Policy Question
What is our income-restricted housing goal? What capacity is needed to reach that goal? How often should we evaluate and recalibrate the program to ensure we meet that goal?

Current Code or Policy
The Austin Strategic Housing Blueprint (adapted by Council in 2017) sets a goal of creating 60,000 income-restricted affordable housing units over 10 years. An element on page 18 of the Blueprint, achieving this goal will require utilization of several tools, including but not limited to density bonus programs. Past production of Austin’s existing bonus programs indicate that under a business-as-usual scenario, the City can expect to produce 1,500 income-restricted units through current programs over the next decade. Additional affordable units will need to be generated through the proposed Affordable Housing Bonus Program (see CodeNEXT Draft 3, Section 23.3E-1). CodeNEXT consultants have suggested that a realistic measure of capacity in relation to meeting the planning goal be to allow for at least twice the capacity needed to meet the planning goal (see Slide 3 for a presentation to Council Work Session, Feb. 13, 2018).

PC Recommendation
Staff recommend approval of Article 23-3E (Affordable Housing Bonus Program), but with direction for staff to develop revisions that will address the following concerns:

1. Establish as additional item of intent for the program to:
   a. Limit the annual affordable housing goal set forth by citywide code.
   b. Generally permit fees to be utilized bonus credits, and
   c. Continue affordable units in high opportunity areas, whether built in units or financed via in-lieu fees

2. Revise expected revenue for SMART housing and expand to Affordable Housing Bonus Program at all stages for projects that participate in the program per the original requirements of 2016.

3. Explore a Super Density Bonus for large-scale affordable projects that offer over 50% of units as affordable.

4. Establish a Community Plan process with a inclusion and review window of 10 months with an annual re-evaluation period to retain the program in perpetually beyond and staff and consultants to continue to hold workshops with stakeholders, including affordable housing advocates, builders, affordable housing builders, construction companies, developers, and community advocates to continue to work out the details of program.

5. Staff to use White Exhibit 1 Pages 20-23 (Eds to the SMART program) and White Exhibit 1 Pages 45-46 (SMART) CITY & HOUSING BLUEPRINT GOALS - update from housing Coalition as a directional roadmap as these changes as they review the Article.

Staff Response to PC Recommendation
In Q3: Staff support annual evaluation of and recommending updates to the Affordable Housing Bonus Program, but do not believe the Land Development Code is the appropriate place to include annual goals. Further, this is a smaller-based tool that is subject to fluctuations in market conditions. Staff recommend reporting the Affordable Housing Bonus Program production in the context of how it is helping the City achieve its Strategic Housing Blueprint goals on an annual basis.

ZAP Recommendation
No recommendation

Environmental Recommendation
No recommendation

Historic Landmark Recommendation
No recommendation

Staff Response to B & C
N/A
Item Number: I.A.2

Affordable Housing

Sub-Topic

Income-Restricted Housing

Policy Question

How should affordable housing bonuses be calibrated to maximize the production of income restricted units?

Current Code or Policy

The current code is often voluntary density bonuses by specific regulating area such as in Downtown, University Neighborhood Overlay (UNO), East Riverfront, North Beltway Gateway, and transit-oriented development (TODs), and along certain corridors (VMs). In each area, base zoning entitlements are set by specific zoning district and by any regulating plan requirements if applicable. Each area has its own bonus program with different available bonus entitlements. For example, some bonus programs allow for increased FAR, open or increased heights, some increased parking requirements, etc. and some combine several types of entitlements.

CodeNEXT Draft 3

Broadly speaking, bonus programs should be calibrated so that the most attractive option is to build bonus entitlements and deliver the affordability benefit (whether that benefit is in the form of units or a fee). Otherwise, a developer will simply choose to utilize the bonus program and just build to the bonus entitlements. To make delivering the bonus with affordability the most attractive option, an attractive set of bonus entitlements must be offered. Given the base entitlements and the bonus entitlements proposed, the consultant team has endeavored to calibrate the proposed Affordable Housing Bonus Program so that delivering bonus entitlements and the affordability benefit is an attractive option possible. The calibration that has been undertaken for the proposed Affordable Housing Bonus Program is much more tailored to available bonuses and market condition than calibration of the City existing bonus programs.

PC Recommendation

Mild 13:

- Recommend approval of Article 23-3E (Affordable Housing Bonus Program), but with direction for staff to develop revisions that will address the following concerns:
  1. Establish as additional item of intent for the program to:
     a. Meet the annual affordable housing goals set forth by the Council;
     b. Consider smaller proposals to utilize affordable bonus entitlement;
  2. Align with applicable bonus for SMART housing and expansion to the Affordable Housing Bonus Program at all stages for projects that participate in the program per the original requirements of 2006;
  3. Explore a Super Density Bonus for large-scale affordable projects that offer over 55% of units as affordable units;

Mild 13:

- Upon Council’s review of Article 23-3E, Council consider sending that division back to the Planning Commission for additional feedback.

Staff Response to PC Recommendation

Mild 13:

- NI: Generally, for bonus programs any increase in bonus entitlements will decrease the attractiveness of bonus entitlements, and could lead to decreased participation in the bonus program or increased numbers of affordable units. Increases in bonus entitlements without any increases in bonus entitlements can increase participation in bonus programs.

ZAP Recommendation

- NI: Clear from other growing cities and our own that a bigger, denser city increases the rate of innovation, start-ups, and productivity, but is also accompanied by increased gentrification, income inequality and segregation, and housing costs. One remedy to the disadvantage of growth is to require developers to provide affordable housing in exchange for the additional height and density that they want.

Environmental Recommendation

- No recommendation

Historic Landmark Recommendation

- No recommendation

Staff Response to B & C

- NI: The decision is (not) made by the Planning Commission or the Planning Director.
Affordable Housing

Policy Question:
How should base zone entitlements be calibrated with affordable housing bonuses?

Current Code or Policy:
The current code offers voluntary density bonuses by specific regulating area such as at the University Neighborhood Overlay (UNO), East Riverside, North Screen, Gateway, and transit-oriented development (TODs), and along certain corridors (VMs). In each area, base zoning entitlements are by specific zoning district and by any regulatory gains requirement is applicable. Each area has its own bonus program with different available bonus entitlements. For example, some bonus programs allow for increased FAR, area or increased height, some require parking requirements, etc. and combine all types of entitlements.

PC Recommendation:

- **Policy Motivations:**
  - Increase the base entitlements in DC 0-2 recommendation, including - Increase density with maximum width 30 to allow for 3 lanes of traffic flow
  - Parking Requirement: Create exceptions for 1-2 story units. Other significant factors include the gross floor area requirement or change requirement to "very" or "significant require one block face of the site to comply, or require requirement in DC base zone and allow for a dedicated planning process to develop which criteria and which uses are appropriate and requires modifications for many building support spaces (AC, van, fire, etc.).

- **Implementation:**
  - Develop a density bonus program specifically for the DC 0-2 recommendation, with dedicated planning process to develop which criteria and which uses are appropriate and requires modifications for many building support spaces (AC, van, fire, etc.).
  - Reduce parking requirements to allow for increased density.

- **Staff Response to PC Recommendation:**
  - General: Generally, for bonus programs any increase in base entitlements will decrease the attractiveness of bonus entitlements, and could lead to increased participation in the bonus program or increased numbers of entitlement units. Increases in bonus entitlements without any increases in base entitlements can increase participation in bonus programs.

ZAP Recommendation:

- **ZAP Motivations:**
  - To ensure that new projects near transit stations are accessible to a wide range of residents.

- **Implementation:**
  - Develop a density bonus program specifically for the DC 0-2 recommendation, with dedicated planning process to develop which criteria and which uses are appropriate and requires modifications for many building support spaces (AC, van, fire, etc.).

- **Staff Response to ZAP Recommendation:**
  - General: Generally, for bonus programs any increase in base entitlements will decrease the attractiveness of bonus entitlements, and could lead to increased participation in the bonus program or increased numbers of entitlement units. Increases in bonus entitlements without any increases in base entitlements can increase participation in bonus programs.

Environmental Recommendation:

No recommendation.

Historic Landmark Recommendation:

No recommendation.

Staff Response to B & C:

- General: Generally, for bonus programs any increase in base entitlements will decrease the attractiveness of bonus entitlements, and could lead to increased participation in the bonus program or increased numbers of entitlement units. Increases in bonus entitlements without any increases in base entitlements can increase participation in bonus programs.
Item Number: I.A.4

PC Recommendation

Motion 1.3
Recommend approval of Article 23-3E (Affordable Housing Bonus Program), but with direction for Staff to develop revisions that will address the following concerns:

1. Establish as additional اللومماط for the program to:
   a. meet the annual affordable housing goal set by the city council,
   b. general permit sites to offer affordable bonus units and/or
   c. require affordable units in high-opportunity areas, whether built on or remodeled in fee-

2. Require expansion reviews for the Affordable Housing Bonus Program at all stages for projects that participate in the program per the original requirements of 2020.

3. Expand a Special Duty Bonus for large-scale affordable projects that pay over 50% of units as affordable.

4. Establish a 10% bonus for a project with an expansion and a minimum window of 10 months with an annual expansion in periods to ensure the program is properly calibrated, and staff and consultants to conduct field walkthroughs with stakeholders, including affordable housing advocates, builders, affordable housing builder associations, architects, and community advocates to continue to work out the bonus program.

5. Staff to use White Denison Projects (a DBT project) and White Denison Projects (a DBT project) as a directive to request these changes as they review this Article.

Motion 1.5
Upon Council’s review of Article 23-3E, Council considered sending that division back to the Planning Commission for additional feedback.

Motion 1.7
An amendment to Section 3-2.1b of the TMC:
Apply Changes to the Existing Denison Bonus Program
Create a bonus Denison Bonus Program
Create an alternative fee basis for the implementation of the bonus.
After the ACID and RSB compatibility restrictions.

Additional provisions not in Section 23-3E: Denison Bonus Program

Create a new bonus Denison Bonus Program

Within 1/2 of a mile of any school, the County ACID Bonus will apply

Motion 1.11
Map the area adjacent to Imagine Austin corridors using the new zoning tools in CodeNEXT such that the compatibility is not triggered on at least 50% of the properties along those corridors. Reduce the language so that a goal of 50% while also taking account for stars, local and federal, existing infrastructure opportunities, connectivity access to streets, and pedestrian facilities applying the zone. See Kenny Clifton – Eastern Crescent Corridors Protection Zone (Page 29 of 20). For the area identified in the Eastern Crescent Corridors Protection Zone, establish a new zone of ROO that encompasses the base zoning of ROO with a 1/4 block front setback, and the bonus entitlement of 80%. This would be the default zone for retail corridor in the mixed land.

Map the area adjacent to core transit corridors and future core transit corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 50% of the properties along those corridors. Reduce the language so that a goal of 50% while also taking account for stars, local and federal, existing infrastructure opportunities, connectivity access to streets, and pedestrian facilities applying the zone. See Kenny Clifton – Eastern Crescent Corridors Protection Zone (Page 29 of 20). For the area identified in the Eastern Crescent Corridors Protection Zone, establish a new zone of ROO that encompasses the base zoning of ROO with a 1/4 block front setback, and the bonus entitlement of 80%. This would be the default zone for retail corridor in the mixed land.

Pivot TCOs from compatibility testing, by either mapping or text as determined by Staff. Direct Staff to review policy on incompatibility TCOs from compatibility.

Staff Response to PC Recommendation

Motion 1.2
N/A

1. Direct support annual evaluation of feedback and recommendations regarding the Affordable Housing Bonus Program, but do not believe it makes economic sense.
2. Direct support the Affordable Housing Bonus Program at all stages for projects that participate in the program per the original requirements of 2020.
3. In the event that the Council determines that it is in the best interests of the City to modify the Affordable Housing Bonus Program, this decision shall be subject to an amendment that addresses the specifics of the proposed changes.
4. Review in the spring for Affordable Housing Bonus Program.
5. Staff to develop revisions that will address the following concerns as they review this Article.

Motion 1.3
PK2: No process for adopting code should be consistent.

Motion 1.7
Entrepreneurship school distance program increases complexity of review and will increase review times.

Motion 2.1
N/A

Motion 2.2
N/A

CodeNEXT Draft 3

Article 23-3E: Affordable Housing

ZAP Recommendation

No recommendation

Environmental Recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A
### Item Number: I.A.5

<table>
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<th>Topic</th>
<th>Sub-Topic</th>
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<tr>
<td>Affordable Housing</td>
<td>Income-Restricted Housing</td>
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</tbody>
</table>

### Policy Question

Should there be incentives for providing a greater number of family-sized units in income restricted housing?

### Current Code or Policy

The Downtown Density Bonus Program includes an incentive for family-friendly units.

### CodeNEXT Draft 3

A family-friendly incentive is proposed in the citywide Affordable Housing Bonus Program, see Section 23.3E-1030 (D). “Two or three bedroom affordable units may count as two or three bedroom/efficiency market-rate units at the discretion of the director.” The program also proposes to require a proportionate bedroom mix for affordable units, where the proportion of multi-bedroom affordable units would be required to match the proportion of multi-bedroom market-rate units in the development (Section 23.3E-1030 (D)).

The family-friendly incentive in the Downtown Density Bonus Program is carried through in Draft 3 (see Division 23.3E-2/06/00(5)).

### Environmental Recommendation

No recommendation.

### Historic Landmark Recommendation

No recommendation.

### ZAP Recommendation

No recommendation.

### Staff Response to PC Recommendation

N/A

### Staff Response to B & C

N/A
PC Recommendation

Mention 67

As stated in Howdy Exhibit 2 - ADU Bonus Amendments

Apply Changes to the Citywide General Bonus Program

Create a Countywide Bonus Program

Create an ADU Bonus after the implementation of the bonus

After the ADU and R-25 compatibility restrictions

Additional reduction or removal in Howdy Exhibit 2

NI 2050: This bonus may be extended by the City of

LA and R-2 zones will have a one-time ADU and it will never have an affordability requirement

While I don’t think of any reason, the 247 ADU Bonus will apply

Staff Response to PC Recommendation

Mention 67

City Council has expressed interest in creating a wealthier for affordable housing units that may include priorities for people in housing patterns, including older adults, persons with disabilities, or those with certain medical conditions. To implement this welfare approach for ADUs, the City’s policy regarding bonus program applicants should be as close to the program as possible. Other cities are grappling with how to enhance affordability for ADUs as well. Portland, OR decided to increase ADU’s to be affordable after discussions with their planning and environmental staff. Staff support evaluation and reporting on Affordable Housing Bonus Program (see Draft 3, 10/03/17) and review of Item 12.

ZAP Recommendation

Current Code or Policy

Current code does not have any bonus available for single family zones.

CodeNEXT Draft 3

Draft 3 applies the Affordable Housing Bonus Program to R4 zones.

Draft 3 allows the construction of an ADU in LA, LR, and RI zones if the unit complies with the Affordable Housing Bonus Program (and the lot meets a certain minimum lot size).

Location in Code

234-D-2210 Residential 4C (R4C) Zone

234-D-2200 Residential 4B (R4B) Zone

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

ZAP

In Draft 3, properties that received a historic bonus and do not currently have residential entitlements are required to opt-in to the bonus program at full residential. This is indicated with a (K) on the map.
PC Recommendation

MOTION 1.3

1. Recommend approval of Articles 23-3E (Affordable Housing Bonus Program), but with direction for staff to develop revisions that will address the following concerns:
   a. Meet the annual affordable housing goals set forth by city council.
   b. Generally permit sites to offer affordable housing with density and
      concentration of affordable units in high opportunity areas, whether built Moderate or financed as such.
   c. Reform the SMART 30-year planning period to 15 years.
   d. Establish a SMART DRAFT program with an emphasis on an annual evaluation period
      to renew the program in perpetuity calibrated, and staff and consultants continue to hold workshops and
      maintain a dialogue with stakeholders, including
      affordable housing advocates, builders, affordable housing/developers, construction companies, developers, and community advocates.
   e. Staff do not recommend requiring density bonus projects to comply with S.M.A.R.T. 4000 or
      4000A affordability requirements unless it can be determined that the density bonus
      projects would be S.M.A.R.T. 4000 or 4000A compliant and that the exclusion of density bonus
      projects is necessary.

MOTION 1.2

MOTION 1.2: Support generally, but add to the following elements:
1. Staff support annual evaluation of land designations to make the Affordable Housing Bonus Program; however, the Land Development Code is the appropriate place to include annual goals. Further, this is a market-based tool that is subject to fluctuations in market conditions. Staff recommend improving the Affordable Housing Bonus Program production in the context of how it helps to increase affordable housing. S.M.A.R.T. goals also set an annual basis.
2. Staff do not recommend requiring density bonus projects to comply with S.M.A.R.T. 3000 or 4000 or density bonus programs.

MOTION 1.3

MOTION 1.3: Review and update for SMART bonus projects are currently in a proposal phase and have been in effect since the program's inception. Staff adheres to these regulatory frameworks to the extent possible; however, they are impacted by application volume, regulatory complexity, and available resources. Staff does not recommend incorporating smaller terms into the land development code. Review time is administrative and varies among Title 23 and should be adapted with the above process. Adopting review times by rule, require the public stakeholder engagement component and provide staff with the flexibility to make adjustments based on the previously identified factors without having to initiate a code amendment.

MOTION 1.4

MOTION 1.4: Denies for adopting code should be consistent.

Current Code or Policy

Current Code Title 23, Article 15, Division 2: S.M.A.R.T. Housing requires affordable (aka "year-round priced") units to be income limited at 80% MFI for 5 years for rental units and at 110% MFI for homeownership. Capital recovery fees (one of the most valuable benefits in the program) are only being made on affordable units that meet federal criteria. The required percentages of affordable units vary from 10-40% of total units.

CodeNEXT Draft 3

Draft 3 strengthens the affordability requirements to reduce annual income restrictions to 60% MFI, lengths affordability periods to 40 years for rental and 99 years for homeownership, and simplifies the required percentage of affordable units to be 10% of total units. However, some changes are needed to attract private development to participate in the program, given the affordability requirement proposed and the changing landscape of incentives that can be offered.

See slide 4-5 at presentation to Council Housing & Planning Committee, May 2, 2018 for a discussion of the gap and potential incentives to incentives participation.

Staff Response to PC Recommendation

1. Support generally but add to the following elements:
   1. Staff support annual evaluation of land designations to make the Affordable Housing Bonus Program; however, the Land Development Code is the appropriate place to include annual goals. Further, this is a market-based tool that is subject to fluctuations in market conditions. Staff recommend improving the Affordable Housing Bonus Program production in the context of how it helps to increase affordable housing. S.M.A.R.T. goals also set an annual basis.
   2. Staff do not recommend requiring density bonus projects to comply with S.M.A.R.T. 3000 or 4000 or density bonus programs.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation.

Historic Landmark Recommendation

No recommendation.

Staff Response to B & C

N/A
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<td>Density Bonus Program</td>
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**Policy Question**
When should income restricted housing be required on-site vs. off-site vs. fee-in-lieu, etc.? Which entity should make that determination?

**Current Code or Policy**
Current code allows for a fee-in-lieu for 6 out of 10 density bonus programs (see Table 11 in presentation on Resolution No 2019-11-5-28). They are Planned Unit Developments, Transit Oriented Developments (TODs), East Riverfront Corridor, University Neighborhood Overlay (UNO), Downtown Density Bonus, and North Burnet Gateway.

**CodeNEXT Draft 3**
The proposed Affordable Housing Bonus Program provides alternatives on-site affordable units to attract as much participation as possible to this voluntary program. See Section 23.3E-1050 and 23.3E-1810. For more discussion of this review group and alternatives to on-site units, see pages 3 & 9 in the "Proposed General Administrative Procedures for Affordable Housing Bonus and Downtown Density Bonus Programs in CodeNEXT Articles 23.3E" document.

**Location in Code**
23.3E-1080 Application Procedures

**ZAP Recommendation**
To provide the maximum benefit, AIBP should be made available in as many zones as possible. For example, the AIBP should be available in all Main Street zones. Commercial properties with no housing should be allowed to participate in the AIBP by paying fee-in-lieu. To ensure compatibility, height and FAR should not increase in or near residential house form zones. Because in these locations should be limited to increases in units.

**Environmental Recommendation**
No recommendation.

**Historic Landmark Recommendation**
No recommendation.

**Staff Response to B & C**
ZAP
No change in Draft 3. Main Street 1 & 2 zones do not have bonuses.
### Item Number: I.C.1

#### Policy Question
Should preservation incentives, such as larger ADUs or increased FAR, be used to discourage demolition of existing single-family homes?

#### Current Code or Policy
Current code allows the designation of "Historic" status to preserve historic housing.

#### CodeNEXT Draft 3
Draft 3 provides an "ADU preservation incentive" that allows additional FAR on a lot (the ADU does not count against FAR) when the original house is preserved.

### PC Recommendation

<table>
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<tr>
<th>Motion</th>
<th>5.2</th>
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<tr>
<td></td>
<td>Apply the Street Scale Incentive (formerly the Preservation Incentive) to all Residential zones</td>
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### Staff Response to PC Recommendation

<table>
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<tr>
<td></td>
<td>Noted - only makes sense for R zones that have FAR limits</td>
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</table>

### ZAP Recommendation

| No recommendation |

### Environmental Recommendation

| No recommendation |

### Historic Landmark Recommendation

| No recommendation |

### Staff Response to B & C

| N/A |
**Item Number: I.C.2**

### Affordable Housing

<table>
<thead>
<tr>
<th>Policy Question</th>
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<tbody>
<tr>
<td>How should gentrifying areas and areas susceptible to gentrification (such as the Eastern Crescent) be mapped so as to prevent accelerated displacement of low-income residents?</td>
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#### Current Code or Policy

<table>
<thead>
<tr>
<th>CodeNEXT Draft 3</th>
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#### CodeNEXT Draft 3

<table>
<thead>
<tr>
<th>Location in Code</th>
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<tbody>
<tr>
<td>MAPPING</td>
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</table>

### PC Recommendation

**Mention 7:**

Create a new zone (RMIC) which has the same uses as R2C but with a permitted density of 14 units per acre — maximum.

