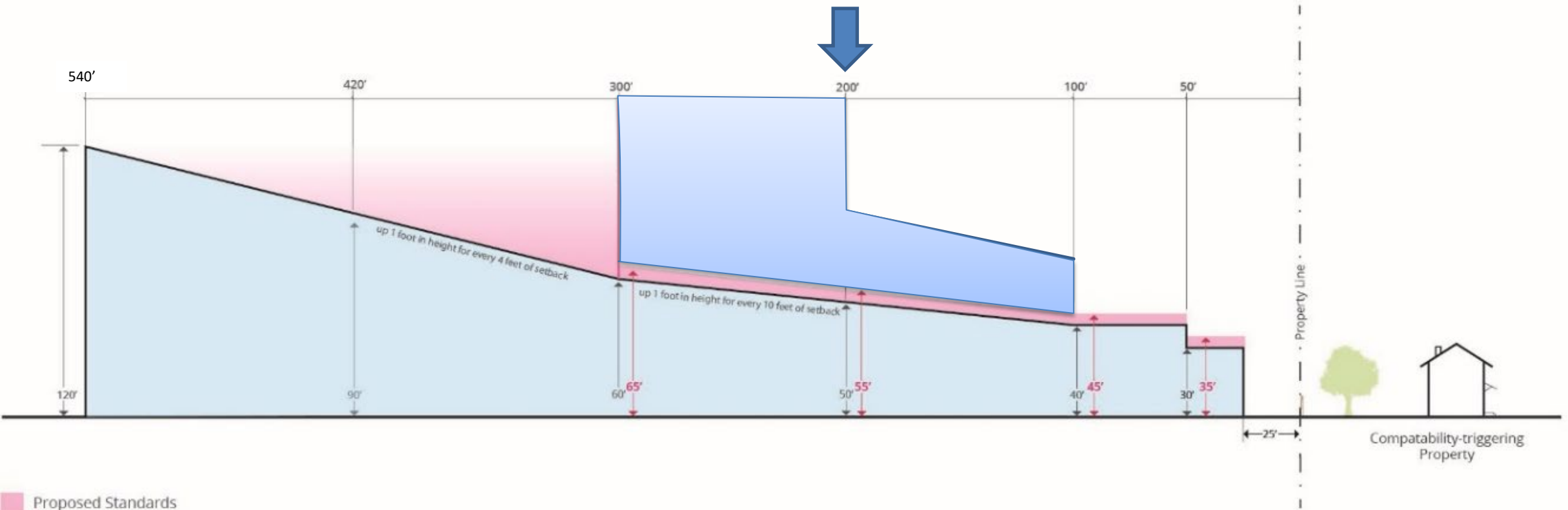
Current Compatibility Standards

Additional potential buildable area when using the affordable housing bonus, but maximum height is also limited by zoning



