

Late Backup

Councilmember Renteria

Motion Sheet re: Agenda Item No. 101 – Waterfront Overlay Amendment

Council Meeting: June 23, 2016

Distribute motion sheet on the dais and provide a copy to the City Clerk.

Summary of Amendment:

This amendment changes the ordinance in backup by revising the affordability levels based on the availability of “rent subsidies,” which are specifically defined. To make sure the requirements are enforceable, it also adds a provision requiring the execution of a restrictive covenant or other legal instrument at the time of site plan if a developer elects to take advantage of the additional impervious cover.

Text of Amendment: Replace Part 1 of the ordinance in backup with the following provision:

PART 1. City Code Section 25-2-735 (*Festival Beach Subdistrict Regulations*) is amended to read as follows:

§ 25-2-735 - FESTIVAL BEACH SUBDISTRICT REGULATIONS.

- (A) This section applies in the Festival Beach subdistrict of the WO combining district.
- (B) The primary setback line is located 100 feet landward from the Town Lake shoreline.
- (C) The secondary setback line is located 50 feet landward from the primary setback line.
- (D) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is:
 - (1) 40 percent[-]; or
 - (2) 70 percent, for a site that:
 - (a) contains congregate care and retail uses on 15 or more acres;

- (b) is adjacent to 1.5 or more acres of parkland or publically accessible open space;
- (c) includes, within the congregate care use, at least:
 - (i) 310 rental housing units that serve residents earning at or below 60% of area median family income;
 - (ii) 40 rental housing units that serve residents earning at or below 30% of area median family income; and
 - (iii) 100 rental housing units that serve residents which are either:
 - earning at or below 30% of the area median family income and receiving a rent subsidy; or
 - earning at or below 50% of area median family income, without a rent subsidy, or with a rent subsidy that is required to be available under federal law to residents earning up to 50% of area median family income.
- (d) contains the following enhanced water quality features:
 - (i) water quality treatment utilizing green water quality controls sized at ½-inch or greater, based on assumed impervious cover of 68%;
 - (ii) at least 30,000 square feet of porous pavement for pedestrian areas;
 - (iii) at least 8,126 cubic feet of rainwater harvesting sufficient to capture 1.3 inches of runoff from 75,000 square feet of impervious cover; and

- (iv) onsite water quality ponds sufficient to treat a minimum of 6,200 cubic feet of off-site drainage.
- (E) For purposes of Subsection (D)(2) of this section, the term “rent subsidy” means a project-based voucher issued by, or under the auspices of, an agency of the United States Government that provides a rental subsidy to the landlord for a particular rental housing unit in an amount equal to or exceeding the difference between 30% of the resident’s income and the market rate for the residential housing unit.
- (F) If an applicant elects to develop a site at greater than 40% impervious cover, as authorized under Subsection (D)(2) of this section, a restrictive covenant or other legal instrument approved by the director must be executed prior to site plan release in order to ensure that the conditions in Subsection (D)(2)(a)-(d) are binding on the site plan and enforceable by the City.
- (G) The maximum height is the lower of 60 feet or the maximum height allowed in the base zoning district.