Non-Residential Working Group

Initial report to Planning Commission on issues in non-residential zones.

- October 22, 2019

City of Austin Planning Commission
1. Compatibility
Getting rid of adjacency requirement may make sense with reduced compatibility distances.

• Current draft eliminates most (all?) compatibility to 50 ft of the lot line of a triggering property.
  − Utilizes step-downs at <25’ (25’ high), 25-50’ (35’ high), and >50’ (uses zoned height).
• Draft 3 had compatibility out to 150’.
  − Council’s direction called for less compatibility than Draft 3, so this is consistent with Council direction.
• However, current draft still utilizes adjacency as a criteria.
  − Doesn’t seem to make sense to use adjacency across a 60’ road when compatibility stepback stops at 50’.
• CK note: Still has compatibility setback that destroy viability potential MU1 (35’ high zone) lots adjacent to R3 or less: 30’ rear and 15’ side no-build area. Problem for future rezonings.

Possible action
• Remove adjacency as trigger, just use distance from triggering property.
  − Removes incentive to game adjacency with flag lots, etc.
• CK note: Revise MU1 (MS1?) to scale back compatibility no-build areas.
2. Heights and FAR
Still evaluating heights to see if they make sense.

- AIA is still completing testing on heights and other zone entitlements – will know more on Friday.
- We will also be comparing it to working group study (see next slides).
- FAR eliminated in MS zone bonuses, still utilized in MU and RM zones.
- Requesting info from staff on to what degree FAR is relied upon to make bonuses work, or if bonuses instead rely on units and height for value.
- Note: Due to conversion of current zones that allow them, more intense uses (bars) are limited to very tall zones. (One reason you see a lot of MU5, etc. mapped.)
- No MS1 zone (instead supposed to use MU)
- Some zones (notably UC) increase base height over equivalent current zones
- Parking not counting against FAR still subsidizes parking outside of downtown

Possible action:
- Remove FAR from bonuses in RM and MU zones – rely on height?
- Remove FAR from base zoning in (some?) RM, MU, and MS zones – rely on height?
- Introduce UNO-style stepback for buildings over 65'?
- Revise after getting feedback from AIA study of entitlements?
- Revise zones to capture height increases in bonus?
Natural Building Height Levels in Today’s Practice
Consulting study with STG Design and Tyler Stowell, AIA.

Generally add ~ 5 ft to heights for sloping sites.
Working Group Proposal

System to simplify zoning, increase affordable bonus yield, provide height options for future growth, be context-sensitive.

- 35 ft: (2.5 floors) R-Residential Scale Zones 1-4; MH-Manufactured Home;
- 35-40 ft: (2-3 floors) RM-Residential Multi-Family 1 (compatibility); MU-Mixed Use 1 & MS-Main Street 1 (compatibility); CC-Commercial Center 1 (compatibility);
- 40 ft (base) 48 ft (bonus) (3-4 floors) RM-Residential Multi-Family 1; MU-Mixed Use 1 & MS-Main Street 1 (all use sub-zones); CC-Commercial Center 1;
- 64 ft (base) 76 ft (bonus) (4-6 floors) RM-Residential Multi-Family 2; MU-Mixed Use 2 & MS-Main Street 2 (all use sub-zones); CC-Commercial Center 2;
- 65 ft (base) 88 ft (base) (4-7 floors) RM-Residential Multi-Family 3; MU-Mixed Use 3 & MS-Main Street 3 (all use sub-zones); CC-Commercial Center 3;
- 90 ft (base) 135 ft (bonus) MU-Mixed Use 4 & MS-Main Street 4 (all use sub-zones); CC-Commercial Center 4 / UC-Urban Center 4;
- 91 ft (base) 200 ft (bonus) CC-Commercial Center 5; UC-Commercial Center 5;
- 92 ft (base) 300 ft (bonus) CC-Commercial Center 6; UC-Commercial Center 6;
- Unlimited: UC-Urban Center Unlimited; DC-Downtown Core;

House-scale residential areas stay limited to 35 ft.

Compatibility zone for lowest non-house-scale zones (when adjacent or across alley from residential) limited to house-scale zone heights, with McMansion-type tent slope for residential side.

New zone for most existing 60 ft zones. 1-floor bonus.

New zone for existing 60 ft zones on IA corridor or with -V designation. 2-floor bonus.

Zone levels 4-6 for centers currently zoned for 60-90 ft but planned for intense development. Follows Council LDC guidance to largely increase entitlements through bonuses.

Follows UNO proposal to max at 300 ft.

UC-Unlimited areas currently zoned @60ft. Consider defined base w/ unlimited bonus.
3. RM (Multifamily) 1
Some revisions needed for this transition zone

- Height: 40’. No bonus.
  - R4 bonuses from 35’ to 45’ Why no bonus here? Why 40’ base? How many stories is this supposed to be considering 10 unit bonus cap?
  - Height study indicated even 45’ makes 4 stories hard to achieve – 48’ is better.
- Impervious cover: 60%
  - Good: Builders say they will still be providing parking with most of these lots, which requires 60% to achieve units allocated in bonus.
  - Bad: Lack of increase from base to bonus dilutes incentive to build more units.

Possible action:
- Change height to comfortably achieve four stories?
- Impervious cover:
  - IC for 1-2 units should be 45% (same as current zoning on SF lots rezoned to RM1)
  - IC for bonus should be full 60%.
  - What should mid-range IC be? Middle ground IC for 4-6 units in base?
- Non-Resi WG will follow lead of Residential WG on changes to cottage court form.
- Allow ADUs to be built on current single-family use? By current occupants? (Age-in-place.)
4. Uses
Some adjustments

• Childcare permitted by size
  - RM: Small <13 Permitted, Large 13-24 Permitted, Commercial >25 CUP
  - MU: Small <13 Permitted, Large 13-24 Permitted, Commercial >25 Permitted
  - MU: Small <13 Permitted, Large 13-24 Permitted, Commercial >25 Permitted

• Schools permitted by type (Public primary and secondary permitted, all others CUP)

• Food trucks not permitted everywhere
  - RM: Not allowed anywhere.
  - MU: Not allowed in MU1-2; Permitted in MU3-MU5B.
  - MS: Permitted everywhere.

• Restaurants separated by alcohol/non-alcohol, late-night operation restricted
  - Ex: Only restaurants that don’t sell alcohol and aren’t open late allowed in MU1, requires CUP or MUP up to MU3.

Possible action:

• Allow restaurants that sell alcohol under same regime as those that don’t (and liberalize late hours?)
• Allow food trucks in all RM, MS, MU (CK note: a taco truck on every corner!)
• Change schools to be regulated by size? (Apply to residential?)
• Increase “commercial” child care designation to a higher number of students? Change to permitted in RM? (What is CUP barrier?) (Apply to residential?)