

Planning Commission Amendment	Draft Ordinance Reviewed by Planning Commission (4/19/2019 version)	Change to Draft Ordinance Following Planning Commission (4/26/2019 version)	Staff Comment
Clarify under 25-1-722 ELIGIBILITY that program includes redevelopment of non-multifamily residential structures	25-1-722(A)(4): it is new construction, it is redevelopment of property with only non-residential structures, or the existing development complies with the requirements in Subsection (D); and	25-1-722(A)(4): it is new construction, it is redevelopment of <del>property with only non-residential structures</del> <u>a site without existing multi-family structures</u> , or the existing development on the site complies with the requirements in Subsection (D); and	None
Clarify under 25-1-722 ELIGIBILITY Section B tenant protections are requirements for rental properties	25-1-722(B): Except for a proposed development participating in a government-operated affordable housing program with stricter requirements, the applicant:	25-1-722(B): Except for a proposed development participating in a government-operated affordable housing program with stricter requirements, the applicant <u>for a proposed rental development</u> :	None
Clarify under 25-1-723 AFFORDABILITY REQUIREMENTS that affordability periods are minimums	25-1-723(E): The minimum affordability period for a rental development is 40 years following the issuance of the last certificate of occupancy required for the qualifying development.  25-1-723(F): The minimum affordability period for an owner-occupied dwelling unit is 99 years following the issuance of a certificate of occupancy for the owner-occupied dwelling unit.	25-1-723(E),(F) Describes the affordability periods as minimums.	None
Clarify under 25-1-725 CONSTRUCTION REQUIREMENTS AND ENFORCEMENT that annual documentation/certification is for rental properties	25-1-725(A): The property owner or the property owner's agent shall provide the director with documentation on an annual basis that allows the director to verify compliance with the affordability requirements.	25-1-725(A): <u>For a rental development</u> , the property owner or property owner's agent shall provide the director with information on an annual basis <u>and on a form approved by the director</u> that allows the director to verify compliance with the affordability requirements.	None ("and on a form approved by the director" was added by staff to add uniformity to the reporting requirements)
Amend either Part 3, 25-2-518 or Part 4, 25-2-534 to waive minimum site area requirements	25-2-518(F): A qualifying development is not required to comply with: (1) the height and setback requirements of Article 10 (Compatibility Standards); (2) the maximum floor-to-area ratio for the applicable base zoning district under Section 25-2-492 (Site Development Regulations); (3) Subchapter F (Residential Design and Compatibility Standards); or (4) Section 25-2-773 (Duplex Residential Use)	25-2-518(F): A qualifying development is not required to comply with: (1) the height and setback requirements of Article 10 (Compatibility Standards); (2) the maximum floor-to-area ratio for the applicable base zoning district under Section 25-2-492 (Site Development Regulations); (3) Subchapter F (Residential Design and Compatibility Standards); <del>or</del> (4) Section 25-2-773 (Duplex Residential Use); <u>or</u> <u>(5) minimum site area requirements.</u>	Waiving minimum site area requirements will remove density limits on tracts zoned SF-5, SF-6, Multi-Family, and Commercial. This differs from the Resolution, which requested a maximum density limit using the maximum number of dwelling units otherwise authorized multiplied by 1.5 (Type 1) or 2 (Type 2). See 25-2-534(C)(4), (D)(2). If Council wishes to adopt the Commission's recommendation, the density language in 25-2-534(C)(4)(a) and (D)(2)(a) will need to be revised and the language in Section 25-2-518(C) and (D) will need to be removed.
Amend 25-1-722 ELIGIBILITY to require 25% of the affordable units include two or more bedrooms, supportive housing, housing for older person, or any combination of the three	25-1-722(A)(2): at least 25 percent of the affordable dwelling units include two or more bedrooms or the proposed development qualifies as supportive housing or housing for older persons;	25-1-722(A)(2): at least 25 percent of the affordable dwelling units include two or more bedrooms, <u>or supportive housing, housing for older persons, or any combination of the three</u> ; <del>or the proposed development qualifies as supportive housing or housing for older persons</del>	None
Require under 25-1-722 ELIGIBILITY Section B to include RHDA Lease Addendum	25-1-722(B): Except for a proposed development participating in a government-operated affordable housing program with stricter requirements, the applicant: (1) shall incorporate lease provisions that are consistent with (a) the U.S. Department of Housing and Urban Development (HUD) Section 8 Tenant-Based Assistance Housing Choice Voucher (HCV) Program related to the termination of tenancy by owner; and (b) 24 C.F.R. §245.100 related to a tenant's right to organize; and (2) may not discriminate on the basis of an individual's source of income as defined in Section 5-1-13 ( <i>Definitions</i> )	25-1-722(B): Except for a proposed development participating in a government-operated affordable housing program with stricter requirements, the applicant <u>for a proposed rental development</u> : (1) shall incorporate lease provisions that are consistent with (a) the U.S. Department of Housing and Urban Development (HUD) Section 8 Tenant-Based Assistance Housing Choice Voucher (HCV) Program related to the termination of tenancy by owner; and (b) <u>any lease addendum required as a condition to receive city or Austin Housing Finance Corporation (AHFC) funds; and</u> <u>(c)</u> 24 C.F.R. §245.100 related to a tenant's right to organize; and (2) may not discriminate on the basis of an individual's source of income as defined in Section 5-1-13 ( <i>Definitions</i> )	None