0.6 FAR limit for the site.

Host height limits, building item (incomposites) and setback rules,

1 space per unit with additional proposed parking metrics reductions,

Add items to Table A: minimum 10 feet separation between buildings. No compatibility setbacks.

No multi-unit buildings.

Staff to review proposed zone to ensure it does not have a negative impact on Density Bonus program.

**Mention 111:**

Map the areas adjacent to the new zoning tool in CodeNEXT such that compatibility is not triggered in at least 90% of the properties along those corridors.

Review the language to set a goal of 90% which should be taken into account for site location and existing infrastructure capabilities,

compatibility/access to corridor, and gentrification in applying the zone. See Zoning Code 1-1: Eastern Crescent.

Protection Zone (Page 28 of 27): For the areas identified in the Eastern Crescent Zoning Zone, establish a new zone of RMIC that features the base area of RM2 with a 10-foot front setback, and the bonus entitlements of RM2A. This is the default zone for the neighborhood.

Map the areas adjacent to core transit corridors and future core transit corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered in at least 90% of the properties along those corridors.

Review the language to set a goal of 90% which should be taken into account for site location and existing infrastructure capabilities,

compatibility/access to corridor, and gentrification in applying the zone. See Zoning Code 1-1: Eastern Crescent.

Protection Zone (Page 28 of 27): For the areas identified in the Eastern Crescent Zoning Zone, establish a new zone of RMIC that features the base area of RM2 with a 10-foot front setback, and the bonus entitlements of RM2A. This is the default zone for the neighborhood.

Exempt TODs from compatibility entirely, by either mapping or text as determined by Staff. Direct Staff to review policy on exempting TODs from compatibility.

#### Staff Response to PC Recommendation

**Mention 7:**

PA2: The staff would like to evaluate further.

**Mention 47:**

No recommendation.

#### ZAP Recommendation

The Zoning and Planning Commission recommends that the number of house farms be drastically reduced. That all areas of the city be mapped equitably, and that CodeNEXT encourage mixed-income communities by using one set of zoning standards in the entire city. We also recommend that all subdivision rules be changed to promote a mix of lot sizes.

#### Environmental Recommendation

No recommendation.

#### Historic Landmark Recommendation

No recommendation.

#### Staff Response to B & C

ZAP Draft 3 primarily reflects the unit per lot entitlements of the current code. Lots that currently only allow one unit and are connected to an Imagination Austin. Corridor or Onset must end an R2 zone to promote ADUs thoughts of the city.
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<td><strong>Sub-Topic</strong></td>
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<td>Preservation</td>
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**Policy Question**

How should older, affordable multi-family properties be zoned to promote affordability?

**Current Code or Policy**

Older multi-family developments usually have market rate affordable units (they include any affordable housing bonus programs) as a function of age.

**CodeNEXT Draft 3**

Proposed zoning for multi-family complexes (particularly those not on corridors) generally matches existing zoning entitlements, so we are not to over-allocate these properties.

**Location in Code**

234-0-3050 Residential Multi-Unit 1A (RM/1A) Zone

**ZAP Recommendation**

No recommendation

**Environmental Recommendation**

No recommendation

**Historic Landmark Recommendation**

No recommendation

**Staff Response to B & C**

N/A
Item Number: I.C.4

Policy Question

How can incentives be used to preserve existing housing that is affordable to middle to lower income citizens?

Current Code or Policy

Preservation of housing today is done by applying Historic "F" zoning to properties, which limits redevelopment potential to return for tax assessment.

PC Recommendation

Motion 5.2:
Apply the Senior Status Incentive (formerly the Preservation Incentive) to all Residential zones.

Motion 111:
Map the areas adjacent to Imagine Austin corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 10% of the properties along these corridors.

Review the language to set a goal of 10% while also taking into account lot size, local and regional infrastructure capabilities, connectivity, access to corridor, and certification in applying the zone. See Kennedy Exhibit 1 - Eastern Crescent Certification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Certification Protection Zone, establish a new zone of RM/F (that contains the base zoning of RU/C with a 10' front setback) and the bonus entitlement of RMGA. This would be the default as no special conditions in the related map.

Map the areas adjacent to core transit corridors and future core transit corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 10% of the properties along these corridors.

Review the language to set a goal of 10% while also taking into account lot size, local and regional infrastructure capabilities, connectivity, access to corridor, and certification in applying the zone. See Kennedy Exhibit 1 - Eastern Crescent Certification Protection Zone (Page 28 of 29). For the areas identified in the Eastern Crescent Certification Protection Zone, establish a new zone of RM/F that contains the base zoning of RU/C with a 10' front setback, and the bonus entitlement of RMGA. This would be the default as no special conditions in the related map.

Exclude TODs from compatibility entirely, by either mapping or text as determined by Staff. Direct Staff to review policy on exempting TODs from compatibility.

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to PC Recommendation

Motion 5.3 - Noted - only makes sense for B zones that have FAR limit

Motion 111 - PAZ Pending. Staff is still in the process of making this and will develop a response after mapping has been tested.

HIST: Neutral on extensive mapping changes with further analysis of the potential drainage and water quality impacts

HIST: Do not support increases in base entitlements, as it may impact the ability to attract affordable housing benefits. Do support increases in entitlement through a bonus program. Staff support updating TBD "Regulating Plan"

Staff Response to B & C

N/A

CodeNEXT Draft 3

Historic 'F' zoning remains an option in Draft 3 of CodeNEXT. In addition, there is an "ADU preservation incentive" that grants additional FAR when building an ADU, if the original house on the property is preserved. ADU placement is also more flexible in Draft 3, allowing the need to demolish the original house to accommodate an ADU. Finally, no parking is required for an ADU, reducing the cost of building an ADU and adding flexibility to ADU placement.

Location in Code

2370-4010 Pending Historic Designations
Policy Question
How can tenant relocation programs assist with affordability?

Current Code or Policy
Current code Title 25, Article 15, Division 3 documents the requirements of the Tenant Notification and Relocation Assistance Ordinance (Ord. No. 2018-901-08). The ordinance requires property owners to provide notice to tenants when applying for certain types of permits for redevelopment of multifamily and mobile home park properties. It also allows for Council to set a tenant relocation fee or receive public funds for financial assistance for displaced low-income tenants.

ZAP Recommendation
No recommendation.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
No recommendation.

Staff Response to B & C
N/A

Location in Code
Division 25-3E-3: Tenant Notification and Relocation Assistance Ordinance.
<table>
<thead>
<tr>
<th>Item Number:</th>
<th>I.D.2</th>
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<tbody>
<tr>
<td><strong>Topic</strong></td>
<td>Affordable Housing</td>
</tr>
<tr>
<td><strong>Sub-Topic</strong></td>
<td>Tenant Relocation Protections</td>
</tr>
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</table>

**Policy Question**

How do base zoning entitlements impact the tenant relocation ordinance?

<table>
<thead>
<tr>
<th><strong>Current Code or Policy</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Current code Title 25, Article 15, Division 3 documents the requirements of the Tenant Relocation Ordinance (Ord. No. 20100907-08). The ordinance applies to multifamily properties and mobile home parks of 5 or more occupied units.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th><strong>ZAP Recommendation</strong></th>
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<tbody>
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<tr>
<th><strong>Environmental Recommendation</strong></th>
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<table>
<thead>
<tr>
<th><strong>CodeNEXT Draft 3</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Draft 3 maintains the ordinance applicability to multifamily and mobile home park developments of 5 or more occupied units.</td>
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<table>
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<tr>
<th><strong>Historic Landmark Recommendation</strong></th>
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<tbody>
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<table>
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<tr>
<th><strong>Staff Response to B &amp; C</strong></th>
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<th><strong>Staff Response to PC Recommendation</strong></th>
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<tr>
<th><strong>Location in Code</strong></th>
</tr>
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<tbody>
<tr>
<td>Division 23-3E-3: Tenant Notification and Relocation</td>
</tr>
</tbody>
</table>
Item Number: I.E.  

Policy Question
No question listed.

Current Code or Policy
Live/Work is not a specific use type in current code, but mixed use buildings that allow a combination of residential and commercial use are permitted in specific zones.

CodeNEXT Draft 3
Live/Work is a land use in Draft 3, allowing it by right in certain zones. It is defined as an integrated housing unit and working space occupied and used by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes complete kitchen space and auxiliary facilities in compliance with the Building Code, and working space reserved for and regularly used by one or more occupants of the unit. Standards specific to the Live/Work use are in 23-4E-6210.

Location in Code
23-4E-6210 Live/Work

23-4D Specific to Zones

PC Recommendation
No recommendation.

Staff Response to PC Recommendation
N/A

ZAP Recommendation
No recommendation.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
No recommendation.

Staff Response to B & C
N/A
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<tr>
<th>Item Number: II.A.1</th>
<th>PC Recommendation</th>
<th>Staff Response to PC Recommendation</th>
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<tr>
<td>Sub-Topic</td>
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<tr>
<td>Housing Choices</td>
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<tr>
<td>Strategic Housing Blueprint</td>
<td>No recommendation</td>
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</table>

**Policy Question**
What should be our overall housing capacity goal to meet the goals in Imagine Austin and the Strategic Housing Blueprint?

**Current Code or Policy**
The Austin Strategic Housing Blueprint (adopted by Council in 2017) sets a goal of creating 135,000 housing units, 60,000 of which are income restricted affordable, over 10 years. As stated in the Blueprint, achieving these goals will require utilization of several tools, including but not limited to density bonus programs and more flexible zoning regulations.

CodeNEXT consultants have suggested that a standard measure of capacity in relation to meeting a planning goal is to allow for at least twice the capacity needed to meet the planning goal (see Slide 3 from presentation to Council Work Session; Feb. 1, 2018).

**ZAP Recommendation**
No recommendation.

**Environmental Recommendation**
No recommendation.

**CodeNEXT Draft 3**

**Historic Landmark Recommendation**
No recommendation.

**Staff Response to B & C**
N/A
PC Recommendation

Mention 1.3

Recommend approval of Article 23-3E (Affordable Housing Bonus Program), but with direction for staff to develop revisions that will address the following concerns:

1. Establish additional items of intent for the program to:
   a. meet the annual affordable housing goal set forth by ordinance;
   b. generally permit sites to utilize affordable bonus units in rental projects and
   c. add a housing unit in high opportunity areas, whether built onsite or purchased off-site.

2. Review staff's proposed timeline for SMART housing and expand to the Affordable Housing Bonus Program at all stages for projects that participate in the program per the original requirements of 2022.

3. Eligible for every bonus affordable units that offer over 50% of units as affordable.

4. Establish a comprehensive plan of program with a revision, and revision window of 18 months with an annual evaluation period.

5. Staff to use Exhibit 1-19: (Diagram) to the SMART program and Exhibit 1-19: 45-56 (SMP) utility of the Affordable Housing Bonus Program as a direction tool on these changes as they review the Article 23-3E.

Mention 1.7

As stated in the Kenney Exhibit 2: ADU Bonus Amendments.

Apply Changes to the Affordable Housing Bonus Program:

Onsite or Offsite Credit Bonuses Program:

Onsite ADU Bonus after the final presentation of the bonus.

After the ADU in the 5% capacity-reduction restrictions.

Additional revisions not stated in Kenney Exhibit 2:

Mention 1.9

NID: NID recommends a funding level, rather than an adverse ADU, NID supports ADUs in general. As argued to ADUs and the Affordable Housing Bonus Program, the Department is focused on a policy that promotes affordable housing through ADUs development of affordable housing through the Trust Fund, rather than income-restricted the ADU on their sites.

No recommendations have been made for the Planning Commission's revisions.

LA and RPM zones will have a slight increase ADUs in it no longer have an affordability requirement.

Within 1 if not a mile of any school, the Community ADU Bonus will apply.

Staff Response to PC Recommendation

Mention 1.2

NID: Support generally, but not opposed to the following elements:

1) Staff support annual evaluation of and recommending updates to the Affordable Housing Bonus Program, but do not believe the Land Development Code in the appropriate place to include annual goals. Further, it is a market-based limit that is subject to fluctuations in market conditions. Staff recommend reporting the Affordable Housing Bonus Program in the context of how it is helping the City achieve its Strategic Housing Blueprint goals on an annual basis.

3) Staff do not recommend requiring density bonus projects to comply with SAHR. I. Housing requirements unless this is required under applicable regulations, and it is not required.

4) Review 12-month timeline for SMART housing projects are currently in a Yelp development process. Review 12-month timelines are standard process in the planning code. Review timelines are administrative and require an update to the criteria and regulations to be adopted into the code. Reviews are being reviewed, and it is recommended to add revisions to the criteria and regulations to be adopted into the code.

Aiding reviews and timelines for market scenarios, the public and stakeholder engagement components and provides staff with the flexibility to make adjustments as is on the previously identified factors without having to obtain a code amendment.

Mention 1.7

NID: NID supports a school-district preservation: incurs compliance problems and will increase environmental.

NID: NID recommends a funding level, rather than an adverse ADU, NID supports ADUs in general. As argued to ADUs and the Affordable Housing Bonus Program, the Department is focused on a policy that promotes affordable housing through ADUs development of affordable housing through the Trust Fund, rather than income-restricted the ADU on their sites. We take the position in the following exclusion, including the in-kind services associated with maintaining these units and potential issues related to income levels. As an alternative, the City Council has expressed interest in creating a value for an affordable housing unit that may include incentives for people with housing barriers (including critical backgrounds, poor credit, or who are living in permanent supportive housing). Employing this kind of approach for ADUs in market potential bonus program, applicants to decide not to utilize the program at all. Other cities are grappling with how to enforce affordability in ADUs as well – Portland, OR decided not to require ADUs to be affordable after difficulties with their proposal was adopted. Staff support evaluation and reporting on a Market-Housing Bonus Program (see Exhibit 32-2 1070 and response to item 1.2).

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation.

Historic Landmark Recommendation

No recommendation.

Staff Response to B & C

N/A
Policy Question
Which are the best tools in the Strategic Housing Blueprint that help meet housing goals?

II.A.3. Why? Are certain tools most effective in particular areas?

Current Code or Policy
All 40 strategies discussed in the Blueprint are important and should be pursued in order to meet the goals of producing 13,600 total units (including 8,000 affordable units) in the next 10 years. Appendix B of the Blueprint lists each strategy and denotes with an asterisk which are considered "highest impact" strategies (see pages 61-46).

Some tools are more effective at targeting specific income levels (for example, funding for the most appropriate type of tool for matching very deep levels of affordability) or a certain tenure type (for example, tax abatements for focusing on homeownership as opposed to rentals).

ZAP Recommendation
No recommendation

Environmental Recommendation
No recommendation

Historic Landmark Recommendation
No recommendation

Staff Response to B & C
N/A

Location in Code
Item Number: II.A.4

Policy Question
How do we measure and calibrate the non-zoning sections to achieve housing capacity goals along with environmental, transportation and other imagine Austin goals?

Current Code or Policy
Most of the current land development code was drafted and amended prior to the adoption of Imagine Austin in 2012.

CodeNEXT Draft 3
Staff have developed an Affordability Impact Statement for CodeNEXT Draft 3 that discusses, among other topics, the tradeoffs inherent in proposals for greater environmental, transportation or review regulations aimed at achieving different imagine Austin goals relative to keeping housing cost in check.

Location in Code

PC Recommendation
- Motion 1: General Policy Guidelines
  1. Establish three points after the Council adopts the code as a quarterly checklist as problems are found with code language.
  2. Complete a review of the Plan including transitions, economic TCO's, and neighborhood plans. Following the adoption of CodeNEXT, Land Use Committee should meet theImagine Austin Goals and Continue.
  3. Process to phase out TCO's with stakeholder input regarding items such as Operational Overhead, TCO's, etc. Process to be monitored by Planning Commission and then Council.
- Motion 2: Prior to the Code being enacted, test and rollout the code to a wide range of development scenarios with stakeholder participation, and testing of the financial impacts of the Code, including additional staffing needs, development fees increases, density bonus program reasons, and a speed test of the effect of working in two codes. Staff and consultants to prepare an Impact Cost of the Planning Commission mapping recommendations. After the Code has been implemented, additional testing to help conform the process and measure if the added density is realizable, the anticipated affordable units.
- Motion 3: Code needs to be reviewed by a Master Editor prior to adoption.
- Motion 4: Land Use Committee recommendations to be shown to Council by each Council. Prior to the Code adoption, Staff to show Council what major elements of the Code are not being included in CodeNEXT.
- Motion 5: Performance measures to be identified by PC and staff to show the success and viability of the Code, particularly as it relates to Affordable Housing, fiscal economy, development, review process permitting, and Imagine Austin Performance Indicators.
- Motion 6: Staff and Council explore methods to capture the added value of the added density along corridors to help finance transit projects along corridors.

Location in Code

Staff Response to PC Recommendation
- FAZ
  1. Staff anticipates that amendments will be needed after adoption.
  2. No.
  3. No.
  4. Staff anticipates testing after the code is adopted (before it is effective).
  5. Neutral.
  7. Neutral.
  8. Neutral, but it will take many years of on-the-ground changes to make this evaluation.

ZAP Recommendation
- No recommendation

Environmental Recommendation
- No recommendation

Historic Landmark Recommendation
- No recommendation

Staff Response to B & C
N/A
**PC Recommendation**

**Housing Choices**

Apply the 'Downsize Your Home' program to all Residential areas.

**Location in Code**

23-4D Specific to Zones

**Policy Question**

Should ADUs be allowed in more areas across Austin?

**Current Code or Policy**

The current code allows ADUs in zones SF-3 and SF-5 through NF-4, plus DMU and CSD, in areas that have adopted neighborhood plans and those that have implemented the secondary apartment indicator tool. ADUs are also allowed in SF-1 and SF-2 zoning.

The Strategic Housing Blueprint (adopted in 2017) recommends relaxing regulation on internal and external ADUs to make it easier to create these structures in more parts of Austin.

**CodeNEXT Draft 3**

ADUs are allowed in all residential house scale (R) zones, all IMI zones, and DMU1 zones.

**Environmental Recommendation**

No recommendation.

**ZAP Recommendation**

The Zoning and Planning Commission recommends that Austin reduce the allowed size of ADUs consistent with other cities and find other ways to encourage the use of this indicator. ADUs should be allowed by right in all house form areas and CodeNEXT should allow detached, attached, and garage ADUs (as well as multi-unit permit-free for smaller ADUs) and mandate maximum ADUs, and vary permitted floor area by lot size (600, 650, and 1,100 sq ft.).

**Staff Response to PC Recommendation**

Nil. Nil recommends a "fee-in-lieu" rather than an affordable ADU.

Nil. Nil supports ADUs in general. With regard to ADUs and the Affordable Housing Bonus Program, the Department's position is that property owners, by paying the appropriate development fees into the Housing Trust Fund, rather than incentives or the ADU as their choice. We take this position for many reasons, including the higher per capita cost associated with monitoring these units and potential issues related to incentives as well. Our Council has approved a proposal to create a safe and affordable housing units that may include units for people in housing barriers (including criminal backgrounds, poor credit, or who are homeless). (2) As of the time of the application, ADUs may be an affordable bonus program. Applicants to decide not to use the program, or add. Other cities are grappling with how to define affordability in ADUs as well. Portland, OR decided not to require ADUs to be affordable after difficulties with that proposal; we do not feel

**Historic Landmark Recommendation**

Encourage ADUs as a tool to renovate older, historic-age mid-density (4-6 buildings/50+ years) while increasing density. (a) Allow larger ADUs in the same parcel, by right, with the condition of remodeling and inhabiting the historic-age house, or allow existing buildings to be considered as ADUs, allowing remodeling at the front of the lot. The maximum allowable area for new construction should be within a set square footage or percentage of the lot size of existing houses. (b) Allow new additions to existing houses on setback to be considered as ADUs as long as they maintain the lotline and latitude of the existing house. (c) Allow parking requirements for ADUs if the existing house is remodeled and inhabited instead.

**Staff Response to B & C**

ZAP recommends allowing under Code Z. ADUs are allowed in SF-3, LA, RF zones if "unit participated in the bonus program. ADUs are allowed by right in all other Residential House Scale Zones. Minimum ADU size has been calibrated to fit in Draft 3 which includes three ranges of floor sizes.
Item Number: II.B.2

Policy Question
What should be the maximum allowable size of ADUs?

Current Code or Policy
Current code allows a maximum ADU size of 1,700 sq ft or 0.15 FAR, whichever is smaller, with a limitation of 500 sq ft on the second floor.

CodeNEXT Draft 3
Draft 3 has an ADU size limit of 750 SF - 1,700 SF, depending on the lot size. The second story 500 sq ft limit remains.

ZAP Recommendation
The Zoning and Planning Commission recommends that Austin reduce the allowed size of ADUs consistent with other codes and find other ways to encourage the use of this infill tool. ADUs should be allowed by right in all four zones and CodeNEXT should allow detached, attached and garage ADUs. Additional parking permit fees for smaller ADUs (<500 sq ft) and separate-minded ADUs, and vary permitted floor area by lot size (600, 850, and 1,500 sq ft).

Environmental Recommendation
No recommendation

Historic Landmark Recommendation
Historic ADUs as a tool to maintain older, historic-age residential buildings (50+ years) while increasing density. (a) Allow larger ADUs in the rear of older houses, by right, with the condition of retaining and rehabilitating the historic-age house; or allow existing houses equal or less than 1,273 square feet (35% of allowable ADU square footage) to be classified as ADUs or with a maximum ADU square footage limit. The maximum allowable area for new construction should be within a set square footage or percentage of the lot size of existing house's area. (b) Allow rear additions to existing houses in existing lots to be classified as ADUs as long as they maintain the median and width of the existing house. (c) Waive parking requirements for ADUs if the existing house is retained and rehabbed.

Staff Response to B & C
ZAP
CodeNEXT still allowed under Draft 3. ADUs are allowed in RL, LA, R1 zones. If unit participates in the bonus program, ADUs are allowed by right in all other Residential House-Scale Zones. Maximum ADU size has been calibrated to fit in Draft 3 which includes three ranges of lot sizes.

