



**Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 33
AGENDA DATE: Thu 02/16/2006
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SUBJECT: Set a public hearing to consider an ordinance amending Section 25-2-647 of the City Code relating to mixed use combining district regulations and vertical mixed use buildings. (Suggested date and time: March 2, 2006 at 6:00 p.m., City Council Chambers, 301 West 2nd Street.)

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: N/A

REQUESTING Neighborhood Planning **DIRECTOR'S**
DEPARTMENT: and Zoning **AUTHORIZATION:** Greg Guernsey

FOR MORE INFORMATION CONTACT: Jennifer Gilchrist, 974-2508; George Adams, 974-2146; Sylvia Arzola, 974-6448

PRIOR COUNCIL ACTION: 5/12/05 - The City Council approved a Task Force report on Commercial Design Standards titled "Raising the Design Standards in Austin, Texas".

11/17/05: The City Council approved a set of revisions to the Task Force Report.

BOARD AND COMMISSION ACTION: N/A

Background

On May 12, 2005 the City Council approved a Task Force report on Commercial Design Standards titled "Raising the Design Standards in Austin, Texas". On November 17, 2005 the City Council approved a set of revisions to the Task Force Report. As part of the revisions approved on November 17, 2005 the Council directed staff to develop interim rules to permit vertical mixed use as soon as possible. This ordinance is proposed to implement the interim vertical mixed use standards authorized by the City Council.

The draft ordinance amends Land Development Code Section 25-2-647 (Mixed Use (MU) Combining District Regulations) by defining a Vertical Mixed Use Building and revising site development standards, including but not limited to, minimum site area, setback, floor-to-area ratio, building coverage and parking standards for projects that meet the definition of vertical mixed use buildings. This ordinance would permit voluntary compliance with the proposed vertical mixed use standards but does not require compliance with the standards.

**Revisions to Design Standards Codification
November 2005**

Approved by City Council on November 17, 2005 (Item 46)

1. **DO-1: Core Transit Corridor Definitions**
 - a. Change northern boundary of Lamar to Banyon
 - b. Add Airport from Lamar to I-35
 - I. Keep the section of Airport from I-35 to Manor in the future CTC section
 - c. For list of suggested future CTC's, add Far West from Mopac to western side of Chimney Corner
 - d. Definition of Internal Circulation Route amended:

"Internal Circulation Route": either a public street or a private drive edged by a curb within a development. An Internal Circulation Route may be designed as a matter of right at the sole discretion of the developer for speeds as low as 20 miles per hour. An Internal Circulation route may be closed off to auto traffic to create a pedestrian-only street so long as the Internal Circulation Route meets the design criteria described in this definition (i.e., roadway edged by a curb). An Internal Circulation Route shall not be treated as a curb cut.
2. **DO-2: Development orientation on CTC's**
 - a. Add the roads designated as future CTC's to the VMU overlay
3. **C-1: Create street-like internal circulation system**
 - a. Permit internal blocks abutting ICR's to be subdivided so individual blocks can be sold off and developed.
 - b. Amend C-1(1) language on impervious cover credit as follows:
 1. Developments outside the Barton Springs Zone larger than 660' x 330' shall receive the same Impervious cover credit as land condemned for public roadways for the following:
 - a. Internal Circulation Routes (provided they are built to the block length standards)
 - b. Sidewalks and curbs along Internal Circulation Routes and adjacent public roadways.
 - c. Public plazas

- i. (Impervious cover credit only transfers to VMU structures and structured parking with first floor liner stores)
- d. Publicly accessible greenbelts with running trails or bike paths
 - i. (Impervious cover credit only transfers to VMU structures and structured parking with first floor liner stores)
- e. Publicly accessible parks or children's playgrounds
 - i. (Impervious cover credit only transfers to VMU structures and structured parking with first floor liner stores)

c. Amend C-1(1) language to permit No Parking signs instead of red painted curbs

A property owner may elect at the property owner's sole discretion to place no parking signs in lieu of painting curbs red. If the property owner elects to place no parking signs, the property owner does not have to paint the curbs red.

d. Amend C-1(1) to allow a single block up to 660 by 660 feet.