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Consider changes to add screening and design requirements (such as those listed in the backup from Cmsr. Shaw) that minimize additional costs and don't negatively impact unit yield under the program	N/A	<p><u>25-2-518(G): This section applies to a qualifying development located in an urban residence (SF-5) or more restrictive zoning district.</u></p> <p><u>(1) A qualifying development must comply with:</u></p> <p><u>(a) Sectoin 25-2-1066 (Screening Requirements); and</u></p> <p><u>(b) Subsections (A) and (B) in Section 25-2-1067 (Design Regulations).</u></p> <p><u>(2) A person must enclose a refuse receptacle, including a dumpster.</u></p> <p><u>(3) The location of and access to a refuse receptacle is subject to review and approval by the accountable official.</u></p> <p><u>(4) A person may not collect or allow another to collect refuse receptacles between 10:00 p.m. and 7:00 a.m.</u></p>	None
Evaluate Fair Housing Act parking requirements versus ADA parking requirements and provide a report to Council describing the advantages of each. Include a chart with the backup of the accessible parking requirements for Affordability Unlocked projects	<p>25-6-471(J): A qualifying development is not required to comply with Appendix A of Chapter 25-6 (Transportation) but must comply with the following:</p> <p>(1) if off-street parking is not provided for the qualifying development, at least one van accessible space is required that is adjacent to the site and on an accessible route; or</p> <p>(2) if off-street parking is provided, the minimum number of required accessible spaces</p> <p>(a) is calculated by taking 20 percent of the parking required for the use under Appendix A (Tables of Off-Street Parking and Loading Requirements) and using that result to determine the number of accessible spaces required under the Building Code; and</p> <p>(b) must be adjacent to the site and on an accessible route.</p> <p>(K): The director may waive or reduce the number of accessible spaces required under Subsection (J) if:</p> <p>(1) The applicant pays a fee-in-lieu to be used by the city to construct and maintain accessible spaces in the vicinity of the qualifying development. The availability of this option is contingent on the establishment of a fee by separate ordinance and the adoption of a program by the director to administer the fee and establish eligibility criteria. A decision by the director that a qualifying development is ineligible for a fee in-lieu is final.</p> <p>(2) No accessible spaces can be provided consistent with the requirements of Subsection (J) and the qualifying development is ineligible for participation in the fee in-lieu program under Paragraph (1) of this subsection.</p> <p>(3) An off-site or on-street parking space designated as an accessible space is located within 250 feet of the qualifying development.</p> <p>(L) A qualifying development must comply all with all ADA design, accessibility, and location requirements for accessible parking spaces.</p>	<p>25-6-471(J): <u>A qualifying development with more than two dwelling units</u> is not required to comply with Appendix A of Chapter 25-6 (Transportation) but must comply with <del>the following- this section.</del></p> <p>(1) If off-street parking is not provided for the qualifying development, at least one van accessible space is required. <del>_that is- adjacent to the site and on an accessible route; or</del></p> <p>(2) If off-street parking is provided, the minimum number of required accessible spaces <u>is the greater of:</u></p> <p>(a) <u>the number of accessible spaces required under the Building Code based on is calculated by taking</u> 20 percent of the parking required for the use under Appendix A (Tables of Off-Street Parking and Loading Requirements); <del>or and using that result to determine the number of accessible spaces required under the Building Code; and</del></p> <p>(b) <u>the number of accessible spaces required under the ADA or the FHAA as appropriate</u> <del>must be adjacent to the site and on an accessible route.</del></p> <p><u>(3) An accessible space must be adjacent to the site and on an accessible route.</u></p> <p><u>(4) An accessible parking space must comply with design, accessibility, and location requirements imposed by the ADA and the FFHA, as appropriate.</u></p> <p>(K): <u>Except for accessible spaces required by the ADA or the FFHA</u>, the director may waive or reduce the number of accessible spaces required under Subsection (J) if:</p> <p>(1) The applicant pays a fee-in-lieu to be used by the city to construct and maintain accessible spaces in the vicinity of the qualifying development. The availability of this option is contingent on the establishment of a fee by separate ordinance and the adoption of a program by the director to administer the fee and establish eligibility criteria. A decision by the director that a qualifying development is ineligible for a fee in-lieu is final.</p> <p>(2) No accessible spaces can be provided consistent with the requirements of Subsection (J) and the qualifying development is ineligible for participation in the fee in-lieu program under Paragraph (1) of this subsection.</p> <p>(3) An off-site or on-street parking space designated as an accessible space is located within <del>250</del> <u>200</u> feet of the qualifying development.</p> <p><del>(L) A qualifying development must comply all with all ADA design, accessibility, and location requirements for accessible parking spaces.</del></p>	<p>Regarding the fee-in-lieu of accessible parking spaces for certain cases:</p> <p>ATD will draft internal polices related to an innovative fee in lieu program associated with the Affordability Unlocked accessible and ADA parking space requirements. ATD will coordinate with PWD to determine the ownership of this new process and the associated fee structure. This program will take into account site-specific and geographic constraints, current and proposed accessible and ADA parking space inventory, requests for accessible and ADA parking within the area, and future mobility improvement plans.</p> <p>ATD suggests utilizing the ¼ mile distance consistent with current transportation mitigation practices to determine if adequate on-street accessible and ADA parking exists within the vicinity of a site.</p>