

MASTER LIST OF ISSUES AND ACTIONS V2 ITEM 55 and 56

ITEM 55 - RESIDENTIAL ON COMMERCIAL

Start with Residential on Commercial Draft with Planning Commission
Recommendations - [Draft](#)

PLANNING COMMISSION AMENDMENTS AND RESPONSE

1. "Ensure that there is no 500 ft highway buffer in ordinance applicability. The ordinance must be applied with the 500 ft foot buffer and if needed, we recommend that council give direction to further study the issue."

Response: There is no Council action associated with this recommendation.

2. "Require Pedestrian-Oriented Commercial Spaces for a certain portion of the ground floor at the edge of the property fronting a transit corridor, including dimensional requirements and allowable commercial uses from the VMU ordinance."

Response: This amendment is already included in the draft and **no Council action is required.**

3. "Provide an incentive for ground floor retail by increasing height of the first level by 5 to 10 feet to accommodate a higher ceiling on the first floor."

Response: A 5-foot increase in height would still incentivize ground floor retail by allowing higher ceilings to accommodate a retail use and maintains Council consensus.

Motion Sheet #1 would change the height increase from 10 feet to 5 feet.

4. "25-2-519 (D) (4), Prohibit Type 2 and Type 3 STR."

Response: This amendment is already included in the draft and **no Council action is required.**

5. "§ 25-1-754 (G) (1) (a) and (b), Remove certain lease requirements from ordinance as indicated in proposed text change. Start a process to assess what lease requirements should be included in all density bonuses, including a stakeholder engagement process. Once we have identified a clear list of items that will support tenants and ensure bonus participation, we should make those changes across all density bonus programs."

Response: The goal is to have consistent lease and tenant requirements across our density bonus programs. The Planning Commission amendment will ensure that participants in the affordable housing bonus program cannot discriminate on

the basis of a tenant's source of income and have to respect a tenant's right to organize. This amendment is already included in the draft and **no Council action is required.**

6. "§ 25-2-519 (D) (1), Remove MU standards and replace with standards from the VMU program."

Response: Planning Commission included changes in site development standards and parking requirements, allowing unlimited FAR and removing building coverage requirements across all zones.

Motion Sheet #2 would amend the Planning Commission recommendation:

- Limit the increase in FAR for the CS, CS-1, GR, and GO zones by a ratio of 2 from the allowable FAR; and
- Limit the increase in FAR for the LR and LO and zones by a ratio of 1.5 from the allowable FAR, while maintaining the building coverage standards

7. "§ 25-2-519 (D) (1), Add advanced design standards from the VMU program."

Response: The Planning Commission amendment ensures that heightened design standards are included to protect neighboring lots by providing window design, screening, amplified outdoor sound, trash pickup, and other guidelines. This amendment is already included in the draft and **no Council action is required.**

OTHER ISSUES AND RESPONSE

1. Ensure that the program can be utilized in conjunction with the Corridor Overlay (COR) district without doubling the affordability requirement.

Motion Sheet #3 would address this issue.

2. Include an annual reporting requirement that would analyze participation in this program, including assessing its impact on expanding housing capacity and creating affordable housing units.

Motion Sheet #4 would address this issue.

3. Ensure that developments participating in the affordable housing program that utilize the allowed parking reduction do not combine these with other reductions, except for provisions in the Corridor Overlay (COR) District.

Motion Sheet #5 would address this issue.

4. Ensure that only developments that are primarily residential projects are able to utilize the program to align with the intent to expand housing opportunities.

Motion Sheet #6 would address this issue.

ITEM 56 - COMPATIBILITY & PARKING ON CORRIDORS

Start with Compatibility and Parking on Corridors Draft with Planning Commission Recommendations - [Draft](#)

PLANNING COMMISSION AMENDMENTS AND RESPONSE

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.”

Response: The Planning Commission’s goal was to provide flexibility, while maintaining the intent of the sub-section. This amendment is already included in the draft and **no Council action is required.**

2. “§ 25-2-769.06 (F), Fee in lieu funds must be used within 0.25 miles of a corridor.”

Response: There is a concern that such a limitation will restrict the ability to meet broader affordability goals and restrict ability to manage funds.

Motion Sheet #1 would remove this Planning Commission requirement.

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, for this combined category, should be the following:
 - o 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.
 - o 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.”

Response: The Planning Commission amendment simplifies the changes being proposed by combining the changes on light rail and large corridors, while also increasing the potential number of affordable housing units produced and maximizing participation in the program. This amendment is already included in the draft and **no Council action is required.**

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

- o 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.”

Response: In order to maintain Council consensus, there will be no change to medium corridors.

Motion Sheet #2 will remove this change.

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.”

Response: The aim of the Planning Commission amendment was to provide flexibility in the productive utilization of the required 25-foot compatibility setback but minimize impact on neighboring lots. **Motion Sheet #3 will change the language recommended by the Planning Commission to ensure that no enclosed habitable structures, multi-level parking structures, or industrial or large commercial HVAC systems are allowed in the setback.**

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.”

Response: The goal of the Planning Commission’s change is to meet mode shift goals and maximize transit ridership.

Motion Sheet #4 will change the language recommended by the Planning Commission to ensure that developments with relatively little commercial uses can still utilize this parking reduction.

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”

Response: This issue is best resolved through a separate action since the Red Line MetroRail generally only intersects with corridors and its greatest impact is on non-corridor properties.

This amendment is not included in the draft and **no Council action is required.**

8. “§ 25-2-769.06 (E) (7) (c), Remove the requirement for equal access to parking facilities, unless parking and rent are bundled”

Response: The goal of the Planning Commission’s amendment was to allow opportunities for unbundled parking costs in the future, thereby potentially reducing rental housing costs. This amendment is already included in the draft and **no Council action is required.**

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.”

Response: Staff has addressed this issue and **no Council action is required.**

10. “§ 25-2-769.02 (6) and § 25-2-769.04(B)(5), 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”

Response: This amendment from the Planning Commission reflects Council’s direction in the initiating resolution with the aim of reducing the impact of compatibility on townhouse, condominium, and similar residential uses. This Planning Commission amendment is already included in the draft by staff, indicating that compatibility is only triggered and applies to MF-1 and less restrictive zones. **No Council action is required.**

11. “§ 25-2-769.02 (6), Compatibility should only be triggered by a conforming residential use in SF5 or more restrictive zones.”

Response: The Planning Commission’s goal was to ensure that civic uses that are zoned as SF5 or a more restrictive zone, do not trigger compatibility. This amendment is already included in the draft and **no Council action is required.**

12. “§ 25-2-769.04(C) 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”

Response: This Planning Commission amendment reflects Council’s direction in the initiating resolution with the aim on reducing the impact of compatibility on townhouse, condominium, and similar residential uses. This amendment is effectively addressed in the draft and **no Council action is required.**

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.”

Response: This Planning Commission amendment is not alignment with Council’s direction in the initiating resolution. This amendment is not included in the draft and **no Council action is required.**

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.”

Response: Staff has addressed this issue and **no Council action is required.**

OTHER ISSUES AND RESPONSE

1. Ensure that the program can be utilized in conjunction with other affordable housing bonus programs without doubling the affordability requirement.
Motion Sheet #5 would address this issue.
2. Include an annual reporting requirement that would analyze participation in this program, including assessing its impact on expanding housing capacity and creating affordable housing units.
Motion Sheet #6 would address this issue.