

# Late Backup

Item 27  
May 9, 2019  
CM Casar

## UPDATED MOTION SHEET

I move to amend Item 27 as follows:

- (1) **BASE MOTION:** Adopt staff's Draft Post-PC Recommendations – Version 2 including Planning Commission's recommendation by amending the following sections to waive minimum site area requirements:

- (a) Amend Part 3, Section 25-2-518 (*Qualifying Development*) beginning on Page 8, Line 204, by removing Subsections (C) and (D) and re-letter accordingly:

### § 25-2-518 QUALIFYING DEVELOPMENT.

~~[(C) — Density is calculated based on the standards in Subchapter E, 4.2.1 (Mixed Use Combining District) if the existing zoning on the site where the qualifying development will be located is in one of the following commercial base districts:~~

- ~~(1) — neighborhood office (NO);~~
- ~~(2) — limited office (LO);~~
- ~~(3) — general office (GO);~~
- ~~(4) — community commercial (GR);~~
- ~~(5) — neighborhood commercial (LR);~~
- ~~(6) — general commercial services (CS); or~~
- ~~(7) — commercial liquor sales (CS-1).~~

~~(D) — If the existing zoning on the site where the qualifying development will be located is commercial recreation (CR), lake commercial (L), central business (CBD), warehouse limited office (W/LO), or commercial highway services (CH), the density is calculated based on the following minimum site area standards:~~

- ~~(1) — 800 square feet, for an efficiency dwelling unit;~~
- ~~(2) — 1,000 square feet, for a one bedroom dwelling unit; and~~
- ~~(3) — 1,200 square feet, for a dwelling unit with two or more bedrooms.]~~

- (b) Amend Part 4, Section 25-2-534 (*Qualifying Development Exceptions*) beginning on Page 9, Line 254, as follows:

### § 25-2-534 QUALIFYING DEVELOPMENT EXCEPTIONS.

(C) A Type 1 development may:

- (1) construct to a height that is the applicable base zoning district height limit multiplied by 1.25;

- (2) reduce front yard setbacks by 50 percent;
  - (3) reduce rear setbacks by 50 percent; and
  - (4) include six dwelling units if the existing zoning on the site is Single Family Residential Small (SF-4A), Single Family Residence Condominium Site (SF-4B), or more restrictive[the number of dwelling units that is the greater of:
    - (a) ~~the maximum number of dwelling units otherwise authorized by this code multiplied by 1.5; or~~
    - (b) ~~six dwelling units~~].
- (D) In addition to Subsection (C), a Type 2 development may:
- (1) construct to a height that is the applicable base zoning district height limit multiplied by 1.5; and
  - (2) include eight dwelling units if the existing zoning on the site is Single Family Residential Small (SF-4A), Single Family Residence Condominium Site (SF-4B), or more restrictive[the number of dwelling units that is the greater of:
    - (a) ~~the maximum number of dwelling units otherwise authorized by this code multiplied by 2; or~~
    - (b) ~~eight dwelling units~~].

- (2) **Ensure fair outcome of Planning Commission and staff's recommendation to include screening and design requirements for developments on lots zoned SF-5 or more restrictive only when a qualifying development is higher than 35 feet or 3 stories by amending Part 3, Section 25-2-518 (*Qualifying Development*), beginning on Page 9, Line 234, as follows:**

**§ 25-2-518 QUALIFYING DEVELOPMENT.**

- (G) This section applies to a qualifying development located in urban residence (SF-5) or more restrictive zoning district and the height of the development exceeds 35 feet or three stories.
  - (1) A qualifying development must comply with:
    - (a) Section 25-2-1066 (*Screening Requirements*); and
    - (b) Subsections (A) and (B) in Section 25-2-1067 (*Design Regulations*).
  - (2) A person must enclose a refuse receptacle, including a dumpster.
  - (3) The location of and access to a refuse receptacle is subject to review and approval by the accountable official.
  - (4) A person may not collect or allow another to collect refuse receptacles between 10:00 p.m. and 7:00 a.m.
- (3) **Extend the affordability period for rental developments if the affordability period is extended for developments receiving city or Austin Housing Finance Corporation**

(AHFC) funds by amending Part 2, §25-1-723 (*Affordability Requirements*), beginning on Page 6, Line 144, as follows:

**§ 25-1-723 AFFORDABILITY REQUIREMENTS.**

(E) The minimum affordability period for a rental development is the greater of the affordability period required for developments receiving city or Austin Housing Finance Corporation (AHFC) funds or 40 years following the issuance of the last certificate of occupancy required for the qualifying development.

- (4) Allow cooperative housing to utilize the program by amending Part 2, Section 25-1-722 (*Eligibility*), beginning on Page 3, Line 62, and Part 2, Section 25-1-723 (*Affordability Requirements*), beginning on Page 5, Line 127, as follows and re-letter the subsections accordingly:

**§ 25-1-722 ELIGIBILITY.**

- (A) A proposed development qualifies as a Type 1 development and is eligible for this program if:
- (1) it includes:
    - (a) a minimum of three dwelling units, or
    - (b) the proposed development will consist only of affordable dwelling units, or
    - (c) one or more structures that serve as a dwelling unit for seven or more unrelated individuals who share amenities, such as a kitchen, bathrooms, or living areas;
  - (2) at least 25 percent of the affordable dwelling units include two or more bedrooms, supportive housing, housing for older persons, or any combination of the three, unless the proposed development meets Subsection (A)(1)(c);

**§ 25-1-723 AFFORDABILITY REQUIREMENTS.**

- (A) For purposes of this Section, the definition of "dwelling unit" or "unit" includes a bedroom in one or more structures where seven or more unrelated individuals reside who share amenities, such as a kitchen, bathrooms, or living areas.

- (5) Allow small lots to utilize the program by amending Part 4, Section 25-2-534 (*Qualifying Development Exceptions*), beginning on Page 9, Line 248, as follows and re-letter the subsections accordingly:

**§ 25-2-534 QUALIFYING DEVELOPMENT EXCEPTIONS.**

- (A) In this section, a qualifying development is a development certified under Section 25-1-724 (*Certification*) and participating in the Affordable Housing Bonus Program.

(B) A qualifying development is not subject to Section 25-2-511 (*Dwelling Unit Occupancy Limit*).

(C) Minimum lot size for a qualifying development is 2,500 square feet.

~~(D) Minimum lot width for a qualifying development is 25 feet.~~

- (6) Increase accessible parking space requirements by amending Part 5, Section 25-6-471 (*Off-Street Parking Facility Required*), beginning on Page 10, Line 287, as follows:

**§ 25-6-471 OFF-STREET PARKING FACILITY REQUIRED.**

(J) A qualifying development is not required to comply with Appendix A of Chapter 25-6 (*Transportation*) but must comply with this section.

~~(1) [If off-street parking is not provided for the qualifying development with more than two units, at least one van accessible space is required.]~~

~~(2) [If the parking provided by [off-street parking is provided for] a qualifying development with more than two units is fewer parking spaces than required in Appendix A (*Tables of Off-Street Parking and Loading Requirements*), the minimum number of required off-street accessible spaces is the greater of [the number of accessible spaces required under]:~~

~~(a) one accessible parking space;~~

~~(b) the number of accessible spaces required under the Building Code based on [20] 100 percent of the parking required for the use under Appendix A (*Tables of Off-Street Parking and Loading Requirements*); or~~

~~[(b)c] the number of accessible spaces required under the ADA or the FHAA, as appropriate.~~

~~[(3)2] An accessible space must be adjacent to the site and on an accessible route.~~

~~[(4)3] An accessible parking space must comply with design, accessibility, and location requirements imposed by the ADA and the FHAA, as appropriate.~~

~~(4) Accessible parking detailed in Subsection (J)(1) must be provided off-street except insofar as on-street or off-site parking is allowed elsewhere in this title.~~

~~[(K) The director may waive an accessible space required under Subsection (J)(1) if one of the following applies:~~

~~(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.~~

- ~~(2) The accessible space cannot be provided as required in Subsection (J)(1) and the qualifying development is ineligible for participation in the fee in-lieu program under Paragraph (1) of this subsection.~~
- ~~(3) An equivalent off-site or on-street parking space designated as an accessible space is located within 200 feet of the qualifying development.~~

- (7) Rename the program, for purposes of clarity, by amending Part 2, Division 4 beginning on Page 2, Line 28, as follows:

Part 2. City Code Chapter 25-1, Article 15 (*Housing*) is amended to add a new Division 4 (~~[Residential Affordable Housing Development]~~ *Affordability Unlocked Bonus Program*) to read as follows:

*Division 4. ~~[Residential Affordable Housing Development]~~ Affordability Unlocked Bonus Program.*

- ~~(8) Clarify the allowable space that can be commercial uses by amending Part 3, Section 25-2-513 (*Qualifying Development*) beginning on Page 8, Line 223, as follows:~~

~~§ 25-2-513 QUALIFYING DEVELOPMENT:~~

- ~~(B) No more than 25 percent of the gross floor area of the qualifying development may be comprised of ~~[non-residential]~~ commercial uses. The permitted commercial uses are determined using the base zoning district.~~

- ~~(9) Clarify that Type 2 requirements are in addition to Type 1 requirements by amending Part 2, Section 25-1-723 (*Affordability Requirements*) beginning on Page 5, Line 131, as follows:~~

~~§ 25-1-723 AFFORDABILITY REQUIREMENTS:~~

- ~~(B) ~~[Except for a Type 2 rental development that complies with the requirements described in Section 25-1-722(C)(2), a]~~ A rental development must comply with at least the following:~~
- ~~(1) at least 50 percent of the total units serve households whose incomes average 60 percent MFI or below; and~~
  - ~~(2) at least 20 percent of the total units serve households with incomes of 50 percent MFI or below.~~