

## **BACKGROUND DOCUMENTS**

Preservation Austin - recommendations on LDC revision (p. 2-8)

AIA Austin - recommendations on LDC revision (p. 9-14)

HLC - recommendations on CodeNEXT from Apr. 2018 and Oct. 2017 (p. 15-21)



## **RECOMMENDATIONS FOR THE CITY OF AUSTIN'S PROPOSED 2019 LAND DEVELOPMENT CODE 11/7/2019**

### **Mission**

Preservation Austin's mission is to promote Austin's diverse cultural heritage through the preservation of historic places.

This includes preserving character-rich neighborhoods, both in and outside of local historic districts, minimizing displacement of existing communities and promoting preservation as a component of smart growth and change throughout our community.

### **Position Statement**

We believe in building an affordable Austin for existing and future residents. This includes incentivizing preservation of older, existing single-family homes and apartment buildings, and strengthening long-term affordability requirements for increased entitlements and new development.

Preservation Austin appreciates that individual landmark (H) and local historic district (HD) overlays carry over to the proposed new draft code, and that the code states overlays may apply more restrictive development regulations than those allowed by base zoning. We also appreciate that City Attorney Brent Lloyd stated at the October 26, 2019 Planning Commission meeting that the code, "declares that the more restrictive requirement always applies if it's in conflict with the less restrictive requirement." This provides some assurance that the City will enforce existing and future H and HD overlay standards. Local historic districts currently comprise less than one percent of Austin's land area but are home to some of our most important historic resources and densely populated neighborhoods. Dr. Mike Powe from the NTHP spoke recently at a City sponsored Imagine Austin Speaker Series event and shared that the older central neighborhoods in Austin are already 85% more dense than newer neighborhoods farther from the city core. We look forward to the designation of additional districts in the coming years, supported by the establishment of citywide design standards now underway.

Preservation Austin also appreciates the introduction of a Preservation Incentive Program in the draft code. With meaningful changes, this has the potential to encourage preservation of existing housing stock in our central neighborhoods while increasing low-rise density and preventing unnecessary demolitions that significantly add to the city's carbon footprint and landfill waste.

Preservation of historic resources and neighborhoods has been part of major planning documents the City has developed in the past decade – including the Downtown Austin Plan, the Imagine Austin comprehensive plan, and Strategic Direction 2023 – but that isn't reflected in the intensity of up-zoning and increased development standards proposed in the proposed land development code.

The *Imagine Austin* plan adopted by the City in 2012 directs the city to “preserve,” “protect,” and “interpret” historic resources. *Imagine Austin* commits the City to protection of not only properties zoned as historic landmarks or historic districts, but also properties listed on the National Register of Historic Places, designated Registered Texas Historic Landmarks, historic resources identified in City inventories, view corridors, and historic parks. (See pages 37 and 122).

What’s more, *Imagine Austin* also calls for the City to “Protect historic buildings, structures, sites, places, and districts in neighborhoods throughout the City” – regardless of official zoning or historic designation. (See page 122). The proposed code adversely impacts existing homeowners and small business—the backbone of our city’s cultural heritage, without providing assurances that the changes will result in more housing affordability. Protecting existing density in Austin’s central core can and should be balanced with increasing density in all parts our city, focusing on developing transit networks for the future instead of relying on the transit networks of our past.

Another key tenet of the *Imagine Austin Plan* is sustainability. Historic preservation is an essential part of Austin’s sustainable future. *Imagine Austin* delivers a promise that City code will:

- Integrate development with the natural environment through green building and site planning practices such as tree preservation and reduced impervious coverage and regulations. Ensure new development provides necessary and adequate infrastructure improvements,” and
- Reduce the overall disposal of solid waste and increase reuse and recycling to conserve environmental resources.” (See page 153).

Demolition of existing housing stock is a leading contributor to our carbon footprint and landfill waste, while degradation of our urban forest for new development would contribute to the same. The Preservation Incentive within the new code makes a limited effort to acknowledge these goals – which Preservation Austin appreciates. Overall, however, the projected outcome of the proposed code will be to increase demolition and solid waste disposal – not decrease it.

#### **Recommendations for improvements:**

##### **1) Revisions to code language (See attached spreadsheet for recommended text revisions):**

- a) As currently written the Preservation Incentive does little to discourage the demolition of existing buildings, protect the streetscape scale and character of neighborhoods. As you will see, the revisions we recommend would make the program both more meaningful to the community and attractive to property owners and developers by requiring front portions of existing structures to be maintained in exchange for relaxing development standards.
- b) We are also recommending revisions to the Historic Preservation sections of the code to make improvements to the code language, correct errors in language, and reinstate language that is currently in the code.

##### **2) Process for Adoption of New Code:**

- a) Although documents released by the Code rewrite team indicated representatives of the Historic Preservation Office (HPO) would participate in the drafting of code language and zoning maps, to our knowledge none of the HPO staff participated in the process; this despite numerous other subject matter staff being asked and allowed to participate. The HPO is an integral part of the Planning Department and historic preservation has been identified as a

community goal in City planning documents from the *Downtown Austin Plan* to the *Imagine Austin* comprehensive plan. Therefore, HPO staff should be provided the opportunity to participate meaningfully in the process to ensure the accuracy of information used for decision making and to assess the impacts of development standards on historic and potentially historic resources.

- b) We strongly agree with other stakeholders that more time is needed for citizens to understand the ramifications of the proposed changes and have an opportunity to provide meaningful recommendations and alternative mapping scenarios. We appreciate that staff has been taking input from the community, correcting errors in the maps, and making recommendations for revisions to the proposed language; however, that requires citizens to continue to conduct detailed analysis of the proposals with limited time to provide additional input. The process is also taking place during a time of year when many citizens have family obligations related to the holiday season. We ask that Council consider extending the time for review and decision making further into 2020.

### 3) Mapping

- a) Direct staff to verify each H and HD property to ensure the zoning overlay is carried over to the new maps. The draft does not identify H zoning for some existing landmarked properties (e.g. landmarked properties on Highland Avenue and Harthan Street) and H classification may have been added incorrectly to others (e.g. the property with ID 286158).
- b) The intensity of many of the zoning changes and the corresponding height and setbacks are not consistent with H and HD overlay zoning. Significantly up-zoning H and HD properties will result in erroneous expectations for current and future property owners and increase the likelihood of conflict between the Historic Landmark Commission and developers/property owners. For many of these properties the height, impervious cover, setbacks and other zoning entitlements would be in clear violation of the Secretary of Interior's Standards and/or adopted Local Historic District Design Standards, which must be met for all H and/or HD zoning. Consider decreasing the zoning classifications on existing H and HD properties to align better with those zoning overlays.
- c) Much of the Hyde Park NCCD area is categorized as F25, with current zoning and NCCD overlay standards applying; however, properties along Duval Street and others within the NCCD area (that are also zoned HD) are significantly up-zoned. These should be treated as the remainder of Hyde Park NCCD area is being treated, especially along Duval St.
- d) Direct staff to analyze view corridors cited in *Imagine Austin* and ensure that they are protected.
- e) City-funded historic resource surveys from the past 10 years should be overlaid onto the map and taken into consideration when revising zoning for individual parcels. This includes the East Austin Historic Resource Survey (2016) and Citywide Historic Building Scan (2018).
- f) National Register Historic Districts should be overlaid and taken into consideration when revising zoning.
- g) The buffer used for transition zones is far too deep and contradicts Council guidance that "The depth and scale of transition zones should be reduced so that the transition zone(s) do not overlap with the majority of the existing single-family neighborhood area." Designating additional transit corridors with narrower transition zones, such as along Exposition and Lake Austin Boulevards, would more evenly distribute density across the city.
- h) Reassess zoning classifications to ensure proposed zoning changes are not inconsistent and arbitrary. For example, upzoning on parcels along W. 5<sup>th</sup> and W. 6<sup>th</sup> Streets between N. Lamar and Mopac include changes in use that are inconsistent with adjacent residential uses and do not relate to the goal of increasing housing.