II.C Recommendation: Neutral

Location in Code
23-4D Specific to Zones
**Policy Question**

Should ADUs be made more feasible in single family zones (Residential house-scale zones LA - R4)?

**PC Recommendation**

**Motion 52**

Apply the Single Scale Incentive (formerly the Promotion Incentive) to all Residential zones.

**Motion 57**

As stated by Kenny Exhibit 2 - ADU Bonus Amendments. Apply Changes to the Citywide Density Bonus Program. Create a Special Density Bonus Program. Create an ADU Bonus after the implementation of the bonus. Allow the ADU bonus to be counted towards the required parking.

**Additional provision not stated in Kenny Exhibit 2**

ADU bonus will be 40% of the required parking.

Within 1/3 of a mile of any school, the Center ADU Bonus will apply.

**Staff Response to PC Recommendation**

**Motion 5.3**

Hardly - only makes sense for R1 zones that have FAR limits.

**Motion 8.7**

Developers are not just building one ADU on the same property, but are building an accessory dwelling unit (ADU) on the same property. This is a concern that has been raised many times before. The ADU bonus is a way to incentivize the construction of ADUs without increasing the FAR limits. The ADU bonus can be used to build ADUs in single family zones (Residential house-scale zones LA - R4) if the developer is willing to pay the bonus.

**ZAP Recommendation**

No recommendation.

**Environmental Recommendation**

No recommendation.

**Historic Landmark Recommendation**

Pass the bill so the new density bonus is not considered an exception to the current density bonus. The density bonus is a way to incentivize the construction of ADUs without increasing the FAR limits. The density bonus can be used to build ADUs in single family zones (Residential house-scale zones LA - R4) if the developer is willing to pay the bonus.

**Staff Response to B & C**

ILC Recommendation: Opposed

---

**CodeNEXT Draft 3**

ADUs are allowed in all residential house-scale (R) zones, all RM zoning, and all MU1 zones. No parking is required for an ADU.

**Location in Code**

23-4D-2 Residential House-Scale Zones
**Policy Question**

Should more housing choices and types be allowed in more areas across Austin?

**I.C.1 What housing types are we trying to encourage? Are they missing from the city or missing from certain areas? Who are the most likely occupants for each target housing type (e.g., smaller households, families with children, etc.)?**

**Current Code or Policy**

Existing zoning allows up to 2 units/lot for SF 3 zoning, but then jumps to 12 units/acre (With a minimum lot size of 10,000 sq ft) for SF 5 and SF 6. There are no existing zones that both allow and limit development to 3 or 4 units on smaller lots.

The Strategic Housing Blueprint recommends that at least 30% of new housing should be a range of housing types from small lots to single-family to help address Austin’s need for multi-generational housing.

Imagine Austin HIN 91 states to “diversify the range of housing types available to the community to accommodate the financial and lifestyle needs of Austin’s diverse population.”

**CodeNEXT Draft 3**

CodeNEXT Draft 3 contains R3 and R4 zones, which allow 3 or 4 units on a lot (up to 8 units/acre) in the Affordable Housing Bonus Program (if used).

**PC Recommendation**

**Motion 4.1**

- Change Cooperative housing for Permanent in M1A, M2A, M2B, M2C, M2D, M2E, R1A, R1-B, R1-C, R1A-C, R1M-A, R1M-B.
- Change Cooperative housing to Permanent in R3B-C, R4A, R4A-C, R1M-A, R1M-B.

**Motion 5.2**

- Allow in Urban areas, attached or detached, as a residential use-in-the-RD zone. DZC definition and alternatives to Use Tables to be determined by staff.

**Motion 6.1**

- Add a ‘Small Lot Single-Family U2 Use’ as a permitted use in R3D and R3E with the following development standards: RDC remains the same.
- min. lot size: 2,500 sf
- max. lot size: 4,999 sf
- min. let width: 32’
- Building size (max): 1,400 sf for Small Lot Single-family Use: the greater of 1,500 sf or 1,000 sf

**Building Placement:**
- Small Lot Single-family Use: the greater of 1,500 sf or 1,000 sf
- Building Placement: any setback to the side.
- Building Location: any setback to the rear.
- Building Location: any setback to the front.

**Staff Response to PC Recommendation**

**Motion 7.7**

- Change, a use cannot be excluded by ULP.

**Motion 8.1**

- No. This is virtually identical to R3D and R3E already in U3.

**Motion 9.4**

- No. This is virtually identical to R3D and R3E already in U3.

**Motion 7.6**

- PX2: Rational - staff would like to evaluate further:
- DBC: Conflict with PX3 limit in motion 47.

**ZAP Recommendation**

No recommendation.

**Environmental Recommendation**

No recommendation.

**Historic Landmark Recommendation**

Preserve the built form of low-rise mixed-use neighborhood and commercial corridors via contingent sensitive form-based zoning. (a). Limit height of front façade to the prevailing height of the neighborhood, with additional stores and at least 10’ from the front of the façade. (b) Require upper-story setbacks of 15 or 12’ of the building length (whichever is greater) for new buildings and additional to existing buildings in all the neighborhoods (as all also be only for existing buildings 45+ years old).

**Staff Response to B & C**

I.C.1 Recommendation: Opposed.
<table>
<thead>
<tr>
<th>Topic</th>
<th>Sub-Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing Choices</td>
<td>Housing Types and Choices</td>
</tr>
</tbody>
</table>

**Policy Question**
Where should more housing choices and types be allowed?

**Current Code or Policy**
Existing development patterns in Austin are zoned such that SF-3 properties often abut major commercial corridors with little or inconsistently applied transitional zoning, making for abrupt changes in building typology and adjacency of disparate uses.

**CodeNEXT Draft 3**
Draft 3 largely carries forward existing entitlements, with very moderate additions to density and height along corridors, and new residential entitlements for properties previously zoned commercial only.

**PC Recommendation**
Not on 1/10
Map Centerline Transitions per modified Kois Centerline Transition Directive, as reviewed by Planning Commission

**Staff Response to PC Recommendation**
PAZ: Pending. Staff is still in the process of reviewing this and will develop a response after mapping has been tested.
WPC: WPC is neutral on anchors; mapping changes without further analysis of the potential drainage and water quality impacts.

**ZAP Recommendation**
No recommendation

**Environmental Recommendation**
No recommendation

**Historic Landmark Recommendation**
Preserve the built form of low-rise multifamily neighborhoods and commercial corridors via contextual-sensitive form-based zoning. (a) Limit height of front façade to the prevailing height of the neighborhood, with additional stories set back at least 15 from the front of the façade. (b) Require upper-story setbacks of 15 or 1/3 of the building length, whichever is greater, for new buildings and additions to existing buildings in all the neighborhoods. (c) No new, 45+ years old.

**Staff Response to B & C**
II.C Recommendation: Opposed

**Location in Code**
23-4D Specific to Zones
### Policy Question

Should there be equitable distribution of housing density throughout the city?

### Current Code or Policy

Existing housing density is a product of past zoning and policy decisions.

Imagine Austin HLP states to "distribute a variety of housing types throughout the City to expand the choices available to meet the financial and lifestyle needs of Austin's diverse population."

The Strategic Housing Blueprint includes geographic goals for citywide housing dispersion. *Within each Council District, at least 10% of rental housing and that are affordable to households earning at or below 30% MFI*, and at least 25% of ownership housing units that are affordable to households earning at or below 120% MFI. These goals will not be able to be achieved if there is not enough multifamily zoning mapped through CodeNEXT in each council district.

### CodeNEXT Draft 3

Draft 3 largely carries forward existing entitlements, with very moderate additions to density and height along corridors, and new residential entitlements for properties previously zoned commercial only.

### ZAP Recommendation

No recommendation.

### Environmental Recommendation

No recommendation.

### Historic Landmark Recommendation

Preserving the built form of low-rise residential neighborhoods and commercial corridors via contextual-sensitive form-based zoning.

- Limit height of front façade to the prevailing height of the neighborhood, with additional setbacks back at least 15 from the front of the façade.
- Require upper-story setbacks of 1.5 or 1.0 of the building length (whichever is greater) for new buildings and additions to existing buildings in all the neighborhoods (as a rule only for existing buildings 45+ years old).

### Staff Response to PC Recommendation

N/A

### Staff Response to B & C

HLC Recommendation: Opposed
Policy Question
In which zones should Cooperative Housing be allowed?

Current Code or Policy
The Strategic Housing Blueprint recommends that regulations on cooperative housing be relaxed to allow for a wider range of more affordable housing options throughout the city.

PC Recommendation
Motion 45
Change Cooperative Housing to Permitted in M3A, M3B, M4.
Change Cooperative Housing to Permitted in R2B-C, R4C, R6A-C, R8A-B.

Motion 46
Allow for the following uses as a permitted use in all M1 and M5 zones except M1A and M52B:
Residential Care Facilities, Senior Retirement Housing, Walk-In Law/Library, Museum, or Public Art Gallery, Meeting Facility, Mobile Food Sales, General Retail (up to 1,000 SF), Performance Venue/Thеater, Live Music, Indoor Recreation (all ages), Cooperative Housing Group Residential, Manufactured Homes, and all Uses of Steps.

Staff Response to PC Recommendation
Motion 46
Staff recommends the proposed Co-Housing land use.

Motion 47
PAZ: N/A

ZAP Recommendation
No recommendation

Environmental Recommendation
No recommendation

CodeNEXT Draft 3
Draft 3 permits Cooperative Housing in R3A, R3B, and R3C, with a CUP in R3D.

Historic Landmark Recommendation
No recommendation

Location in Code
23.4 D Specific to Zones
Item Number: II.D.1

PC Recommendation

Mandate 1: General Policy Guidelines
1. Establish three-phase plans after the Council adopts the codes in such a manner that they are consistent with city code.
2. Complete review of the plans for all neighborhoods including the adoption of \textit{CodeNEXT} Land-Use Code Guidelines that are integrated into the Austin Code and the CodeNEXT Land-Use Code Guidelines. The former is consistent with the Austin Code and the latter is consistent with the CodeNEXT Land-Use Code Guidelines.
3. Provide for phase-out of fee simple ownership of real property rights as an optional tool to integrate public input into the planning and design process. This process must be consistent with the Austin Code.
4. Prior to the Code being adopted, test it out to ensure that it is consistent with the city's vision for growth and development. The test process should include public hearings and development of new plans for the project. The test process must be consistent with the Austin Code.
5. Draft Code needs to be reviewed by a Master Planner prior to adoption.

Mandate 2: Staff Response to PC Recommendation

1. Staff should review the proposed three-phase plan for consistency with the City's Land Development Code.
2. Staff should also review the proposed three-phase plan for consistency with the City's Land Development Code.

Current Code or Policy

The Strategic Housing Blueprint identifies implementing the City of Austin's Fair Housing Action Plan and increasing enforcement of existing fair housing requirements as high priorities. The Fair Housing Action Plan identifies a mixed-use zoning policy with an affordable housing requirement.

CodeNEXT Draft 3

The City of Austin's CodeNEXT Draft 3 identifies the city's fair housing action plan and increasing enforcement of existing fair housing requirements as high priorities. The Fair Housing Action Plan identifies a mixed-use zoning policy with an affordable housing requirement.

Location in Code

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation.

Historic Landmark Recommendation

No recommendation.

Staff Response to B & C

N/A
PC Recommendation

Mention 12

Recommend approval of Article 23-30 (Affordable Housing/Bonus Program), but with direction for staff to develop revisions that will address the following concerns:

1. Establish a development fee in lieu of rent for the program so:
   a. meet the annual affordable housing goal set forth by ordinance;
   b. generally permit sites to utilize affordable bonus until the end of the program; and
   c. permit affordable units in high opportunity areas, whether that result is pursued through a fee.(Race)

2. Recommend expedited review for "Affordable Housing and Bonus Program at all stages for projects that participate in the program and for the original requirements of 2004.

3. Explore a Super Density Bonus for large-scale affordable projects that offer over 50% of units as affordable.

4. Establish a Discretionary bonus plan that includes a review and renewal window of 12 months with an annual re-evaluation in period to renew the program to permit publication, and staff and consultants to continue to develop a workable, viable affordable housing strategy, including affordable housing opportunities, affordability, affordable housing bonus award, construction of new affordable units, and other requirements of the bonus.

Staff Response to PC Recommendation

Mention 1:

NIHD: Support generally, but app. to the following elements:

1. Support annual evaluation of land use and inclusionary policies.

2. Recommend a 0.4% affordable bonus for the Affordable Housing Bonus Program.

3. Review and amend the Affordable Housing Bonus Program at all stages for projects that participate in the program, and for the original requirements of 2004.

4. Explore a Super Density Bonus for large-scale affordable projects that offer over 50% of units as affordable.

5. Establish a Discretionary bonus plan that includes a review and renewal window of 12 months with an annual re-evaluation in period to renew the program to permit publication, and staff and consultants to continue to develop a workable, viable affordable housing strategy, including affordable housing opportunities, affordability, affordable housing bonus award, construction of new affordable units, and other requirements of the bonus.

Current Code or Policy

Staff Response to Current Code or Policy

Mention 1:

NIHD: Rejected, but expressed support for additional affordable housing units in new constructions. Staff will consider the request in the future.

NIHD: Recommended a 0.4% affordable bonus for the Affordable Housing Bonus Program.

NIHD: Recommended a review and amendment of the Affordable Housing Bonus Program at all stages for projects that participate in the program, and for the original requirements of 2004.

NIHD: Recommended an exploration of a Super Density Bonus for large-scale affordable projects that offer over 50% of units as affordable.

NIHD: Recommended the establishment of a Discretionary bonus plan that includes a review and renewal window of 12 months with an annual re-evaluation in period to renew the program to permit publication, and staff and consultants to continue to develop a workable, viable affordable housing strategy, including affordable housing opportunities, affordability, affordable housing bonus award, construction of new affordable units, and other requirements of the bonus.

ZAP Recommendation

ZAP: No change in ZAP. Main street 1 & 2 zones do not have bonuses.
Policy Question
What land development policies conflict with or hinder the ability to affirmatively further fair housing?

Current Code or Policy
The City of Austin’s Fair Housing Action Plan identifies minimum site area requirements for multi-family housing, limits on ADUs, compatibility standards, overly restrictive neighborhood plans, and excessive parking requirements.

PC Recommendation
- Motion 4.4
- Problem: Between 25-50 feet from the triggering lot line: 5 foot height limit
- Motion 4.4: Between 25-50 feet from the triggering lot line: 5 foot height limit
- Motion 4.4: Between 50-100 feet: 10 foot height limit
- Motion 4.4: Between 100-150 feet: 15 foot height limit
- Motion 4.4: Between 150-200 feet: 20 foot height limit

- Motion 4.5
- Update each district to a max height of 35 feet from top of slab to top of roof, and slab heights limited to a maximum of 5’ above finished grade and a maximum of 12’ above highest finished grade.
- Staff Response to PC Recommendation
  - Motion 4.4
  - PAZ: Pending review by Planning to determine impact on housing numbers

- Motion 4.5
- Update each district to a max height of 35 feet from top of slab to top of roof, and slab heights limited to a maximum of 5’ above finished grade and a maximum of 12’ above highest finished grade.
- Staff Response to PC Recommendation
  - Motion 4.4
  - PAZ: Pending review by Planning to determine impact on housing numbers

ZAP Recommendation
- CodeNEXT Draft 3
- Parking minimums have been reduced for multiple zones, compatibility standards have been updated, ADUs are allowed in more zones by right, and minimum site area requirements have been replaced by standard numbers of dwelling units per acre for FAR maximums.
- CodeNEXT Draft 3
- Parking minimums have been reduced for multiple zones, compatibility standards have been updated, ADUs are allowed in more zones by right, and minimum site area requirements have been replaced by standard numbers of dwelling units per acre for FAR maximums.

Historic Landmark Recommendation
- No recommendation.

Environmental Recommendation
- No recommendation.

Staff Response to B & C
- ZAP: In CodeNEXT, properties that received a Fair Housing zone and are not currently have residential entitlements are required to opt-in to the bonus program to build residential. This is indicated with a U on the map.
**PC Recommendation**

**Note:** Generally, for bonus programs any increase in base entitlements will decrease the attractiveness of bonus entitlements, and could lead to diminished participation in the bonus program or a decreased number of affordable units. In instances where any increases in base entitlements can increase participation in bonus programs.

**ZAP Recommendation**

No recommendation.

**Historic Landmark Recommendation**

Please see the built form of low-rise residential housing and commercial structures consistent with existing form-based zoning. (2) Limit height of front façades to the prevailing height of the neighborhood, with additional stories set back at least 15 feet from the front of the façade. (3) Require upper-story setbacks of 15-30 feet of the building height, whichever is greater, for new buildings and additions to existing buildings in the neighborhood. (Note: all use only for existing buildings 45 years old and up).
PC Recommendation

Motion 74:
Create a new zone (RM1) which has the same uses as R3c but with a permitted density of 14 units per acre maximum.
0.4 FAR limit for site.
RD is height limit, building item (incompletes) and setback tables, 1 space per unit with additional prescriptive parking rate reduction.
Add note to Table A: minimum 15' separation between buildings. No compatibility solicits.
No multi-unit buildings.

Staff to review proposed zone to ensure it does not have a negative impact on Donnelly Bonus program.

Motion 111:
Map the areas affected to imagine Austin communities using the new zoning tool to ZoneMap such that compatibility is not triggered on at least 90% of the properties along those corridors.

Review the language to set a goal of 90% while also taking into account the size, local density, existing infrastructure capabilities, connectivity/ access to corridor and proportionality in applying the zones. See Exhibit D1 - Exhibit D1 - Eastern Regional Certification.

Protective Zone (Page 10 of 20): For the areas identified in the Eastern Regional Certification Protection Zone, establish a new zone of RM1C that features the base package of 0.25 with a 15' front setback, and the bonus entitlements of RM1A. This would be the default zone for behind the corridor in the related map.

Map the areas adjacent to core transit corridors and future core transit corridors using the new zoning tools to ZoneMap such that compatibility is not triggered on at least 90% of the properties along those corridors.

Review the language to set a goal of 90% while also taking into account the size, local density, existing infrastructure capabilities, connectivity/ access to corridor and proportionality in applying the zones. See Exhibit D1 - Exhibit D1 - Eastern Regional Certification.

Protective Zone (Page 10 of 20): For the areas identified in the Eastern Regional Certification Protection Zone, establish a new zone of RM1C that features the base package of 0.25 with a 15' front setback, and the bonus entitlements of RM1A. This would be the default zone for behind the corridor in the related map.

Exempt TCDs from compatibility entirely, either mapping or text as determined by Staff. Direct Staff to review policy on exempting TCDs from compatibility.

Staff Response to PC Recommendation

Motion 74:
PAZ Resolved: staff would like to evaluate further.

BD: Conflicts with R3d limit in motion 47.

H-13: Would need to review for any potential impact on Donnelly Bonus program.

Motion 111:
PAZ: Pending. Staff is still in the process of reviewing this and will develop a response after mapping has been tested.

M-12: Would estimate mapping changes without further analysis of the potential drainage and sewer quality impacts.

H-13: Do not support increases to base entitlements, so it may impact the ability to achieve affordable housing benefits. Do support increases to entitlements through a bonus program. Staff support updating TCD regulations if I have.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation.

Historic Landmark Recommendation

No recommendation.

Staff Response to B & C

No.
Item Number: II.E.3

PC Recommendation

Motion 97
An amended Henry Exhibit 2 - ADU Bonus Amendments
Apply Changes to the Citywide Density Bonus Program
Create a Central Density Bonus Program
Create an ADU Review after the implementation of the bonus.
After the ADU and RDZ compatibility modifications.

Additional planning not related to Henry Exhibit 2
RDZ review will be 12 months after implementation.
LA and RDZ zones will have a separate ADU and RDZ review.

When 1 of a set of 2 or more, the Central ADU Bonus will apply.

Staff Response to PC Recommendation

Motion 97
E08: Housed with exceptions of school distance proxility, increase complexity of review, and will increase the review.
No RDZ recommendations, a fixed rule, rather than variable ADUs. No RDZ, supports ADUs in general. With regard to ADUs and the A Hubbell 5 Housing Bonus Program, the Department just added to property owners opting into the program, through ADUs development pay a fee/increase to the Housing Trust Fund, rather than being part of the ADU on their sites. They take this position for many reasons, including the higher permit cost associated with maintaining those units and potential issues related to homeowners are selected. The Council has expressed interest in creating a wealth of affordable housing units that may include priorities for people in housing barriers, including physical backgrounds, personal needs, or age, or adding financial criteria. Employing this work plan approach for ADUs may require a potential bonus program appliance that could not be used for the program at all. Other cities are grappling with how to enforce affordability to ADUs, as well as Portland, CB0 decided not to inquire ADUs to be affordable after difficulties with third parties were identified. Staff support evaluation and reporting on A Hubbell 5 Housing Bonus Program (see Draft 3/30/17) and response to Item 12

Current Code or Policy

The R2 zones are most similar to today’s SF-2, SF-3, and SF-4B zones. SF-2 and SF-4B today allow up to one unit per lot and SF-3 allows up to two units per lot.

CodeNEXT Draft 3
R2 allows up to two units per lot, R3 allows up to three units per lot, and R4 allows up to four units per lot.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation.

Historic Landmark Recommendation

No recommendation.

Staff Response to B & C

N/A

Location in Code

234D Specific to Zones
Policy Question
In which zones should STRs be allowed by right, or allowed with a Minor Use Permit or Conditional Use Permit?

Current Code or Policy
Short-Term Rentals are divided into three types: Type 1 is owner-occupied, and is allowed in zones that allow single-family (SF) and multi-family (MF) uses. Type 2 are not owner-occupied, apply to single-family orduplex properties, are allowed in Central Business District (CBD), Downtown Mixed Use (DMU), Planned Unit Development (PUD), General Retail Mixed Use (GRMU), Commercial Services Mixed Use (CSMU), Commercial Services Vertical Mixed Use (CSV), and General Retail Vertical Mixed Use (GRV). Type 3 are not owner-occupied and are part of a multi-family use.