# Proposed draft changes – Large Corridors

Large corridor: compatibility ends



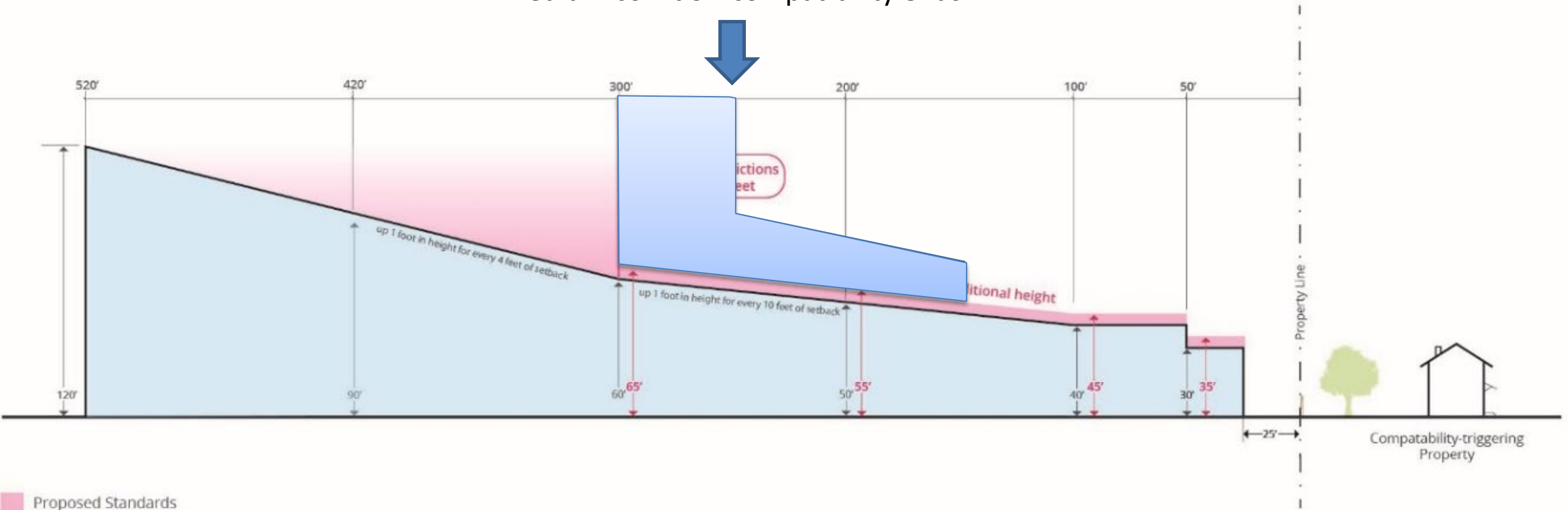
Proposed Standards

Current Compatibility Standards

Additional potential buildable area when using the affordable housing bonus, but maximum height is also limited by zoning

# Proposed draft changes – Medium Corridors

Medium corridor: compatibility ends



Proposed Standards

Current Compatibility Standards

Additional potential buildable area when using the affordable housing bonus, but maximum height is also limited by zoning



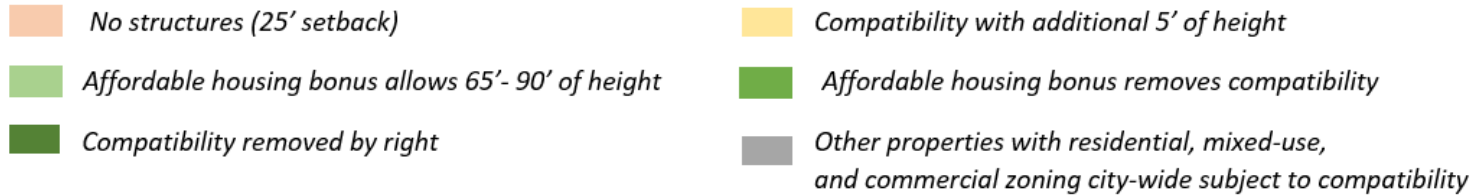
# Potential impact

- Only a portion of corridor properties (36% by acreage) would have compatibility completely removed, assuming no participation in the density bonus
- A subset of corridor properties would have compatibility partially or fully removed, assuming there is participation in the density bonus:
  - Light rail corridor: 80% by acreage
  - Large corridor: 80% by acreage
  - Medium corridor: 62% by acreage

