



**Austin City Code Amendment
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 58
AGENDA DATE: Thu 09/02/2004
PAGE: 1 of 1**

SUBJECT: Approve third reading of an ordinance amending Chapter 25-2 of the City Code to create the University Neighborhood Overlay (UNO) District generally located between Lamar Blvd. on the west and Guadalupe St. on the east and between 29th St. on the north and MLK Jr. Blvd. on the south.

AMOUNT & SOURCE OF FUNDING: There is no fiscal impact associated with this code amendment.

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING
DEPARTMENT:**

**DIRECTOR'S
AUTHORIZATION:** Ricardo Soliz

FOR MORE INFORMATION CONTACT: Mark Walters, Planner Senior, 974-7695

PRIOR COUNCIL ACTION: The City Council approved the University Neighborhood Overlay District on first reading on June 10, 2004.

BOARD AND COMMISSION ACTION: Recommended by the Planning Commission.

BACKGROUND: The University Neighborhood Overlay (UNO) proposed code amendment would allow increased residential density and promote mixed-use development in the area west of the University of Texas, commonly known as West Campus. This recommendation was generated through a consensus-based planning process by the City of Austin, residents, property owners, and institutions in the neighborhoods surrounding the University of Texas. Also involved in the process was a group called the Central Austin Neighborhood Planning Advisory Committee (CANPAC). The proposed UNO code amendment would be an incentive-based zoning overlay that would provide for development bonuses if the developer of a project chooses to follow the provisions of the overlay. A project would receive approval if it meets all of the provisions of the proposed UNO code amendment as well as all other applicable land development regulations. If the developer does not choose to take advantage of the UNO, the base zoning district site development regulations would apply.

The provisions of the overlay include architectural and design standards and improvements to the streetscape. A multi-family residential use that utilizes the development bonuses in the UNO District must also set aside at least 10 percent of the dwelling units on the site to households whose gross income is less than 80 percent of the median income in Austin and at least an additional 10 percent of the dwelling units on the site to households whose gross income is less than 50 percent of the median income. The affordability period will be not less than 15 years from the date a certificate of occupancy is issued, or not less than 20 years from the date a certificate of occupancy is issued if the applicant has received S.M.A.R.T. Housing™ fee waivers.

An applicant may choose at the site plan submittal stage to pay a "fee in lieu" to the University Neighborhood Overlay Housing Trust Fund to assist with the development of units serving households at or below 50% Median Family Income within the UNO Overlay District. The Austin Housing Finance Corporation shall be the administrator of the fund.

Proposed Changes for the University Neighborhood Overlay

| Item | Statute with Changes | Debate/Comments/Recommendations/Outcome | Proposed Changes | Discussion/Comments/Recommendations/Outcome | Outcome |
|------|-------------------------------|---|---|---|--|
| 1 | 25-2-753 Local Uses Described | Not Included at first reading. | Add the following uses: <ul style="list-style-type: none"> • Art Gallery • Art Workshop • Business and Trade School • Consumer Convenience Services • Financial Services • Food Preparation • Indoor Sports and Recreation • Printing and Publishing Services | Add the following uses: <ul style="list-style-type: none"> • Art Gallery • Art Workshop • Business and Trade School • Consumer Convenience Services • Financial Services • Food Preparation • Indoor Sports and Recreation • Printing and Publishing Services | These uses were added in light of the discussions stemming from the House of Tutors zoning case. |
| 2 | 25-2-754 Use Regulations | (6) A parking space must be leased separately from a dwelling unit. | Remove this provision | (6) A parking space must be leased separately from a dwelling unit. | Matter is a private contractual agreement between landlord and tenant. |
| 3 | New Section | Not included at first reading. | The minimum lot area is 2,500 square feet. | The minimum lot area is 2,500 square feet. | Included based on discussions with stakeholders after Council first reading. |

| Item | Section of Ordinance | Section of Ordinance Proposed for Deletion | Proposed Change | Proposed Change | Comments |
|------|---|---|--|--|---|
| 4 | 25-2-756 (A) Setbacks (Section revised-see Comments) | <p>A) The minimum front yard setback and the minimum and the minimum side yard setback are 3-1/2 feet, except:</p> <p>(1) the minimum setbacks are 10 feet along Martin Luther King, Jr. Blvd, between Rio Grande Street and San Gabriel Street; and</p> <p>(2) there are no minimum setbacks:</p> <p>(a) along Guadalupe Street between Martin Luther King, Jr. Blvd. And 28th Street; and</p> <p>(b) along 24th Street between Guadalupe Street and Rio Grande Street.</p> <p>Not included at first reading.</p> | <p>(A) There are no minimum front yard or street side yard setbacks except:</p> <p>(1) the minimum setbacks are 10 feet along Martin Luther King, Jr. Blvd, between Rio Grande Street and San Gabriel Street; and</p> <p>(2) the minimum front yard setback is two feet along Graham Place, West 24 1/2 Street, San Pedro Street, West 21st Street, and Hume Place.</p> <p>(E) A building must be at least 12 feet from the front face of the curb of the adjacent street, except:</p> <p>(1) along Guadalupe Street between Martin Luther King, Jr. Blvd. And 28th Street; and</p> <p>(2) along 24th Street between Guadalupe Street and Rio Grande Street.</p> | <p>(A) There are no minimum front yard or street side yard setbacks except:</p> <p>(1) the minimum setbacks are 10 feet along Martin Luther King, Jr. Blvd, between Rio Grande Street and San Gabriel Street; and</p> <p>(2) the minimum front yard setback is two feet along Graham Place, West 24 1/2 Street, San Pedro Street, West 21st Street, and Hume Place.</p> <p>(E) A building must be at least 12 feet from the front face of the curb of the adjacent street, except:</p> <p>(1) along Guadalupe Street between Martin Luther King, Jr. Blvd. And 28th Street; and</p> <p>(2) along 24th Street between Guadalupe Street and Rio Grande Street.</p> | <p>This change is based on ongoing discussions with the stakeholder group and staff following Council first reading of the ordinance.</p> |
| 5 | 25-2-757 Building Stepbacks and Building Envelope Restriction | First building stepbacks should begin at 57 feet | First building stepbacks should begin at 60 feet | First building stepbacks should begin at 60 feet | This change reflects would changes made in the design guidelines included in the Central Austin Combined Neighborhood Plan. |