ZAP Recommendation
No recommendation

Environmental Recommendation
No recommendation

CodeNEXT Draft 3
Short-Term Rentals are divided into three types: Type 1 is owner-occupied and is associated with an owner-occupied principal residential unit. There are no rental units in Lake Austin (LA), Rural Residential (RR), Residential House Scale (RHS), Residential Multi-Family (RMF), Residential Multi-Family Vertical (RMV), Mobile Home (MH), Mobile Home Plus (MHP), and Single Unit (SU). Main Street (MS) 1-3, Commercial Center (CC), Urban Center (UC), and Downtown Core (DC). Type 2 are not owner-occupied and are not part of a multi-family residential use and are not owner-occupied. There are no rentals in Lake Austin (LA), Rural Residential (RR), Residential House Scale (RHS), Residential Multi-Family (RMF), Residential Multi-Family Vertical (RMV), Mobile Home (MH), Mobile Home Plus (MHP), and Single Unit (SU). Main Street (MS) 1-3, Commercial Center (CC), Urban Center (UC), and Downtown Core (DC). Type 3 are not owner-occupied and are part of a multi-family use and are permitted in the Residential House Scale (RHS), Residential Multi-Family Vertical (RMV), Mobile Home (MH), Mobile Home Plus (MHP), and Single Unit (SU). Main Street (MS) 1-3, Commercial Center (CC), and Downtown Core (DC).

Location in Code
23-4D Specific to Zones

Staff Response to B & C
N/A
PC Recommendation

Mention 57

As outlined in Kennedy Exhibit 2, the Council received amendments to the proposal to change the Citywide Emergency Budget Program in order.

Mention 107

Map Image: Austin-Centers as follows:

Mention 110

Map Image: Austin Regional Center as UC-Underlined, unless affected by comparability: it was affected by comparability, ties to the highest comparable UC per the limit of the affected comparability.

Current Code or Policy

The current Code explicitly mentions commercial zoning classification along transportation corridors. Most of the more intensive zoning along these corridors is Commercial Service (CSC) and can be allowed based on a location with the surrounding district. Where these are allowed to the extent of a mixed-use site, the surrounding area does not allow for residential use. Thus, a zoning change is often sought to apply a mixed-use combining overlay.

CodeNEXT Draft 3

By residential needs have been largely applied to all major corridors with the intent to increase housing options. Previously commercial only properties associated were given the ability to do residential in return for affordable housing.

Location in Code

23-4D Specific to Zoning

Staff Response to PC Recommendation

Mention 110

Note that additional community benefits (like streetcar) are required to achieve a bonus, the amount of affordable housing that can be generated by the bonus program is increased.

Mention 07

SD: Noted with exception of school district population increases complexity of move and will increase future times.

Mention 07

SD: Noted with exception of school district population increases complexity of move and will increase future times. HCD: HCD recommends a shorter time, rather than a longer one. HCD supports as it addresses. With regards to the Affordable Housing Budget Program, the Council’s position is that a strategy of approaching the problem through ADA development pays for itself in terms of the overall program. We take this position for many reasons, including the higher per unit cost associated with creating these units and potential issues related to their issuance. The City Council has expressed interest in creating a solution for affordable housing units that may include incentives for private owners with housing barriers (including commercial boundaries, market rents, or others seeking housing opportunities). The City Council may consider potential bonus program applicants to focus on not to utilize the program at all. Other sites are seeing with how to enhance affordability as ADA as well as with the City Council's approval.

Mention 07

Staff Response to B & C

N/A

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

CodeNEXT Draft 3

By residential needs have been largely applied to all major corridors with the intent to increase housing options. Previously commercial only properties associated were given the ability to do residential in return for affordable housing.

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A
<table>
<thead>
<tr>
<th>Item Number: II.F.2</th>
<th>PC Recommendation</th>
<th>Staff Response to PC Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy Question</strong></td>
<td>What degree of change should be allowed to accommodate transitions between centers and corridors and residential house-scaled areas?</td>
<td>PAZ: Pending. Staff is still in the process of reviewing this and will develop a response after mapping has been tested. *W:* WD2 is not valid as another mapping change without further analysis of the potential drainage and water quality impacts.</td>
</tr>
<tr>
<td><strong>Current Code or Policy</strong></td>
<td>The current code does not address transition zones such as those created by specific regulating plans such as in Downtown, University Neighborhood Overlay, UGC East/Riverside, and tax(alpha)on developments.</td>
<td></td>
</tr>
<tr>
<td><strong>CodeNEXT Draft 3</strong></td>
<td>All districts were intended to be transitional elements between residential house-scaled development and mixed use or mixed street zones.</td>
<td></td>
</tr>
<tr>
<td><strong>Location in Code</strong></td>
<td>23.4D Specific to Zones</td>
<td></td>
</tr>
</tbody>
</table>

**ZAP Recommendation**

No recommendation

**Historic Landmark Recommendation**

Preserves the built form of low-rise residential neighborhoods and commercial corridors via contextual-sensitive form-based zoning. (b) Limit height of new façades to the prevailing height of the neighborhood, with new structures setback at least 15 feet from the front of the façades. (d) Require upper story setbacks of 15 or 1/3 of the building length, whichever is greater, for new buildings and additions to existing buildings in all districts. (e) Staff also be only for existing buildings 40+ years old.

**Staff Response to B & C**

II.C Recommendation: Opposed
**PC Recommendation**

**Policy Question**
How can we ensure that sites on transportation corridors are able to achieve and balance sufficient housing supply with non-zoning requirements related to environmental protection, open space, reducing flood risk, transportation, infrastructure, urban forest protection, etc.

**Current Code or Policy**
The current code enforces specific requirements related to environmental protections, open space, environmental protection, open space, reducing flood risk, transportation, infrastructure, urban forest protection, etc. That creates additional housing supply along corridors as those regulations reduced development potential on sites.

**CodeNEXT Draft 3**
Specific regulations to reduce environmental protection, open space, reducing flood risk, transportation, infrastructure, urban forest protection have been modified to continue the preservation of three legacy regulations.

**ZAP Recommendation**
No recommendation.

**Environmental Recommendation**
The current tree protections in the Code be preserved without change, except to add provisions that encourage preservation of young trees.

**Historic Landmark Recommendation**
No recommendation.

**Staff Response to PC Recommendation**

**Staff Response to B & C**

**Location in Code**
Article 23-4C: General to All Development
Policy Question
In which zones should Cooperative Housing be allowed by right, or allowed with a Minor Use Permit or Conditional Use Permit?

Current Code or Policy
The Strategic Housing Blueprint (adopted in 2017) recommends that regulations on cooperative housing be relaxed to allow for a wider range of more affordable housing options throughout the city.

CodeNEXT Draft 3
Draft 3 permits Cooperative Housing in: R2B to R3C (CUF), RAA to RM1B (MUF), RMDA to RM 1A (CUF), MUL to MUL (A), and MUL (B), M1SB to M2SB (A), and all RC zones.

PC Recommendation
Motion 41.
Change: Cooperative Housing to Permitted in MR, MUL 1A, MUL 1B, MUL 2A, MUL 2B, MUL 3A, and MUL 3B.

Motion 42.
Allow for the following uses as a permitted use in all MU and MS zones except MUL 1A and MUL 2B: Residential Care Facilities, Senior/Retirement Housing, Work/Live, Library, Museum, or Public Art Gallery, Meeting Facility, Mobile Food Sales, Convenience Retail (less than 5,000 SF), Performance/Arts/Third/Live Music/Indoor Recreation (all uses), Cooperative Housing, Group Residential, Manufactured Homes, and all Uses of Steps.

ZAP Recommendation
No recommendation.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
No recommendation.

Staff Response to PC Recommendation
Motion 41.
Staff recommends the proposed Co Housing land use.

Motion 42.
PAZ: On bruk

Staff Response to B & C
N/A
### Policy Question

**No question listed.**

### Current Code or Policy

<table>
<thead>
<tr>
<th>Code</th>
<th>Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>SF</td>
<td>SF = 5/4 (inside Mid-Market), Duplex = 4/4, SF + ADU = 5 + 2/2, Duplex + ADU = Not applicable</td>
</tr>
</tbody>
</table>

### CodeNEXT Draft 3

<table>
<thead>
<tr>
<th>Code</th>
<th>Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>SF</td>
<td>SF = 5/4 (inside Mid-Market), Duplex = 4/4, SF + ADU = 5 + 2/2, Duplex + ADU = 4/4 + 2</td>
</tr>
</tbody>
</table>

The Strategic Housing Blueprint recommends adding flexibility to occupancy limits.

### PC Recommendation

**Motion: VK**

- Throughout the City (regardless of Mid-Market), set occupancy at the following standards:
  - Single Family 6
  - Duplex 3 + 3
  - Single Family + ADU 6 + 2
  - Duplex + ADU 5 + 2
  - ADU alone: 2

Direct Staff to recommend more where appropriate.

### ZAP Recommendation

**No recommendation.**

### Environmental Recommendation

**No recommendation.**

### Historic Landmark Recommendation

**No recommendation.**

### Staff Response to B & C

**N/A.**

### Staff Response to PC Recommendation

**Motion: 9/9**

PK2: Nominal, proposed changes 2016 Council occupancy policy, however the proposal streamlines administration and enhances the security of occupancy limits. Adding flexibility to occupancy limits would support the Strategic Housing Blueprint.

PK3: Adding flexibility to occupancy limits would support the Strategic Housing Blueprint.
PC Recommendation

Motion 4.3
Update each district so max height of “35 feet from top of base to top of roof” and “slab height is limited to a maximum of 5’ above finished grade and a maximum of 12’ above highest finished grade.” Staff will continue to work to clarify and correct the height with the intent stated.

Motion 4.4
Remove articulation from all R zones.

Motion 4.5
Add a maximum R2 of 0.3 or 1.00 to its A1R zones;
Add a maximum R2 of 0.5 or 1.150 of its A1R zones
The intent is to reduce the available R2s to single-family housing (25%) and to reduce height by 30% under future definition.

Motion 4.6
Increase the bonus height maximums in Main Street areas as follows:

M1A, M1B, M2 : 45’ to 60’
M3A, M3B : 60’ to 80’, 120’

Increase the bonus height maximums in Mixed Use areas as follows:

M1C, M2A, M2B : 45’ to 60’
M2B, M3A, M3B : 60’ to 80’
M3A : 100’

Increase the bonus height maximums in Mix B Use as follows:

M1A, M1B : 35’ to 40’
M1A, M1B : 35’ to 40’

Staff Response to PC Recommendation

Motion 4.3
EOD: Do not concur. This further complicates the height issue; we need to increase per density requirements, and could have unintended consequences, particularly in the Urban Waterfront where there are no max and FL limits.

Motion 4.4
PAZ: Neutral

Motion 4.5
PAZ: No. Unnecessary complaint.
EOD: Does not concur. Significantly increases sample.

Motion 4.6
PAZ: Defers to Hill (2D) need to understand impact of Affordable Housing Bonus Program.

NI (ID): Opn an increased base entitlements. Need clarification on whether this motion included any increases in BAE heights, or if all height increases are achieved only through the affordable housing bonus program. Correctly, if bonus programs any increases in base entitlements will decrease the attractiveness of bonus entitlements, and could limit the discussion participation in the bonus program or a decreased number of affordable units. Increases in bonus entitlements without any increases in bonus entitlements can increase participation in bonus programs.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation.

Historic Landmark Recommendation

Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning.

Limit height of front facades to the prevailing height of the neighborhood, with additional stories not to exceed 15% from the front of the facade.

Require upper story setbacks of 3-5 or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in all new neighborhoods (as applicable) only for existing buildings 40+ years old.

Staff Response to B & C

HLC Recommendation: Opposed
**Item Number:** III.A.2  

**PC Recommendation**  

**Sub-Topic**  

**Neighborhood Character**  

**Building Form and Scale**  

**Policy Question**  

How do we incentivize preserving existing affordable structures in residential house scale zones (LA-16) by making ADUs and additions more feasible?

**Current Code or Policy**  

Current code does not include any provisions to incentivize ADUs. If ADU placement is infeasible on a property, a variance from the BDA may be needed.

**CodeNEXT Draft 3**  

Draft 3 includes a preservation incentive for ADUs; it allows additional FAR (the FAR for the ADU does not count against overall FAR for the lot) if the original house is preserved.

**ZAP Recommendation**  

No recommendation.

**Environmental Recommendation**  

No recommendation.

**Historic Landmark Recommendation**  

No recommendation.

**Staff Response to B & C**  

N/A

**Staff Response to PC Recommendation**  

Motion 5.3  
PAZ: Minimal - only makes sense for R zones that have RHA limit

Motion 6.7  
DSS: Noted with exception of school distance provision increases complexity of review and will increase review times.

In LID, the LID recommends a few ADUs, rather than no ADUs. LID supports ADUs in general. With regard to ADUs and the Affordable Housing Program, the Department's position is that property owners opting into the program through ADUs development pay a fee directly into the Housing Trust Fund, rather than in lieu of the ADUs on their sites. We take this position for many reasons, including the higher per-unit cost associated with maintaining these units and potential issues related to how homes are zoned. City Council has expressed interest in developing a waiver for affordable housing units that may include priority for people with housing barriers (including criminal backgrounds, prior credit or who are evicted homeowners). Deploying this waivert approach for ADUs may cause potential bonus program applicants to decide not to utilize the program at all. Other cities are grappling with how to enhance affordability to ADUs as well. Portland, OR decided to require ADUs to be affordable after similar deadlines with their programs were identified. Staff support evaluation and reporting on Affordable Housing Program (June Draft 3, 2020; 170) and respond to Item 12.
Item Number: III.A.3

Policy Question
Would a lower cap on size or FAR and/or allowing more units on lots help incent more affordable housing options?

Current Code or Policy
FAR and unit limits vary by allowed use and zone.

CodeNEXT Draft 3
FAR and unit limits vary by allowed use and zone.

PC Recommendation
Mention 53:
Apply the “Recovery Incentive” to all Residential areas.

Mention 67:
As stated in Kenney Exhibit 2 - ACD Bonus Amendments, apply changes to the Citywide Density Bonus Program. Create an ACD Bonus Tax Program. Create an ACD Bonus waiver for the implementation of the bonus.

A FAR and BSc scale compatibility restrictions.

Additional proviso not stated in Kenney Exhibit 2
ACD review will be 10 months after implementation.

LA and BSSH zones will have a day-night ACD and it will no longer have an affordability requirement.

Within 1/3 of a mile of any school, the Critical ACD zoning will apply.

Staff Response to PC Recommendation
Mention 5.3
FAQ: How can I ensure a zone has FAR limit?

Mention 8.7
CD: Noted with exception of school distance provision, increases complexity of review and will increase review times.

ACD: NCD recommends a few ACDs, rather than zone ACDs. NCD supports ACDs in general. With regard to ACDs and the Affordable Housing Bonus Program, the Department's position is that property owners opting into the program through ACD development pay a fee based on the Housing Trust Fund, rather than increasing the ACD on their sites. We take this position for many reasons, including the higher per unit cost associated with rezoning these units and potential issues related to neighborhood sensitivities.

City Council has expressed interest in creating a waiver for affordable housing units that may include provisions for the funding of such units. This would include funding for affordable housing units that may include provisions for the funding of such units. This funding would include provisions for the funding of such units. This funding would include provisions for the funding of such units.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
None of the buildings in the neighborhood has historic significance.

Staff Response to B & C
ZAP
No change.

I.H.C Recommendation: Opposed
Policy Question
Would further refining the McMansion standards being carried into the proposed new code such that it fully accounts for the entire built square footage of a building help incentivize preservation of existing smaller homes?

Current Code or Policy
Current code for Subchapter F (McMansion) includes floor area ratio (FAR) exemptions (they are not counted against FAR) for attics, basements, and parking structures that meet certain specific criteria.

CodeNEXT Draft 3
Draft code attempts to simplify FAR calculations by not including attics, basements, or parking structures in the FAR calculation.

Location in Code
23-4D Specific to Zones

PC Recommendation
Mention this
Resize the definition of Residential Gross Floor Area (GFA) to reduce the number of exemptions as follows:
RESIDENTIAL (GROSS) (GFA) The total enclosed area of all floors in a building with a clear height of more than five feet measured to the outside surface of the exterior walls. The term includes loading docks, 1st floor porches, decks, basements, attics, stories below grade, parking facilities, driveways, and enclosed loading berths and off-street maneuvering area.
In exchange, in all Residential Zones, allow for an increase of 50% FAR

Staff Response to PC Recommendation
PAZ: Do not concur. PAZ needs to be consistent and coordinated with other proposals.
ESD: Do not recommend. Concur with PAZ.

NCD: Generally, for bonus programs, any increase in base entitlements will decrease the attractiveness of bonus entitlements, and could lead to decreased participation in the bonus program or a decreased number of affordable units.

ZAP Recommendation
No recommendation.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
Preserve the built form of low-rise residential neighborhoods and commercial corridors via non-sensitive form-based zoning.
Limit height of front facades to the prevailing height of the neighborhood, with additional stories set back at least 15 from the front of the facade.
Require upper-story setbacks of 15 or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in all the neighborhoods. (No old buildings only for existing buildings 40+ years old).

Staff Response to B & C
HLC Recommendation: #1 - Opposed
### Policy Question
In which zones should Short Term Rentals be restricted?

### CodeNEXT Draft 3
Short Term Rentals are divided into three types: Type 1 is owner-occupied and is not associated with an owner-occupied principal residential unit. They are allowed in Lake Austin (LA), Rural Residential (RR), Residential House Scale (R HS), Residential Multi-Unit (RMU), Mobile Home (MH), Mixed Use (MU) 1-2, and MUSA, Main Street (M S 1-3), Commercial Center (CC), Urban Center (UC), and Downtown Core (DC). Type 2 cannot be a part of a multi-family residential unit and is not owner occupied. There are only valid for properties that were occupied as of November 12, 2015 or submitted an application before November 12, 2015. They are not permitted in any of the CodeNEXT zones. Type 3 rentals are not part of multi-family use and are permitted in the Residential House Scale (R HS), Residential Multi-Unit (RMU), Mobile Home (MH), Mixed Use (MU) 1-2, and MUSA, Main Street (M S 1-3), Commercial Center (CC), and Downtown Core (DC).

### Location in Code
234D Specific to Zones
Item Number: III.B.2

Policy Question
In which zones should Level 1 and 2 Bar/Nightclubs be allowed by right, or allowed with a Minor Use Permit or Conditional Use Permit?

Current Code or Policy
In current code a cocktail lounge use is permitted by right in CBD zoning, and a conditional use in LMU2, CS-1, and CH zoning.

PC Recommendation
MOTION 59
Requires a CUP for all Bar/Nightclubs (Level 2 only) within 200' of a residential zone rather than permitting by right. Beyond 200 feet remains permitted by right.

MOTION 17
Amend specific language in Section 8.2.1 to allow a CUP within the MS zones, except MS-1 and MS-2A

Staff Response to PC Recommendation
Concur with both motions.

ZAP Recommendation
No recommendation.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
No recommendation.

Staff Response to B & C
N/A

CodeNEXT Draft 3
Level 1: CUP: MU-1B, MU-1D, MU-2B, MU-2A

Level 2: CUP: MU-4A, MU-4B, MU-5A, MU-5B, MU-2A, CC, UC, DC, AV

Location in Code
23.4.3 Specific to Zones
PC Recommendation

Motion 5a
Requires a CUP for all Bars/ Nightclubs (Level 2 only) within 200 feet of a residential zone rather than permitting by right. Beyond 200 feet remains permitted by right.

Add specific language in a specific to use section for Bars and Nightclubs

Allow any non-permitted alcohol uses in Draft 3: Level 1 or Level 2, as a CUP within the MS zones, except MS A and MS A2

Motion 1f
New Section 23-48-103M/PC Late hours Permit to Specific for Use for Restaurant and Bar

Staff Response to PC Recommendation
Concur with both motions.

Current Code or Policy
Current code requires a conditional use permit for any cocktail lounge that does not have OBD zoning regardless of proximity to residence.

ZAP Recommendation
No recommendation.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
No recommendation.

CodeNEXT Draft 3
Draft 3 requires restaurants that operate with a late hour permit to obtain a conditional use permit if located within 200 feet of a residential house zone. In Draft 3, the provision only applies to restaurants, not bars/ nightclubs.

Staff Response to B & C
N/A
### Item Number: III.B.4

<table>
<thead>
<tr>
<th>Topic</th>
<th>Sub-Topic</th>
<th>PC Recommendation</th>
<th>Staff Response to PC Recommendation</th>
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<tr>
<td>Neighborhood Character</td>
<td>Parking</td>
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</tbody>
</table>

#### Policy Question

How could changing parking requirements affect our ability to achieve Strategic Housing Blueprint, public safety, mobility, and other Imagine Austin goals?

#### Current Code or Policy

Parking requirements are assigned by zone and use.

The Strategic Housing Blueprint discusses the relationship between parking and affordability (pg 38) and acknowledges that relaxing parking requirements can reduce rental rates or the cost of providing units (pg 32). It also recommends that the City consider a change in parking policies with relation to cooperative housing (pg 34) and housing near transit (pg 37).

#### CodeNEXT Draft 3

Parking requirements are assigned by zone and use. Reduced parking in conjunction with an approved TOD plan will allow for context-sensitive parking solutions.

#### Environmental Recommendation

No recommendation.

#### Historic Landmark Recommendation

No recommendation.

#### Staff Response to B & C

N/A
Item Number: III.B.5

Policy Question
What should the minimum parking requirement be for residential house scale zones (LA - M)? In areas with narrow streets and in areas lacking sidewalks, different size streets, or different sidewalk conditions?

Current Code or Policy
Parking requirements for residential zones are based on the particular use; the standard required parking is 2 spaces per unit for a residential use. There are exceptions for Accessory Dwelling Units near existing buildings. There is not a distinction for areas with narrow streets or different roadway conditions.