Land Development Code Revision Recommendations									
Submitter (Commissioner or Working Group)	Title (Short Description)	Chapter (and Section, if any)	Division	Page	Intent	Suggested Text	Notes	Justification	
1	Preservation Austin	Heritage Trees	4C-2	23-4C-3		Protect heritage trees.	Do not relax restrictions and waivers from the existing heritage tree ordinance.		Council direction calls for balancing needs while protecting the environment and sustainability including tree preservation. Maintaining our heritage trees is essential to community goals related to sustainability and mitigating climate change.
2	Preservation Austin	Preservation Incentive	23-3C	3050(D)(2) a)	10	Incentivize maintaining the front façade of existing homes over 30 years old, with further protection of appearance and scale of structures over 50 years old.	For buildings 30-50 years old: (a) If the structure has a side-gabled, cross-gabled, hipped, or pyramidal roof form, set the addition behind the existing roof's ridgeline or peak. (b) If the structure has a front-gabled, flat, or shed roof form, set the addition back from the front wall one-half of the width of the front wall. For example, if the front wall is thirty feet (30') wide, set the addition back by at least fifteen feet (15'). (c) Retain the original roof configuration and pitch up to the greater of (a) 15' feet from the front facade or (b) the ridgeline of the original roof.  For buildings over 50 years old development standards should be adopted to maintain the front facades of buildings in a manner similar to the city-wide design standards for Local Historic Districts being developed by the Historic Preservation Office.	Revising the language results in the front facades being maintained and thereby maintain neighborhood character and scale to a higher degree, while also preserving the same (or possibly greater) amount of building material. The proposed language is the same as that proposed for the city-wide HD overlay design standards and reflect best-practices.	Imagine Austin calls for guidelines to support preservation. City Council also directed to create Preservation incentives City-wide, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure. Allowing only the rear of a structure to be saved keeps some materials out of the land fill, but does not maintain streetscape architectural character or scale.
3	Preservation Austin	Preservation Incentive	23-3C	3050(D)	10	Increase attractiveness of preservation incentive tool by allowing addition of habitable space.	Revise Section (c) Adding Habitable Space to be based on a ratio of the square footage of the existing structure to that of the new structure(s), not % of value of structure	By making the limitation on how much you can add on to the existing house a percentage not of "the \$ value of your preserved house", and not a sq. ft. % of your existing/preserved house, but a % of the sq. ft. of the new building being added when you use the Preservation Incentive – the city will get more density, while rewarding owners of preserved buildings with the ability to add to the preserved house with a formula that encourages the building of more and bigger new units.	Imagine Austin calls for guidelines to support preservation. City Council also directed to create Preservation incentives City-wide, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure.
4	Preservation Austin	Preservation Incentive	23-3C	3050(D)	10	Increase viability of preservation incentive tool by not requiring cumbersome processes and associated costs.	Exempt developments using preservation incentive from any Site Plan requirements beyond single family requirements, including Site Plan Lite.	Added design and permit costs will disincentivize preservation.	Imagine Austin calls for guidelines to support preservation. City Council also directed to create Preservation incentives City-wide, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure.
5	Preservation Austin	Preservation Incentive	23-3C	3050(D)	10	Increase viability of preservation incentive tool by increasing impervious cover.	Add 5% increase in impervious cover for those using the preservation incentive in R2B and R4 zones.	Preservation should be priority in this zone, followed by Duplex, then Single Family. The proposed increase in FAR for Duplexes in R2B and R4 could incentivize Duplexes over preservation of existing homes. An increase in IC for preservation units would make it the most attractive option in this zone.	Imagine Austin calls for guidelines to support preservation. City Council also directed to create Preservation incentives City-wide, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure.

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6	Preservation Austin	Preservation Incentive	23-3C	3050(D)	10	Increase attractiveness of preservation incentive tool and further incentivize maintaining existing building.	The floor area of the preserved unit does not count against the FAR limit for uses in the zone.  Limit FAR of new construction to .6.	The Oct. 4 draft LDC increases the allowed FAR for Duplexes, to .6 (up from .4 previously) – and that will encourage demolition of existing affordable houses (that are limited to .4 FAR) on R2A lots for example to replace them with new up-market Duplexes that get .6 FAR. That creates a tilted playing field against the Preservation Incentive. Defining the allowed FAR for new buildings added in the Preservation Incentive at .6 (not .4, and not “unlimited” FAR which would encourage huge ADUs and 3-story new construction that would be disruptive to neighborhoods and adjacent properties, while demolishing up to 50% of the “preserved” home), and exempting the preserved building from FAR, would make the Preservation Incentive more effective at preservation of existing affordable housing while simultaneously allowing more density on those Preservation Incentive parcels than even the new Duplex rules.	Imagine Austin calls for guidelines to support preservation. City Council also directed to create Preservation incentives City-wide, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure.
7	Preservation Austin	Preservation Incentive	23-3C	3050(D)	10	Increase attractiveness of preservation incentive tool by reducing parking requirement.	Eliminate parking requirements for preservation units in all Residential House-Scale zones.	Some older homes don't have driveways or curb cuts and adding (3) parking spaces on these lots could be cost prohibitive. Remove barriers to preservation.	Imagine Austin calls for guidelines to support preservation. City Council also directed to create Preservation incentives City-wide, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure.
8	Preservation Austin	Preservation Incentive	23-3C	3050(D)	10	Increase attractiveness of preservation incentive tool by allowing design flexibility.	Allow (2) curb cuts for projects using preservation incentive if a curb cut already exists on site.	Allows flexibility to design around existing site encumbrances including heritage trees. If an existing curb cut does exist, allow it to remain and allow a new one for additional units	Imagine Austin calls for guidelines to support preservation. City Council also directed to create Preservation incentives City-wide, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure.
9	Preservation Austin	Preservation Incentive	23-3C	3050(D)	10	Increase attractiveness of preservation incentive tool by allowing design flexibility.	Clarify code language to allow an internal ADU to be added to the preserved structure.	Allows flexibility to meet preservation incentive. Preservation should extend to all building types, not just detached single family	Imagine Austin calls for guidelines to support preservation. City Council also directed to create Preservation incentives City-wide, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure.
10	Preservation Austin	Preservation Incentive	23-3C	3050(D)	10	Increase attractiveness of preservation incentive tool by allowing design flexibility.	Allow attics and basements to be converted to habitable area without counting against a cap on new habitable area added to a qualifying preserved structure.	Allows flexibility to achieve preservation incentive.	Attic and basement area is exempted from FAR and does not impact the look or character of a preserved structure from the public realm.
11	Preservation Austin	Front Set Backs	23-3C			Maintain compatible front set-backs.	Reduce front setbacks in all R and RM zones to the average of the set backs of existing structures on the same block face.	The intensity of many of the zoning changes, including the corresponding development standards and allowed uses, are not consistent with adjacent properties.	Council guidance refers to reducing compatibility requirements along activity corridors only. Consistent setbacks are key to compatibility, and a 15' setback is insufficient to maintain that compatibility.