| Item | San Diego Code Ordinance | 2014 Ordinance, San Diego Code, University Neighborhood Overlay, Second and Third Roadings | Proposed Ordinance | 2014 Ordinance, San Diego Code, University Neighborhood Overlay, Second and Third Roadings | Comments |
|------|---|--|--|--|---|
| 6 | 25-2-758 (A)(2)(a) Street Wall Areas Adjacent to Occupant Space | Street wall area extends to a height of 57 foot | Street wall area extends to a height of 60 foot | Street wall area extends to a height of 60 feet | This change reflects changes made in the design guidelines. |
| 7 | 25-2-759 Streetscape Improvements | (A) A site owner shall install a sidewalk not less than five feet wide along each street frontage adjacent to the site. The director of the Transportation, Planning, and Sustainability Department may require that the sidewalk be up to 12 feet wide. The director shall determine an appropriate sidewalk width after considering right-of-way width and other factors affecting the site. | A site owner shall install a sidewalk not less than 12 feet wide along each street frontage adjacent to the site. A site owner shall install a sidewalk not less than five feet wide along West 24½ Street, San Pedro Street, West 21 st Street, or Hume Place. A site owner shall plant and maintain trees along an adjacent street right-of-way. (1) Trees must be spaced to create a nearly contiguous canopy when the trees reach maturity. (2) A tree must be in scale with the adjacent building. (3) A tree planted in a sidewalk area must have a tree grating | A site owner shall install a sidewalk not less than 12 feet wide along each street frontage adjacent to the site. A site owner shall install a sidewalk not less than five feet wide along West 24½ Street, San Pedro Street, West 21 st Street, or Hume Place. A site owner shall plant and maintain trees along an adjacent street right-of-way. (1) Trees must be spaced to create a nearly contiguous canopy when the trees reach maturity. (2) A tree must be in scale with the adjacent building. (3) A tree planted in a sidewalk area must have a tree grating | |
| 8 | 25-2-759 (C)(4) Streetscape Improvements | A light must be shielded to prevent it from shining upward | Remove this provision | Remove this provision | Will be included in the rules to implement the ordinance and not in the ordinance itself. |

| Item | Section(s) to be Amended | Proposed Language for Revised Ordinance (Ordinance 2016-01) | Proposed Language | Proposed Language for Revised Ordinance | Comments |
|------|---|--|---|---|--|
| 9 | 25-2-762 (B)(2)(3) Certain Regulations Inapplicable or Superseded | (B) Impervious cover limitations of this subchapter are superseded by this subsection. Maximum impervious cover is: (2) 90 percent in the outer west campus subdistrict; and (3) 85 percent in the Dobie subdistrict | (B) Impervious cover limitations of this subchapter are superseded by this subsection. Maximum impervious cover is: (2) the greater of 90 percent or the percentage permitted in the base zoning district in the outer west campus subdistrict; and (3) the greater of 85 percent or the percentage permitted in the base zoning district in the Dobie subdistrict. | (B) Impervious cover limitations of this subchapter are superseded by this subsection. Maximum impervious cover is: (2) the greater of 90 percent or the percentage permitted in the base zoning district in the outer west campus subdistrict; and (3) the greater of 85 percent or the percentage permitted in the base zoning district in the Dobie subdistrict. | Gives greater flexibility to property owners |
| 10 | 25-2-762 (C)(2)(3) Certain Regulations Inapplicable or Superseded | (C) For a multi-family residential use: (2) minimum site area requirements of this subchapter for each dwelling unit do not apply; and (3) the minimum open space for each dwelling unit is 100 square feet. | (C) For a multi-family residential use, minimum site area and open space requirements of this subchapter do not apply. | (C) For a multi-family residential use, minimum site area and open space requirements of this subchapter do not apply. | This section was revised based on ongoing discussions with stakeholder group and staff following Council first reading of the ordinance. |

| Item | Section Number | Section Title | Proposed Changes | Comments |
|------|--------------------|--------------------------------|--|---|
| 11 | Affordable Housing | Not included at first reading. | <p>(A) A multi-family residential use established after [effective date of ordinance] must, for a period of not less than 15 years from the date a certificate of occupancy is issued, set aside at least:</p> <ol style="list-style-type: none"> (1) 10 percent of the dwelling units on the site to house persons whose household income is less than 80 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Department; and (2) 10 percent of the dwelling units on the site to house persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Department. <p>(B) The University Neighborhood District Housing Trust Fund is established. A person may pay a fee into the University Neighborhood District Housing Trust Fund instead of complying with Subsection (A)</p> <ol style="list-style-type: none"> (1) A person who does not comply with Paragraphs (A)(1) and (A)(2) shall pay a fee of \$0.30 for each square foot of gross air conditioned floor area in the multi-family residential use development. (2) A person who complies only with Paragraph (A)(1) shall pay a fee of \$0.15 for each square foot of gross air conditioned floor area in the multi-family residential use development. | <p>(A) A multi-family residential use established after [effective date of ordinance] must, for a period of not less than 15 years from the date a certificate of occupancy is issued, set aside at least:</p> <ol style="list-style-type: none"> (1) 10 percent of the dwelling units on the site to house persons whose household income is less than 80 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Department; and (2) 10 percent of the dwelling units on the site to house persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Department. <p>(B) The University Neighborhood District Housing Trust Fund is established. A person may pay a fee into the University Neighborhood District Housing Trust Fund instead of complying with Subsection (A)(2)</p> <ol style="list-style-type: none"> (1) A person who complies only with Paragraph (A)(1) shall pay a fee of \$0.20 for each square foot of gross air conditioned floor area in the multi-family residential use development. <p>This section was revised based on ongoing discussions with stakeholder group and staff following Council first reading of the ordinance.</p> <p>These recommendations also reflect the request by the Planning Commission to develop recommendations to increase the amount of affordable housing in the University Neighborhood Overlay district.</p> |

| Item | Section and Subsection | Planning Commission Recommendation | Staff Recommendation | Staff Recommendation | Comments |
|-----------------|---|---|--|--|--|
| 11 continued | Affordable Housing continued | Not included at first reading. | (C) The director of the Austin Neighborhood Housing and Community Development Department may allocate money from the University Neighborhood District Housing Trust Fund for housing development in the university neighborhood overlay district that provides at least 10 percent of its dwelling units to persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Department, for a period of not less than 15 years from the date a certificate of occupancy is issued. | (C) The director of the Austin Neighborhood Housing and Community Development Department may allocate money from the University Neighborhood District Housing Trust Fund for housing development in the university neighborhood overlay district that provides at least 10 percent of its dwelling units to persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Department, for a period of not less than 15 years from the date a certificate of occupancy is issued. | |
| 12 | 25-8-601(A) Parking Requirements for University Neighborhood Overlay District | (A) Except as otherwise provided in this section, the minimum off-street parking requirement in the university neighborhood overlay district is 60 percent of that prescribed by Appendix A (<i>Tables Of Off-Street Parking And Loading Requirements</i>). | The minimum off-street parking requirement is 80 percent of that prescribed by Appendix A (<i>Tables Of Off-Street Parking And Loading Requirements</i>). | (A) Except as otherwise provided in this section, the minimum off-street parking requirement in the university neighborhood overlay district is 60 percent of that prescribed by Appendix A (<i>Tables Of Off-Street Parking And Loading Requirements</i>). | This section was revised based on ongoing discussions with stakeholder group and staff following Council first reading of the ordinance. After presenting to the University of Texas Student Government, staff became aware of student body concerns that required parking not be reduced above and beyond what is currently allowed. |