On sites larger than 15 acres, the site may contain one block with a maximum dimension of 660 feet by 660 feet for each 30 acres (i.e., one 660 x 660 block on a site 15-30 acres, two 660 x 660 blocks on a 30-60 acre site, etc.).

4. C-2: Options to Improve Traffic Congestion

- a. Allow exception for pad buildings with only one curb cut and clarify definitional inconsistency

To improve traffic congestion and enhance car and pedestrian connectivity, all sites or developments larger than 3 net developable acres shall be required to select at least five of the options below.

If a site or development provides surface parking that amounts to more than 125% of the parking required in Appendix A (the table in the LDC that lists land uses and their respective minimum parking requirements), the site or development must select at least seven of the options below.

Transit and Urban and Local Roadway sites that do not have parking between the building and the street do not have to comply with this requirement. Transit and Urban and Local Roadway sites less than three net developable acres that have parking between the building

and the street shall be required to select at least three of the options below.

When a pad building with a drive-in is only permitted a single curb cut, the pad building site may contain a circulation lane between the building and the curb without triggering the requirements of this section. The circulation lane may not have parking and cannot be wider than 14 feet.

5. C-3: City action to encourage streetscape Improvements

a. Expand sidewalk and street tree rebate and clarify that these only apply to VMU and to UNO-compliant structures

The Director of Planning and Zoning shall prepare a plan for rebating the cost of building sidewalks in the Clear Zone and planting street trees and burying utility lines in the Furniture Zones. The rebates only apply for VMU structures and only apply to costs incurred for improvements in the public right-of-way (which are normally public sector financial obligations).

The rebate may be structured in the following fashion: (1) the developer pays the costs of the improvements; (2) the cost is rebated over a period of years from a percentage of the property tax increment realized through higher property valuations; and (3) the rebate is not paid in any year in which the property valuation is lower than the pre-improvement value and the tax payment is lower than the tax payment for the property for the year prior to the improvement.

Within UNO, a VMU development that meets UNO standards may receive a rebate for an entire block.

6. LU-3: New Zoning Provision of Vertical Mixed Use

- a. To encourage mixed use development, a zoning provision within the MU zoning category will be created titled "Vertical Mixed Use" or "VMU." Owners of any property with MU zoning may administratively elect to build under the VMU subdivision.
- b. The Task Force requests that Clarion prepare a new separate zoning district of VMU as a going forward option for rezoning. This new zoning district may contain different tiers with different heights for each tier. The new zoning district will be considered as part of final code adoption.
- c. A VMU building shall have the following features:
 - i. The ground floor must be designed to have a different use from upper floors. The second floor may be designed to have the same use as the ground floor so long as there is at least one more floor above that has a different use from

the first two floors.

- II. The building has no front or side setbacks. Portions of the building may be set back for public plazas with no gates and with active uses at grade opening directly onto the plaza. The setback restrictions are subject to the alternative compliance exceptions allowed in DO-8.**
 - III. The ground floor is designed to accommodate active uses that open onto the sidewalk along at least 75% of the net length of frontage. (Net frontage is determined by taking the gross length of street frontage and subtracting required drive aisles and stairs that occur at the building perimeter subject to the exceptions allowed in DO-5.)**
 - IV. Spaces for ground level pedestrian uses shall be at least 24 feet deep.**
 - V. VMU structures 60 feet high or less are not subject to density caps, FAR or building coverage restrictions but are still subject to height restrictions and compatibility standards.**
 - A. The density caps, FAR and building coverage restrictions are relics of the city's current Euclidean suburban-oriented development code. Within 90 days of final passage by Council of the codification of these standards, city staff shall present this new standard to the Neighborhood Planning Teams for each Neighborhood Plan in existence at the time of code adoption. Neighborhoods with already approved Neighborhood Plans may request by the 90th day to opt out of this specific provision for all or some of the VMU-eligible properties within their planning area. The Planning Commission will review any requests and Council will consider whether to approve or deny any request within 45 days of the 90-day deadline. This is a one-time only request to opt-out and opting out will not be a subject of future Neighborhood Plans.**
- d. The City Manager shall prepare a plan to establish a dedicated development review team for VMU and Integrated Mixed Use projects.**
- I. The dedicated development review team shall include license reviews.**
 - II. Any VMU developments or Integrated Mixed Use developments submitted for review shall be assigned to this dedicated team and shall receive review priority over any non-VMU and non-Integrated Mixed Use submissions.**