Land Development Code Revision Recommendations									
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12	Preservation Austin	Limits on Applications for Historic Designation	23-3C	10100 (C)(2)	22	Eliminate the limit on the number of applications for H overlay designation of properties located in a National Register Historic Districts to provide greater opportunity for protection of those historic resources.	The Historic Landmark Commission may consider no more than one application per month for an H Overlay designation of property located in any Local Historic District, unless there would otherwise be fewer than a total of three applications for an H Overlay designation considered in that month.	HLC review of changes to properties in National Register Districts is advisory only, hence those properties should not be considered to have the same protections as properties located in HD Overlay districts.	Imagine Austin directs the city to "preserve," "protect," and "interpret" historic resources. Imagine Austin commits the City to protection of not only properties zoned as historic landmarks or historic districts, but also properties listed on the National Register of Historic Places. LUT P41. Protect historic buildings, structures, sites, places, and districts in neighborhoods throughout the City. LUT P42. Retain the character of National Register and local Historic Districts and ensure that development and redevelopment is compatible with historic resources and character.
13	Preservation Austin	Designation Criteria for H and HD Overlay	23-3C	10100(D)(c)	23	Delete the second reference to the age of properties eligible for designation as H Overlay	Is individually listed in the National Register of Historic Places; or is designated as a Recorded Texas Historic Landmark, State Antiquities Landmark, or National Historic Landmark; or demonstrates significance in at least two of the following categories:		The reference to the requirement for a property to be at least 50 years old to be eligible for H Overlay designation is already included in 23-3C-10100(D)(1)(a). Referencing the age of the property in (c) is redundant.
14	Preservation Austin	Designation Criteria for H and HD Overlay	23-3C	10100(D)(C)(i) & (ii)	23	Revise H designation criteria to reflect best practices and protect properties that are associated with significant architects, builders and artisan.	(i) Architecture. The property embodies the distinguishing characteristics of a recognized architectural style, type, or method of construction; exemplifies technological innovation in design or construction; displays high artistic value in representing ethnic or folk art, architecture, or construction; represents a rare example of an architectural style in the City; possesses cultural, historical, or architectural value as a particularly fine or unique example of a utilitarian or vernacular structure; or represents an architectural curiosity or one-of-a-kind building. A property located within a local historic district is ineligible to be nominated for landmark designation in compliance with the criterion for architecture, unless it possesses exceptional significance or has a separate period of significance; (ii) Historical Associations. The property has longstanding significant associations with persons, groups, institutions, businesses, or events of historic importance which contributed significantly to the history of the City, state, or nation; is associated with, or was designed or built by, an architect, builder, or artisan who significantly contributed to the development of the City, state, or nation; or represents a significant portrayal of the cultural practices or the way of life of a definable group of people in a historic time;	A property's association with an architect, builder or craftsman should be considered separately from whether the property is a good example of a particular architectural style, type, or method of construction, etc. Placing the architect, builder or craftsman in the same criteria as Architecture could lead to the loss of significant Architect-designed historic resources that do not have any other significant historical associations (e.g. association with significant owners or events). For example, a home designed by prominent Austin architect A.D. Stenger for someone who was not themselves significant to Austin's history, or that doesn't meet a second criteria such a community value criteria, currently does not meet the requirements for designation. The number of eligible properties would be extremely small; however, as currently worded it could lead to the loss of highly significant architect-designed historic resources that the City would otherwise want to preserve.	Imagine Austin directs the city to "preserve," "protect," and "interpret" historic resources.
15		HD Overlay Application Requirements	23-3C	10100 (F)(5)(e)	24	Add non-contributing properties to the list of properties in HD Overlay historic district.	For a HD Overlay, a historic district preservation plan, as described in Subsection (H)(2), and list of designated contributing and non-contributing structures as described in Subsection (B).		Non-contributing properties need to be listed in the overlay district as they are subject to the preservation plan for new construction.
16		HD Overlay Application Requirements	23-3C	10100 (H)(1)(c)	25	Add non-contributing properties to the list of properties in HD Overlay historic district.	List the designated contributing and non-contributing structures.		Non-contributing properties need to be listed in the overlay district as they are also subject to the preservation plan for new construction.

Land Development Code Revision Recommendations									
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17	Preservation Austin	Construction material diversion and Preservation Incentive	23-6C	2060(B)	3	Divert construction demolition materials from landfill, increases attractiveness of preservation incentive tool and further incentivizes maintaining existing building.	Require construction materials to be diverted from landfill for all projects unless it is using the Preservation Incentive.	Current language only requires diversion from residential construction projects that exceed 5,000 square feet of new, added, or remodeled floor area. Projects using the Preservation Incentive would already be maintaining a portion of the existing structure in place. Exempting these projects from diversion make the incentive more attractive.	Council direction calls for balancing needs including protecting the environment and sustainability.
18	Preservation Austin	Purpose of Special Requirements for Historic Properties & Buildings 45 or More Years Old	23-6E	1010(A)	1	Clarify purpose of the Division.	The purpose of this article is to identify and protect buildings, sites, and structures of historical, cultural and architectural significance to the community through: (1)Review of proposed changes to already identified historic properties; (2)Review of requests to demolish or relocate already identified historic properties; (3)Review of other properties to identify assets of historical, cultural and architectural value.	Add "historical" to (1) and (3), and eliminate (4) "Protecting property rights with reasonable regulations and procedures."	Clarifies that the purpose of the section includes protecting <u>historic</u> properties, as well as those with cultural and architectural significance. The reference to property rights unnecessarily politicizes the review of historic properties. This type of statement is not included in the purpose subsection of other overlay zones and is a position statement that does not reflect direction from Council.
19	Preservation Austin	Review Authority	23-6E	1030(A)	2	Eliminate language allowing other city departments to control delegations for this subsection.	Except for functions specifically delegated to the Planning and Zoning Director, authority and responsibility for implementing this article is delegated to the Historic Preservation Officer, who is appointed by the city manager.	Review of cases involving historic properties requires specialized knowledge and experience in applying historic preservation standards, which are the job requirements of the historic preservation office staff.	Other City departments lack the knowledge and expertise of the Historic Preservation Officer and other HPO staff to properly apply best practices and appropriate standards to the review of the cases regulated under this section.
20	Preservation Austin	Process for Historic Review	23-6E	1050(D)	2	Maintain existing code language related to Process of Historic Review included in Oct. 4 code release.	The Historic Landmark Commission shall hold a public hearing on an application to be placed on its agenda within 60 days of the historic preservation officer receiving a complete application.	On Oct. 25 the Staff Supplemental Report included the following recommendation: Revise Section 23-6E-1050 (Process of Historic Review) to allow the building official to approve building, demolition, or relocation permits if the Historic Landmark Commission has not conducted a public hearing within 60 days from the date of application.	Current language in the code is adequate to balance the City's goals related to protection of historic properties and timing for release of permits.
21	Preservation Austin	Action on a Certificate of Appropriateness	23-6E	2040	3	Maintain existing code language regarding criteria for review of cases on historic properties and protect City's CLG status.	In making a determination under this section, the commission shall consider the United States Secretary of the Interior's Standards for Rehabilitation, 36 Code of Federal Regulations Section 67.7(b).	This language is currently in the code and should be carried over. Additionally, a formal process should be developed for determining when and if a "hardship" claim should be allowed to override the Secretary of the Interior's Standards for Rehabilitation. This process could be similar to that required for variances being considered by the Board of Adjustment.	The SOI Standards are nationally recognized standards for review of work impacting designated and historic properties, the purpose of which it to provide a level of objectivity to the criteria for review. Failure to review alterations to (and demolitions of) designated properties following the Secretary of the Interior's Standards for Rehabilitation jeopardizes the City's status as a Certified Local Government (CLG) and the ability of the City to apply for Federal funds to carry our historic preservation activities. CLG status requires the City to apply the SOI Standards to review of designated properties.
22	Preservation Austin	Clarify the requirement for an owner to remedy violations to the "Duty to Preserve and Protect" section related to H Overlay properties.	23-6F	1020	2	Add language to be in line with the "duty to preserve and protect" H Overlay properties.	If the building has any of the defects listed in Subsection (B), the owner shall repair the building to comply with the city's minimum housing standards and remedy any of the defects listed in Subsection (B).		The defects listed in Subsection (B) go beyond the city's minimum housing standards and so should be noted as required in this Subsection.