CodeNEXT Draft 3
Parking requirements for Residential House Scale Zones are based on the particular use. The standard required parking is 1 per unit for residential units. Some uses such as Bed and Breakfast or Cooperative Housing have different parking requirements. There is not a distinction for areas with narrow streets or different roadway conditions.

PC Recommendation
Motion 9-4
Distribute parking minimums by directing staff to get as close to no parking requirements as possible while balancing ADA accessibility, and finding spaces for residential zones in residential parking and mixed parking as a solution. RFF and parking benefit districts. Evaluate the areas that have already been voted on to have no parking requirements. Methods to be voted through the Parks and Recreation Department and Public Safety Incorporate Vision Zero and Transportation Safety Improvement Program into consideration.

Staff Response to PC Recommendation
Motion 9-5
Staff response pending.

ZAP Recommendation
No recommendation.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
No recommendation.

Staff Response to B & C
N/A
Item Number: III.B.6

Policy Question
What should the minimum parking requirement be for residential house scale zones (LA-M) in areas with access to transit, or other context elements?

Current Code or Policy
Parking requirements for residential zones are based on the particular use; the standard required parking is 2 spaces per unit for a residential use. There are exceptions for Accessory Dwelling Units near non-residential corridors. There is no distinction for areas that have narrow streets or difficult roadway conditions.

CodeNEXT Draft 3
Parking requirements for Residential House Scale Zones are based on the particular use. The standard required parking is 1 per unit for residential uses. Some uses such as Bed and Breakfast or Cooperative Housing have different parking requirements. For areas that are within 1/4 mile to 1/2 mile of a transit corridor, there is a 20% reduction and a 10% reduction respectively.

PC Recommendation
Mention 35:
100% reduction is parking for properties located within a TID with the following conditions: (a) A maximum of 6,000 square feet of floor area or more of these spaces under the requirements in this paragraph. (b) The following requirements apply if no parking is provided for a use, other than parking for persons with disabilities. (1) The minimum number of accessible parking spaces is calculated by dividing 50 percent of the parking required for the use under Appendix A (Table of Off-Street Parking and Loading Requirements) and using that result to determine the number of accessible spaces required under the Building Code. (2) The accessory space shall be located as close to the main building as possible while balancing ADA accessibility. (3) Direction of the parking is identified by a sign at the site. These are identified problems, utilizing school permit parking systems or other street parking most days. Staff to take pedestrian and bicyclist safety into consideration.

Staff Response to PC Recommendation
Mention 36:
PAZ: Ministry staff understands this is an issue and will consider parking reductions from 40% to 100% depending on site that can be addressed with PD.
PD: TID is in favor of requiring adequate ADA parking spaces, however if smaller, it will need to be addressed within the TCM.

ZAP Recommendation
No recommendation.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
No recommendation.

Staff Response to B & C
N/A

Location in Code
23.4.E.3.9 Off-Street Vehicle Parking Adjustments
Item Number: III.C.1

Policy Question
How does compatibility affect our Strategic Housing Blueprint housing capacity and other Imagine Austin policy goals?

Current Code or Policy
To the extent that compatibility decreases the amount of buildable area on a site, it can increase the per-unit cost of delivering housing. A white paper on missing middle housing promises by the Austin Community Development and the UT Center for Sustainable Development discusses the impacts of compatibility on prototypical housing developments. The white paper was submitted as an attachment in a response to Mayor and Council for Resolution No. 2016-09-109.

CodeNEXT Draft 3

PC Recommendation
Motivation:
Whatever the compatibility trigger is, exemptions start at the triggering lot property line.

Motivation 1:

Between 25-50 feet from the triggering lot line: 3.3 feet height limit
50-100 feet: 4.5 feet height limit
100-150 feet: 5 feet height limit
150-200 feet: 5.5 feet height limit
200-250 feet: 6 feet height limit
250-300 feet: Full height at 300 feet

Affordable bonuses are exempt at 100 feet

Motivation 2:
As stated in Kenny Chilton 2 - A-3/US Base Amendments, implement the changes to the City's Density Bonus Program. Create a C-2 Density Bonus Program. Or start an NLI review after the implementation of the bonuses.

After the A-3/US Base compatibility restrictions.

Additional 25 feet not on stated in Kenny Chilton 2 - A-3/US.

NLI review will take 18 months after implementation.

LA and WI zones will have a right to A-3/US and a future longer has an affordability requirement.

While it is a step of any scope, the Capital AUS Bonus will apply.

Motivation 109:
Direct staff to review the compatibility to CC zoning in the Downtown area, particularly related to the two parcels zoned R3C-1 near Judge's Hill and the property on the southern corner of 13th Street with Rosario.

Motivation 111:
Map the areas adjacent to Imagine Austin corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 50% of the properties along those corridors.

Review the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity accessible to corridor, and prioritization in applying the areas. See Kenny Chilton 1 - Eastern Corridor: Conceptualization, Protection Zone I (2021-08-28-00007). For the areas defined in the Eastern Corridor Conceptualization Protection Zone, establish a zone of B-1RMZ that features the base zoning of R3C with a 1.5-foot front setback, and the bonus entitlements of B-110A. This would be the default area for front setbacks in the related map.

Map the area adjacent to core transit corridors and future core transit corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along those corridors.

Review the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity accessible to corridor, and prioritization in applying the areas. See Kenny Chilton 1 - Eastern Corridor: Conceptualization Protection Zone I (2021-08-28-00007). For the areas defined in the Eastern Corridor Conceptualization Protection Zone, establish a zone of B-1RMZ that features the base zoning of R3C with a 1.5-foot front setback, and the bonus entitlements of B-110A. This would be the default area for front setbacks in the related map.

Deem TODs from compatibility entirely, either mapping or text as determined by Staff. Direct Staff to review policy on exempting TODs from compatibility.

ZAP Recommendation
The Zoning and Planning Commission recommends that these zones (and not use) trigger compatibility. We recommend that current compatibility rules be reduced by about one-third, allowing 4-5 buildings 100 feet away, 60 feet at 200 feet away, and 80 story night time 300 feet away from house form zones. Some high-rise provisions should be included for RM3B, and MX-1 (A-3-5). Street setbacks should be based on the distance from triggering property line and not on the width of sidewalks and alleys. The Zoning and Planning Committees may recommend that in addition to height, masking and some be included CUP's may be required for signs that are not in conformance with the viscosity of house form zones (excluding those involving alcohol and extended hours of operation). Compatibility requirements should also ensure that out of scale zoning (such as MX-1 and MX-32 zones), be prohibited within 300' of residential house form zones. In addition, other compatibility provisions such as driveway and parking placement, computer placement, mechanical equipment placement, etc. should be retained from the current code. ZAP recommends that all said setbacks be evaluated on an effort to provide uniformity.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
No recommendation.

Staff Response to B & C
ZAP
No significant change in Draft 3.

Staff Response to PC Recommendation
Motivation 3:
PAZ
Concur.

Motivation 4-5:
PAZ Pending review by Towns to determine impact on housing numbers.

Motivation 6:
Do note with exception of school, distance precaution increases compatibility of micro and will increase over time.

NLI: NLI recommends a few improvements rather than new AUS. (see PC Recommendation Report for full response).

Motivation 109:
PAZ: Municipal. The CC panels that are affected by compatibility are under the Historic Landmarks overlay. Impact of motion negligible.

Motivation 111:
PAZ: Pending. Staff is still in the process of working this and will develop a response after mapping has been tested. WTD: No further extensive mapping changes without further analysis of the potential drainage and water quality impacts.

NLI: Staff does not support increases to base entitlements, as it may impact the ability to achieve affordable housing benefits. Do support increases to entitlements through boards program. Staff support updating TEC for Planning.

Location in Code
Policy Question
Should transition zones be used between centers and corridors and residential house-scaled neighborhood cores?

III.C.2: What are the different definitions of "transition zone" that have emerged in discussions about CodeNEXT? If creating "transition zones" becomes an approved Council goal, how can we create a community-driven process for evaluating and designing those?

Current Code or Policy
The current code does not address transition zones similar to those created by specific regulating plans such as those in Downtown, University Neighborhood Overlay, UOZ, East Riverfront, and transit-oriented developments.

CodeNEXT Draft 3
Draft 3 does not specify certain transition zones, but it generally refers to lots that back up to properties that front on corridors and the bluffs beyond the street, or to the interior of a neighborhood, elements between residential and house-scaled development, and mixed-use or main street zones.

Location in Code
23-4D Specific to Zones

PC Recommendation
Not on 1/6
Map Center or Transition per modified Mid-City Center Transition Draft, as reviewed by Planning Commission

Staff Response to PC Recommendation
PAZ Pending. Staff is in the process of reviewing this and will develop a response after mapping has been tested. MCD: NPD to review an acreage mapping changes without further analysis of the potential drainage and water quality impacts.

ZAP Recommendation
No recommendation.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
Preserve the built form of low-rise mid-dense neighborhoods and commercial corridors via contextual-sensitive form-based zoning. (c)
Limit height of front facades to the prevailing height of the neighborhood, with additional stories set back at least 15 from the front of the facade. (b) Require upper story setbacks of 15 or 1/3 of the building height, whichever is greater, for new buildings and additions to existing buildings in all the neighborhoods (as old as age only for existing buildings 40+ years old).

Staff Response to B & C
ILC Recommendation: Opposed
**Item Number:** III.C.3

**Policy Question**

Should compatibility standards be used between centers and corridors and residential house-scaled neighborhood cores?

**Current Code or Policy**

Compatibility provisions in the current code would likely be triggered by proximity of centers/corridors and residential house-scaled neighborhoods. Current compatibility is triggered by zoning or use, and has a reach of 540 feet from the triggering property.

**PC Recommendation**

Median 4-SF
- Between 25-30 feet from the triggering lot line: 3.5 feet height limit
- 50-100 feet: 45 feet height limit
- Above 100-130 feet: 50 feet height limit
- Above 130 feet: 75 feet height limit
- Full height at 300 feet

Affordable bonuses are exempt at 100 feet

Median 11-L
- Map the area adjacent to Imagine Austin corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along those corridors.

Review the language to set a goal of 90% of existing density for all density zones.

Compatibility/access to corridor and greenification in the area. See Kenny Exhibit 1 - Eastern Crescent Certification.

Protection Zone: Page 28 of 29) For the area identified in the Eastern Crescent Certification Protection Zone, establish a new zone of RMIC that features the base zone of R1C with a 1.5 foot front setback, and the bonus entitlements of RNCA. This would be the default zone for most buildings in the related map.

Review the language to set a goal of 90% of existing density for all density zones.

Compatibility/access to corridor and greenification in the area. See Kenny Exhibit 1 - Eastern Crescent Certification.

Protection Zone: Page 28 of 29) For the area identified in the Eastern Crescent Certification Protection Zone, establish a new zone of RMIC that features the base zone of R1C with a 1.5 foot front setback, and the bonus entitlements of RNCA. This would be the default zone for most buildings in the related map.

Dumps TOCDA from compatibility entirely, either mapping or text as determined by Staff/Expert Staff to review policy on exempting TOCDA from compatibility.

**ZAP Recommendation**

The Zoning and Planning Commission recommends that houses from zones (not used) trigger compatibility. We recommend that current compatibility rules be removed by about one-third, allowing 47 buildings 100 feet away, 67 higher than 200 feet away, and 87 story higher than 100 feet away from house form zones. Stop back boundaries should be added. Study guidelines on the use of the guidelines.

The Zoning and Planning Commission recommends that houses from zones (not used) trigger compatibility. We recommend that current compatibility rules be removed by about one-third, allowing 47 buildings 100 feet away, 67 higher than 200 feet away, and 87 story higher than 100 feet away from house form zones. Stop back boundaries should be added. Study guidelines on the use of the guidelines.

**Environmental Recommendation**

No recommendation

**CodeNEXT Draft 3**

Draft 3 has compatibility standards for any zone RMIC and greater (except for DC) when adjacent to, or across a 60-foot or less right-of-way or 20 feet or less alley from a Residential House Scale Zone.

Compatibility in Draft 3 requires adjacency to be triggered, and distances greater than described above (skyline, VOR, ROW vs VOR, would not trigger compatibility.

**Historic Landmark Recommendation**

Preserve the built form of low-rise residential and commercial corridors via contextual-sensitive form-based zoning.

Limit height of front setback to the prevailing height of the neighborhood, with additional standards set back at least 15 feet from the front of the lot. Required upper story setbacks of 15 or 1/2 of the building length (whichever is greater) for new buildings and additions to existing buildings in all neighborhoods (as well as all or only for existing buildings 40+ years old).

**Staff Response to B & C**

ZAP: No significant change in Draft 3
### Policy Question
How should we minimize the impact of noise and light pollution, deliveries and trash collection in areas of transition?

### Current Code or Policy
Current code requires specific types of lighting to be fully shielded or cut off and have specific standards for illuminating buildings.

Visual screening is required of a water control facility, stormwater drainage facility, and an area where motor vehicles are moved, loaded, parked, or stored as well as for loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions.

### ZAP Recommendation
No recommendation.

### Environmental Recommendation
Staff draft guidance to address sound and light pollution and weigh safety as needed.

### CodeNEXT Draft 3
Standards for screening waste receptacles, loading and service areas, and other elements is found in 23-4E-4130 Visual Screening. Items that require screening include large waste receptacles, an area used for loading and service, an outdoor storage area (various types), and ground level mechanical equipment.

Standards for shielding and cut-offs of outdoor lighting are found in 23-6-2 Outdoor Lighting. With a few exceptions, light fixtures are required to be fully shielded and cut-off. There are specific standards for illuminating buildings, signs, and flags.

### Historic Landmark Recommendation
No recommendation.

### Staff Response to B & C
Not applicable.

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<thead>
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<th>Location in Code</th>
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<tr>
<td>Division 23-4E-2: Outdoor Lighting</td>
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<tr>
<td>23-4E-4130 Visual Screening</td>
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Item Number: III.C.5

Policy Question
Should minimum lot sizes in residential zone districts (L.A. - R4) reflect patterns found in existing single family areas?

Current Code or Policy
The standard size for a residential lot in a Single Family zone is 3,790SF, but can be as large as one acre in LA zoning or 10,000 SF in SF-1 zoning. Smaller lots are allowed in certain areas, such as those zoned SF-4A, (L500SF) and where a neighborhood opted to infill lots such as a small lot annex (2,500SF), Cottage Home (2,500SF), or Urban Home (3,000SF).

CodeNEXT Draft 3
Lots vary from 1 acre for LA zoning to 10,000 SF in R1A. The minimum lot size for a single family use is 3,790SF, however, the lot size may be smaller for specific zones and types of residential uses such as single family attached and townhouses.

PC Recommendation
Mention S5
Create compatible lot areas in LA and R4 that maintain the 3790 SF minimum lot size and a minimum 30 ft. width. Number of acres to be created is to be determined by staff.

Mention S6
Add a “Small Lot Single-Family Use” as a permitted use in R2D and R2E with the following development standards. R2D maintains the same.
- min. lot size: 20,060 ft²
- min. lot size: 4000 ft²

Building Size (max) for all Small Lot uses: the greater of: 3790SF or 1500 sf
Impervious Cover: at 30% Small Lot Impervious Cover 60% max, 55% building coverage.

Mention S7
Make new zone staff to determine which zoning base [L, R3, etc.] is appropriate for the Small Lot Single-Family Use with the following development standards.
- min. lot size: 25,000 ft²
- min. lot size: 4000 ft²
- min. lot size: 25

Building Size (max) for all Small Lot uses: the greater of: 3790SF or 1500 sf
Building Placement: Add Small Lot Setbacks: Front 15, Side 30, 10, 30 to 5, 10, Rear 10.
Impervious Cover: at 30% Small Lot Impervious Cover 60% max, 55% building coverage.

Staff to prepare a new zone that only permits the single-use.

ZAP Recommendation
No recommendation.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
Preserve the built form of low-rise multifamily adjacent to commercial corridors via contextual-sensitive form-based zoning. (4)
Limit height of front facades to the prevailing height of the neighborhood, with additional set back at least 15 feet from the front of the facade. (5) Require upper story setbacks of 15 feet or 1/2 of the building height (whichever is greater) for new buildings and additions to existing buildings in all dense neighborhoods (so as to allow only for existing buildings 40+ years old).

Staff Response to B & C
III.C. Recommendation: Opposed.
### Current Code or Policy

The current code allows a variety of minimum lot sizes dependent on the particular zone and use.

### CodeNEXT Draft 3

Draft 3 minimum lot sizes are dependent on the particular zone and use.

### PC Recommendation

**Motion 55**

Create compatible building lots in 60’ and 15’ that maintain the S700 of minimum lot size and a minimum 30’ lot width. Number of aves to be created is to be determined by staff.

**Motion 56**

Add a “Small Lot Single Family Use” as a permitted use in RS2 and RDC with the following development standards. RDC remains the same.

- min. lot size: 2500sf
- max. lot size: 4000sf
- min. lot width: 25’
- Building Size (max) for all Small Lot uses: the greater of 4740 sf or 1000 sf

**Building Placement:** (Building Articulation is not required for Small Lot Uses)

- Impervious Cover: 80% max, 50% building cover max

**Motion 60**

Make new zone (Staff to determine which zoning base [RM, etc] for the Small Lot Single Family Use with the following development standards)

- min. lot size: 2500sf
- max. lot size: 4000sf
- min. lot width: 25’
- Building Size (max) for all Small Lot uses: the greater of 4740 sf or 1000 sf

**Building Placement:** (Building Articulation is not required for Small Lot Uses)

- Impervious Cover: 80% max, 50% building cover max

Staff to prepare a new zone that only permits the single use.

### Staff Response to PC Recommendation

**Motion 55**

PAZ: No. Creating more aves with slightly different min. lot areas and lot widths will cause confusion and add complexity.

**Motion 56**

PAZ: Yes. This is virtually identical to RS2 and RDC already in D3.

**Motion 60**

PAZ: Yes. This is virtually identical to RS2 and RDC already in D3.

**Motion 64**

PAZ: Yes. This is virtually identical to RS2 and RDC already in D3.

**Motion 69**

PAZ: Agrees with PAZ IDB.

**Motion 6A**

PAZ: Agrees with PAZ IDB.

### ZAP Recommendation

No recommendation.

### Environmental Recommendation

No recommendation.

### Historic Landmark Recommendation

No recommendation.

### Staff Response to B & C

NA
PC Recommendation

Midline 42

- Between 25-30 feet from the triggering lot line: 3.5 feet height limit
- 50' - 100' feet: 45 feet height limit
- 100' - 150' feet: 50 feet height limit
- 150' - 200' feet: 75 feet height limit
- 225' - 300' feet: 90 feet height limit
- Full height at 300 feet

Affordable bonuses are exempt at 100 feet.

Midline 111

Map the areas adjacent to image Austin conditions using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along those corridors.

Review the language to set a goal of 90% which is also taking into account lot size, located flooding, existing infrastructure capability, connectivity/access to corridors, and population in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Corridor Protection Zone.

Transition Zones (Page 28 of 29) For the areas identified in the Eastern Crescent Corridor Protection Zone, establish a new zone of RMNC that features the base of zoning of RDC with a 10-foot front setback and the bonus entitlements of RMNC. This would be the default zone for behind the corner and the related map.

Map the areas adjacent to core transit corridors and future core transit corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along those corridors.

Review the language to set a goal of 90% which is also taking into account lot size, located flooding, existing infrastructure capability, connectivity/access to corridors, and population in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Corridor Protection Zone.

Transition Zones (Page 28 of 29) For the areas identified in the Eastern Crescent Corridor Protection Zone, establish a new zone of RMNC that features the base of zoning of RDC with a 10-foot front setback and the bonus entitlements of RMNC. This would be the default zone for behind the corner and the related map.

- Develop TCOs from compatibility entirely by either mapping or text as determined by Staff. Direct Staff to review policy on enacting TCOs from compatibility

ZAP Recommendation

The Zoning and Planning Commission recommends that house from zones (and not use) trigger compatibility. We recommend that current compatibility rules be reduced by about one third, allowing 4-7 buildings 100 feet east, 60 feet west, 600 feet west, and 69 feet on all sides. This would be the new standard for RMNC. To achieve compatibility, we recommend that the zoning and planning commission review and accept the current compatible with a single-family (detached single-family housing) zoning, and the height of the lot be increased to 100 feet. The property may be built to the maximum limit in the zone that could be built in the property. This would require reevaluation to determine uniformity.

Environmental Recommendation

No significant change.

Historic Landmark Recommendation

Preserve the built form of low-rise residential neighborhoods and commercial corridors via contextual-sensitive form-based zoning. (x) Limit height of front facade to the prevailing height of the neighborhood, with additional stories set back at least 15 feet from the street level. (x) Require upper story setbacks of 15 or 20 feet of the building front. (x) Require reevaluation to existing buildings. (x) Keep neighborhoods as they are (as if only for existing buildings 40 years old).

Staff Response to B & C

ZAP

No significant change in Draft 3

I II C Recommendation: Opposed
Policy Question
No questions listed.

Current Code or Policy
Chapter 25-11 Building, Demolition, and Relocation Permits, Special Requirements for Historic Structures contains historic preservation regulations.

CodeNEXT Draft 3

PC Recommendation
Motion 52: For Residential Zones that allow an ASI Preservation Incentive, change the name to ASI "Streetscape Incentive," and change the word "preservation" to "conservation." Add the definition of the word "conservation" to the definitions section.
Motion 53: Apply the Streetscape Incentive (formerly the Preservation Incentive) to all Residential zones.

Staff Response to PC Recommendation
Motion 52: Concur.
Motion 53: Would only make sense for R zones that have FAR limits.

ZAP Recommendation
No recommendation.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
Multiple recommendations.
Also: The term "preservation" should be defined. Commissioners recommend the definition adopted by the Secretary of the Interior.

Staff Response to B & C

Location in Code
Chapter 23-7: Building, Demolition, and Relocation Permits; Special Requirements; Permits For Historic Structures
### Neighborhood Character

**MUP/CUP**

### Policy Question

In which zones should STRs be allowed by right, or allowed with a Minor Use Permit or Conditional Use Permit?

### Current Code or Policy

Short-Term Rentals are divided into three types: Type 1 is owner-occupied, and is allowed in zones that allow single-family (SF) and multi-family (MF) uses. Type 2 cannot be owner-occupied, apply to single-family or duplex properties, and are allowed in Central Business District (CBD), Downtown Mixed Use (SMU), Planned Unit Development (PUD), General Retail Mixed Use (SRMU), Commercial Services Mixed Use (CS MU), Commercial Services Vertical Mixed Use (CS VU), and General Retail Vertical Mixed Use (SR VU). Type 3 are not owner-occupied and are part of a multi-family use.

### CodeNEXT Draft 3

Short-Term Rentals are divided into three types: Type 1 is owner-occupied and is associated with an owner-occupied principal residential unit. They are permitted in Lake Austin (LA), Rural Residential (RR), Residential House Scale (RS) 1-4, Residential Multi-Use (RMU) 1-4, Mobile Home (MH), Mixed Use (MU) 1-2, and MUSA, Main Street (MSS) 1-3, Commercial Center (CC), Urban Center (UC), and Downtown Core (DC). Type 2 cannot be part of a multi-family residential use and is not owner occupied. They are only valid for properties that received a lease on or before November 25, 2015, or submitted an application before November 12, 2015. They are not permitted in any of the CodeNEXT zones. Type 3 are not part of a multi-family use and are permitted in the Residential House Scale (RS) 1-4, Residential Multi-Use (RMU) 1-4, Residential Manufactured Home (MH), Mixed Use (MU) 1-2 and MUSA, Main Street (MSS) 1-3, Urban Center (UC), and Downtown Core (DC).

### Location in Code

234D Specific to Zones

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### PC Recommendation

No recommendation.

### Staff Response to PC Recommendation

N/A

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### ZAP Recommendation

No recommendation.

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### Environmental Recommendation

No recommendation.

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### Historic Landmark Recommendation

No recommendation.

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### Staff Response to B & C

N/A
Item Number: III.E.2

Policy Question
In which zones should small (by number of children) child care uses be allowed by right, or allowed with a Minor Use Permit or Conditional Use Permit?

PC Recommendation

Motion 4C:
Child care with less than 7 children permitted in all zones.

Daycare with 7-20 children is a MUP in all RM zones.
Commercial Daycare may be a CUP in all zones.
Commercial Daycare in RM zones stay the same as D3.

Motion 4E:
Allows for limited use as permitted use in all NG and MZO zones except M-0.0A and B100.
Residential Daycare Facilities, Senior Retirement Housing, Work-Shop, Library, Museum, or Public Art Gallery, Meeting Facility, Mobile Food Sales, and Conventional Retail - 5000 SF (Performance Venue/Theater, Linen Mill, Indoor Recreation (all 3 use), Cooperative/ Housing, Group Residential, Manufacturing, Home, and all Uses of Deanspot.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation.

Historic Landmark Recommendation

No recommendation.

Staff Response to B & C

N/A

Current Code or Policy

Day care services (limited) are for one or fewer persons. This use is conditional in LA and L zoning.

Permitted by right: RR, SF, R1, R2, ML, M2, LQ, GF, OR, GB, MB, W, G, CS-1, CH, IF, MI, and L.

Not permitted: GR, DR, and AG.

CodeNEXT Draft 3

Draft 3 defines small day care as one with less than seven children. These uses are allowed with CUP: LA zoning.

By-right: RR, R1, R2, RM, ML, M2, M3, CS, CC, UL, DC, GW, RD, and P.

Not permitted: GR, F, IG, AG, AW, CS, and PR zones.

Location in Code

23-4D Specific to Zones
Item Number: III.E.3

Policy Question
In which zones should Level 1 and 2 Bars/Nightclubs be allowed by right, or allowed with a Minor Use Permit or Conditional Use Permit?

PC Recommendation
Motion 5th
Requires a CUP for all Bars/Nightclubs (Level 1 and 2) only within 200 feet of a residential zone; otherwise, permits by right. Beyond 200 feet, permits by right.

Add specific language to Section 1.1.3 to allow for Bars and Nightclubs.

Motion 10th
Move Section 23.4D-105 to issue Permits to Specific for Use for Restaurant and Bar.

ZAP Recommendation
No recommendation.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
No recommendation.

Staff Response to B & C
N/A

Current Code or Policy
Bars/Nightclubs based on current code: the closest equivalent use is cocktail lounge. A cocktail lounge is permitted by right in all OB zoning and the ground floor of the Westfront Owsley. Cocktail lounges are conditional in L, DML, CS, CH zones. It is not permitted in other zoning districts.

PC Recommendation
Motion 5th
Requires a CUP for all Bars/Nightclubs (Level 1 and 2) only within 200 feet of a residential zone; otherwise, permits by right. Beyond 200 feet, permits by right.

Add specific language to Section 1.1.3 to allow for Bars and Nightclubs.

Motion 10th
Move Section 23.4D-105 to issue Permits to Specific for Use for Restaurant and Bar.

ZAP Recommendation
No recommendation.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
No recommendation.

Staff Response to B & C
N/A

CodeNEXT Draft 3
Level 1 Bars/Nightclubs
Permitted by right: M1B, M1A, M3A, M3B, CC, UC, and DC
MUP in M1A, M3B, and M1B zones.

Level 2 Bars/Nightclubs
Permitted by right: M1B, CC, UC, DC
MUP in M1B, M3B, M1A, M3A, M3B
CUP in M1B.

Location in Code
23.4D Specific to Zones
PC Recommendation

Motion 58
Requires a CUP for all Bar/Nightclubs (Level 2 only) within 200 feet of a residential zone rather than permitting by right. Beyond 200 feet remains permitted by right.

Add specific language in Section 32-0902A(c)(1) to refer to Bar and Nightclubs.

Allow any non-permitted alcohol use as in Draft 3 Section 32-0902A(c)(1) as a CUP within the MS zones, except MS1A and MS2A

Motion 59

New Section 32-09-103M(f)(c) Late Hours Permit: Specific for Use for Restaurant and Bar

Staff Response to PC Recommendation

Concur with both motions.

Current Code or Policy

In current code, all bars are Conditional Use except in CBD zoning or the ground floor of the Waterfront Overlay. Restaurants with a Late Hours permit are Conditional Use. They may be located within 300 feet of single-family zoning. For these restaurants with Late Hours that are a Conditional Use, parking must be 200 feet away. The compatibility variation is part of the Conditional Use process.

ZAP Recommendation

No recommendation.

Environmental Recommendation

No recommendation.

CodeNEXT Draft 3

Draft 3 requires restaurants that operate with a late hours permit to obtain a conditional use permit if located within 200 feet of a residential House Scale Zone. In Draft 3, this provision only applies to restaurants, not bars/nightclubs.

Historic Landmark Recommendation

No recommendation.

Staff Response to B & C

N/A
Item Number: III.F

Policy Question
No questions listed.

Current Code or Policy
SF = S/4 (inside Mfan in area);
Duplex = 4/4;
SF + ADU = 8/2/2/2;
Duplex + ADU = Not applicable.

CodeNEXT Draft 3
SF = S/4 (inside Mfan in area);
Duplex = 4/4;
SF + ADU = 8/2/2/2;
Duplex + ADU = 8/1/2/0/0/0

Location in Code
23-3E7040 Dwelling Occupancy Limit

PC Recommendation

Motion: We
Throughout the City (regardless of Mfan in area), set occupancy at the following standards:
Single Family 6
Duplex 3 + 3
Single Family + ADU 6 + 2
Duplex + ADU 3 + 2
ADU alone: 2
Direct Staff to recommend more where appropriate.

Staff Response to PC Recommendation

PAZ: Historical, proposed changes 2016-1 Council occupancy policy, however this proposal simplifies administration and enhancement of occupancy limits. Adding flexibility to occupancy limits would support the Strategic Housing Blueprint.

ZAP Recommendation
No recommendation.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
No recommendation.

Staff Response to B & C
N/A.
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<td>Neighborhood Plans</td>
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**Policy Question**
How should Neighborhood Plan Future Land Use Maps inform the proposed zoning maps?

**Current Code or Policy**
The Future Land Use Maps (FLUM) provide broad direction as to the use and location of future development. A FLUM depicts the type of future development using different colors for different types of development such as yellow for single-family, red for commercial, and green for parks and open space.

**CodeNEXT Draft 3**
Future Land Use Maps (FLUM) from each neighborhood plan were used to ensure conformity and reduce disparities between proposed zoning and neighborhood land use. Test recommendations from the neighborhood plan helped further specify where new zones should be applied.

**ZAP Recommendation**
Texas Local Government Code §111.004 requires that zoning regulations be adopted in accordance with the adopted comprehensive plan. Austin City Charter Article X, § 6.4(a) requires that all development regulations, including zoning, and maps shall be consistent with the comprehensive plan, as amended or portion thereof as adopted. The CodeNEXT draft 2 maps do not follow the CapMetro Growth Map's directive to focus development along the corridors and activity centers. Imagine Austin directs that when a small area plan exists, recommendations should be consistent with that of the plan and the Future Land Use Map. The CodeNEXT draft 2 maps disregard both the host and the map of Austin's comprehensive plan, CodeNEXT is meant to be an implementation process, not a new planning exercise. The Zoning and Planning Commission recommends that future mapping be consistent with directives and maps in Imagine Austin, including the small area plans.

**Environmental Recommendation**
N/A

**Historic Landmark Recommendation**
N/A

**Staff Response to B & C**

**Location in Code**
MAPPING
Policy Question
Should existing notification timelines be changed from current code?

Current Code or Policy
Notification requirements are in Section 25-6-4 and 25-1. Notification timelines vary depending on the type of application and/or the type of meeting being noticed.

ZAP Recommendation
CodeNEXT has increased opportunities for public participation, diminished transparency, given enhanced administrative authority, and suggested the creation of bodies with no clear policy mission or funding for. The Zoning and Planning Committee is concerned about the following issues:
- Less notification;
- Shorter time periods and impediments to appeal;
- Changes to determination of standing to appeal;
- Minor Use Permits (MUPs), and the
- Broadening of special exemptions.

Environmental Recommendation
No recommendation.

CodeNEXT Draft 3
Draft 3 retains existing (current code) notification timelines.

Historic Landmark Recommendation
No recommendation.

Staff Response to PC Recommendation
N/A

Staff Response to B & C

**Item Number: IVA.2**

**PC Recommendation**
No recommendation.

**Staff Response to PC Recommendation**
N/A

**Policy Question**
Should opportunities for public input on development projects change from current code?

**Current Code or Policy**
Land Development regulation under current code provide a variety of public input opportunities, depending on the type of application and nature of development request (Conditional Uses, Hill Country, Administrative).

**ZAP Recommendation**
CodeNEXT has increased opportunities to public participation, enhanced transparency, given enhanced administrative authority, and suggested the creation of bodies with no clear policy mission for doing so. The Zoning and Planning Committees is concerned about the following issues:
- Less noticeability,
- Shorter time periods and impediments to appeal,
- Changes to determination of standing to appeal,
- Minor Law Adjustments,
- Minor Use Permits (MUP) and the
- Broadening of special exceptions

Revision to Elements of the Code: Streamlines and reorganizes elements related to appeals, notifications, enhanced administrative authority, and the broadening of special exceptions as a means of ensuring the public can provide input throughout the process.

**Environmental Recommendation**
No recommendation.

**CodeNEXT Draft 3**
Draft 3 also provides a variety of public input opportunities, depending on the type of application and nature of development request (Conditional Uses, Hill Country, Administrative).

**Historic Landmark Recommendation**
No recommendation.

**Staff Response to B & C**
No recommendation.
Policy Question
Should the level of notification and opportunities for input, for example for Minor Use Permits and Conditional-Use Permits, be commensurate with the potential impact of proposed type of uses?

Current Code or Policy
Current code allows for certain uses as permitted in one zoning district, and conditional in another zoning district. The intent is to be commensurate with the potential impact of the proposed use in context with surrounding area.

ZAP Recommendation
CodeNEXT has increased requirements for public participation, diminished transparency, given enhanced administrative authority, and suggested the creation of bodies with no clear policy mission for doing so. The Zoning and Planning Committee is concerned about the following issues:
- Less notification;
- Shorter time period and impediments to appeal;
- Changes to determination of standing to appeal;
- Minor Use Permits (MUP), and the broadening of special exceptions.

Environmental Recommendation
No recommendation.

CodeNEXT Draft 3
Draft 3 introduces a "garden use" (a potentially administratively approved, with an appeal to a public hearing at Land Use Commission. Assigning which uses are minor and conditional in particular zones will have the intent of being commensurate with the potential impact on the proposed use in context with surrounding areas.

Historic Landmark Recommendation
No recommendation.

Staff Response to B & C

Staff Response to PC Recommendation
N/A
PC Recommendation

Mention 1.1
Recommended approval of Article 23-3E (Affordable Housing Bonus Program), but with direction for staff to develop revisions that will
address the following concerns:
1. Establish as additional incentives for the program to:
   a. meet the annual affordable housing goals set forth by city council;
   b. generally permit sites to offer affordable housing units as infill;
   c. accommodate affordable units in high-opportunity areas, whether built on site or financed via a fee-in-lieu.
2. Request independent review for SMART housing and projects in the Affordable Housing Bonus Program at all stages for projects that
participate in the program pre and post requirements of 2020.
3. Explain the process for selecting affordable projects that offer $50 million or less, site affordable projects that offer
   $50 million or less:
4. Establish a C transient bonus plan with an extended and incentive window of 18 months with an annual in-lieu period to
   ensure the program is properly calibrated, and staff and consultants continue to work with stakeholders to
   finalize the thresholds for site and in-lieu, including
5. Staff is to use the C transient to the SMART program and SMART housing: Recommendations
   as a directive to prioritize those changes as they review the articles.

Mention 1.52
Recommend approval of Chapter 23-4 with amendments previously approved and the following additional changes:
1. Direct staff to revisit Site Plan Review and establish a process to exceed 2 months that is submitted by DCC with
   Warranted Protocols for review.

Staff Response to PC Recommendation

Mention 1.7
Mention 1.8: Support generally, but agree as to the following elements:
1. Staff support annual evaluation of and recommending updates to the Affordable Housing Bonus Program, but do not believe the
   Land Development Code is the appropriate place to include annual goals. Further, this is a marker-based tool that is subject to
   fluctuations in market conditions. Staff recommend reviewing the Affordable Housing Bonus Program production in the context of how
   it is helping the City achieve its Strategic Housing Blueprint goals as an annual basis.
2. Staff do not recommend requiring density bonus projects to comply with S.M.A.R.T. housing requirements unless it can be
demonstrated that typical density bonus projects would be S.M.A.R.T. housing compliant and that this would not deter participation in density bonus

ZAP Recommendation

CodeNEXT has increased requirements for public participation, but has received many comments from interested stakeholders,
and the following elements are included in the ZAP process. This process includes a thorough review of the CodeNEXT proposals,
including:
- Less net density
- Shorter time periods for permit issuance
- Changes to determination of standing in appeal
- Minor Use Adjustments
- Minor Use Permit and the
- Broadening of special exceptions
- Resilience in Elements of the Code: Scenarios and more elements added to appendices, notifications, S.M.A.R.T. housing requirements, and
the broadening of special exceptions as means of ensuring the public can provide input throughout the process.

Environmental Recommendation

No recommendation.

Historic Landmark Recommendation

No recommendation.

Staff Response to B & C

No recommendation.
Item Number: IV.B.2

Policy Question
Should some types of projects have reduced requirements to reduce permitting barriers and home remodelling costs (for example, to help families stay in their homes)

PC Recommendation
Mention 1.2
Recommend approval of Article 23-3E (Affordable Housing Bonus Program), but with direction for staff to develop revisions that will address the following concerns:
1. Establish as additional forms of intent for the program to:
   a. meet the annual affordable housing goal set forth by city council;
   b. be generally permit able to other affordable housing entitlements and
   c. consider affordable units in high-opportunity areas, whether built or financed via a lien.
2. Release expedited review for SMART housing and intensive to the Affordable Housing Bonus Program at all stages for projects that participate in the program per the original requirements of 2019.
3. Explore a larger County bonus for large-scale affordable projects. Projects that offer over 50% of units as affordable.
4. Establish a Credit Bonus Pilot program with an inclusion and review window of 12 months with an annual evaluation period to ensure the program is properly calibrated, and staff and consultants continue to hold workshops with stakeholder updates, including affordable housing advocacy, builders, affordable housing developers, construction companies, and community advocates to continue to work out the bonus program.
5. Staff to work White Chilton 1 Pages 23-25 (Credit to the SMART Program) and With Commercial 1 Pages 45-46 (SIMPLICITY & HOUSING BLIGHT REMEDY Goals) from housing Coalition as a directive to prioritize these changes as they review this Article.

Mention 1.2b
Recommend approval of Chapter 23-4 with amendments previously approved and the following additional changes:
1. Direct Staff to revisit Site Plan Unit and establish a process not to exceed 2 months that is administrated by DDC with Witnessed Protocols in review.

Staff Recommendation
Mention 1.2

Mention 1.2b

Current Code or Policy
CodeNEXT Draft 3

23 UA 30-40 (The Six Unit Residential) creates a new, scaled and streamlined single permit process for 3 to 6 unit development meeting certain criteria.

Location in Code

Environmental Recommendation

Historic Landmark Recommendation
No recommendation.

Staff Response to B & C
ZAP: WDP: Floodplain review for site plan, ad interim, and building permits is currently completed by properly credentialed engineering staff. Drainage review for site plan and subdivision is currently completed by engineering staff as well. Draft 3 approval a requirement for a final flood analysis by a licensed professional engineer for the 3-6 unit development on mixed lots to address known drainage issues while minimizing design, construction, and permitting costs for the applicant.

EC: WDP: Oppose. Staff is open to exploring other potential options to help prevent and correct negative drainage impacts to adjacent properties from residential building/land development.

ZAP: WDP: Floodplain review for site plan, ad interim, and building permits are currently completed by properly credentialed engineering staff. Drainage review for site plan and subdivision is currently completed by engineering staff as well. Draft 3 approval is a requirement for a final flood analysis by a licensed professional engineer for the 3-6 unit development on mixed lots to address known drainage issues while minimizing design, construction, and permitting costs for the applicant.

No recommendation.

ZAP: WDP: Floodplain review for site plan, ad interim, and building permits are currently completed by properly credentialed engineering staff. Drainage review for site plan and subdivision is currently completed by engineering staff as well. Draft 3 approval is a requirement for a final flood analysis by a licensed professional engineer for the 3-6 unit development on mixed lots to address known drainage issues while minimizing design, construction, and permitting costs for the applicant.

No recommendation.
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**Policy Question**

Should we establish pre-approved building and remodel design options (for example to help seniors age in place, and middle and lower income households to remain in their neighborhoods)?

**Current Code or Policy**

**CodeNEXT Draft 3**

**ZAP Recommendation**

No recommendation.

**Environmental Recommendation**

No recommendation.

**Historic Landmark Recommendation**

No recommendation.

**Staff Response to B & C**

N/A
Item Number: IV.C.1

Policy Question
Do we want to make diverse housing types more feasible by modifying the site plan process?

Current Code or Policy
For residential projects exceeding two units on a site, current code requires compliance with all land development code regulations and triggers a full site plan to demonstrate compliance.

PC Recommendation
Motion 102: Recommended approval of Chapter 23-6 with amendments previously approved and the following additional changes:
1. Direct Staff to modify Site Plan Unit and establish a process not to exceed 2 months that is administered by OAC with Waterfront Promenade review.

Staff Response to PC Recommendation
Motion 102: Issued.

ZAP Recommendation
The Zoning and Planning Commission recommends that properly pre-conceived engineering review subjects that they are licensed in, including site plan for three to nine residential units.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
No recommendation.

Staff Response to B & C
ZAP/WPC Floodplain review site plan, additions, and building permits is currently completed by properly pre-conceived engineering staff. Drainage review for site plan and subdivisions is currently completed by engineering staff as well. Draft 3 peeps as a requirement for a completed drainage analysis by a licensed professional engineer for 1-4 unit development on residential lots to address twin to drainage issues while minimizing design, construction, and permitting costs to the applicant.

CodeNEXT Draft 3
Draft I creates a new, streamlined single permit process for 3-5 unit development meeting certain criteria.

Location in Code
23.2A-30-4 This to Six-Unit Residential
**PC Recommendation**

**Motivation:**
Recommends approval of Chapter 23-4 with amendments previously approved and the following additional changes:

1. Direct staff to meet the Planning Unit and establish a process not to exceed 2 months that is administered by OAC with Watershed Promotion review.

**Staff Response to PC Recommendation**

Motivation 1.0

**Staff:** Site Plan Review: The City uses to demonstrate a project's compliance with all applicable regulations across multiple departments and disciplines, ensuring the building and development is consistent with the site plan. All site-related disciplines evaluate the proposed development in concert and ensure it is in conformance with the regulations. Therefore, regulations would need to be reviewed for these projects to determine which regulatory areas the City would be willing to allow to accommodate this project type.

**WTD:** Open to working through this process with staff and policymakers. However, the Environmental Officer does not think 2 months is a reasonable timeframe for full environmental and drainage review.

**Austin Charge:** The length of a site plan review is often determined by the applicant's original effort put into the design and subsequent efforts to address comments or not.

**ZAP Recommendation**

The Zoning and Planning Commission recommends that properly conditioned engineers review projects that they are licensed in, including site plans for three to nine residential units.

**Environmental Recommendation**

No recommendation.

**Historic Landmark Recommendation**

No recommendation.

**CodeNEXT Draft 3**

**Policy Question**

How should permitting barriers and home remodeling costs be addressed to help families stay in their homes as directed by the Family Homestead Initiative?

**Current Code or Policy**

**Location in Code**
Item Number: VA

Policy Question
No questions listed.

Current Code or Policy

CodeNEXT Draft 3

PC Recommendation
No recommendation.

Staff Response to PC Recommendation
AID: A Street Impact Fee study is underway to identify a fee that would be charged to development as a way for growth to contribute to the needed auto capacity improvements based on the impact of the new development. Staff has projected growth over the next 50 years based on current development trends, emerging development projects, and the Imagine Austin Growth concept (in coordination with Austin Water and the City demographic), and is currently identifying auto capacity needs based on the projected growth. The first phase of the study to begin in Fall/Winter 2015 will be to develop policy language and administrative guidelines to implement a street impact fee. During the policy development phase, the relationship to mitigation and transportation impact analysis processes identified in the land development code will be established.

ZAP Recommendation
The Zoning and Planning Commission recommends that CodeNEXT fix any increases in entitlements (increased height, density, or floor area ratio) to requirements to provide affordable housing. The Zoning and Planning Commission recommends that the city require a certain amount of slabs to be multi-family, to give townhouse and single-family with children housing priority, achieve deeper affordability by lowering MI threshold, and adjust fees to be more in line with actual use costs.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
No recommendation.

Staff Response to B & C
ZAP: MI3 zone height changes in Draft 3 to 60' by right with a 25' bonus.
**Item Number:** V.B  

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**Policy Question**  
No questions listed.

**Current Code or Policy**  
Achieving a particular star rating under the Austin Energy Green Building Program (AEG) is a part of the Downtown Design District, SMART Design, University Neighborhood Overlay (UNO) and Planned Unit Development (PUD) standards.

**ZAP Recommendation**  
No recommendation.

**Environmental Recommendation**  
No recommendation.

**CodeNEXT Draft 3**  
Achieving a particular star rating under the Austin Energy Green Building Program (AEG) is a part of the Building Design Option Point; a particular star rating is included in the Downtown Density Bonus Program, in SMART Design, and in the University Neighborhood Overlay, UNO, DC, and PUD zones.

**Historic Landmark Recommendation**  
No recommendation.

**Staff Response to PC Recommendation**  
N/A

**Location in Code**  
23.40 Specific to Zones
23.35.4.023 Program Requirements
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**Policy Question**
No questions listed.

**Current Code or Policy**
Current code includes Subchapter 16 which dictates sidewalk location and widths for several development types, while widths and locations for other development types are contained within the CCM.
Current code requires that development projects demonstrate sufficient capacity for the design flood in compliance with the Drainage Criteria Manual.

**CodeNEXT Draft 3**
Draft increases sidewalk requirements by requiring sidewalks on new subdivisions and re-subdivisions be constructed concurrently with adjacent streets to ensure sidewalk infrastructure is constructed and to improve ADO access at the beginning stages of development. Additionally, street trees are now required along with sidewalks to provide shade and safety improvements for pedestrians.
Draft carries forward the requirement that development projects demonstrate sufficient capacity for the design flood in compliance with the Drainage Criteria Manual. In addition, Draft strengthens provisions for flood risk reduction by requiring new development to provide flood mitigation through non-stormwater controls, conveyance improvements, and (if applicable) land use. (Link to Staff Report on CodeNEXT Drainage Impacts: https://aurorinves.app.box.com/s/8dtrwmkll5bflk/jk30q3kqib7v9t7zq)

**ZAP Recommendation**
The Zoning and Planning Commission recommends that the sidewalk requirements not be included in the Transportation Criteria Manual. Current sidewalk requirements included in Subchapter 16 of the current land development code should be retained and included in CodeNEXT.

**Environmental Recommendation**
No recommendation.

**Historic Landmark Recommendation**
No recommendation.

**Staff Response to B & C**
ZAP- dimensional requirements of sidewalks found in Subchapter C cannot be included in Draft 3.
Policy Question
No questions listed.

Current Code or Policy
The process for small area planning is not outlined in the code, but specific regulatory provisions of small area plans (such as the University Neighborhood Overlay) can be adopted as part of the code.

ZAP Recommendation
Align CodeNEXT to Imagine Austin whenever possible, especially mapping and small area plans.

Texas Local Government Code § 211.004 requires that zoning regulations be adopted in accordance with the adopted comprehensive plan. The CodeNEXT draft 2 maps do not align with the Growth Concept Map's direction for future development along the corridor and activity centers. Imagine Austin directs that where a small area plan exists, recommendations should be consistent with the plan and the Future Land Use Map. The CodeNEXT draft 2 maps do not align with both the plan and the maps of Austin's comprehensive plan. Imagine Austin's map is meant to be implementable in practice, not a new planning exercise. The Zoning and Planning Commission recommends that future mapping be consistent with directives and maps in Imagine Austin, including the small area plans.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
No recommendation.

Staff Response to B & C
N/A

Staff Response to PC Recommendation
N/A

CodeNEXT Draft 3
The process for small area planning is not outlined in the code, but specific regulatory provisions of small area plans (such as the University Neighborhood Overlay) can be adopted as part of the code.

Location in Code
PC Recommendation

Motion 1:

General Policy Guidance

1. Establish Village Points as the Council adapts the code such as quarterly check-ins as problems are found with code language.
2. Emphasize the need for the Village Plan including the Transit-Oriented Districts (TODs) and Neighborhood Plan. Following the adoption of CodeNEXT, Land Use Committee will meet with the Texas Association of Counties and Community.
3. Process to phase out F25 with stakeholder input regarding items such as Proposed Village Overlay, TODs, etc. Process to be modified by Plan Committee and then Council.
4. Prior to the Code being enacted, the code is a draft of development scenarios with stakeholder participation, and testing of the financial impacts of the code. Including additional staffing needs, development fees increases, Density Bonus Program, mapping recommendations, and map checks of the general plan in two codes. Staff and consultants to prepare a report of the Planning Commission's mapping recommendations. After the Code has been implemented, additional testing to help perform the Village process and maintain if the added density is delivering the anticipated affordable units.
5. Define Code needs to be reviewed by the Board of Directors prior to adoption.

Motion 1.1:

Plan Committee Recommendations in the event that the Council adopts.

7. Land Use Committee's recommendations are shown to Council by each Division. Prior to the Code adoption, Staff to show Council what major elements or Table 25 are not being included in CodeNEXT.
8. Performance of processes be identified by both Council and staff to show the 50% and 30% of the Code, particularly as it relates to affordable housing, development, density, review approval, permitting, and input Austin Performance Indicators.
9. Staff and Council explore methods to capture the added value of the added density by extending conditions in the finance plan or projects along with the..

ZAP Recommendation

Motion 1:

No recommendation.

Environmental Recommendation

No recommendation.

Historic Landmark Recommendation

No recommendation.

Staff Response to B & C

N/A

Policy Question

Should zoning from the current land development code be preserved via F25? Should it be maintained in some cases and not others? What should be the process for future changes to F25?

Current Code or Policy

N/A. F25 is not a zoning classification in current code.

CodeNEXT Draft 3

A property with F25 zoning is subject to the zoning regulations of Chapter 25-2 (Zoning) and the compatibility regulations of Chapter 25-2, Subchapter C, Article 10 (Compatibility). It is subject to the applicable regulations of Title 22, except for 23-4 (Zoning Code).

Location in Code

23-4:D-0810 Former Title 25 (F25) Zone
Item Number: VI.A

Policy Question
Should we allow more live/work opportunities by right? (office, retail, and residential spaces)

Current Code or Policy
Live/work is not allowed in current code.

CodeNEXT Draft 3
Live/work is permitted by right in RMF, ARMEIA, and M1A-M3B.

PC Recommendation
Motion 8.2.1
Allow the following uses as permitted use in all MU and MS zones except MU1A and MS3B:
Residential Care Facilities, Senior Retirement Housing, W-M Live, Library, Museum, or Public Art Gallery, Meeting Facility, Mobile Food Sales, Convenient Retail Store 5,000 SF, Performance Venue/Theatre, Live Music, Indoor Recreation (all ages), Cooperative Housing Group Residential, Manufactured Home, and all uses of Daycare.

Staff Response to PC Recommendation
Motion 8.2.1
PC: Concurs.

ZAP Recommendation
No recommendation.

Environmental Recommendation
No recommendation.

Historic Landmark Recommendation
No recommendation.

Staff Response to B & C
N/A

Location in Code
23-40 Specific to Zonies
<table>
<thead>
<tr>
<th>Item Number: VI.B</th>
<th>Topic</th>
<th>Sub-Topic</th>
<th>Policy Question</th>
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<tbody>
<tr>
<td></td>
<td>Small/Local Business, Creative Community</td>
<td>Uses</td>
<td>Should there be a more specific zoning category for creative spaces?</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Current Code or Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current code does not have a Work/Live or Live/Work use.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PC Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motion 38: List “Live/Music Venue” as a separate use that is permitted in all the same use tables with the same provisos. Standards as “Performance Venue/Theater” but without the requirements for alcohol sales. Defined in Code Addenda.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Staff Response to PC Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motion 38: This would allow the venue to function as a bar and would be permitted in districts where Performance Venue/Theater is allowed (more permissive than a bar).</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>CodeNEXT Draft 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Draft 3 removes Work/Live, Live/Work, and Performance Venue/Theater that can be used as creative spaces.</td>
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<table>
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<tr>
<th>Location in Code</th>
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<tbody>
<tr>
<td>23-4D Specific to Zones</td>
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<table>
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<th>Environmental Recommendation</th>
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<tbody>
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<table>
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<tr>
<th>Historic Landmark Recommendation</th>
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</thead>
<tbody>
<tr>
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</tbody>
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<table>
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<tr>
<th>Staff Response to B &amp; C</th>
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</thead>
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<tr>
<td>N/A</td>
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<tr>
<td>Item Number: VI.C</td>
</tr>
<tr>
<td>-------------------</td>
</tr>
<tr>
<td><strong>Topic</strong></td>
</tr>
<tr>
<td>Small/Local Business, Creative Community</td>
</tr>
<tr>
<td><strong>Policy Question</strong></td>
</tr>
<tr>
<td>Support small local businesses and the creative community: what is the menu of strategies that can help us meet this goal?</td>
</tr>
<tr>
<td><strong>Current Code or Policy</strong></td>
</tr>
<tr>
<td>Staff answer pending. Refer to CodeNEXT staff for EDD final responses.</td>
</tr>
<tr>
<td><strong>CodeNEXT Draft 3</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Location in Code</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>ZAP Recommendation</strong></td>
</tr>
<tr>
<td>No recommendation</td>
</tr>
<tr>
<td><strong>Environmental Recommendation</strong></td>
</tr>
<tr>
<td>No recommendation</td>
</tr>
<tr>
<td><strong>Historic Landmark Recommendation</strong></td>
</tr>
<tr>
<td>No recommendation</td>
</tr>
<tr>
<td><strong>Staff Response to B &amp; C</strong></td>
</tr>
<tr>
<td>N/A</td>
</tr>
</tbody>
</table>
PC Recommendation

Motion 4.4
Delete Front Yard Impervious Cover Regulations in all R Zones.

Motion 4.5
Staff to find a way to alter the development standards to make it more feasible and recommend these changes to Council, particularly the
impervious cover.

Motion 7.7
Increase imperious cover in RMA to 60% for all other areas beyond residential, unless a primary use is parking.

Motion 10.1
Map imagine: Austin Combines as follows:
1A: All commercial lots will be zoned as MS with the following limits: lots under 140 sq ft, deep륵, 15 sq ft over 220 sq ft, deep은 멜어진 MS20, and lots between 140-220 sq ft, deep equalled MS30.

Review the Impervious Cover in MS20 to 90%, and MS30 to 90%.

Motion 7.8
Add language to 23-1 6010 and 23-1 6020 regarding Minimum Development. Potential as shown in Steven Oliver Exhibit 1, including heritage trees.

Staff Response to PC Recommendation

Motion 4.4
PAZ: No. deletion of this provision will allow parking of the entire front yard. WTD: Overall imperious cover limit maintained for the site: no impact on drainage or water quality.

Motion 5.9
PAZ: Generally increases in Impervious cover limits without analysis of the potential impact. WTD: Need to study the potential impact on floodplain, erosion potential, etc., based on the mapping extent.

Motion 7.7
WTD: Generally increases in Impervious cover limits without analysis of the potential impact. PAZ would like to study the potential impacts on floodplain, erosion potential, etc., based on the mapping extent.

HI-C: Combined with the compatibility in motion shown in 40 staff guidance whether this recommendation would prevent the full bonus being allowed on these sites (also see recommendation regarding increased bonus heights in items 80 and 86 and on permitting site location and bonus entitlements in item 12. Section 15)

Motion 7.8
PAZ: As Amended, can make, as needed, when conflicts are identified.

CodeNEXT Draft 3

Current Code or Policy

Current code has two sets of imperious cover limits: zoning limits and watershed limits. For all existing single family lots and for other types of developments within the Urban watershed, imperious cover is not, excepting by zoning. For other types of developments in the city, the imperious cover limit is less than the lower limit (5% or lower) of the two requirements. The Watershed Protection Department uses the current maximum imperious cover allowed by the code to model and map floodplains as well as design upgrades to drainage infrastructure.

ZAP Recommendation

The zoning and its permitting capitalization recommends that CodeNEXT provide enhanced environmental protection in central and east Austin to treat different areas of the city equitably and to avoid the negative consequences of imperious cover and sewer lines in all areas of the city.

Environmental Recommendation

No recommendation.

Historic Landmark Recommendation

No recommendation.

Staff Response to B & C

ZAP: WTD: To provide enhanced water and soil retention practices in central and east Austin. Staff supports the Environmental Commission recommendations of extending cut and fill requirements and an addition of a steel dredge to Urban waterways. Staff only affects about 4% of locations with the largest impact to most sites, but other affected ground would come from increased protections. This would also be a shift in permitting from the Urban Waterways Ordinance and SMART Stormwater program. WTD: would reduce the difference between the Drinking Water Protection Zone (C 24 Maximum cutoff) and Suburban Waterways (up to 8 feet) imperious cover limits. WTD: would compared the difference in maximum imperious cover within versus outside code. The analysis showed a slight decrease (0.44%) in the maximum amount of imperious cover allowed by CodeNEXT for Draft 3, with a larger decrease for Urban waterways (1.14%). (See full report here: https://21stcentury.aus.gov/app/file/514df5b0e29b7d65040c00c5戈Online). Regardless of the location of development, negative impacts of imperious cover will continue to be mitigated by multiple environmental and drainage regulations, including imperious cover limits, engineered stormwater controls for water quality, erosion, and flood control, and the requirement to demonstrate no adverse flooding impacts.
<table>
<thead>
<tr>
<th>Item Number: VII.B</th>
<th>Topic</th>
<th>Sub-Topic</th>
<th>PC Recommendation</th>
<th>Staff Response to PC Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Flood Risk &amp; Wildfire Mitigation</td>
<td>Wildfire Risk</td>
<td>No recommendation</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Policy Question**

No questions listed.

**Current Code or Policy**

Exception for minimum 2 access points for new subdivisions in unallowed in wildfire risk areas as defined by NFPA standards.

**ZAP Recommendation**

No recommendation.

**Environmental Recommendation**

No recommendation.

**CodeNEXT Draft 3**

Minimum 2 access points for new subdivisions in unallowed in wildfire risk areas as shown on AFD map.

**Historic Landmark Recommendation**

No recommendation.

**Staff Response to B & C**

N/A

**Location in Code**

239F-3030C
PC Recommendation

Mention 111:
1. Who is the area in question? Example: Austin, Texas.
2. What is the existing text in CodeNEXT that specifies this limit?
3. What is the proposed change to CodeNEXT that would update the limit?

Map the areas adjacent to the existing zones in CodeNEXT that specify the limit and update as necessary.

Review the text to ensure it is clear and unambiguous.

Recall the text to ensure it is clear and unambiguous.

Staff Response to PC Recommendation

The Planning and Development Commission will review the following questions: Is the limit specified in CodeNEXT? If not, how should it be updated?

ZAP Recommendation

The Zoning and Planning Commission will review the following questions: Is the limit specified in CodeNEXT? If not, how should it be updated?

Current Code or Policy

Since 1974, development has been required to provide stormwater management to ensure that post-development stormwater peaks flow rates do not exceed those that exist from the time of application. This helps maintain a lower flow rate downstream due to new development. The current code does not account for impervious cover on a site that existed before 1974 that contributes to existing flow hazards.

CodeNEXT Draft 3

By requiring all sites to either match the peak runoff rates generated by undeveloped conditions or provide a payment in lieu of detention, CodeNEXT would account for its proportionate share of downstream stormwater peaks flow rates. The current code does not account for impervious cover that existed before 1974 that contributes to existing flow hazards.

Location Code

Environmental Recommendation

I/we express support for CodeNEXT’s implementation of an interim regulation that modifies the 100-year storm event floodplain.

Alaska: Draft Code 1.0 should require that developers provide floodplain information to the public in a visible manner.

Alaska: Support for proposedimbabwe regulations requiring development projects to reduce the peak runoff flood flows in the area.

Historic Landmark Recommendation

No recommendations.

Staff Response to B & C

EC: CodeNEXT 1.0 requires that developers provide floodplain information to the public in a visible manner.

EC: We are working to ensure that developers provide floodplain information in a visible manner.

ZAP Response to B & C

The Department of Water Quality will review the following questions: Is the limit specified in CodeNEXT? If not, how should it be updated?
PC Recommendation

Motion 54
Direct staff to conduct a study on existing school parking and develop recommendations to improve safety and reduce conflicts before implementing any changes. This should be done in coordination with the Austin ISD's parking study. This motion is appropriate because it addresses the need for better organization and planning in the parking area, which is a significant issue in this location. The motion is specific and actionable, requiring staff to conduct a study and develop recommendations.

Motion 55
Direct staff to develop a plan for the future parking needs at the school. This motion is appropriate because it acknowledges the need for long-term planning and development. The motion is specific and actionable, requiring staff to develop a comprehensive plan that considers the future needs of the school.

Motion 56
Direct staff to consider implementing a parking permit system to manage parking demand and improve safety. This motion is appropriate because it addresses the need for better management of parking demand, which is a significant issue in this location. The motion is specific and actionable, requiring staff to consider implementing a parking permit system.

Staff Response to PC Recommendation

Motion 56
Staff response pending

Motion 55
PAZ: Outside the scope of CodeNEXT

ATD: ATD suggests revising ADA parking requirements to include school-aged students' needs. For staff, parents, and students to include Vision Zero goals and to enhance pedestrian and cycle infrastructure in front of school areas during the site plan phase.

ZAP Recommendation

No recommendation

Environmental Recommendation

No recommendation

Historic Landmark Recommendation

No recommendation

Staff Response to B & C

N/A

Current Code or Policy

P-3.1.3
Redistricting of parking facilities by dividing them by zones with multiple types of uses to ensure adequate parking availability. This motion is appropriate because it addresses the need for better organization and planning in the parking area, which is a significant issue in this location. The motion is specific and actionable, requiring staff to conduct a study and develop recommendations.

P-3.1.4
Direct staff to develop a plan for the future parking needs at the school. This motion is appropriate because it acknowledges the need for long-term planning and development. The motion is specific and actionable, requiring staff to develop a comprehensive plan that considers the future needs of the school.

P-3.1.5
Direct staff to consider implementing a parking permit system to manage parking demand and improve safety. This motion is appropriate because it addresses the need for better management of parking demand, which is a significant issue in this location. The motion is specific and actionable, requiring staff to consider implementing a parking permit system.

CodeNEXT Draft 3

Location in Code

23.4D Specific to Zoning
<table>
<thead>
<tr>
<th>Item Number: VIII.B</th>
<th>Topic</th>
<th>Sub-Topic</th>
<th>PC Recommendation</th>
<th>Staff Response to PC Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Transportation</td>
<td>Street or Sidewalk Design</td>
<td>his recommendation</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Policy Question**
Street design (traffic signal design, bus stops, bike lanes, curb cuts). No questions listed.

**Current Code or Policy**

**ZAP Recommendation**
A valuable streetscape may no longer be required. Setbacks along core transit corridors and urban mainstays will be narrower and will be a patchwork of depths. Current code under Subchapter E requires a 10' setback consisting of street trees and/or benches on one side of the road with a family of smaller setbacks determined by zoning. For example, Mixed Use (MU) can have a 10' setback on the adjacent to Main Street (MS) that requires a 5' setback. In addition, "street width" is allowed to substitute for the required setback in MU and MS.

**Environmental Recommendation**
his recommendation

**CodeNEXT Draft 3**

**Historic Landmark Recommendation**
Maintain the historic street pattern, (a) require new buildings to be set back at the median setback of the block, (b) on the average of the adjacent neighboring buildings, as proposed in Draft 3, (c) ensure that sidewalks, driveways, parking pads, and landscaping are compatible with historic development patterns.

**Staff Response to B & C**
ZAP
his significant change to Draft 3

**Location in Code**
Article 29F - Street Design
Policy Question
Sidewalk design. No questions listed.

Current Code or Policy

ZAP Recommendation
A valuable streetscape may no longer be required. Setbacks along core transit corridors and urban roadsides will be narrower and will be a patchwork of depths. Current code under Subchapter C requires a 15' setback consisting of street trees and benches on core transit corridors and a similar 12' wider streetscape for urban roadsides. The pedestrian-friendly design is eliminated in CodeNEXT and replaced with inconsistencies and smaller setbacks determined by zoning, not by street type. For example, Mixed-Use (MU) can have a 10' setback and the adjacent Main Street (MS) that requires a 21' setback. In addition, "plume-free space" is allowed to substitute for the required setback in MU and MS.

Environmental Recommendation
No recommendation

Historic Landmark Recommendation
Maintain the historic street pattern. (a) Require new buildings to be set back at the median setback of the block, instead of the average of the adjacent neighboring buildings, as proposed in CodeNEXT. (b) Ensure that sidewalks, driveways, parking pads, and landscaping are consistent with historic development patterns.

Staff Response to B & C
ZAP
No significant change to CodeNEXT

Location in Code
Division 23.9E-w. Sidewalks, Urban Trails, and Street Trees
<table>
<thead>
<tr>
<th>Topic</th>
<th>Sub-Topic</th>
<th>PC Recommendation</th>
<th>Staff Response to PC Recommendation</th>
<th>ZAP Recommendation</th>
<th>Environmental Recommendation</th>
<th>Historic Landmark Recommendation</th>
<th>Staff Response to B &amp; C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation</td>
<td>Urban Trails</td>
<td>No recommendation.</td>
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<td>No recommendation.</td>
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<td>Policy Question</td>
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<td>Current Code or Policy</td>
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<td>Location in Code</td>
<td>2395 Urban Trails</td>
<td></td>
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</tbody>
</table>
PC Recommendation

Motion 25:
In Section 23-40-1001, copy (a)(1) and (2) word for word (2) and (3), add “and that have a done that requires it,” and strike “four acres” and replace with “eight acres.”
In Section 23-40-1040(3)(c) replace “eight acres” with “twelve acres.”

Motion 27:
Remove Section 23-40-1000 Common Open Space, eliminating the Common Open Space requirements.

Motion 31:
Replace language in Section 23-40-1040(6) with: An applicant shall locate each residential lot within:
(a) one-quarter mile of a safe pedestrian travel path from existing or proposed civic open space if the development is located within the urban core; and
(b) a half mile of a safe pedestrian travel path from existing or proposed civic open space if the development is located outside of the urban core.
Add a definition of “safe pedestrian travel path”

Motion 34:
Strike Section 23-40-2050(2).

Motion 35:
Revision language to Where appropriate for the nature of the Civic Open Space, the design shall make shade an integral feature for people utilizing the civic space.

Staff Response to PC Recommendation

Motion 27.7: PAZ: No alternative is proposed for civic open space. PAZ: Oppose, the combination of this item and R10 mean that no open space is required on projects 5 acres or greater.

Motion 29.1: PAZ: Zones that currently have specific open space requirements should have common open space replaced with a personal open space.

Motion 36: For those projects that have no other open space requirement, common open space has provided a benefit not otherwise found since it was expanded in the 2013 amendments to Subchapter C (Design Standards). Concur with PAZ.

PAZ: The combination of this item and R7C mean that no additional open space is required on projects less than 10 acres in size.

WTD: Oppose. Will reduce the enhanced natural functions provided by large contiguous open space areas. The Green Infrastructure Working Group supported the creation of contiguous areas of previous use that also enhance connectivity between sites and serve as desirable public and green open space.

Motion 3.3: PAZ: Reconsider with existing civic open space access requirements.

Motion 3.5: WTD: Oppose. The integration of shade into open space, especially through tree plantings, helps reduce urban heat island impacts and integrates nature into the city.

Staff Response to B & C

PC Recommendation

PC Remarks: Specifically, PAZ recommends “all journey” regulations for lots developing next to a R10 zone. Add language in 23-40-1000 Building Placement Table that would prevent trash, mechanical equipment and scoring areas from being placed on the side adjacent to parkland (PAZ). Also, in order to place open space in the most optimal locations, add the following to MS and MS Zones: Building Placement Table: (c) Add and setbacks: Where Civic Space or Parkland is required, additional setbacks shall be provided if needed to comply with 23-40-2018. Also, add a (d) to 23-40-20 (Subdivision) that would require street frontage next to existing or proposed parkland so we have link to access to parkland.

Environmental Recommendation

Add setbacks for parks to improve functionality and compatibility. For residential development, add a provision that encourages street frontage on open space next to existing or proposed parkland. Add setbacks for non-residential development, including regulations that discourage or screen loading docks and similar types of access, to link to direct access to a park zone, and specify that common open space shall be adjacent to a park zone. For common open space, establish an open space area of at least 10 acres, where the property or project may be built. For common open space, identify an open space area of at least 10 acres, where the property or project may be built. A park zone shall be adjacent to a park zone.

Historic Landmark Recommendation

No recommendation.

Current Code or Policy

Current Code language and definition in the form of text or tables (e.g. 18.1-10). As well as common open space on commercial projects greater than two acres in size. The composition of common open space is defined in Subchapter E Design Standards and Mixed Use Article 2.7.

CodeNEXT Draft 3

Draft 3 (addenda) requires Common Open Space on projects 2 acres or larger in some House Shake zones, RM and more than 10 units, MU zones except for MU A and B, MS zones, and regional zones. Inquire about civic space in projects 4 acres or larger in some House Shake, RM MU and regional zones. Civic space is not required in MS zones. 23-40-1030(9) states that civic space or land dedicated for parks may be used instead of Common Open Space requirements. Be common space can double as civic parkland if it meets civic or parkland requirements.

Location in Code

Division 23-40-2: Civic Open Space
Division 23-40-1: Large Site Requirements
Policy Question
Environment and water quality. No questions listed.

Current Code or Policy
For over 30 years, Austin has protected its natural resources through a number of regulatory measures including water shed improvement covers limits, stream and lake buffers, engineered streamside controls in [i.e. "Native"], floodplain protection, out- and in-limits, steep slope protections, erosion and sedimentation control requirements, and protection for critical environmental features.

CodeNEXT Draft 3
Current water quality protection standards are carried forward to CodeNEXT, including the WaterShed Protection Ordinance and DSO Ordinance. The new code builds upon this solid foundation with measures to enhance the environmental function and resiliency of our waterways. It requires new or upgraded stormwater infrastructure, which offers a biopopportunity to do more with rainfall, create more sustainable developments, and take pressure off our water supply lakes. In addition, Draft 3 also makes improvements to the design of creek crossings, the restoration of wetland protection, and environmental review for residential building permits.

Location Code

PC Recommendation

Staff Response to PC Recommendation
N/A

ZAP Recommendation

Environmental Recommendation
Lower the threshold for a water-quality control to 5,000 square feet. This will improve our current threshold to 6,000 square feet.

Also, determine cut and fill requirements and construction on slope changes to developments in the Urban Watersheds and direct staff to develop variance criteria to address cut and fill foundation systems and underground parking.

Also, add staff to review with best management practices for 3- to 5-year rainfalls and building strategies that will reduce green stormwater infrastructure requirements that are small, such as pervious pavement or rainwater harvesting systems, even if the 3- to 5-year unit developments are proposed for lots previously zoned for a single-family residential.

Historic Landmark Recommendation
No recommendation.

Staff Response to B & C

CC Recommendation: Staff recommends eliminating additional stormwater volume increases in 3-5-year storms. Therefore, the improvements included in the B & C Draft should remain in the CodeNEXT. This will result in a smaller overall water management strategy, which can help reduce the burden on existing stormwater infrastructure.

CC Recommendation: Staff supports the inclusion of additional stormwater volume increases in 3-5-year storms. Therefore, the improvements included in the B & C Draft should remain in the CodeNEXT. This will result in a smaller overall water management strategy, which can help reduce the burden on existing stormwater infrastructure.

CodeNEXT Draft 3
Currently, water quality protection standards are carried forward to CodeNEXT, including the Watershed Protection Ordinance and DSO Ordinance. The new code builds upon this solid foundation with measures to enhance the environmental function and resiliency of our waterways. It requires new or upgraded stormwater infrastructure, which offers a biopopportunity to do more with rainfall, create more sustainable developments, and take pressure off our water supply lakes. In addition, Draft 3 also makes improvements to the design of creek crossings, the restoration of wetland protection, and environmental review for residential building permits.

Location Code
Policy Question
Integrated Green Infrastructure Plan. No questions listed.

Current Code or Policy
The Integrated Green Infrastructure Plan will not be completed before the adoption of CodeNEXT Recommend referencing Imagine Austin as the guiding document, with a specific focus on the polkade and adios recommended for the green infrastructure priority program. Current code has extensive protections for Austin’s green infrastructure networks, including waterway setbacks, sensitive feature protection, parkland dedication, impervious cover limits, landscape requirements, and tree preservation.

CodeNEXT Draft 3
In addition to protecting the existing network of green infrastructure, the new code will work to promote additional green infrastructure and further integrate nature into the city. The new code will distribute landscape elements throughout, enhance ecosystem services/benefits, foster the beneficial use of stormwater, and capitalize on existing vegetation, trees, soils, and other natural features. In addition, the new code will require green stormwater infrastructure, which offers a big opportunity to do more with rainfall, create more sustainable developments, and reduce pressure on our water supply tanks.

Location in Code

PC Recommendation
N/A

Staff Response to PC Recommendation
N/A

ZAP Recommendation
No recommendation.

Environmental Recommendation
Ask staff to work to align and clearly demonstrate connections and opportunities between the following plans and tools and the final draft of the Land Development Code, the Austin Water Forward Plan, the Integrated Stormwater Infrastructure Plan, the green and Operational Green Program, the City’s Real Estate Plan, the Long Range Parks Plan, the Equity Tool, Project Connect, the Strategic Mobility Plan, and the Austin Strategic Financial Blueprint.

Historic Landmark Recommendation
No recommendation.

Staff Response to B & C
CC Recommendation N/A. Agreed. Staff endorses to align these initiatives to the extent feasible within assigned timelines.
### Item Number: IX.D

<table>
<thead>
<tr>
<th>Topic</th>
<th>Sub-Topic</th>
<th>PC Recommendation</th>
<th>Staff Response to PC Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment</td>
<td>Dark Skies</td>
<td>No recommendation</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### Policy Question

Dark Skies initiative (flood lighting on facades). No questions listed.

### Current Code or Policy

Current code does not address the dark skies initiative specifically, but it requires specific types of lighting to be fully shielded or cut off and has specific standards for illuminating buildings.

### ZAP Recommendation

No recommendation.

### Environmental Recommendation

Staff draft procedures to address soil and light pollution and weight safety as needed.

### CodeNEXT Draft 3

Draft 3 does not address the dark skies initiative specifically, but it includes standards for shielding and cutting off outdoor lighting. With a few exceptions, light fixtures are required to be fully shielded and cut off; there are specific standards for illuminating buildings, signs, and flags.

### Historic Landmark Recommendation

No recommendation.

### Staff Response to B & C

No recommendation.

### Location in Code

Division 23-4E-2: Outdoor Lighting
Item Number: IX.E

PC Recommendation

Staff Response to PC Recommendation

Current Code or Policy

ZAP Recommendation

CodeNEXT Draft 3

Historic Landmark Recommendation

Environmental Recommendation

Staff Response to B & C

Location in Code
Item Number: IX.F

Policy Question
Open space requirements. No questions listed.

Current Code or Policy
Current Code requires parkland dedication in the form of free or nominal dedication (25-1-40.1), as well as common open space on commercial projects of greater than two acres in size. The composition of common open space is detailed in Subchapter F: Design Standards and Mixed Use Article 2.7.

PC Recommendation
Motion 25: In Section 23-4C-1010, change (8)(1) and (2) instead of (2) and (3), add ‘land that has a use that requires it’ and strike ‘four acres’ and replace with ‘eight acres’.
Motion 26: In Section 23-4C-1040(2)(b), replace ‘right acres’ with ‘twelve acres’.
Motion 27: Remove Section 23-4C-1010 Common Open Space, eliminating the Common Open Space requirement.

Motion 31:
(a) replace language in Section 23-4C-1040(5)(b) with:
‘An applicant shall dedicate in each residential lot with
(b) one-quarter mile of a safe pedestrian travel distance from existing or proposed civic open space if the development is located
within the urban core; and’
(c) a half mile of a safe pedestrian travel distance from existing or proposed civic open space if the development is located outside of
the urban core;
Add a definition of ‘safe pedestrian travel’
Motion 34: Strike Section 23-4C-2090(2).
Motion 35: Revisions to: ‘Where appropriate for the nature of the Civic Open Space, the design shall make shade an integral feature for people utilizing the civic space.’

Staff Response to PC Recommendation
Motion 2.7: PAZ: No reduction opportunity for civic open space.
PABE: Oppose because the reduction of Motion 27 and 28 mean that no open space is required on projects less than 6 acres in size.

Motion 2.9: PAZ: Zoning that currently have ‘park’ common open space requirements should have common open space replaced with personal open space.
ED: For those projects that have no other open space requirements, common open space has provided a benefit not otherwise found since it was expanded in the 2013 amendments to Subchapter F: Design Standards. Concur with PAZ.
PABE: The combination of Motion 27 and 28 mean that no common open space is required on projects less than 6 acres in size.

Discussion: Oppose: Will reduce the enhanced natural function provided by larger contiguous park areas. The Green Infrastructure Working Group supported the creation of contiguous areas of open space that also enhance connectivity between others and serve as desirable public and private open space.

Motion 3.1: PAZ: No redundant with existing civic open space access requirements.

Motion 3.5: PAZ: Oppose. The integration of shade into open space, especially through tree plantings, helps reduce urban heat island impacts and integrates nature into the city.

ZAP Recommendation
No recommendation.

Environmental Recommendation
No recommendation.

CodeNEXT Draft 3
Draft 3 (addenda) requires Common Open Space on projects 2 acres or larger in some House Scale zones, RM zones with more than 10 units, MU zones except for MU-1 A and B, MS zones, and Regional zones. (Inexpensive Civic Spaces on projects 4 acres or larger in some House Scale, RM MS, and regional zones. Civic space is not required in MS zones. 23-4C-1030(9) states that civic spaces or land dedicated for parks may be used instead of Common Open Space requirements. See, common can double as civic or parkland if it meets civic or parkland requirements above.)

Location in Code
23-4C-1040 Civic Open Space
23-4C-1010 Applicability

Staff Response to B & C
N/A
<table>
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<tr>
<th>Item Number: X.A</th>
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<tr>
<td><strong>PC Recommendation</strong></td>
<td><strong>Staff Response to PC Recommendation</strong></td>
<td></td>
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<tr>
<td><strong>Motions:</strong></td>
<td><strong>Motions:</strong></td>
<td></td>
</tr>
<tr>
<td>1. Establish triple points after the Council adopts the code as a six-year checklist as problems are found with code language.</td>
<td>1. Staff anticipates that amendments will be needed after adoption.</td>
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<tr>
<td>2. Complete rebuild of the parking plan including transition, zoning, TODs, and Neighborhood Plans. Follow the adoption of CodeNEXT.</td>
<td>2. Oppose.</td>
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<tr>
<td>3. Process to phase out FEI with stakeholder input regarding items such as Operational Overlays, TODs, etc. Process to be modified by Planning Committee and then Council.</td>
<td>3. Oppose.</td>
<td></td>
</tr>
<tr>
<td>4. Prior to the Code being drafted, test and model the code in a real-time environment with stakeholders’ participation, and testing of the financial impacts of the Code, including additional staffing needs, development fees, etc.</td>
<td>4. Staff anticipates that the Code will be adopted (before it is effective).</td>
<td></td>
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<tr>
<td>5. Define Code needs to be reviewed by a Master Editor prior to adoption.</td>
<td>5. Consent.</td>
<td></td>
</tr>
<tr>
<td>6. Planning Committee Recommendation is shown to Council by each Division. Prior to the Code being adopted, Staff to show Council any major elements of the Code, and staff to show the success of the Code, particularly as it relates to Affordable Housing, development, and land use, etc.</td>
<td>6. Do not oppose.</td>
<td></td>
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<tr>
<td>7. Consent.</td>
<td>7. Do not oppose, but it will take many years on-the-ground changes to make this realization.</td>
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<tr>
<td>8. Staff and Council explore methods to capture the added value of the added density to the community to help finance transit projects along corridors.</td>
<td>8. Do not oppose.</td>
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<table>
<thead>
<tr>
<th><strong>Current Code or Policy</strong></th>
<th><strong>ZAP Recommendation</strong></th>
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<tbody>
<tr>
<td>N/A</td>
<td>No recommendation.</td>
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</table>

<table>
<thead>
<tr>
<th><strong>CodeNEXT Draft 3</strong></th>
<th><strong>Environmental Recommendation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>No recommendation.</td>
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<table>
<thead>
<tr>
<th><strong>Staff Response to B &amp; C</strong></th>
<th><strong>Historic Landmark Recommendation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>No recommendation.</td>
</tr>
<tr>
<td>Policy Question</td>
<td>Current Code or Policy</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>What testing has occurred to date and how have the results been used and reported?</td>
<td>ZAP Recommendation</td>
</tr>
</tbody>
</table>

| Location in Code | |
|------------------| |
PC Recommendation

Motion 1:
1. Establish triage points after the Council adopts the code as a quarterly checklist as problems are found with code language.
2. Complete mark of the Plans for Planning, which includes land use, TODs, and Neighborhood Tree Plans. Following the adoption of CodeNEXT, the Planning Commission will review the Strategic Austin Goals and Objectives.
3. Process to phase out TRIAs stakeholders input regarding items such as Open Space, Open Roads, TODs, etc. Process to be reviewed by Planning Commission and then Council.
4. Prioritize the Code being reviewed, test, and model the code in a wide range of development scenarios with stakeholder participation, and testing the financial impacts of the Code, including additional staffing needs, development fee increases, Density Bonus Program, and other relevant impacts. To include in the Code, Staff and consultants to prepare a report (Draft of the Planning Commission mapping recommendations). After the Code has been implemented, additional testing to help improve the triage process and measure if the added density is delivering the anticipated affordable units.
5. Define Code needs to be reviewed by a Master Editor prior to adoption.
7. Land use Committee's recommendations is shown to Council by each Division. Prior to the Code adoption, Staff to show Council what major elements of Title 25 are not being included in CodeNEXT.
8. Performance mechanisms to ensure the Code's success and monitor the Code's results, particularly as it relates to Affordable Housing, Deal exit, fire, traffic density, and revenue permitting, and impact Austin Performance Indicators.
9. Staff and Council explore methods to capture the added value of the added density and current or redevelop projects along with the Code.

Location in Code

Sub-Topic

Policy Question

What opportunities should be available to involve public stakeholders in the testing process?

Current Code or Policy

N/A

ZAP Recommendation

Environmental Recommendation

Historic Landmark Recommendation

Staff Response to B & C
<table>
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<tr>
<th>Item Number: X.A.3</th>
<th>PC Recommendation</th>
<th>Staff Response to PC Recommendation</th>
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<tbody>
<tr>
<td><strong>Process After Adoption</strong></td>
<td></td>
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<tr>
<td><strong>Policy Question</strong></td>
<td>What is the process for map and text amendments during this testing period?</td>
<td></td>
</tr>
<tr>
<td><strong>Current Code or Policy</strong></td>
<td>Current code requires either Planning Commission or Council to initiate text amendments.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Map amendments may be initiated by land use commission, Historical Landmark Commission (H/L zoning), Council, or applicant.</td>
<td></td>
</tr>
<tr>
<td><strong>CodeNEXT Draft 3</strong></td>
<td>Draft 3 of CodeNEXT also requires any text amendments to be initiated by Planning Commission or Council.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Map amendments may be initiated by land use commission, Historical Landmark Commission (H/L zoning), Council, or applicant.</td>
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<tr>
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<tr>
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<td>PC Recommendation</td>
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<tr>
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<td>Process After Adoption</td>
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</table>

**Policy Question**
Should Council establish a time period of at least 6 months after final adoption before the new Land Development code takes effect?

**Current Code or Policy**
NA

**CodeNEXT Draft 3**

**ZAP Recommendation**

**Environmental Recommendation**

**Historic Landmark Recommendation**

**Staff Response to B & C**
Item Number: X.B.1

**Policy Question**

What process should Council establish for implementation of the code, over what timeframe?

**Current Code or Policy**

NA

**PC Recommendation**

**Motion 1:**

General Policy Guidelines

1. Establish triage points after the Council adopts the codes such as quarterly checklists or problems with code language.
2. Clearly identify the impact of the Code on NLR and Council.
3. Prioritize all of the Code's impact on NLR and prioritize the triage process.
4. Prioritize the triage process and ensure that the Code has been implemented.
5. Define Code needs to be reviewed in a Master Plan prior to adoption.

**Motion 2:**

Land Use Committee recommendations to the Council by each Division. Prior to the Code adoption, Staff to review Council's recommendations in CodeNEXT.

**ZAP Recommendation**

**Motion 1:**

1. Staff anticipates that amendments will be needed after adoption.
2. Oppose.
3. Oppose.
4. Staff anticipates testing after the code is adopted (before it is effective).
5. Cannot oppose.
6. Do not oppose.
7. Cannot oppose.
8. Do not oppose, but it will take many years of on-the-ground changes to make this practical.

**Historic Landmark Recommendation**

**Staff Response to PC Recommendation**

1. Staff anticipates that amendments will be needed after adoption.
2. Oppose.
3. Oppose.
4. Staff anticipates testing after the code is adopted (before it is effective).
5. Cannot oppose.
6. Do not oppose.
7. Cannot oppose.
8. Do not oppose, but it will take many years of on-the-ground changes to make this practical.

**Historic Landmark Recommendation**

**Staff Response to B & C**

N/A
**Item Number: X.B.2**

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<tbody>
<tr>
<td>Process After Adoption</td>
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</table>

**Policy Question**

What process should Council establish for amending the code as we go into the future?

**Current Code or Policy**

Current code requires either Planning Commission or Council to initiate text amendments.

**CodeNEXT Draft 3**

Draft 3 of CodeNEXT also requires any text amendments to be initiated by Planning Commission or Council.

**ZAP Recommendation**

**Environmental Recommendation**

**Historic Landmark Recommendation**

**Staff Response to B & C**
Policy Question
What process should Council establish for development of Criteria Manuals?

Current Code or Policy
The Technical Criteria Manuals are administrative and not in the land development code. Amendments to the criteria manuals are adopted by rule with a process that includes a robust internal and external stakeholder process.

CodeNEXT Draft 3
The Technical Criteria Manuals are administrative and not in the land development code. Amendments to the criteria manuals are adopted by rule with a process that includes a robust internal and external stakeholder process.

PC Recommendation
Motion Tabled
Recommend approval of Chapter 23-11 with amendments previously approved and the following additional changes:
1. Technical Criteria Manuals go through a public process that are ultimately discussed at Planning Commission and possibly Council.

ZAP Recommendation

Environmental Recommendation

Historic Landmark Recommendation

Staff Response to PC Recommendation
Do not recommend. The Technical Criteria Manuals are administrative. The process for amending them includes a public stakeholder process.

Staff Response to B & C

Location in Code