| Item | Staff Recommendation | Staff Recommendation | Staff Recommendation | Staff Recommendation | Staff Recommendation |
|------|---|---|---|---|---|
| 13 | 25-6-601(C) Parking Requirements for University Neighborhood Overlay District | (C) For a multi-family residential use, the minimum off-street parking requirement is 40 percent of that prescribed by Appendix A (<i>Tables Of Off-Street Parking And Loading Requirements</i>) if the multi-family residential use participates in a car sharing program that complies with the program requirements prescribed by administrative rule, as determined by the director of the Transportation, Planning, and Sustainability Department. | Staff does not support this provision. Remove this provision. | (C) For a multi-family residential use, the minimum off-street parking requirement is 40 percent of that prescribed by Appendix A (<i>Tables Of Off-Street Parking And Loading Requirements</i>) if the multi-family residential use participates in a car sharing program that complies with the program requirements prescribed by administrative rule, as determined by the director of the Transportation, Planning, and Sustainability Department. | Staff objection to this recommendation centered on <ul style="list-style-type: none"> How would such a program be monitored/administered Penalization if a development went into non-compliance with this provision Remediation of non-compliance Zoning is the inappropriate mechanism to implement this program. |
| 14 | 25-6-601 (B)(2) Parking Requirements for University Neighborhood Overlay District | (2) 3,500 square feet of gross floor area, and the use is located in the outer west campus subdistrict off-street parking is not required | For a commercial use: <ol style="list-style-type: none"> (1) the minimum off-street parking requirement is 60-80 percent of that prescribed by Appendix A (<i>Tables Of Off-Street Parking And Loading Requirements</i>); or (2) if the use occupies less than 6,000 square feet of gross floor area, off-street parking is not required. | For a commercial use: <ol style="list-style-type: none"> (1) the minimum off-street parking requirement is 80 percent of that prescribed by Appendix A (<i>Tables Of Off-Street Parking And Loading Requirements</i>); or (2) if the use occupies less than 6,000 square feet of gross floor area, off-street parking is not required. | These standards reflect existing standards in the Central Business District. |

MEMORANDUM

TO: Mayor and Members of the Austin City Council

FROM: Paul Hilgers, Director
Department of Neighborhood Housing and Community Development

DATE: August 20, 2004

SUBJECT: NHCD Response to Community Development Commission's August 10
Resolution on the University Neighborhood Overlay (UNO) Proposal

On August 10, 2004 the Community Development Commission (CDC) passed a resolution regarding the proposed affordable housing component of the University Neighborhood Overlay (UNO). The CDC recommended that the City Council make the following changes to the UNO:

1. No 50% MFI Opt-Out Provisions of the proposed University Overlay District.
2. If there is an opt-out provision, the fee in lieu should be based upon the actual cost of the developer providing the required number of affordable housing units and loss of revenue/debt service.
3. Require an analysis of current area rents and impact of their proposal on their affordability.

Having reviewed these recommendations, NHCD supports some components of this resolution passed by the CDC but is opposed to other components. This memo provides the rationale for this determination.

Item #1. Staff opposes policies that restrict the flexibility and options to creating affordable housing. By providing an opt-out provision as part of an incentive package, some developers will be able to provide resources that can increase affordable housing in the area.

Item #2. The proposed Opt-out provision is one component of an incentive package that includes substantial private and public benefits. Most importantly, this particular neighborhood is extremely unique. The affordable housing issues in this neighborhood are unique to this particular area and require unique approaches because of the large number of students who reside in the area. The proposed opt-out provision provides a innovative approach to addressing the problem of providing student housing.

Item #3. Staff does not oppose a continuing analysis of the various impacts of this proposed development on rents in this area, as well as other areas of Austin.

If you have any questions, please contact me at 974-3108.

MEMORANDUM

TO: Mayor Will Wynn and City Council Members

FROM: Paul Hilgers, Director
Department of Neighborhood Housing and Community Development

DATE: August 20, 2004

SUBJECT: NHCD Response to Community Development Commission's August 10 Resolution on the University Neighborhood Overlay (UNO) Proposal

Background

On August 10, 2004 the Community Development Commission (CDC) passed a resolution regarding the proposed affordable housing component of the University Neighborhood Overlay (UNO). The CDC recommended that the City Council make the following changes to the UNO:

1. No 50% MFI Opt-Out Provision of the proposed University Neighborhood Overlay District.
2. If there is an opt-out provision, the fee in lieu should be based upon the actual cost of providing the required number of affordable housing units and loss of revenue/debt service.
3. Require an analysis of current area rents and impact on their affordability.

Having reviewed these recommendations, the Neighborhood Housing and Community Development Department does not support the resolution passed by the Community Development Commission. The purpose of this memo is to provide the rationale for this determination and to highlight some other issues that must be considered by the City Council before finalizing this proposed ordinance.

Limits on City of Austin Authority to Mandate Development Restrictions

The City of Austin is attempting to achieve increased affordable housing through density bonus incentives in the UNO district. General legal principles governing exactions imposed by a permitting entity require the exactions to be related to the nature of the development and roughly proportional to the impact caused by the development. For example, the Texas Supreme Court recently held that a developer was not required to make boundary street improvements as a condition for the receipt of subdivision approval by a city where the city did not demonstrate that the improvements required were the result of the impact caused by the subdivision development.

In other words, the test is two-fold: there must be a connection between the development and the required exaction, and there must be a connection between the amount of the

requirement and the impact of the development. Broad "one-size-fits-all" exactions bearing no relationship to the development being proposed may be suspect.

Impact on Reducing Barriers to Redevelopment of Property in the West Campus Area

Many properties in the proposed UNO district were zoned in the mid-1980's with zoning categories that do not allow redevelopment comparable to pre-existing densities and levels of impervious cover. The new zoning code rendered existing buildings nonconforming in site area requirements, floor-to-area ratios, open space requirements, heights, setbacks and parking. The UNO standards would permit redevelopment of these properties. In addition, the ordinance would provide the flexibility for administrative parking reductions, instead of requiring Board of Adjustment variances. These new development standards apply to both producers of affordable as well as market rate housing. These will result in reduced cost for the development of housing.

Impact of Increased Supply of Housing Stock and Market Rents

An increase in the supply of rental units will in turn place downward pressure on market rents, not only in the University Area but in other parts of the city where students have traditionally tended to locate. This will help to balance vacancy rates and create a competitive market for student rental housing.