Submitter	Description	Ch. / Sec.	Division	Page	Intent	Suggested Text	Notes	Justification
AIA Austin	Preservation Incentive	23-3C	3050(D)	10	Increase viability of preservation incentive tool by increasing impervious cover.	Add 5% increase in impervious cover for those using the preservation incentive in R2B.	Preservation should be priority in this zone, followed by Duplex, then Single Family. The proposed increase in FAR for Duplexes in R2B could incentivize Duplexes over preservation of existing homes. An increase in IC for preservation units would make it the most attractive option in this zone.	Imagine Austin calls for guidelines to support preservation. City Council also directed to create Preservation incentives City-wide, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure.
AIA Austin	Preservation Incentive	23-3C	3050(D)	10	Increase viability of preservation incentive tool by not requiring technical restrictions.	Provide direction to staff to ensure Technical Criteria Manuals do not add cumbersome requirements or additional costs to the preservation incentive process.	TCMs are unknown at this point and could require items that make this cost prohibitive.	Imagine Austin calls for guidelines to support preservation. City Council also directed to create Preservation incentives City-wide, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure.
AIA Austin	Preservation Incentive	23-3C	3050(D)	10	Increase viability of preservation incentive tool by not requiring cumbersome processes.	Exempt developments using preservation incentive from any Site Plan requirements beyond single family requirements, including Site Plan Lite.	Added design and permit costs will disincentivize preservation.	Imagine Austin calls for guidelines to support preservation. City Council also directed to create Preservation incentives City-wide, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure.
AIA Austin	Preservation Incentive	23-3C	3050(D)	10	Increase attractiveness of preservation incentive tool by allowing addition of habitable space.	Revise Section (c) Adding Habitable Space to be based on square footage area, not % of value of structure.	Current % of value requirement would allow little to no additional square footage. \$100K structure would only allow \$20K addition. This would be little more than a closet. City Council direction to create Preservation incentives City-wide, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure. Remodeling or adding units should be very simple, so it is much easier to preserve an existing home than to tear down and replace it with another larger structure	Per City Council direction, remodeling or adding units should be very simple, so it is much easier to preserve an existing home than to tear down and replace it with another larger structure
AIA Austin	Preservation Incentive	23-3C	3050(D)	10	Increase attractiveness of preservation incentive tool by reducing parking requirement.	Eliminate parking requirements for preservation units in all Residential House-Scale zones.	Some older homes don't have driveways or curb cuts and adding (3) parking spaces on these lots could be cost prohibitive. Remove barriers to preservation.	Imagine Austin calls for guidelines to support preservation. City Council also directed to create Preservation incentives City-wide, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure.
AIA Austin	Preservation Incentive	23-3C	3050(D)	10	Increase attractiveness of preservation incentive tool by allowing design flexibility.	Add language to clarify (2) ADUs can be added as part of preservation incentive to achieve total of (3) units.	To incentivize preservation, the code should allow any combination of housing types to achieve (3) total units.	Imagine Austin calls for guidelines to support preservation. City Council also directed to create Preservation incentives City-wide, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure.
AIA Austin	Preservation Incentive	23-3C	3050(D)	10	Increase attractiveness of preservation incentive tool by allowing design flexibility.	Allow (2) curb cuts for projects using preservation incentive if a curb cut already exists on site.	Allows flexibility to design around existing site encumbrances including heritage trees. If an existing curb cut does exist, allow it to remain and allow a new one for additional units	Imagine Austin calls for guidelines to support preservation. City Council also directed to create Preservation incentives City-wide, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure.
AIA Austin	Preservation Incentive	23-3C	3050(D)	10	Increase attractiveness of preservation incentive tool by allowing design flexibility.	Allow existing Duplex to qualify for the preservation incentive and clarify if one or both units must be preserved.	Allows flexibility to meet preservation incentive. Preservation should extend to all building types, not just detached single family.	Imagine Austin calls for guidelines to support preservation. City Council also directed to create Preservation incentives City-wide, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure.
AIA Austin	Preservation Incentive	23-3C	3050(D)	10	Increase attractiveness of preservation incentive tool by allowing design flexibility.	Clarify code language to allow an internal ADU to be added to the preserved structure.	Allows flexibility to meet preservation incentive. Preservation should extend to all building types, not just detached single family	Imagine Austin calls for guidelines to support preservation. City Council also directed to create Preservation incentives City-wide, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure.
AIA Austin	Preservation Incentive	23-3C	3050(D)	10	Increase attractiveness of preservation incentive tool by allowing design flexibility.	Allow a new unit to be added on top of preserved unit and allow an attic be converted to an ADU.	Allows flexibility to meet preservation incentive. Allow flexibility to achieve preservation and density	Imagine Austin calls for guidelines to support preservation. City Council also directed to create Preservation incentives City-wide, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure.
AIA Austin	Preservation Incentive	23-3C	3050(D)	10	Increase attractiveness of preservation incentive tool by allowing design flexibility.	Allow attics and basements to be converted to habitable area without counting against a cap on new habitable area added to a qualifying preserved structure.	Allows flexibility to achieve preservation incentive.	Attic and basement area is exempted from FAR and does not impact the look or character of a preserved structure from the public realm.

Submitter	Description	Ch. / Sec.	Division	Page	Intent	Suggested Text	Notes	Justification
AIA Austin	Preservation Incentive	23-3C	3050 (D)	10	Increase viability of preservation incentive tool by increasing impervious cover.	Add 5% increase in impervious cover for those using the preservation incentive in R4 zones.	Preservation incentive looks more attractive on large lots, but many of the urban core older homes are on small lots. The baseline of (4) units in this zone doesn't make preservation very attractive. Need more impervious cover to incentivize preservation. More than (2) units above the ground level requires a second egress stair per City of Austin amendments to the IBC. This, along with trash, recycling, and compost bin storage eats up space and therefore more IC is needed to make it work on typical small lots in the urban core.	Imagine Austin calls for guidelines to support preservation. City Council also directed to create Preservation Incentives City-wide, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure.
AIA Austin	Front Yard Planting	23-3D	3040	4	Reduce Front Yard Landscaping Requirements.	Calibrate front yard tree requirements to align with lot size.	There is physically not enough space to plant this many trees after subtracting out driveways, sidewalks, etc. A typical small lot would have to provide (1) large tree and (3) small trees in a front yard with 15' setback.	There is nothing in Council direction or Imagine Austin that directed staff to create these burdensome requirements.
AIA Austin	Front Yard Planting	23-3D	3040	4	Revise Front Yard Landscaping Requirements to conform with utility requirements.	Revise Front Yard tree requirements to allow Austin Energy compatible trees.	Lots with overhead lines will be in noncompliance due to Austin Energy's conflicting requirements. Working through conflicts between code and AE requirements create delays and add cost.	There is nothing in Council direction or Imagine Austin that directed staff to create these burdensome requirements.
AIA Austin	Townhouse Use	23-3C	3130(A)	32	Need AHBP FAR Bonus for Townhouses.	Add 0.6 FAR bonus for projects opting into the AHBP.	Currently, Townhouse Use receives no bonus for opting into AHBP.	Opportunity for affordable bonuses should be taken wherever possible.
AIA Austin	R4 Zoning	23-3C	3130(A)	32	Increase entitlements to allow for (4) units on small lots.	Increase impervious cover on small lots in this zone.	Added IC will help achieve intended yield. It will be very hard to achieve (4) units on small lots mapped R4 without additional impervious cover.	Per City Council direction, the draft code should encourage Townhomes. Simply allowing the use is not encouragement.
AIA Austin	Cottage Court Use	23-3D	1160(A)	19	Courtyard area can be prohibitive on small lots using Cottage Court-3.	Revise Table 23-3D-1160(A) to eliminate total area and only provide area per unit.	A total area is not needed if there is an area requirement per unit. Excessive area requirement will leave Cottage Court Use under utilized.	Per City Council direction, the draft code should encourage Cottage Courts. Requiring too much open space will discourage their use.
AIA Austin	Cottage Court Use	23-3D	1160(A)	19	Allow unclustered parking in Cottage Courts.	Revise text to allow unclustered parking in Cottage Court Use.	Design flexibility is needed to work around site constraints like heritage trees and grading. Clustered parking requirement could prevent Cottage Court on lots with any site features.	Per City Council direction, the draft code should encourage Cottage Courts. Requiring too many prescriptive design standards will discourage their use.
AIA Austin	RM1 Building Height	23-3C	4060(D)	12	Increase height in this zone to allow buildings to achieve desired density.	Revise allowable height to be 45' base and 55' with AHBP.	This zone is mapped behind corridor lots that will allow 90' buildings. A 40' height limit behind 90' is not an appropriate transition between scales. 40' is also lower than the 45' allowed in R4 with the AHBP height bonus.	Per City Council direction, the draft code should meet housing goals for affordable housing. The allowed number of affordable units can not be achieved on typical urban sites without additional height.
AIA Austin	Townhouse Use	23-3C	4050	7	Allow two lots to be combined for Townhouse Use without having to aggregate them.	Add simple process to allow (2) lots to be combined for Townhouse Use.	This will allow Townhouse to be utilized much more. Aggregation is time consuming and expensive and will be cost prohibitive.	Per City Council direction, the draft code should encourage Townhomes. Simply allowing the use is not encouragement.
AIA Austin	Density	23-3C	4060(A)	12	Allow density to scale with lot size.	Revise and calibrate Table 4060(A) to allow units per acre.	This zone is mapped over lots with a wide range of sizes, some of which are currently zoned SF-5 or SF-6. Capping large lots at (10) units a loss compared to SF-5 and SF-6 zones in the current code.	Per City Council direction, the draft code should meet housing goals for affordable housing. The amount of affordable units on a site should be correlated with lot size in order to achieve the most affordable units we can.
AIA Austin	RM Zoning Site Development	23-3C	4050	7	Clarify site plan development requirements for these sites with multiple units	Add text to exempt RM1 zoned developments from full site plan development requirements	It is unclear what site plan development requirements will be enforced in RM1 zones. Site Plan Development standards will make or break this success of this zone. If these standards are overly burdensome then many will choose not to opt in.	Per City Council direction, the draft code should meet housing goals for affordable housing. These developments can not achieve affordability if they have overly complicated site development requirements. This increases design costs, permitting costs, and construction costs.
AIA Austin	Open Space	23-3D	4020(B)	1	Reduce barriers for Missing Middle housing.	Consider lowering or exempting R4 & RM1 zones from 5% Open Space requirement.	On small urban core lots, this open space requirement will have a big effect on yield.	Per City Council direction, the draft code should encourage missing middle housing. The more site requirements required by code, the more it will be discouraged

