

Attachment A

RESOLUTION NO. 20090514-036

WHEREAS, the City Council amended its Citywide Strategic Priorities to realize the City's vision of being the most livable city by focusing on a "Healthy, Safe, and Family-Friendly City"; and

WHEREAS, public open space is critical in achieving the goals of being a "Healthy, Safe, and Family-Friendly City"; and

WHEREAS, the City Council has reviewed and adopted a number of recent initiatives aimed at improving the functionality of public space and providing a more bicycle and pedestrian-friendly environment, including the new Commercial Design Standards, Transit-Oriented Development districts, Parks Master Plan, Trails Plan, and the Sidewalks Master Plan; and

WHEREAS, on January 29, 2009, the City Council adopted the Design Commission's recommendations on the Downtown Design Guidelines, which includes principles that open spaces and plazas are public spaces, and that these natural public amenities encourage human occupancy; and

WHEREAS, public open space can accommodate and encourage the interaction of the wide social, cultural, ethnic, economic and age diversity that exists in our city; and

WHEREAS, public open space may be used as a transition and to link residential neighborhoods to commercial development through expanded streetscapes, linear greenways, or neighborhood parks and plazas; and

WHEREAS, the Families and Children Task Force recommended that all City of Austin planning efforts pertaining to parks and open space should take into consideration the special needs of children of all ages and include family-friendly amenities; and

WHEREAS, the Land Use and Transportation Committee of the City Council reviewed the recommendations of the Families and Children Task Force, as well as the city's existing open space standards, and identified a need to improve the clarity and consistency in the wording and outcomes of existing standards, as well as to ensure that the standards result in the best possible design for Austinites of all ages and abilities; **NOW, THEREFORE**,

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

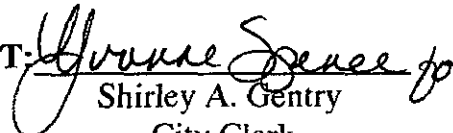
The City Council directs the City Manager to work with relevant boards and commission, including but not limited to, the Design Commission and the Early Childhood Council to review and make recommendations on modifications to the city-wide standards and criteria for what qualifies as open space.

BE IT FURTHER RESOLVED:

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.

APPROVED: May 14, 2009

ATTEST:


Shirley A. Gentry
City Clerk

EXISTING OPEN SPACE ORDINANCE REQUIREMENTS

§ 25-1-21 DEFINITIONS

- (70) OPEN SPACE means an outdoor or unenclosed area, located on the ground or on a roof, balcony, deck, porch, or terrace, designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, excluding parking facilities, driveways, utility, and service areas.

§ 25-2-514 OPEN SPACE STANDARDS.

- (A) A required open space must comply with the requirements of this section.
- (B) For a use with ten or more dwelling units, at least 25 percent of the required open space must be common open space.
- (C) The surface of a required open space must be suitable for outdoor activities. A surface must consist of lawn, garden, flagstone, wood planking, concrete, asphalt, or other serviceable, dust free material.
- (D) Except as otherwise provided in this subsection, a required open space may be located anywhere on the site.
- (1) Not more than 30 percent of the required open space may be located on a roof, balcony, or other area above ground level.
- (2) Open space may not be located in a required street yard.
- (3) Open space may not be located in an off-street parking or loading areas, driveway, or service area, except as permitted in Chapter 25-6, Appendix A (Tables Of Off-Street Parking And Loading Requirements).
- (E) This subsection prescribes the size and shape of a required open space.
- (1) An area of common open space must contain at least 300 square feet and be not less than 15 feet across in each direction.
- (2) An area of private open space on ground level must contain at least 100 square feet and be not less than ten feet across in each direction.
- (3) An area of private open space above ground level must contain at least 50 square feet and be not less than five feet across in each direction.
- (4) In determining the amount of open space on a roof, an area occupied by a vent or structure that does not enhance the usability of the space is excluded.