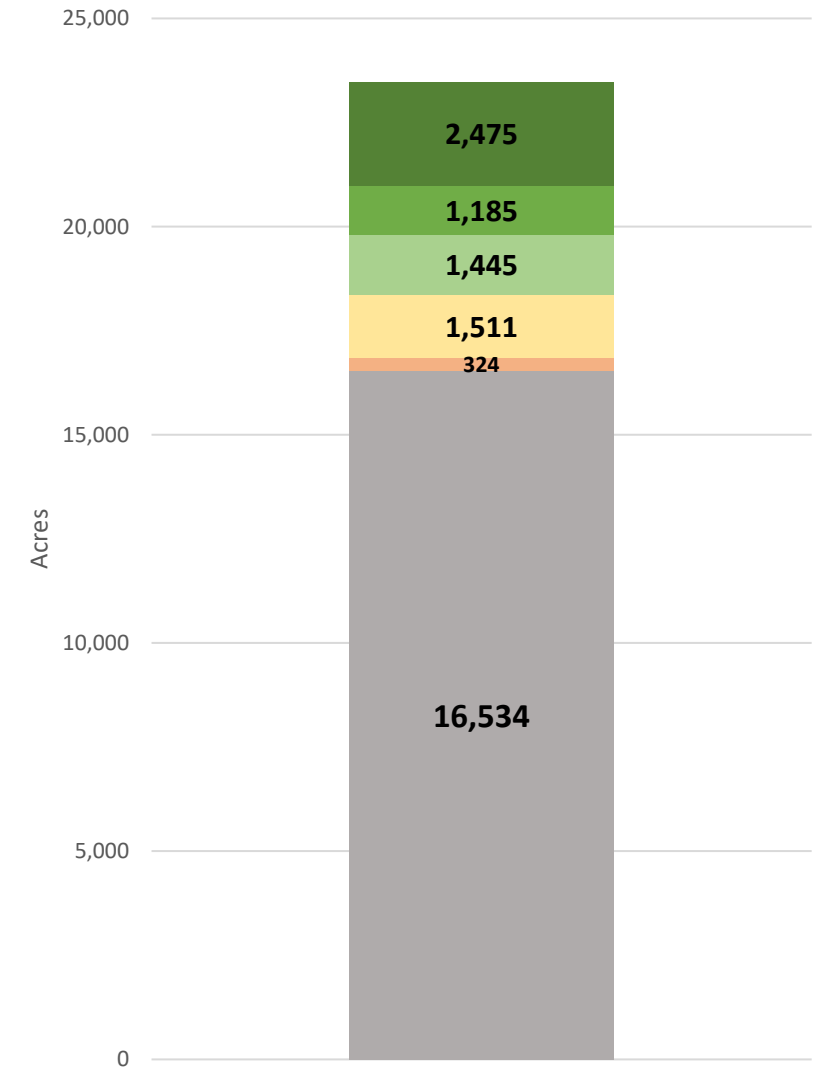


# Potential impact

- City-wide: ~22% of properties by acreage with potential for removed or relaxed compatibility



Total Acreage of Properties Impacted by Compatibility Under Current and Proposed Standards







# Potential impact

The following table and charts show the total acreage of all properties along medium, large, and light rail corridors with residential, mixed-use, and commercial zoning that are subject to compatibility standards based on proximity to a parcel with a residential zoning district more restrictive than SF-6, grouped by proposed compatibility standards and distances.

	25'	100'	150'	200'	250'	300'	540'
Light Rail	<b>12 acres</b> <i>No structures (25' setback)</i>	<b>52 acres</b> <i>Compatibility with additional 5' of height</i>	<b>137 acres</b> <i>Affordable housing bonus removes compatibility</i>				<b>117 acres</b> <i>Compatibility removed by right</i>
Large Corridors	<b>176 acres</b> <i>No structures (25' setback)</i>	<b>670 acres</b> <i>Compatibility with additional 5' of height</i>	<b>952 acres</b> <i>Affordable housing bonus allows 65'-90' of height</i>		<b>838 acres</b> <i>Affordable housing bonus removes compatibility</i>		<b>1,582 acres</b> <i>Compatibility removed by right</i>
Medium Corridors	<b>136 acres</b> <i>No structures (25' setback)</i>	<b>789 acres</b> <i>Compatibility with additional 5' of height</i>		<b>493 acres</b> <i>Affordable housing bonus allows 65'-90' of height</i>		<b>209 acres</b> <i>Affordable housing bonus removes compatibility</i>	<b>776 acres</b> <i>Compatibility removed by right</i>



