

## ORDINANCE AMENDMENT REVIEW SHEET

**AMENDMENT:** C2o-2010-020

**DESCRIPTION:** Amend Chapters 25-1 and 25-2 of the City Code to modify requirements for open space

**BACKGROUND:** By Resolution No. 20090514-036, City Council directed staff to review and make recommendations on modifications to the city-wide standards and criteria for what qualifies as open space. The resolution further stated that the proposed revisions should consider the needs of families and children, including child-friendly features such as interactive play spaces, art, requirements for public access, bicycle and pedestrian connectivity, and the functionality of the open space provided (Attachment A).

**CURRENT REGULATIONS:** Private open space -- which is intended for use by residents, employees, or visitors to a development rather than the general public -- is already required for most multi-family and commercial development. For multi-family development, the existing requirements are contained in Sec. 25-2-514 and 25-2-560 to 564. For commercial development, the requirements are contained in Sec. 2.7 of Subchapter E (Attachment B).

**ISSUES:** In analyzing the existing requirements, staff identified the following major issues:

1. The requirements for commercial development have qualitative criteria that are missing from the multi-family requirements.
2. The commercial development standards require a certain percentage of the site area to be open space, while the multi-family standards are based on the number of units and density.
3. The amount of common open space required for multi-family development is relatively small.
4. For affordable housing, the existing Code has incentives to reduce the amount of open space provided.

The following issues were raised by boards and commissions during the review of the proposed amendments:

**Early Childhood Council** – Make the option of providing playscapes for children a more attractive option (Attachment C).

**Design Commission** – Allow public open space and Great Streets improvements to count toward the private open space requirement downtown. Make open space requirements for downtown match the requirements for Transit Oriented Developments. Review the open space requirements periodically (Attachment D).

**Downtown Commission** - Consider exempting downtown from open space requirements, or allow Great Streets improvements to count towards the open space requirements (Attachment E).

**Green Roof Advisory Group** – Allow a higher percentage of open space to be located above ground level in most zoning districts if at least 50% of the area is built to Green Roof standards (Attachment F).

Concern has also been raised by stakeholders, particularly the **Downtown Austin Alliance**, about the effect of the proposed changes on housing affordability. Staff has prepared an alternative recommendation that would apply in the CBD and DMU zoning districts (Attachment J).

The City Council's **Comprehensive Plan and Transportation Committee** raised an issue about allowing credit for a project which provides public access to private common open space. Staff has prepared alternative language that would allow a 10 percent reduction in required open space if public access is allowed (Attachment K). The CPTC also discussed reducing the amount of open space which could be located above ground level in the VMU and V districts. The Green Roof Advisory Group's recommendations (Attachment F) address this issue as well.

**DEPARTMENTAL COMMENTS:** The original staff proposals were revised in response to comments received during public review and comment. A summary of the proposed changes is contained in Attachment G. Recommendations from the Neighborhood Housing and Community Development Department are found in Attachment H and have been incorporated into the Planning Commission's recommended ordinance. The Planning Commission minutes are contained in Attachment I.

The draft ordinance attached represents the Planning Commission's recommendations. If City Council wishes to amend the Planning Commission's recommendations to address the other issues discussed above, Council could adopt the recommendations in Attachments G, J, and/or K, all of which would amend portions of Sec. 2.7.3.D of Subchapter E. A summary table of these options is included in Attachment L.

**STAFF RECOMMENDATION:** To approve the proposed amendments. The major changes proposed are:

- Make the private open space requirements for multi-family development consistent with those for commercial development.
- Exempt condominium and multi-family development from on-site open space requirements if affordable units are provided and the site is located within ¼ mile of public parkland.
- Require open space for commercial sites two acres or larger, instead of five acres, and for all multi-family and condominium uses.
- Increase the amount of common open space required from two percent to five percent of the area.
- Allow a reduction in the total amount of open space required if play areas for children are provided.
- Allow multi-use trails and other amenities to satisfy the open space requirements.
- Allow above-ground facilities or streetscape improvements to satisfy the open space requirements in certain zoning districts.

**BASIS FOR RECOMMENDATION:** The amendments are consistent with the direction provided in the Council resolution.

**PLANNING COMMISSION ACTION:** May 24, 2011 – Adopt staff recommendation, including NHCD comments on affordability, but excluding University Neighborhood Overlay. Ask staff to work with the Downtown stakeholders to look at cost and affordability issues (6-0-2).

**CITY COUNCIL ACTION:**

**ORDINANCE READINGS:**                      1<sup>st</sup>                      2<sup>nd</sup>                      3<sup>rd</sup>

**ORDINANCE NUMBER:**

**ASSIGNED STAFF:** George Zapalac, 974-2725

**ATTACHMENTS**

- A - Council Resolution No. 20090514-036
- B - Existing Open Space Ordinance Requirements
- C - Resolution from Early Childhood Council
- D - Resolution from Design Commission
- E - Resolution from Downtown Commission
- F - Recommendations from Green Roof Advisory Group
- G - Open Space Proposed Ordinance Amendments – Summary of Major Changes
- H - Neighborhood Housing and Community Development comments
- I - Planning Commission minutes
- J - Staff recommendation for CBD and DMU districts
- K - Public access to private common open space
- L - Summary table of possible amendments