(F) This subsection provides for the covering of a required open space.

(1) Not more than 50 percent of ground level open space may be covered by a fixed manmade obstruction, including a roof, balcony, or building projection.

(2) Open space above ground level may be covered, but must have at least one exterior side open and unobstructed, except for railings or balustrades.

(G) Required open space must be permanently maintained.

§ 25-2-560 MULTIFAMILY RESIDENCE LIMITED DENSITY (MF-1) DISTRICT REGULATIONS.

(C) The minimum open space for each dwelling unit is 300 square feet.

Source: Section 13-2-638; Ord. 990225-70; Ord. 031211-11.

§ 25-2-561 MULTIFAMILY RESIDENCE LOW DENSITY (MF-2) DISTRICT REGULATIONS.

(C) The minimum open space for each dwelling unit is 200 square feet.

Source: Section 13-2-640; Ord. 990225-70; Ord. 031211-11.

§ 25-2-562 MULTIFAMILY RESIDENCE MEDIUM DENSITY (MF-3) DISTRICT REGULATIONS.

(C) The minimum open space for each dwelling unit is 150 square feet.

Source: Section 13-2-641; Ord. 990225-70; Ord. 031211-11.

§ 25-2-563 MULTIFAMILY RESIDENCE MODERATE-HIGH DENSITY (MF-4) AND MULTIFAMILY RESIDENCE HIGH DENSITY (MF-5) DISTRICT REGULATIONS.

(C) The minimum open space for each dwelling unit is 100 square feet.

Source: Sections 13-2-642 and 13-2-643; Ord. 990225-70; Ord. 031211-11.

§ 25-2-564 MULTIFAMILY RESIDENCE HIGHEST DENSITY (MF-6) DISTRICT REGULATIONS.

In a multifamily residence highest density (MF-6) district, the minimum open space for each dwelling unit is 100 square feet.

SUBCHAPTER E

§ 2.7. PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES.

2.7.1. Purpose. Open air and semi-enclosed public gathering spaces can act as central organizing elements in a large development. They can also help to shape the relationship between different land uses and provide focal points and anchors for pedestrian activity. Goals and requirements for common open space and pedestrian amenities complement the Austin Code's requirements for dedicated public open space and parks, and serve similar purposes.

2.7.2. Applicability. The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.7. Private Common Open Space and Pedestrian Amenities	All roadway types	All site plans five acres in size or larger

2.7.3. Standards.

A. Amenity Required. All development subject to this section shall devote a minimum of two percent of the net site area to one of the following types of private common open space or pedestrian amenities:

1. A natural and undisturbed private common open space, for use of the residents, employees, and visitors to the development.
2. A landscape area other than one required by Subchapter C, Article 9 (*Landscaping*), provided such landscaped area has a minimum depth and width of 10 feet and a minimum total area of 650 square feet. The area shall include pedestrian amenities to support these places as gathering areas.
3. A playground, patio, or plaza with outdoor seating areas, provided the playground, patio, or plaza has a minimum depth and width of ten feet and a minimum total area of 300 square feet. The area shall include pedestrian amenities to support these places as gathering areas.
4. A combination of the above-listed amenities. (See Figure 44.)

Click here for Figure 44: Examples of open space amenities

Developments with primarily residential uses are encouraged to comply with this requirement by setting aside private common open space, while developments with a mix of uses or primarily non-residential uses are encouraged to comply by providing one or more of the other listed amenities.

B. Location Criteria. To the maximum extent feasible, where significant natural and scenic resource assets exist on a property, the developer shall give priority to their preservation as private common open space. In reviewing the proposed location of private common open space areas, the Director shall use all applicable plans, maps, and reports to determine whether significant resources exist on a proposed site that should be protected, with priority being given to the following areas (which are not listed in a particular order):

1. Wetlands;
2. Flood hazard areas;
3. Lakes, rivers, and stream/riparian corridors;
4. Tree preservation areas (See Figure 45.); and
5. Karst areas.