*No structures (25' setback)*



*Compatibility with additional 5' of height*



*Affordable housing bonus allows 65'- 90' of height*



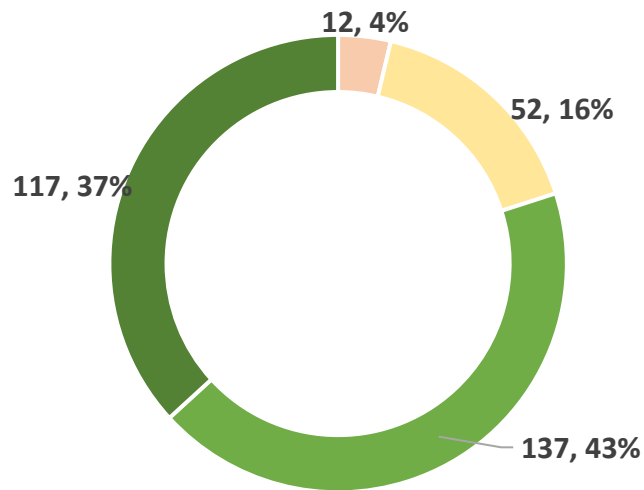
*Affordable housing bonus removes compatibility*



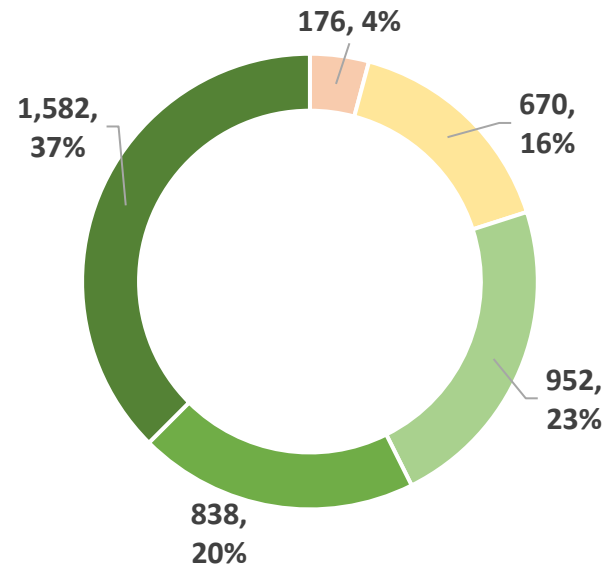
*Compatibility removed by right*



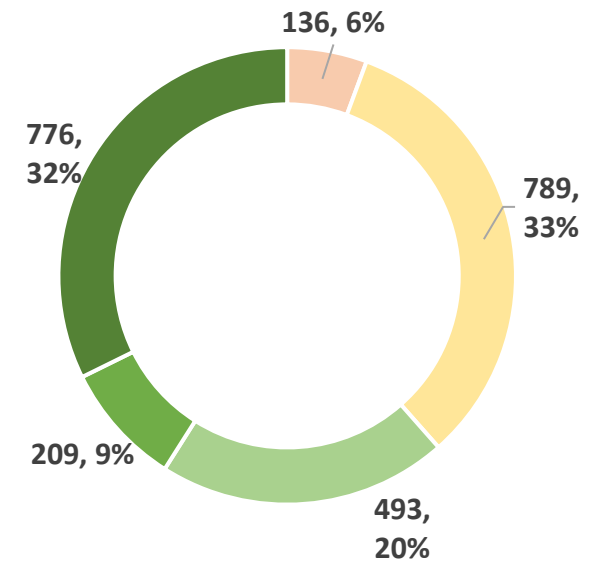
# Potential impact



Light Rail Corridors



Large Corridors



Medium Corridors





# Staff's recommendation

- Recommend postponing due to:
  - Additional complexity with multiple, differing compatibility standards
  - Confusing and unpredictable for public, developers, staff
  - "By right" relaxation of compatibility has minor impact
  - Participation in affordability program needed for maximum benefit
  - Unknown likelihood of participation in the density bonus
  - Ability to consider with other recently initiated code amendments to balance for capacity and affordability



# Timeline

- 10/19/22: Codes and Ordinances Joint Committee
- 11/8/22: Planning Commission
- 11/10/22: Council Housing and Planning Committee
- 11/15/22: Planning Commission
- 12/1/22: Council