Impact of Increased Supply of Housing Stock and the Reduction of Pressure on Housing Stock in Other Areas of the City of Austin

Because of the lack of student housing in the University area, students have been forced to look elsewhere in the City for affordable, rental housing. A large concentration of students reside in the East Riverside area, increasing traffic congestion on I-35 through the downtown area. In addition, the lack of housing near the University has also increased pressure on the available housing in many East Austin neighborhoods, such as the Blackland Neighborhood. Increasing the supply of housing in UNO should relieve the pressure on the housing stock in other areas of the City.

Potential for Partnership with Co-op Housing Developers

The Co-op Housing Developers view the trust fund as a source of bridge funding and an opportunity to add additional units to current development plans. The Trust Fund is not viewed as the sole source of creating non-profit housing development.

The fee-in-lieu is the way to emphasize affordable housing. The reality is that whenever a for-profit development provides mixed-income rental housing, the cost of the forgone rental income from the affordable units is not absorbed by the developers or the project owners, but rather is passed on by increasing the rents on the more expensive units. In this scenario, the burden of affordable housing is merely shifted from one student to another. This is why it is more critical for non-profits to have the ability to create new affordable units, as opposed to relying solely on the for-profit developer provide the units.

The Cooperatives have advised NHCD that most students qualify for the 80% MFI requirement, and that providing housing for persons at or below 80% MFI is not difficult except for the added record keeping. As non-profits, the Co-ops have additional funding

sources and tax benefits not available to for profit developers, that allow them to do an entire project for persons at or below 50% MFI which will truly add affordability to the area.

At the end of 15 years, at a minimum we hope to see 400 new units serving households at 80% MFI and 400 additional new units serving households at 50% MFI. All new units would meet enhanced safety standards, the City's Green Building standards, and a higher level of accessibility than required by Federal or State law. In addition, the City will further benefit from additional sidewalk, streetscape and building design improvements that create substantial public benefit while adding additional costs to the new development.

All of these requirements must also be balanced with the additional loss of revenue from reduced rents on a minimum of 10% of the units.

Conclusion

NHCD is recommending that the fee-in-lieu be \$.40 per square foot of conditioned space. The City will benefit not only by having more housing in West Campus, but also by the replacement of aging and undersized water lines. In addition, the newer apartments will be safer for students than the existing housing stock in West Campus because all new construction will be sprinklered. (Most of the West Campus was built before sprinkler systems were required).

NHCD Staff recognizes the Neighborhood Planning process in the West University Neighborhood Planning Area as a major step forward in the evolution of a more comprehensive housing policy for the City of Austin. This ordinance allows development in this neighborhood to occur in a manner that will enhance S.M.A.R.T. Housing with the proposed voluntary "density bonus" approach while creating a dedicated source of funding for supporting the creation of affordable housing in the area. The stakeholders in the neighborhood identified affordable housing as an issue that was important to the future sustainability of their neighborhood.

NHCD staff cannot support the Resolution passed by the Community Development Commission primarily because it would jeopardize the passage of the University Neighborhood Overlay and thwart the efforts of the West University Neighborhood to implement its affordable housing objectives.

Please contact me at 974-3108 if you need additional information.

Cc: Gina Copic, NHCD
Stuart Hersh, NHCD
Alice Glasco, NPZD
Ricardo Soliz, NPZD

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 25 OF THE CITY CODE TO ADD A NEW UNIVERSITY NEIGHBORHOOD OVERLAY ZONING DISTRICT.

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

PART 1. Section 25-2-32(F) of the City Code is amended to read:

(F) Combining districts and map codes are as follows:

- | | | |
|----------------------------------|------|-----|
| (1) historic landmark | H | |
| (2) conditional overlay | CO | |
| (3) neighborhood conservation | NC | |
| (4) planned development area | PDA | |
| (5) waterfront overlay | WO | |
| (6) mixed use | | MU |
| (7) Capitol view corridor | CVC | |
| (8) Capitol dominance | CD | |
| (9) Congress Avenue | CA | |
| (10) East Sixth / Pecan Street | PS | |
| (11) downtown parks | | DP |
| (12) downtown creeks | | DC |
| (13) convention center | | CC |
| (14) central urban redevelopment | CURE | |
| (15) East Austin | | E A |
| (16) neighborhood plan | | NP |

PART 2. Chapter 25-2 of the City Code is amended to add a new Section 25-2-178 to read:

§ 25-2-178 UNIVERSITY NEIGHBORHOOD OVERLAY (UNO) DISTRICT PURPOSE AND BOUNDARIES.

(A) The purpose of the university neighborhood overlay (UNO) district is to promote high density redevelopment in the area generally west of the University of Texas campus, provide a mechanism for the creation of a densely populated but livable and pedestrian friendly environment, and protect the character of the predominantly single-family residential neighborhoods adjacent to the district.

(B) The UNO district consists of the following subdistricts:

(1) inner west campus subdistrict;

(2) outer west campus subdistrict;

(3) Guadalupe subdistrict; and

(4) Dobie subdistrict.

(C) The boundaries of the UNO district and each subdistrict are identified in Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits*) of this chapter.

PART 3. Chapter 25-2, Subchapter C, Article 3 of the City Code is amended to add a new Division 9 to read:

Division 9. University Neighborhood Overlay District Requirements.

§ 25-2-751 APPLICABILITY.

This division applies to property in the university neighborhood overlay (UNO) district if the property owner files a site plan and an election for the property to be governed by this division.

§ 25-2-752 CONFLICT OF LAW.

For property governed by this division, this division supersedes the other provisions of this title to the extent of conflict.

1 **§ 25-2-753 LOCAL USES DESCRIBED.**

2 (A) In this division, a local use is a use that serves the public by providing goods
3 or services in a manner readily accessible by pedestrians or the occupants of
4 the structure in which the uses are located. Local uses include:

- 5 (1) administrative and business offices;
- 6 (2) art and craft studio;
- 7 (3) art gallery;
- 8 (4) art workshop;
- 9 (5) business and trade school;
- 10 (6) consumer convenience services;
- 11 (7) consumer repair services;
- 12 (8) counseling services;
- 13 (9) custom manufacturing;
- 14 (10) day care services (commercial, general, or limited);
- 15 (11) financial services;
- 16 (12) food preparation;
- 17 (13) food sales;
- 18 (14) general retail sales (convenience or general);
- 19 (15) guidance services;
- 20 (16) indoor sports and recreation;
- 21 (17) medical offices (under 5,000 square feet);
- 22 (18) personal improvement services;
- 23 (19) personal services;
- 24 (20) pet services;
- 25 (21) printing and publishing services;

- (22) professional office;
- (23) religious assembly;
- (24) restaurant (general or limited);
- (25) theater; and
- (26) a conditional use in the base zoning district that is approved by the land use commission.

(B) A local use may not include a drive-through facility.