Click here for Figure 45: Example of tree preservation during construction

C. Areas Not Credited. Lands within the following areas shall not be counted towards private common open space or pedestrian amenities required by this section:

1. Private yards;
2. Public or private streets or rights of way;
3. Parking areas and driveways for dwellings; and
4. Water quality and storm water detention ponds, unless approved by the Director.

D. Design Criteria. Land set aside for private common open space or pedestrian amenities pursuant to this section shall meet the following design criteria, as relevant:

1. Common open space areas shall be located so as to be readily accessible and useable by residents or visitors in various locations of the development, unless the lands are sensitive natural resources and access should be restricted.

2. The lands shall be compact and contiguous unless the land shall be used as a continuation of an existing trail, or specific topographic features require a different configuration. An example of such topographic features would be the provision of a trail or private open area along a riparian corridor.

3. Where private common open space areas, trails, parks, or other public spaces exist adjacent to the tract to be subdivided or developed, the private common open space or pedestrian amenity shall, to the maximum extent feasible, be located to adjoin, extend, and enlarge the presently existing trail, park, or other open area land.

E. **Maintenance.** All private common open space or pedestrian amenity areas shall be maintained by the owners of the development.

F. **Fee In Lieu.** Instead of providing private common open space or pedestrian amenities as required in this section, the developer of a property located within the urban roadways boundary (as defined in Article 5 of this Subchapter) may request approval to deposit with the city a nonrefundable cash payment, based on a formula established by the council. The Director shall review the request and accept or deny the request no later than 15 days following its receipt.



**Austin/Travis County Health and Human Services Department
Early Childhood Council**



January 13, 2011

Chairperson

Aletha Huston

Vice-Chairperson

Kyle Holder

Members

Albert Black
Sue Carpenter
Larry Elsner
Anna Lisa Fahrenthold
Rhonda Paver
Jacquie Porter
Cindy Rojas Rodriguez
Natasha Rosofsky
Margie Sanford
Debra Keith-Thompson
Avis Wallace

Early Childhood
Council
City of Austin HHSD
P. O. Box 1088
Austin, Texas 78767

(512) 972-5028

George Zapalac
Planning and Development Review Department
City of Austin
Austin, Texas

Dear Mr. Zapalac:

Thank you so much for attending two meetings of the Early Childhood Council for the presentation and discussion about the proposed Open Space ordinance.

As you and the City Council resolution requested, the Early Childhood Council acted on a recommendation about the ordinance. A motion to support the ordinance with the recommendation that it have stronger provisions to require children's play spaces was passed unanimously at the ECC's January 11, 2011 meeting.

In the discussion about the motion, Council members expressed concerns that, among the many options provided for open space, playscapes for children may be less attractive to developers in terms the amount of space, expense, and mixed use. Therefore, the motion included a recommendation to make that component a more compelling choice for developers.

Children, families, and child care are frequently affected by development issues. On behalf of the Early Childhood Council I want to express our appreciation for being included in the deliberations about the Open Space ordinance, and encourage you to return to the ECC as other child-related issues occur.

Sincerely yours,

Aletha C. Huston
Chair

xc: Bert Lumbreras, Assistant City Manager
David Lurie, HHSD Director
Vince Cobalis, HHSD Human Services Assistant Director



AUSTIN DESIGN COMMISSION

February 28, 2011

BART WHATLEY
CHAIR
JUAN COTERA
DAVID KNOLL
JAMES SHIEH
RICHARD WEISS
JEANNIE
WIGINTON

RE: Open Space Requirements Amendments

Dear Mayor & Members of the City Council,

The Open Space Committee of the Design Commission was presented with proposed Open Space Requirements Amendments to the City Code by Mr. George Zapalac. Mr Zapalac presented the open space analysis by his office and proposed various code amendments.

GEORGE ADAMS
EXECUTIVE LIAISON

Following deliberation and discussion, The Design Commission proposes the following for your consideration:

JORGE E. ROUSSELIN
STAFF LIAISON

- Consider evaluating buildings in their neighborhood context to recognize existing public open space in the vicinity such that this public open space may count towards the open space requirement for Downtown buildings;
- Consider improvements beyond the Great Streets minimum standard sidewalks by a development or building to count towards the open space requirements;
- Encourage and incentivize public open space immediately adjacent to the ROW;
- Consider proposing requirements for Downtown which match the existing requirements for TODs; and
- Reviewing the policy of open space requirements periodically to examine compliance and proper application of amendments in response to market conditions.

Please contact us should you have any questions on the above items.

We appreciate the opportunity to comment on this project.

Sincerely,

A handwritten signature in black ink that reads "Bart Whatley".

Bart Whatley
Chair, City of Austin Design Commission



M E M O R A N D U M

TO: Mayor Lee Leffingwell and City Council Members

FROM: Mandy Dealey, Chair
Downtown Commission

DATE: March 23, 2010

RE: Code Amendment C2O-2010-020: Amend the City Code to modify requirements for open space.

At the Wednesday, February August 16, 2011 meeting, the Downtown Commission heard a presentation from George Zapalac, Planning and Development Review Department, on the proposed open space ordinance. After the presentation, the Downtown Commission adopted the following resolution:

“The City Council should consider exempting downtown from the open space requirement. If downtown is not exempted, the Downtown Commission recommends including the Great Streets sidewalk area as counting towards the open space requirement.”

This resolution was adopted on a 9-4-1 vote.

Mandy Dealey, Chair
Downtown Commission

GREEN ROOF ADVISORY GROUP

RECOMMENDATIONS

AUGUST 16, 2011

The following changes to the Open Space Ordinance were recommended by the Green Roof Advisory Group:

SUBCHAPTER E

2.7 PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES

2.7.3 Standards

D. Design Criteria

4. (a) In the CBD and DMU zoning districts, all of the required open space may be located on the roof, balcony, or other area above ground level.

(b) In the VMU, V, and all other zoning districts, not more than 30 percent of the required private common open space may be located on a roof, balcony, or other area above ground level except as provided in (c).

(c) In the VMU, V, and all other zoning districts, up to 50 percent of the required private common open space may be located on a roof, balcony, or other area above ground level if at least 50 percent of the open space above ground level is designed as a Vegetated or Green Roof. For the purpose of this section, a Vegetated or Green Roof is an assembly or system, over an occupied space, that supports an area of planted bed(s), built up on a waterproofed surface at any level that is contained separately from the natural ground by a human-made structure. A Vegetated or Green Roof must comply with the performance standards adopted by a rule.

(d) In determining the amount of open space on a roof, an area occupied by a vent, mechanical equipment, or structure that does not enhance the usability of the space is excluded.

(e) Private common open space on a roof, balcony, or other area above ground level must be screened from the view of adjacent property that is in an urban residence (SF-5) or more restrictive zoning district, in accordance with the standards in Sec. 25-2-1066.

Attachment G

OPEN SPACE PROPOSED ORDINANCE AMENDMENTS SUMMARY OF MAJOR CHANGES 10-28-11

25-1-21 DEFINITIONS

- Add definitions of Common and Personal Open Space.

25-2-514 OPEN SPACE STANDARDS

- Delete this section and relocate the requirements to Sec. 25-2-776, 25-2-780, and the Open Space section of the Design Standards in Sec. 2.7.3 of Subchapter E.

25-2-560 TO 564 MULTIFAMILY RESIDENCE DISTRICT REGULATIONS

- Delete the open space requirements from these sections and combine them with the Open Space section of the Design Standards in Sec. 2.7 of Subchapter E.
- Change the method of calculating open space from a per-unit basis to a per-site basis.

25-2-776 CONDOMINIUM RESIDENTIAL USE

- Apply open space requirements to condominiums regardless of zoning district.
- Exempt condominiums from open space requirements if they provide affordable housing and are within ¼ mile of public parkland.
- Exempt condominiums from open space requirements if they participate in the University Neighborhood Overlay incentives.
- Allow condominiums with less than 10 units to provide personal open space in lieu of common open space.

25-2-780 MULTIFAMILY RESIDENTIAL USE [new section]

- Require multifamily development to comply with open space requirements of Subchapter E.
- Exempt multifamily uses from open space requirements if they provide affordable housing and are within ¼ mile of public parkland.
- Allow multifamily uses with less than 10 units to provide personal open space in lieu of common open space.

SUBCHAPTER E

2.7. PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES

2.7.2. Applicability

- Require open space for all site plans two acres or larger, instead of five acres or larger, and all multifamily and condominium uses.

2.7.3 Standards

2.7.3.A. Amenity Required

- Change requirement from two percent of the net site area to five percent of the gross site area.
- Provide other options for satisfying the requirement of an amenity.
- Increase the minimum size of amenities
- Provide standards for different types of amenities.
- Allow 10% reduction in open space if play areas for children are provided.

2.7.3.B. Location Criteria

- Allow for other types of open space to be provided.
- Encourage provision of trail connections.

2.7.3.C. Areas Not Credited

- Clarify that required street yards may not be included in open space calculation.

2.7.3.D. Design Criteria

- Include standards for surfacing.
- Allow above-ground facilities to satisfy 100% of the open space requirement in CBD, DMU, VMU, V, and UNO districts.
- Allow streetscape improvements in public right-of-way to satisfy the open space requirement in CBD, DMU, VMU, and V districts unless the City participates or the improvements are required by CURE zoning

2.7.3.F. Fee in Lieu

- Make the fee an option only in event of impracticality or hardship.

Zapalac, George

From: Delgado, Javier
Sent: Thursday, May 19, 2011 1:44 PM
To: Zapalac, George
Cc: Copic, Regina
Subject: Open Space Proposal

George,

Good afternoon. After discussion about the open space requirement, here are two concerns that NHCD would like to see addressed in the proposal:

1. The definitions and affordability need to be consistent with the SMART Housing Ordinance. We want the affordability to apply to a household at 80% MFI or below and the terms of the affordability would be governed by the established terms in the ordinance or overlays. Recommend referencing back to the SMART Housing Ordinance as minimum standard or the affordability requirements as defined in any other developer incentive/density bonus ordinance.
2. We feel that the developer incentive ordinance could be negatively impacted by the proposal. We ask that if a project that is certified to use one of our developer incentive/density bonus programs can demonstrate a negative impact due to the open space requirement, that the density incentive ordinance / program be exempt for the open space ordinance requirement. If a density bonus is offered in exchange for affordability, the density bonus ordinance should supersede the open space ordinance.

Thank you for meeting with NHCD Staff to discuss your proposal.

Regards,

Javier V. Delgado

Project Coordinator-Real Estate & Finance Development
City of Austin-Neighborhood Housing & Community Development
(512) 974-3154
javier.delgado@ci.austin.tx.us



**PLANNING COMMISSION
MINUTES**

**REGULAR MEETING
May 24, 2011**

The Planning Commission convened in a regular meeting on May 24, 2011 @ 301 W. 2nd Street in Austin, Texas.

Chair Dave Sullivan called the Board Meeting to order at 6:07 p.m.

Board Members in Attendance:

Dave Sullivan – Chair

Tina Bui

Mandy Dealey

Richard Hatfield

Alfonso Hernandez

Saundra Kirk

EXECUTIVE SESSION (No public discussion)

The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The commission may not conduct a closed meeting without the approval of the city attorney.

Private Consultation with Attorney – Section 551.071

A. CITIZEN COMMUNICATION: GENERAL

None

B. APPROVAL OF MINUTES

1. Approval of minutes for April 16, 2011, special called meeting.

The motion to approve the minutes for April 16, 2011, were approved on the consent agenda by Commissioner Mandy Dealey's motion, Commissioner Saundra Kirk second the motion on a vote of 6-0; Commissioners Dave Anderson and Danette Chimenti were absent.

2. Approval of minutes for April 26, 2011.

The motion to approve the minutes for April 26, 2011, were approved on the consent agenda by Commissioner Mandy Dealey's motion, Commissioner Saundra Kirk second the motion on a vote of 6-0; Commissioners Dave Anderson and Danette Chimenti were absent.

3. Code Amendment: C2O-2010-020 - Open Space Requirements

Location: City-wide
Owner/Applicant: City of Austin - Planning and Development Review Department
Agent: George Zapalac
Request: Amend Chapters 25-1 and 25-2 of the City Code to modify requirements for open space.
Staff Rec.: **Recommend Approval**
Staff: George Zapalac, (512) 974-2725, George.Zapalac@ci.austin.tx.us;
Planning and Development Review Department

The motion to approve staff's recommendation (including revisions from Neighborhood Housing and Community Development concerning affordability) to amend Chapters 25-1 and 25-2 of the City Code with amendments to:

- Exclude UNO;
- Ask staff to work with the Downtown Stakeholders (Austin Alliance), to look at cost and affordability issues.

The motion was made by Commissioner Alfonso Hernandez, Commissioner Richard Hatfield seconded the motion on a vote of 6-0; Commissioners Dave Anderson and Danette Chimenti were absent, 1 vacancy on the commission.

4. Code Amendment: C20-2011-002 - Noncontiguous Zoning & Fee Waiver for Annexed Land

Location: City-wide
Owner/Applicant: City of Austin
Request: Conduct a public hearing to consider an ordinance amending Chapters 25-1 and 25-2 of the City Code to (1) allow the City Council or the Land Use Commission to initiate a single zoning case for multiple non-contiguous properties if those have interim zoning or are unzoned, and (2) waive zoning application fees for one year from the time of annexation for properties where the interim zoning does not permit the existing use.
Staff Rec.: **Recommended**
Staff: Jackie Chuter, 974-2613, jackie.chuter@ci.austin.tx.us;
Planning & Development Review Department

The motion to approve staff's recommendation to consider an ordinance amending Chapters 25-1 and 25-2 of the City Code, was approved on the consent agenda by Commissioner Mandy Dealey's motion, Commissioner Sandra Kirk seconded the motion on a vote of 6-0; Commissioners Danette Chimenti and Dave Anderson were absent, 1 vacancy on the commission.

Attachment J

Staff Recommendation for CBD and DMU Districts

Add the following to Sec. 2.7.3.D. Design Criteria:

In the CBD and DMU districts, up to 25 percent of the required open space may be private personal open space if the site is greater than one-half acre, and up to 50 percent of the required open space may be private personal open space if the site is less than or equal to one-half acre. An area of private personal open space must contain at least 25 square feet and may not be less than five feet across in each direction.

Attachment K

ADDITION TO SEC. 2.7.3.D PUBLIC ACCESS TO PRIVATE COMMON OPEN SPACE

A project which allows public access during normal business hours to a private common open space above ground level may reduce the total amount of open space required by 10 percent

Attachment L

OPEN SPACE RECOMMENDATIONS 2.7.3.D DESIGN STANDARDS				
	Planning Commission	Green Roof Advisory Group (Attachment G)	Staff (Attachment J)	Public Access (Attachment K)
CBD & DMU	100% above ground level	100% above ground level	100% above ground level	
			25% personal space if > 1 acre	
			50% personal space if < 1 acre	
VMU & V	100% above ground level	30% above ground level		
		50% above ground if green roof		
OTHER DISTRICTS	30% above ground level	30% above ground level		
		50% above ground if green roof		
OTHER REQUIREMENTS		Screening if adjacent to single-family		
				10% reduction if above ground level accessible to public