- III. VMU and Integrated Mixed Use developments shall receive the same expedited review deadlines as exist in the SMART housing program. These deadlines shall include deadlines for license reviews and approvals.
- e. For VMU projects, the City Manager shall prepare a program to waive fees, permit deferred payment of development fees and permit fees in lieu of on-site compliance. The program shall include, at a minimum, the following:
 - I. For infill redevelopment projects, VMU developments do not have to pay the parkland dedication fee.
 - A. VMU greenfield projects still must pay the parkland dedication fee.
 - II. Extend to VMU projects all fee-in-lieu of programs available in the CBD relating to fees in lieu of on-site detention. The Task Force also requests that Clarion prepare new standards reflecting national best practices relating to storm water, regional detention and water quality treatment methods. These standards shall apply to VMU structures and Integrated Mixed Use developments only.
 - III. Because VMU structures are designed to promote more pedestrian-oriented communities, reimburse VMU projects for any required offsite traffic improvements and do not count any project pedestrian traffic as part of the calculation to determine whether a traffic impact analysis is required.
- f. For VMU redevelopment sites with existing curb cuts, permit flexibility on spacing if the VMU development reduces the overall number (to accommodate, e.g., parking garage entrances)
- g. The Task Force requests that Clarion prepare an amendment to the Austin Building Code to clarify that VMU structures do not have to meet office or retail standards in the residential portions of VMU structures.
- h. Create a separate Green Building standard for VMU (currently, AE has different standards for residential and commercial, which creates difficulties in vertical mixed use with residential).

7. LU-5: Options to promote Envision Central Texas recommended land use patterns

a. Expand VMU overlay to promote shift of single use large sites to mixed use land patterns:

- I. Redevelopment of Large Single Use Developments:** A VMU-option overlay is established for developments larger than 3 acres along (1) Highways, (2) Hill Country Roadways, (3) Local Roadways and (4) Urban Roadways. The overlay has the following limitations:
 - A.** In areas subject to a Neighborhood Plan that are not located on Core Transit Corridors or future Core Transit Corridors, the overlay only applies to properties with an MU designation and may not contain uses prohibited for that lot under the Neighborhood Plan.
 - B.** In areas that have not undergone the neighborhood planning process, the VMU overlay applies only to commercially zoned properties and does not apply to properties zoned exclusively for residential.
 - C.** The VMU structure entitlement only extends to VMU buildings constructed as part of a block system meeting the requirements of C-1 and C-2.
 - D.** The redevelopment must comply with compatibility standards.

b. Additional development bonus for mixed use redevelopments:

All developments with any of the Preferred Items may elect to take all of the Development Bonuses on that site.

Preferred Item	
Development contains at least 100 lineal feet of VMU buildings.	
Development Bonuses	
Queuing requirements are reduced by 50 percent for each drive-through service in the development.	Buildings in the development may aggregate points in BD-5 rather than each building needing the minimum number of points.
Reduce by 2 the number of options needed to comply with C-2 for each 100 lineal feet of VMU buildings.	Existing impervious cover is grandfathered for the VMU structures and their accompanying structured parking. This grandfathering overrides any current impervious cover or setback requirements or overlays.

Preferred Item	
<p>Integrated Mixed Use Development: the uses are in walking distance from each other (i.e., not more than ¼ mile apart), the uses are connected by sidewalks or Internal Circulation Routes, and one of the following applies:</p> <p>(1) Site contains at least two uses, and two of the uses each comprise at least 25% of the built area; or</p> <p>(2) 20% of the building footprint consists of VMU structures.</p>	
Development Bonuses	
Queuing requirements are reduced by 50 percent for each drive-through service in the development.	Buildings in the development may aggregate points in BD-5 rather than each building needing the minimum number of points.
Existing impervious cover is grandfathered subject to the following limitations: A. The re-development meets the standards of C-1, C-2 and DO-5; and B. The grandfathered impervious cover may only be transferred to VMU structures and their accompanying structured parking. This grandfathering overrides any current impervious cover or setback requirements or overlays.	Reduce by 2 the number of options needed to comply with C-2.

For redevelopment projects larger than 5 acres, the VMU parking standards apply to the entire redevelopment so long as 20 percent of the building footprints consist of VMU structures.	
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Signs

8. Enforcement: clarify sign fee provision

To insure that current and the proposed new regulations are enforced, the City Manager shall prepare a fee ordinance to require annual sign fees to support enforcement staff.

9. S-2: Revise city-wide sign regulations

- a. S-3: New pole signs will be prohibited on all Urban and Transit Roadways and all Neighborhood Roadways. New pole signs are not prohibited on Highways and are not prohibited within the first 660 feet from a Highway. All existing pole signs citywide in the areas subject to the prohibition will be reclassified to be permitted non-conforming uses.

b. S-2(4)-provision regarding trigger for removal of non-conforming signs

- 1. When an applicant seeks a new sign permit for a property containing a pole sign, all non-conforming pole signs for the applicant's business in that development will be required to be removed as a condition of the permit.
- 2. This requirement is subject to the following exemptions and exceptions:
 - a. An exemption to this provision exists for existing multi-tenant pole signs. (New multi-tenant pole signs are still prohibited on all Urban and Transit Roadways and all Neighborhood Roadways.)
 - b. This requirement applies only to the sign permit applicant and does not trigger a requirement for non-applicants located in the same development to remove their pole signs.
 - c. The following do not, by themselves, require removal of a pole sign:
 - i. The sign is being re-faced, receiving maintenance, repainting or repair if the cabinet as a whole is not replaced;
 - ii. A replacement of the sign is needed due to any damage caused by a terrorist act, weather or any other act of God; or
 - iii. The federal, state or local government requires relocation of the sign.

10. S-2(5): exceptions to sign area calculation's inclusion of corporate branding:

The sign area calculation includes all applications of stripes, graphics and trade mark paint colors that constitute corporate branding. This calculation is subject to the following exemptions and exceptions:

1. The following are not included in sign area calculations:
 - a. prototype colors that are light colors as recommended in the green building matrix;
 - b. awnings that provide pedestrian cover over pathways;
 - c. canopies that have sign faces no higher than three feet.
2. A pad building may dedicate up to 25% of the total roof area for branding (such as painted stripes) without triggering inclusion of that area in the sign area calculation under the following circumstances:
 - a. The 25% area is compact and contiguous;
 - b. The building contains no other application of stripes, graphics or trade mark paint colors that constitute corporate branding.

If a pad building meets these requirements, the roof area will not be included in the sign area calculation, and only the attached signs will be included in the building's sign area calculation.

11. S-3: Revise maximum size for wall signs

Wall signs cannot exceed one square foot for each one lineal foot of building façade to a maximum of 400 square feet. This maximum size is subject to the following exception: any business with less than 64 lineal feet of building façade is permitted a sign up to 64 square feet.

12. S-4: Information sign provisions:

1. Street addresses, visible from the public ROW, must be located on the sign or the building.
2. The following do not count toward sign area calculations:
 - a. The street address, up to 10 square feet;
 - b. Directory signs;
 - c. Menu signs;
 - d. Directional signs.

Building Design

13. BD-5: Standards for drive-in and pad buildings:

- a. Clarify that BD-5 does not apply to pad buildings on Core Transit Corridors**

14. BD-3: Building Design

- a. The following is an example of a building that would meet the standards contained in BD-3:**

Pad building not located on a Core Transit Corridor

I. The pad building is a national chain prototype with the following:

- A. a natural stone façade, and**
- B. metallic roof with uncolored metallic finish, and**
- C. minimum 2-star Green Building, and**
- D. Glazing on ground-floor facades that face the street or parking lot have a Visible Transmittance (VT) of 0.6 or higher, and**
- E. 90% of all frontages facing parking are shaded or have a shelter device.**

- b. Clarify that building design requirements apply to exterior remodels and do not apply to interior remodels**