§ 25-2-754 USE REGULATIONS.

(A) In a nonresidential zoning base district, residential uses are permitted.

(B) In any base zoning district, a hotel-motel use, a multifamily use, or a group residential use is permitted.

(C) This subsection applies to a multifamily residential use.

(1) Each building must achieve at least a one star rating under the Austin Green Building program.

(2) All ground floor dwelling units must be:

(a) adaptable for use by a person with a disability; and

(b) accessible by a person with a disability from the on-site parking and common facility, if any.

(3) At least 10 percent of the dwelling units must be accessible for a person with a mobility impairment.

(4) At least two percent of the dwelling units must be accessible for a person with a hearing or visual disability.

(5) Each multistory building must be served by an elevator, unless at least 25 percent of the site's dwelling units are located on the ground floor.

(6) A parking space must be leased separately from a dwelling unit.

(D) This subsection governs local uses in a residential base district.

(1) Except as provided in Paragraph (2), up to 20 percent of the gross floor area of a site may be used for local uses. At least one-half of the gross

1 floor area of the local uses must be located at street level and accessible
2 from a pedestrian path. In determining these percentages, a
3 nonresidential use that is accessory to the principal residential use or
4 located in a historic landmark is excluded from the gross floor area of
5 the local uses.

- 6 (2) Up to 100 percent of the gross floor area of a structure may be used for
7 local uses if the structure is a historic landmark or the structure contains
8 less than 10,000 square feet of gross floor area and is the only structure
9 on the site.

10 (E) This subsection applies to commercial off-street parking.

- 11 (1) Commercial off-street parking on a surface lot is prohibited.

- 12 (2) Commercial off-street parking in a structure is:

13 (a) permitted in any base zoning district in the Guadalupe, Dobie, or
14 inner west campus subdistrict; and

15 (b) prohibited in the outer west campus subdistrict.

- 16 (3) The street level portion of a commercial off-street parking structure that
17 is accessible from a pedestrian path must contain local uses for a depth
18 of at least 18-1/2 feet. This requirement does not apply to a portion of
19 the structure used for an entrance or exit.

20 (F) A cocktail lounge is a conditional use if it is accessory to a hotel-motel use
21 with at least 50 rooms.

22 **§ 25-2-755 MINIMUM LOT AREA.**

23 The minimum lot area is 2,500 square feet.

24 **§ 25-2-756 HEIGHT.**

25 Maximum heights for structures are prescribed by Appendix C (*University*
26 *Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits*).

27 **§ 25-2-757 SETBACKS.**

28 (A) There are no minimum front yard or street side yard setbacks, except:

- 29 (1) the minimum setbacks are 10 feet along Martin Luther King, Jr. Blvd.
30 between Rio Grande Street and San Gabriel Street; and

(2) the minimum front yard setback is two feet along Graham Place, West 24½ Street, San Pedro Street, West 21st Street, and Hume Place.

(B) The maximum front yard setback and the maximum street side yard setback are 10 feet, except:

(1) the maximum setbacks are 15 feet along 24th Street or along Martin Luther King, Jr. Blvd. between Rio Grande Street and San Gabriel Street;

(2) the maximum setbacks are 45 feet for a public plaza or private common open space;

(3) there are no maximum setbacks for a pedestrian entry court or an outdoor cafe; and

(4) the director of the Watershed Protection and Development Review Department may modify a maximum setback if the director determines that the modification is required to protect a historic structure or a tree designated as significant by the city arborist.

(C) There is no minimum or maximum interior side yard setback.

(D) There is no minimum or maximum rear yard setback.

(E) A building must be at least 12 feet from the front face of the curb of the adjacent street.

§ 25-2-758 BUILDING STEPBACKS AND BUILDING ENVELOPE RESTRICTION

(A) Except as provided in Subsection (B):

(1) if an exterior wall of a building is adjacent to a street other than an alley, at a height of 60 feet, the upper portion of the wall must be set back from the lower portion of the wall by a distance of at least 12 feet; and

(2) if the north side of a building is adjacent to a street other than an alley and is greater than 60 feet in height, the upper portion of the north side of the building must be set back within a building envelope that is formed by a plane that extends from the top of the lower portion of the north side exterior wall toward the building at an angle of 62 degrees above horizontal.

1 (B) If a building facade abuts street frontage for a distance of at least 280 feet,
2 Subsection (A) does not apply to:

3 (1) 15 percent of the length of a building facade that faces east, south, or
4 west; or

5 (2) 20 percent of the length of a building facade that faces north.

6 **§ 25-2-759 STREET WALL AREAS ADJACENT TO OCCUPANT SPACE.**

7 (A) In this section:

8 (1) OCCUPANT SPACE means space in a building used for a use other
9 than a parking facility or a mechanical facility.

10 (2) STREET WALL AREA means the portion of an exterior wall of a
11 building adjacent to a public street other than an alley and accessible
12 from a pedestrian path that extends from the base of street level:

13 (a) to a maximum height of 60 feet; or

14 (b) for an accessory parking structure, to a maximum height of two
15 stories.

16 (B) At least 42 percent of the street wall area of a building must be adjacent to
17 occupant space.

18 (C) If a building has street wall areas on more than one street, at least 29 percent of
19 the total street wall area must be adjacent to occupant space on a street that
20 runs east and west.

21 (D) This section does not apply to a commercial off-street parking structure.

22 **§ 25-2-760 STREETSCAPE IMPROVEMENTS.**

23 (A) Except as provided in Subsection (B), a site owner shall install a sidewalk not
24 less than 12 feet wide along each street frontage adjacent to the site.

25 (B) A site owner shall install a sidewalk not less than five feet wide along West
26 24½ Street, San Pedro Street, West 21st Street, or Hume Place.

27 (C) A site owner shall plant and maintain trees along an adjacent street right-of-
28 way.

29 (1) Trees must be spaced to create a nearly contiguous canopy when the
30 trees reach maturity.

1 (2) A tree must be in scale with the adjacent building.

2 (3) A tree planted in a sidewalk area must have a tree grating.

3 (D) A site owner shall install and maintain pedestrian-scale lighting along an
4 adjacent street right-of-way.

5 (E) The director of the Transportation, Planning, and Sustainability Department
6 shall adopt rules prescribing the requirements for tree planting and
7 maintenance and the installation and maintenance of pedestrian-scale lighting.

8 (F) The director of the Transportation, Planning, and Sustainability Department
9 may require fiscal security to ensure compliance with this section.

10 **§ 25-2-761 PLACEMENT OF EQUIPMENT AND TRASH RECEPTACLES.**

11 Utility equipment, mechanical equipment, and large trash receptacles:

12 (1) are prohibited in the area between a building and a street; and

13 (2) must not be visible from a street.