Submitter	Description	Ch. / Sec.	Division	Page	Intent	Suggested Text	Notes	Justification
AIA Austin	Ground Floor Height	23-3C	6000		Match ground floor height of VMU standards in Subchapter E from current code.	Table 23-3C-60#(D) Height: (3) Primary Building, Ground Floor: Change Floor-to-Bottom of Structure Height from 18' (min.) to 12' (min.).	Applies to all MS zones. 18' clear height is excessive as a minimum requirement. This could prevent a fifth floor of residential units under the 65' overall building height. Maintain the 65' overall building height, however, to allow flexibility in achieving the fifth floor of units on sloping lots.	12' clear height matches today's regulations. Projects will exceed this downtown and in developments where the market demands more generous ceiling heights. It would increase construction costs and make it difficult to provide dwelling units at the ground floor under a ~20' podium on the non-primary street.
AIA Austin	Parkland Dedication	23-4B	1010		Exempt sites in IA Corridors and Centers from on-site parkland dedication.	Add exemption in 23-4B-1010(B)(2); exempt all properties fronting an IA Corridor or within an IA Center from dedication of on-site parkland. Allow fee-in-lieu automatically.	Modeling of the 15% Urban Core Cap on-site parkland results in significant loss in residential units, even moreso if a development opts in to the AHBP, or it would have eliminated an entire office building from one yield scenario.	Council Policy Direction 2.2.b requires prioritization of non-zoning regulations to allow more housing in centers and corridors. The uncertainty of on-site vs. fee-in-lieu and the potential loss from on-site parkland is low-hanging fruit for prioritization. Busy urban corridors are also not suitable for high-quality parks.
AIA Austin	Active Frontage	23-3C	6050		Clarify percentage of frontage that needs to be pedestrian oriented uses (POU).	Revise 23-3C-6050(E) to require POU at 75% of net building frontage.	As written, it's unclear if 100% of the primary frontage has to be POU or if one small residential lobby would comply. Needs clarification.	75% POU matches today's regulations in Subchapter E. Allowing lobbies serving upper floor uses to satisfy requirements is a good addition.
AIA Austin	Green Stormwater	23-4D	6030		Exempt sites in IA Corridors and Centers from requiring GSI for all water quality measures.	Add provision in 23-4D-6030(E) for properties fronting an IA Corridor or within an IA Center to treat water quality with other controls, e.g sed/fill ponds.	Testing revealed incentives to remove existing trees and pave intentionally to reach the 90% IC threshold to avoid doing GSI, which would've taken up much more site area. This is a perverse incentive and counter to many goals.	Council Policy Direction 2.2.b requires prioritization of non-zoning regulations to allow more housing in centers and corridors. Several policy directions relate to preserving trees, reducing IC, etc.
AIA Austin	Parking Maximums	23-3C	6040		Increase parking maximums to allow developments to provide parking at current market-demanded ratios.	Increase maximums in 23-3C-6040(B) to 1.75 times the minimum across the board.	Testing the 1.25 maximum was not workable on corridor projects outside of the downtown area where developments are currently providing approx. 1.5 spaces/unit and 4 spaces/1,000rsf of office.	This could be a deal-killer or an artificial limit on development yield in the locations we want most development to occur. Parking maximums to prevent extreme over-building are reasonable, but they need to allow current market-demanded parking to be provided until reliable, effective mass transit lowers this demand and maximums can be recalibrated.
AIA Austin	Active Frontage	23-3C	6050		Clarify Alternate Active Frontage requirements.	Clarify if active private frontage is limited to 20' in width or 50% of the building frontage. 23-3C-6050(C)(2)(a) and Figure 23-3C-6050(1) conflict. Recommend allowing 50% of the building frontage.	The 20' maximum width may be an error, meant to be maximum 20' depth as shown in the figure.	Necessary technical clarification.
AIA Austin	Density Cap	23-3C	6080		Eliminate unnecessary and redundant density cap.	Table 23-3C-6080(A) change Multifamily Base Standard from 54du/ac to N/R.		With FAR, height, setback, and other development regulations in effect, the du/ac tool is redundant and shouldn't limit residential yield in this intense zone. The 30' height bonus is attractive enough to incentivize AHBP without capping and bonusing du/ac.

Submitter	Description	Ch. / Sec.	Division	Page	Intent	Suggested Text	Notes	Justification
AIA Austin	Parking Maximums	23-3C	5040		Increase parking maximums to allow developments to provide parking at current market-demanded ratios.	Increase maximums in 23-3C-6040(B) to 1.75 times the minimum across the board.	Testing the 1.25 maximum was not workable on corridor projects outside of the downtown area where developments are currently providing approx. 1.5 spaces/unit and 4 spaces/1,000rsf of office.	This could be a deal-killer or an artificial limit on development yield in the locations we want most development to occur. Parking maximums to prevent extreme over-building are reasonable, but they need to allow current market-demanded parking to be provided until reliable, effective mass transit lowers this demand and maximums can be recalibrated.
AIA Austin	Active Frontage	23-3C	6050		Clarify Alternate Active Frontage requirements.	Clarify if active private frontage is limited to 20' in width or 50% of the building frontage. 23-3C-6050(C)(2)(a) and Figure 23-3C-6050(1) conflict. Recommend allowing 50% of the building frontage.	The 20' maximum width may be an error, meant to be maximum 20' depth as shown in the figure.	Necessary technical clarification.
AIA Austin	Green Stormwater	23-4D	6030		Exempt sites in IA Corridors and Centers from requiring GSI for all water quality measures.	Add provision in 23-4D-6030(E) for properties fronting an IA Corridor or within an IA Center to treat water quality with other controls, e.g sed/fill ponds.	Testing revealed incentives to remove existing trees and pave intentionally to reach the 90% IC threshold to avoid doing GSI, which would've taken up much more site area. This is a perverse incentive and counter to many goals.	Council Policy Direction 2.2.b requires prioritization of non-zoning regulations to allow more housing in centers and corridors. Several policy directions relate to preserving trees, reducing IC, etc.
AIA Austin	Parkland Dedication	23-4B	1010		Exempt sites in IA Corridors and Centers from on-site parkland dedication.	Add exemption in 23-4B-1010(B)(2); exempt all properties fronting an IA Corridor or within an IA Center from dedication of on-site parkland. Allow fee-in-lieu automatically.	Modeling of the 15% Urban Core Cap on-site parkland results in significant loss in residential units, even moreso if a development opts in to the AHBP, or it would have eliminated an entire office building from one yield scenario.	Council Policy Direction 2.2.b requires prioritization of non-zoning regulations to allow more housing in centers and corridors. The uncertainty of on-site vs. fee-in-lieu and the potential loss from on-site parkland is low-hanging fruit for prioritization. Busy urban corridors are also not suitable for high-quality parks.
AIA Austin	Building Height	23-3C	5100		Use consistent overall building heights across zones.	Table 23-3C-5070(D)(1) change overall max. building height from 60' (min.) to 65' (min.).	The 5' increase in height would not be perceivable from the ground level but would allow flexibility in achieving a fifth floor of residential units for projects on sloping lots.	This height aligns with MS3 and promotes consistency and flexibility for developments in Centers and Corridors.
AIA Austin	Density Cap	23-3C	5100		Eliminate unnecessary and redundant density cap.	Table 23-3C-5100(A) change Multifamily Base Standard from 48du/ac to N/R.	The reduction from current code is inappropriate for a high-intensity mixed-use zone. AIA testing shows it makes the AHBP more attractive, but could also tip the scale in favor of more commercial development.	Council Policy Direction 2.1.g stipulates downzoning should generally not occur. With FAR, height, setback, and other development regulations in effect, the du/ac tool is redundant and shouldn't limite residential yield in this intense zone.
AIA Austin	Mapping	23-3C	7060	9	Clarify UC85 zones	Add UC85 development requirements to code text section	UC85 zone is shown on proposed zoning map, but there are no regulations listed in code text	Technical Fix
AIA Austin	Reclaimed Water	23-9D	1030	2	Exempt small projects from reclaimed water requirements	Exempt projects less than 1 acre from reclaimed water requirement	Forcing a development to connect to reclaimed water is cost prohibitive and forcing it go 250 feet off site to connect to it is arbitrary. This requirement will kill many small projects that can not absorb this cost plus the cost to bring the water into the building and use it. This will require redundant building plumbing systems, which is very expensive. This is a huge shift in policy and needs to be eased into. This requirement, along with site detention changes, will kill many small developments	City Council direction's was focused on buildings over 250,000 SF, not small developments.
AIA Austin	Allowed Use	23-3C	5100	32	Clarify if multiple Uses are utilized if FAR is combined	Add language explaining which Uses can be combined and how to total their combined FAR. This should apply to FAR for AHBP as well	It is unclear how to develop on one lot with multiple uses	Technical Fix

Submitter	Description	Ch. / Sec.	Division	Page	Intent	Suggested Text	Notes	Justification
AIA Austin	Detention				Don't require on-site detention downtown.	Allow all projects with CC, DC, or UC zoning to participate in RSMP automatically.	Atlas 14 may result in undersized existing stormwater infrastructure downtown, requiring upgrading of these lines or on-site detention.	It is understood that the lower 1/3 of watersheds should not detain water. Best practice would be to allow this water to drain directly into the lake as fast as possible.
AIA Austin	Accessible Parking	23-3D	2040		Remove accessible parking requirements from existing buildings in urban areas that don't currently provide parking or have space to add parking.	Add exemption in 23-3D-2040(B) for projects in CC, DC, or UC zones that are changing use or occupancy, or are enlarging an existing structure by up to 50%.	This could have a chilling effect on adaptive reuse or modest enlarging (adding a floor) of older structures in urban areas that were never built with parking and can't physically accommodate new ADA parking.	Maintains flexibility these projects have under current code.
AIA Austin	TIA Requirements					Exempt projects in CC, DC, and UC zones from TIA requirements; require TDM instead.		
AIA Austin	Parking Maximums	23-3C	7040		Increase parking maximums to allow developments to provide parking at current market-demanded ratios.	Increase maximums in 23-3C-6040(B) and 23-3C-7040 (B) to 1.75 times the minimum across the board; Clarify that projects in Regional Center Zones can provide parking up to the maximums allowed in MS and MU zones.	It's unclear if the Regional Center parking maximum was intended to be limited to the maximum allowed, or minimum required in MS and MU zones.	This could be a deal-killer or an artificial limit on development yield in the locations we want most development to occur. Parking maximums to prevent extreme over-building are reasonable, but they need to allow current market-demanded parking to be provided until reliable, effective mass transit lowers this demand and maximums can be recalibrated.
AIA Austin	Parking Flexibility	23-3C	10080		Allow flexibility to do "up and down" parking garage access for corner sites.	Revise 23-3C-10080(D) to allow (1) curb cut on a Pedestrian Activity Street frontage for corner sites.	If curb cuts are only allowed on non-PAS frontages, they will either be inefficient on the non-PAS frontage or the only curb cut will serve above-grade parking, negatively impacting the public realm downtown.	Below-grade parking should be encouraged for the vibrancy of downtown streets.
AIA Austin	Parking Flexibility	23-3C	10080		Allow flexibility to develop small mid-block sites on our most vibrant downtown streets.	Revise 23-3C-10080(D) to allow (1) curb cut on a Pedestrian Activity Street frontage for mid-block sites if the curb cut is limited to 20' in width and there are no more than (3) curb cuts on the PAS block face.		If curb cuts are denied to the leftover mid-block sites on PAS streets, this could hinder density and activity in our most vibrant downtown streets.
AIA Austin	Active Frontage	23-12A	1030		Reduce active frontage burdens on sites without access to an alley.	Revise definition for Frontage, Net (Measurement) to also subtract width of required AE vaults and fire pump rooms.		Projects will continue to place these required spaces along alleys where available. This gives fair treatment to sites without alleys that would otherwise have trouble meeting active frontage percentage requirements.
AIA Austin	Glazing Reflectivity	23-3C	10080		Allow attractive building designs with appropriate daylighting of interior spaces.	Remove maximum reflectivity provision in Table 23-3C-10080(C) Note 2.	It's ambiguous what reflectivity is being regulated (internal, external, or solar). The issue with highly reflective glass in 1980's architecture is not relevant in today's market.	We should encourage an attractive skyline with reasonable external reflectivity, meet sustainability goals with adequate daylighting related to internal reflectivity, and reduce cooling demand with high solar reflectivity.
AIA Austin	Downtown Density Bonus	23-4E	2030		Revise density bonus map legend to match map.	Revise legend in Figure 23-4E-2030(1) to match the "no FAR" zones in the map.		Necessary technical clarification.
AIA Austin	Functional Green	23-3D	3130		Provide requirement for scoring	Add text clarifying requirements for Functional Green scoring	Scoring requirements have been deferred to the Environmental Criteria Manual so they cannot be evaluated so to their effect on development. This could have very big impact on development and it is still not known. They need to be part of code. Scoring levels should vary by size of site and impervious cover	Necessary technical clarification.
AIA Austin	Functional Green	23-3D	3130		Provide more options for Functional Green	Add text allowing more options for downtown sites.	Limitations for downtown include: landscaping within ROW for credit (questionable), green walls (questionable on glazed facades), or green roofs, requiring green roofs as only mechanism for compliance and they are costly and maintenance headaches.	Necessary technical clarification.
AIA Austin	Functional Green	23-3D	3130		Provide more clarification of perceived code conflicts with Functional Green	Add text clarifying conflicts between other code requirements and Functional Green	Possible conflicts include: Active Frontage & Functional Green green wall; Great Street trees & Functional Green trees; Function Green green roofs & solar ready building code requirements; Does landscaping within ROW count towards site compliance (not currently allowed); Conflict with DB Great Streets and Functional Green – Double count? (not currently allowed); Can irrigation be used to irrigate trees/shrubs in ROW? (not currently allowed)	Necessary technical clarification.

Submitter	Description	Ch. / Sec.	Division	Page	Intent	Suggested Text	Notes	Justification
AIA Austin	Parking Reductions	23-3D	2050		Clarify terms where 100% parking reductions are available.	Use consistent language of Center, Corridor, and Transit Corridor to align with ASMP and capitalize all instances throughout the code.	Terms are inconsistently used, not always capitalized.	Necessary technical clarification.
AIA Austin	Parking Reductions	23-3D	2050		Clarify conditions where 100% parking reductions are available.	Allow sites within 1/4 mile of a Center to qualify for 100% parking reduction. Allow sites with any sidewalk system connected to the Corridor to qualify for 100% parking reduction even if it's not fully ADA compliant under current standards.	Central neighborhoods in close proximity to transit on the corridors have old sidewalk systems, but aren't fully ADA compliant under current standards. They shouldn't be penalized for the age of the sidewalk.	This would allow transition zones to take full advantage of parking reductions, make Missing Middle housing more viable, and add more transit supportive density.
AIA Austin	Bike Parking	23-3D	2070		Calibrate amount of publically available bike parking.	Add provision in 23-3D-2070(B)(1) for Multifamily uses to only require 10% of required bike parking be publically available;  Reduce requirement to 25% of required bike parking to be publically available for non-residential uses.	50% public bike parking for residential uses is too high. Residential bike parking is primarily used by residents that live in the building.  50% public bike parking for non-residential uses is too burdensome, especially if the ratio remains 1 per 1,000gsf.	This allows more flexibility for locating bike parking in buildings where ground floor space should be prioritized for more active and attractive uses. AIA testing showed inability to meet POU ratios in MS and downtown zones due to public bike parking amount and location requirements.
AIA Austin	Bike Parking	23-3D	2070		Calibrate location requirements for publicly available bike parking.	Increase distance from principal entrance in 23-3D-2070(B)(1) from 50' to 100';  Define what portion of the bike parking needs to be within the required distance to allow the entrance to the bike parking facility or the closest bike parking space to satisfy requirements;  Define "not obscured from public view" to allow clear wayfinding signage to satisfy requirements.	AIA testing showed inability to meet POU ratios in MS and downtown zones due to public bike parking amount and location requirements. Austin Central Library bike storage room is approx. 75' from nearest "principal entrance" when defined most liberally, and this is a best practice example of bike parking in the city.	This allows more flexibility for locating bike parking in buildings where ground floor space should be prioritized for more active and attractive uses.
AIA Austin	Bike Parking	23-3D	2070		Calibrate bike parking ratios for non-residential uses.	Reduce non-residential bike parking in Table 23-3D-2070(A) from 1 per 1,000gsf to 1 per 2,000gsf.	AIA testing showed this ratio to be much higher than today's code and difficult to accommodate, especially for the public bike parking portion.	This ratio is an improvement over today's regulations and will still encourage mode shift, but is more appropriately calibrated to the use.
AIA Austin	Parking Reductions	23-3D	2080		Don't require parking for newly converted structured parking to other uses.	Add provision in 23-3D-2080(E) to exempt future uses of convertible parking from off-street parking requirements.	Parking should not be required for converted parking space.	Necessary technical clarification.
AIA Austin	Accessible Parking	23-3D	2040		Remove unnecessary and redundant language from accessible parking requirements.	Remove subsection 23-3D-2040(A) and similar language from other subsections that is redundant to accessibility requirements in the adopted Building Code.	Redundancy between LDC and Building Code language.	Necessary technical clarification.
AIA Austin	Accessible Parking	23-3D	2040		Remove accessible parking requirements from Missing Middle housing.	Add minimum unit threshold to 23-3D-2040(B) in addition to the 6,000sf to exempt projects up to 10 units.	Missing Middle projects already face many impediments and are disproportionately impacted by parking requirements.	Missing Middle housing and transit supportive density is a state goal in many of Council's policy directions.
AIA Austin	Parking Reductions	23-3D	2020		Exempt Preservation Bonus units from parking requirements.	Add exception in 23-3D-2020(D) to exempt projects utilizing the Preservation Bonus in residential zones.	Preservation Bonus projects that add a Duplex use would be required (2) parking spaces, but if (2) ADU's are added, no parking is required.	Parking requirements should be the same regardless of the form the housing takes.
AIA Austin	Parking Reductions	23-3D	2020		Reduce parking requirements for bar/nightclubs to disincentivize drunk driving.	Remove provision 23-3D-2020(C)(1).	There is no justification for encouraging drunk driving.	There is no justification for encouraging drunk driving.
AIA Austin	Definitions	23-12A	1030		Clarify accessibility requirements for new sidewalks.	Remove term "ADA-compliant" from definition.	Many lots with sloped streets adjacent to the property are not able to provide fully-compliant ADA sidewalks due to feasibility issues. Allow existing Building Code and TAS requirements to govern this item.	Necessary technical clarification.



## HISTORIC LANDMARK COMMISSION RECOMMENDATION 20180423-4G

Date: April 23, 2018

Subject: CodeNEXT Draft 3

Motioned By: Myers

Seconded By: Papavasiliou

### **Recommendation**

Opposition to CodeNEXT Draft 3 and recommendations for priority changes. See attached document.

### **Description of Recommendation to Council**

Recommendation by the Historic Landmark Commission to Council regarding CodeNEXT Draft 3.

### **Rationale:**

See attached document.

### **Vote**

For: Koch, Hibbs, Myers, Papavasiliou, Reed, Tollett

Against: None

Abstain: None

Absent: Brown, Galindo, Hudson, Peyton, Valenzuela

Attest:

A handwritten signature in black ink, appearing to read "Cara Bertron", written over a horizontal line.

Cara Bertron  
Deputy Historic Preservation Officer

**Historic Landmark Commission**  
**Recommendation on CodeNEXT Draft 3**  
**April 23, 2018**

The Historic Landmark Commission did not see significant changes to CodeNEXT Draft 3 in response to its recommendation regarding Draft 2. Therefore, it reaffirms its recommendations and concerns regarding Draft 2 from October 23, 2017 (following), with these additional comments:

- The incentives proposed by the Commission to incentivize preservation of older buildings and neighborhoods under Priority Change 1 have been applied citywide, thereby eliminating their effectiveness as tools for preservation.
- The Commission's recommendations under Priority Changes 2-4 appear to have been ignored.
- Many errors and contradictions remain within and between sections that should be corrected.
- The term *preservation* should be defined. Commissioners recommended the definition adopted by the Secretary of the Interior.

**Historic Landmark Commission**  
**Recommendation on CodeNEXT Draft 2**  
**October 23, 2017—Reaffirmed April 23, 2018**

The Historic Landmark Commission’s mission is to promote historic preservation in Austin through the retention of the city’s older and historic buildings and neighborhoods. CodeNEXT Draft 2 does not go far enough to encourage the continued use of existing building fabric, which is a vital component of a diverse, vibrant and equitable community. Instead, CodeNEXT continues to enable the demolition and replacement of existing housing stock with new construction. Consequently, the Commission cannot recommend the adoption of CodeNEXT as written.

We recognize that:

- Austin is growing, and that accommodating new residents requires denser development
- Housing is less affordable for Austin households
- The status quo allows widespread demolition and out-of-scale new construction that threaten older neighborhoods

Given these circumstances, we believe that CodeNEXT has the potential to offer a framework to help preserve older buildings and neighborhoods. The draft already focuses added density on underdeveloped sites (e.g., strip malls on commercial corridors); concurrently, it should add elements to safeguard existing neighborhood character. This goal can and should support other priorities such as increased density, greater affordability, environmental sustainability, economic prosperity, and social equity; and we ask that historic preservation be included in CodeNEXT’s clearly named and supported priorities.

Our concerns are not for Austin’s 600+ historic landmarks and four local historic districts, which are protected by historic zoning, but for older neighborhoods whose built character tells multilayered stories of local communities and helps define Austin’s identity. Some of these neighborhoods possess the integrity to be designated as local historic districts; others do not. If form-based zoning is aligned more closely with historic development patterns and scale, it has the potential to preserve neighborhood character in each of these areas while allowing compatible and denser development.

We have identified some specific changes below and ask that additional options to retain existing buildings be researched and identified. We believe that older neighborhoods can accommodate density in a way that preserves their historic pattern and scale via ADUs, duplexing, and context-sensitive additions. Furthermore, we believe that historic preservation is an essential part of managing change in a healthy, dynamic, sustainable, prosperous, and equitable city. Any code rewrite should include it as a priority.

Priority Changes

1. Encourage ADUs as a tool to retain older, historic-age residential buildings (50+ years) while increasing density
  - a. Allow larger ADUs in the rear of older houses by right, with the condition of retaining and rehabilitating the historic-age house; or allow existing houses equal to or less than 1,375 square feet (25% of allowable ADU square footage) to be classified as ADUs while remaining at the front of the lot. The maximum allowable area for new construction should be within a set square footage or percentage of the lot size or existing house’s area.

- b. Allow rear additions to existing houses on cottage lots to be classified as ADUs as long as they maintain the roofline and width of the existing house.
  - c. Waive parking requirements for ADUs if the existing house is retained and rehabilitated.
2. Maintain the historic street pattern
    - a. Require new buildings to be set back at the median setback of the block, instead of the average of the adjacent neighboring buildings, as proposed in Draft 2.
    - b. Ensure that sidewalks, driveways, parking pads, and landscaping are compatible with historic development patterns.
  3. Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning
    - a. Limit height of front façade to the prevailing height of neighborhood, with additional stories set back at least 15' from the front façade.
    - b. Require upper-story setbacks of 15' or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in older neighborhoods [could also be only for existing buildings 40+ years old].
  4. Discourage demolitions of older commercial and residential buildings
    - a. Charge an impact fee for demolition, with increased fees for demolition of contributing buildings within local and National Register historic districts.
    - b. Reduce or waive parking requirements if existing building form is retained (e.g., with 15' setback, roof form, and compatible primary façade).
    - c. Grant additional height for commercial buildings with stepped-back addition if existing building is retained, as currently proposed for residential buildings.
    - d. Explore additional ways to incentivize retention of existing older buildings (e.g., TIF districts or PIDs, transfers of development rights, façade easements, design option points, and more).

#### Necessary Next Steps for Historic Preservation Program

1. Allocate full funding for a comprehensive citywide historic resources survey.
2. Make it easier to convert National Register historic districts to local historic districts (e.g., require 51% property owner support and the creation of design standards or an addendum to citywide design standards, as proposed below).
3. Make local historic district designation easier for community members with additional and clearer support materials; also provide more staff support for applications through research, survey, and assessment of contributing/non-contributing.
4. Develop citywide design standards to guide changes to buildings in National Register historic districts (advisory) and provide a baseline for local historic district design standards.
5. Develop a comprehensive preservation plan for the city to guide future preservation policy.
  - a. Explore ways to protect potential historic resources identified in the historic resources survey with a preservation priority of Medium or High
  - b. Explore additional incentives for local historic districts (e.g., lowering or waiving permitting fees)
  - c. Explore additional resources and incentives for preserving neighborhood character of non-designated areas (e.g., through incentives for a new group of "heritage houses," defined as having moderate significance or long-term ownership)
  - d. Expand staffing for the Historic Preservation Office



## HISTORIC LANDMARK COMMISSION RECOMMENDATION 20171023-4F.1

Date: October 23, 2017

Subject: CodeNEXT Draft 2

Motioned By: Koch

Seconded By: Reed

### **Recommendation**

Opposition to CodeNEXT Draft 2 and recommendations for priority changes. See attached document.

### **Description of Recommendation to Council**

Recommendation by the Historic Landmark Commission to Council regarding CodeNEXT Draft 2.

### **Rationale:**

See attached document.

### **Vote**

For: Koch, Reed, Galindo, Myers, Tollett, Valenzuela

Against: None

Abstain: None

Absent: Brown, Hibbs, Hudson, Papavasiliou

Attest:

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Cara Bertron  
Deputy Historic Preservation Officer

# Historic Landmark Commission

## Recommendation on CodeNEXT Draft 2

### October 23, 2017

The Historic Landmark Commission's mission is to promote historic preservation in Austin through the retention of the city's older and historic buildings and neighborhoods. CodeNEXT Draft 2 does not go far enough to encourage the continued use of existing building fabric, which is a vital component of a diverse, vibrant and equitable community. Instead, CodeNEXT continues to enable the demolition and replacement of existing housing stock with new construction. Consequently, the Commission cannot recommend the adoption of CodeNEXT as written.

We recognize that:

- Austin is growing, and that accommodating new residents requires denser development
- Housing is less affordable for Austin households
- The status quo allows widespread demolition and out-of-scale new construction that threaten older neighborhoods

Given these circumstances, we believe that CodeNEXT has the potential to offer a framework to help preserve older buildings and neighborhoods. The draft already focuses added density on underdeveloped sites (e.g., strip malls on commercial corridors); concurrently, it should add elements to safeguard existing neighborhood character. This goal can and should support other priorities such as increased density, greater affordability, environmental sustainability, economic prosperity, and social equity; and we ask that historic preservation be included in CodeNEXT's clearly named and supported priorities.

Our concerns are not for Austin's 600+ historic landmarks and four local historic districts, which are protected by historic zoning, but for older neighborhoods whose built character tells multilayered stories of local communities and helps define Austin's identity. Some of these neighborhoods possess the integrity to be designated as local historic districts; others do not. If form-based zoning is aligned more closely with historic development patterns and scale, it has the potential to preserve neighborhood character in each of these areas while allowing compatible and denser development.

We have identified some specific changes below and ask that additional options to retain existing buildings be researched and identified. We believe that older neighborhoods can accommodate density in a way that preserves their historic pattern and scale via ADUs, duplexing, and context-sensitive additions. Furthermore, we believe that historic preservation is an essential part of managing change in a healthy, dynamic, sustainable, prosperous, and equitable city. Any code rewrite should include it as a priority.

#### Priority Changes

1. Encourage ADUs as a tool to retain older, historic-age residential buildings (50+ years) while increasing density
  - a. Allow larger ADUs in the rear of older houses by right, with the condition of retaining and rehabilitating the historic-age house; or allow existing houses equal to or less than 1,375 square feet (25% of allowable ADU square footage) to be classified as ADUs while remaining at the front of the lot. The maximum allowable area for new construction should be within a set square footage or percentage of the lot size or existing house's area.

- b. Allow rear additions to existing houses on cottage lots to be classified as ADUs as long as they maintain the roofline and width of the existing house.
  - c. Waive parking requirements for ADUs if the existing house is retained and rehabilitated.
2. Maintain the historic street pattern
    - a. Require new buildings to be set back at the median setback of the block, instead of the average of the adjacent neighboring buildings, as proposed in Draft 2.
    - b. Ensure that sidewalks, driveways, parking pads, and landscaping are compatible with historic development patterns.
  3. Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning
    - a. Limit height of front façade to the prevailing height of neighborhood, with additional stories set back at least 15' from the front façade.
    - b. Require upper-story setbacks of 15' or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in older neighborhoods [could also be only for existing buildings 40+ years old].
  4. Discourage demolitions of older commercial and residential buildings
    - a. Charge an impact fee for demolition, with increased fees for demolition of contributing buildings within local and National Register historic districts.
    - b. Reduce or waive parking requirements if existing building form is retained (e.g., with 15' setback, roof form, and compatible primary façade).
    - c. Grant additional height for commercial buildings with stepped-back addition if existing building is retained, as currently proposed for residential buildings.
    - d. Explore additional ways to incentivize retention of existing older buildings (e.g., TIF districts or PIDs, transfers of development rights, façade easements, design option points, and more).

#### Necessary Next Steps for Historic Preservation Program

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5. Develop a comprehensive preservation plan for the city to guide future preservation policy.
  - a. Explore ways to protect potential historic resources identified in the historic resources survey with a preservation priority of Medium or High
  - b. Explore additional incentives for local historic districts (e.g., lowering or waiving permitting fees)
  - c. Explore additional resources and incentives for preserving neighborhood character of non-designated areas (e.g., through incentives for a new group of "heritage houses," defined as having moderate significance or long-term ownership)
  - d. Expand staffing for the Historic Preservation Office