14 **§ 25-2-762 SITE ACCESS.**

15 (A) Vehicular access from a site to a public street is limited to two curb cuts.

16 (B) Vehicular access to a site from 20th Street, 21st Street, 22nd Street, 23rd Street,
17 25th Street, 26th Street, 27th Street, or 28th Street between Guadalupe Street and
18 Pearl Street is prohibited if the site has frontage on another street or alley.

19 (C) A site with access to an alley must use the alley or a parking structure for
20 service and delivery access.

21 (D) A site that does not have access to an alley must provide a service and delivery
22 area that is at least 30 feet deep, measured from the front setback line or side
23 setback line, as applicable.

24 (E) The director of the Watershed Protection and Development Review
25 Department may waive or modify a requirement of this section if the director
26 determines that the waiver or modification is necessary for adequate traffic
27 circulation or public safety.

28 **§ 25-2-763 CERTAIN REGULATIONS INAPPLICABLE OR SUPERSEDED.**

29 (A) The following provisions of this subchapter do not apply:

- (1) maximum floor-to-area ratios;
- (2) maximum building coverage percentages;
- (3) Article 9 (*Landscaping*); and
- (4) Article 10 (*Compatibility Standards*), if the property is at least 75 feet from the boundary of the university neighborhood overlay district.

(B) Impervious cover limitations of this subchapter are superseded by this subsection. Maximum impervious cover is:

- (1) 100 percent in the inner west campus and Guadalupe subdistricts;
- (2) the greater of 90 percent or the percentage permitted in the base zoning district in the outer west campus subdistrict; and
- (3) the greater of 85 percent or the percentage permitted in the base zoning district in the Dobie subdistrict.

(C) For a multi-family residential use, minimum site area and open space requirements of this subchapter do not apply.

§ 25-2-764 DESIGN GUIDELINES.

(A) A site plan must substantially comply with the design guidelines prescribed by administrative rule. An applicant shall file with the site plan a building elevation drawing that demonstrates substantial compliance with the design guidelines.

(B) The director of the Transportation, Planning, and Sustainability Department shall determine whether a site plan substantially complies with the design guidelines.

(C) The director of the Transportation, Planning, and Sustainability Department may waive a provision of the design guidelines if the director determines that the provision is unreasonable or impractical as applied to the site plan and that, with the waiver, the site plan will still substantially comply with the design guidelines. A waiver under this subsection must be the minimum departure from the provision necessary to avoid an unreasonable or impractical result.

(D) An interested party may appeal to the land use commission:

- (1) a determination by the director of the Transportation, Planning, and Sustainability Department that a site plan substantially complies with the design guidelines; or

- 1 (2) a decision by the director of the Transportation, Planning, and
2 Sustainability Department granting or denying a waiver under
3 Subsection (C).

4 **§ 25-2-765 AFFORDABLE HOUSING.**

- 5 (A) A multi-family residential use established after [effective date of ordinance]
6 must, for a period of not less than 15 years from the date a certificate of
7 occupancy is issued, set aside at least:

- 8 (1) 10 percent of the dwelling units on the site to house persons whose
9 household income is less than 80 percent of the median income in the
10 Austin statistical metropolitan area, as determined by the director of the
11 Austin Neighborhood Housing and Community Development
12 Department; and

- 13 (2) except as provided in Subsection (B), 10 percent of the dwelling units on
14 the site to house persons whose household income is less than 50 percent
15 of the median income in the Austin statistical metropolitan area, as
16 determined by the director of the Austin Neighborhood Housing and
17 Community Development Department.

- 18 (B) The University Neighborhood District Housing Trust Fund is established.
19 Instead of complying with Paragraph (A)(2), a person may pay into the fund a
20 fee of \$0.20 for each square foot of gross air conditioned floor area in the
21 multi-family residential use development.

- 22 (C) The director of the Austin Neighborhood Housing and Community
23 Development Department may allocate money from the University
24 Neighborhood District Housing Trust Fund for housing development in the
25 university neighborhood overlay district that provides at least 10 percent of its
26 dwelling units to persons whose household income is less than 50 percent of
27 the median income in the Austin statistical metropolitan area, as determined by
28 the director of the Austin Neighborhood Housing and Community
29 Development Department, for a period of not less than 15 years from the date
30 a certificate of occupancy is issued.

31 **PART 4. Section 25-6-478(B) of the City Code is amended to read:**

- 32 (B) This section does not apply:

- 33 (1) to property in a central business (CDB) district or downtown mixed use
34 (DMU) district;

(2) to commercial, industrial, or civic use in a traditional neighborhood (TN) district;

(3) to a corner store special use; neighborhood mixed use building special use; commercial, industrial, or civic use portion of a neighborhood urban center special use; or commercial or civic use portion of a residential infill special use;

(4) to property in the university neighborhood overlay (UNO) district; or

(5) [(4)] if the off-street parking requirement has been modified under Section 25-6-473 (*Modification Of Parking Requirement*) or Section 25-6-476 (*Parking For Mixed-Use Developments*).

PART 5. Chapter 25-6, Article 7 of the City Code is amended to add a new Division 6 to read:

Division 6. Special Provisions For The University Neighborhood Overlay District.

§ 25-6-601 PARKING REQUIREMENTS FOR UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT.

(A) Except as otherwise provided in this section, the minimum off-street parking requirement in the university neighborhood overlay district is 60 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).

(B) Off-street parking is not required for a commercial use if the use occupies less than 6,000 square feet of gross floor area.

(C) For a multi-family residential use, the minimum off-street parking requirement is 40 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*) if the multi-family residential use participates in a car sharing program that complies with the program requirements prescribed by administrative rule, as determined by the director of the Transportation, Planning, and Sustainability Department.

PART 6. Chapter 25-2 of the City Code is amended to add a new Appendix C to read:

APPENDIX C

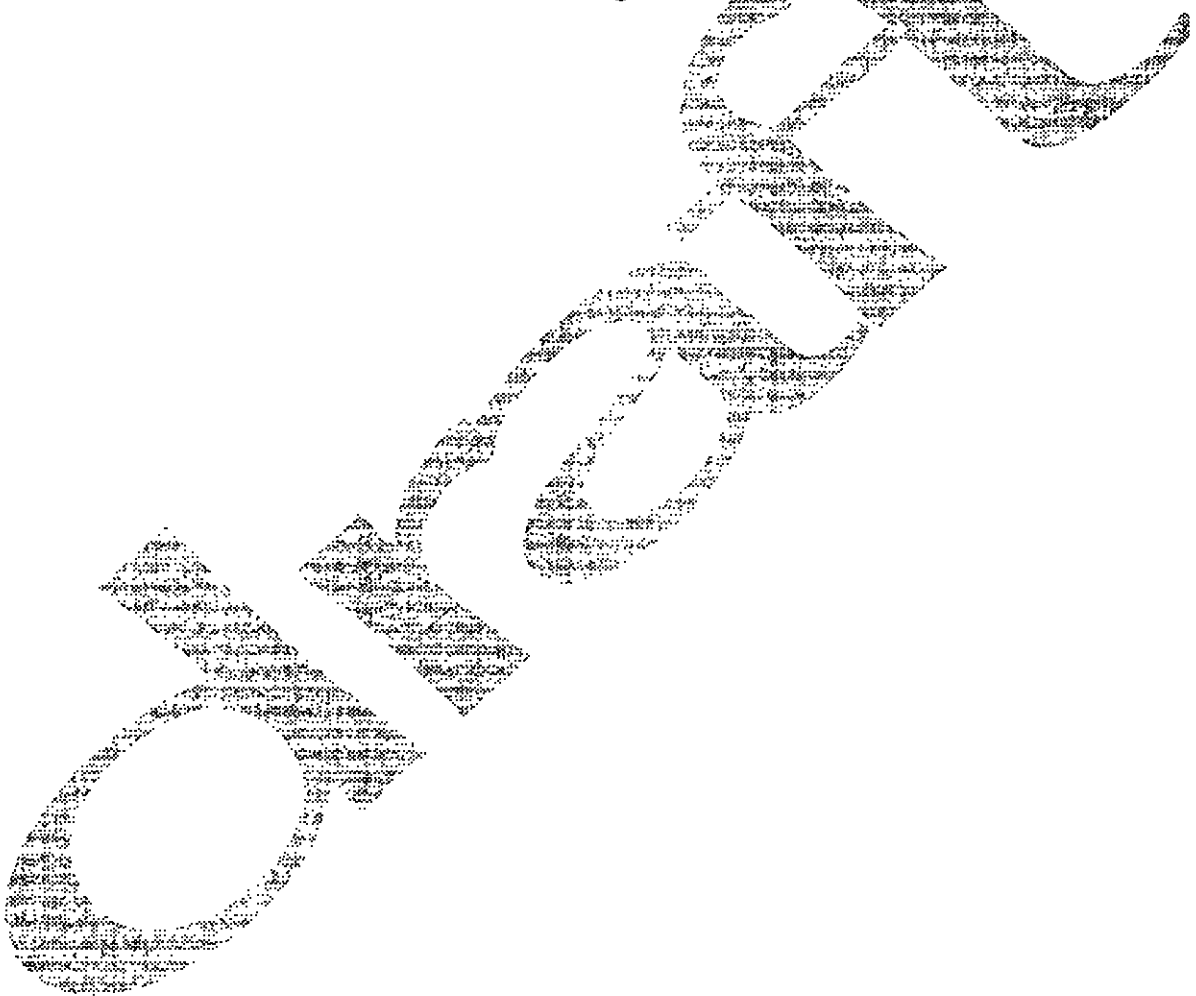
UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT BOUNDARIES, SUBDISTRICT BOUNDARIES, AND HEIGHT LIMITS

University Neighborhood Overlay District Boundaries

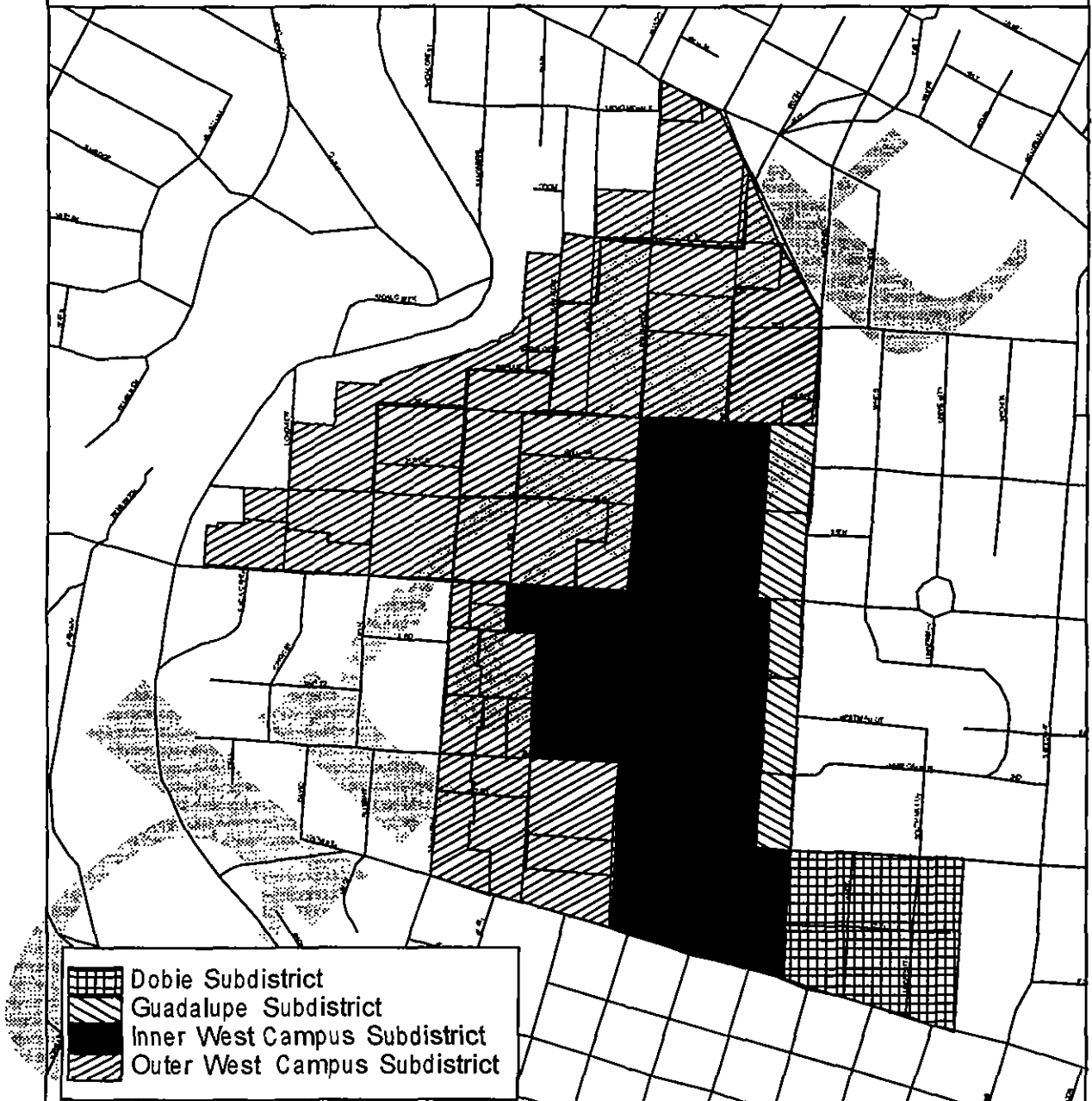
The university neighborhood overlay district is indicated on the subdistrict boundaries map and includes the area bounded:

- (1) on the north by a line along West 29th Street from Rio Grande Street to Guadalupe Street;
- (2) on the east by a line along Guadalupe Street from West 29th Street to West 21st Street; West 21st Street from Guadalupe Street to the eastern ally of University Avenue; the eastern alley of University Avenue from West 21st Street to West MLK Jr. Boulevard;
- (3) on the south by a line along West MLK Jr. Boulevard from the eastern alley of University Avenue to San Gabriel Street; and
- (4) on the west by a line along San Gabriel Street to West 24th Street; west along West 24th Street to the western lot line of lot One of the Resubdivision of a Portion of Outlot Forty-Three; north along the western lot line of lot One of the Resubdivision of a Portion of Outlot Forty-Three to the alley between Lamar Boulevard and Longview Street; north along the alley to West 25th Street; east along West 25th Street to Longview Street; north along Longview Street to the northern lot line of lot Fifteen, Block Five of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five; east along the northern lot line of lot Fifteen, Block Five of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five to the alley between Longview Street and Leon Street; north along the ally to the northern lot line of lot Twenty-Three, Block Four of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five; east along the northern lot line of lot Twenty-Three, Block Four of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five to the northern lot lines of lots Twenty-Nine, Thirty, Thirty-One, Thirty-Two, and Three of the Harwood Subdivision; along the northern lot lines of lots Twenty-Nine, Thirty, Thirty-One, Thirty-Two, and Three of the Harwood Subdivision to San Gabriel Street; north along San Gabriel Street to the northern lot line of the Graham Subdivision of Outlots Fifty-Nine, Sixty, Sixty-Four,

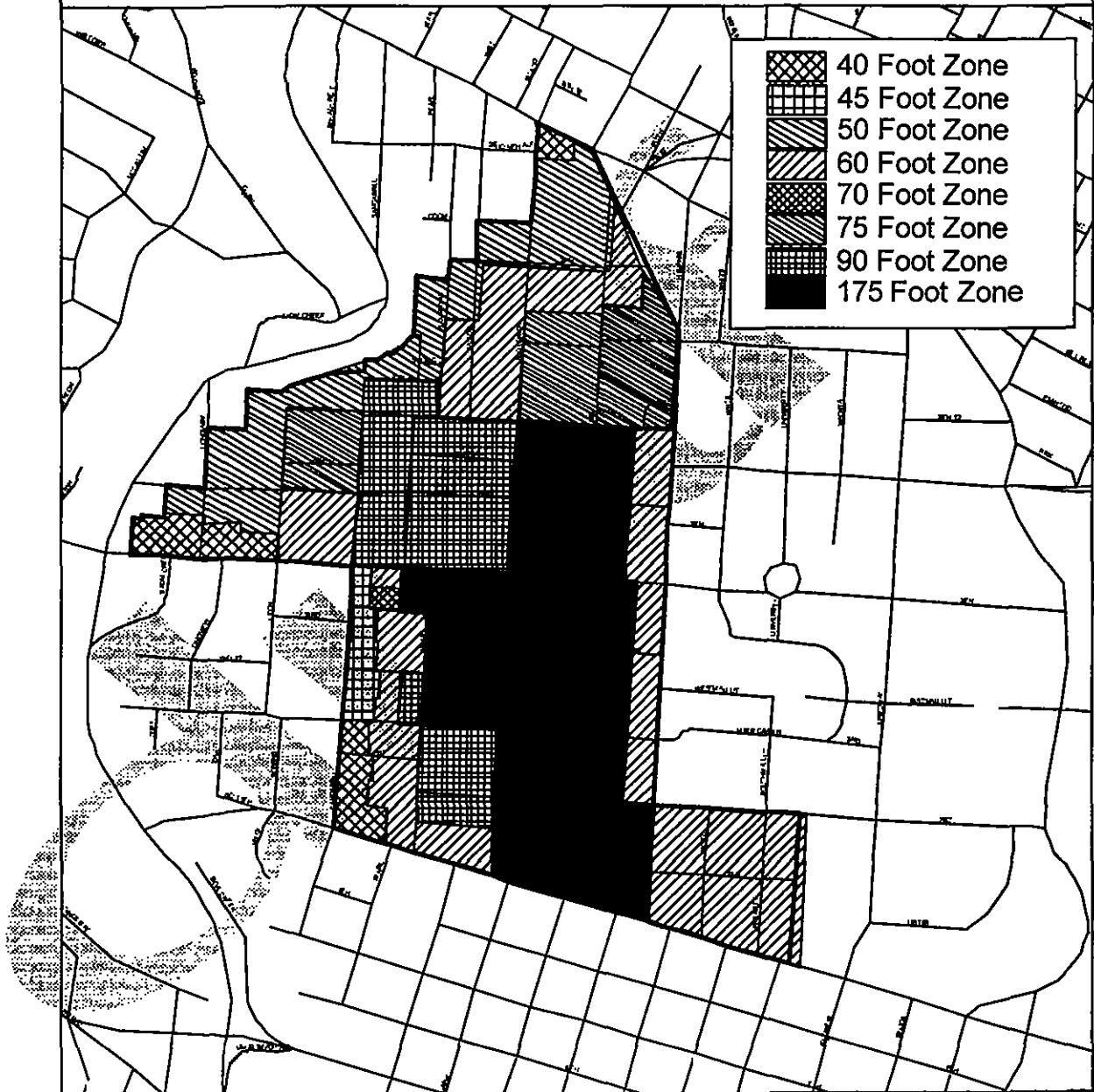
1 and the North Half of Fifty-Two; along the northern lot line of the
2 Graham Subdivision of Outlots Fifty-Nine, Sixty, Sixty-Four, and the
3 North Half of Fifty-Two to a point 160' east of San Pedro Street of the
4 southern lot line of lot One of the Gortons Addition; from this point
5 north to a point 160' east of San Pedro Street on the northern lot line of
6 lot Four of the Gortons Addition; east along the northern lot line of lot
7 Four of the Gortons Addition to San Pedro Street; north along San Pedro
8 Street to West 28th Street; west along 28th Street to Salado Street; north
9 along Salado Street to an alley on the northern lot line of Outlot 67,
10 Division D of the Graham Subdivision; east along the alley to Rio
11 Grande Street; north along Rio Grande Street to West 29th Street.



University Neighborhood Overlay Subdistrict Boundaries



University Neighborhood Overlay Height Limits



1
2 **PART 7.** This ordinance takes effect on _____, 2004.

3
4 **PASSED AND APPROVED**

5
6
7
8 _____, 2004

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§
§

Will
ayor

9
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12
13 **APPROVED:**

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk