

ID	Comment Source	Recommendation/Change Proposed to Draft 3	Could the LDC address this?	Is this in the LDC Revision process?	Staff Response	Detailed Response
1	Anti-Displacement Taskforce	Develop and adopt a "Right to Remain and Right to Return" policy.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
2	Anti-Displacement Taskforce	Develop policies and programs to support residents at risk of displacement and outreach strategies to effectively connect these residents with available resources, particularly those included in this report from the Anti-Displacement Task Force.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
3	Anti-Displacement Taskforce	Previously displaced residents should be prioritized: on waitlists for City financed, incentivized, and endorsed housing; and for programs that are designed to assist first-time homebuyers.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
4	Anti-Displacement Taskforce	The City should partner with a non-profit organization to develop a one-stop-shop (e.g., Office of Housing Stability) to: (i) integrate all assistance programs, simplify processes and develop a targeted outreach program to ensure that seniors, low-income homeowners, long-time homeowners and disabled homeowners in neighborhoods experiencing displacement: - Are taking full advantage of all exemptions/rebates relating to taxes & utilities; - Receive assistance regarding property sales/transfers to protect equity/assets of homeowners; - Receive assistance with probate and estate planning; - Are able to access home repair programs; and - Receive support from NHCD's financial empowerment program. - Understand options relating to property tax deferrals. (ii) connect homeowners and renters with displacement assistance and resources. (iii) conduct outreach and education to the public on housing and development issues. (iv) connect with non-profits and academic institutions involved in displacement work.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
5	Anti-Displacement Taskforce	Partnering with service providers providing services to seniors (e.g., Meals on Wheels) to reach seniors where they live; and via regular presentations at senior centers and neighborhood centers; working with Texas Rio Grande Legal Aid, the Texas Legal Service Center, local higher education partners and other non-profit partners to organize legal clinics and one-on-one counseling and resources to help seniors with probate and estate planning.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
6	Anti-Displacement Taskforce	Request that Travis County Appraisal District develop a proactive mechanism by which to identify and notify homeowners who do not have a homestead exemption but who may qualify for that exemption.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
7	Anti-Displacement Taskforce	Consider the possibility of granting special senior and/or homestead tax exemptions to help address instances where seniors or low-income homeowners face a demonstrable inability to pay property taxes, putting them at risk of displacement.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
8	Anti-Displacement Taskforce	If tax exemption measures identified in ID-13 [<i>Develop an "Opportunity Fund" run by a non-profit entity or community foundation</i>] require legislative action, then pursue those actions during the next legislative session.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.

Boards & Commissions Recommendations and Responses; Published October 4, 2019 For more information on the Land Development Code Revision, visit www.AustinTexas.gov/LDC						
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9	Anti-Displacement Taskforce	Seniors can be automatically enrolled for the older-adults tax exemption if the appraisal district has their birthdate on file, so Task Force recommends that: (i) the City of Austin work with the appraisal district to develop a form that homeowners can submit to officially have their birthdate on file; (ii) assist long-time homeowners that currently do not have an older adults exemption to help them submit the form that ensure that this exemption is instituted automatically when they are eligible.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
10	Anti-Displacement Taskforce	Establish a tax abatement program for homeowners and other property owners in "reinvestment zones" as authorized and defined in the Texas Tax Code. The program requires that a homeowner participate in a home repair program.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
11	Anti-Displacement Taskforce	Establish a senior volunteer tax break coupled with a senior volunteer program. Per Texas Tax Code, the City and County can partner to provide volunteer opportunities to low-income seniors in exchange for the senior homeowners' property taxes being forgiven. Pursue legislation that allows the City/County to set the dollar value of each hour of service and not have the value default to the federal minimum wage. When pursuing legislation, seek to include a clause that allows a community member to volunteer on behalf of a homeowner who is not able to volunteer but who needs the tax assistance.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
12	Anti-Displacement Taskforce	Develop a Neighborhood Stabilization Overlay (also called a Neighborhood Conservation District) requiring new development to meet standards more stringent than the baseline zoning standards as a way of respecting neighborhood scale and character (i.e., slowing or prohibiting out-of-scale development that is occurring)	Yes	No	Staff opposes the recommendation.	Neighborhood Stabilization Overlays (NSOs), per the University of Texas Uprooted study (pg. 77-78, Part 4), have pros and cons. The LDC Revision, in service to Council Policy Direction, takes a city-wide approach to balance the pros and cons by applying the nearest equivalent zoning to the majority of the City and upzoning for new market rate and affordable housing (through the Density Bonus Program) in approximately 2% of the City (through creation of Transition Areas). Council's May 2nd direction directed staff to remap portions of NCCDs and apply certain city-wide provisions to NCCDs (parking and ADUs) to bring NCCDs closer into alignment with the new code.
13	Anti-Displacement Taskforce	Develop an "Opportunity Fund" run by a non-profit entity or community foundation that can serve as a private fundraising vehicle that may be used by developers, real estate agents, neighborhood residents/businesses and other others who wish to mitigate displacement to provide support for: long-time, low-income homeowners and renters; iconic/legacy businesses; and the preservation of cultural/historic resources.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
14	Anti-Displacement Taskforce	Establish a Neighborhood Stabilization Loan Program to assist vulnerable low-income homeowners to provide long-term, low-interest loans to low-income homeowners who are paying for more than 30 percent of their income on housing. The loans could be forgivable in exchange for the homeowner agreeing to a longer-term affordability restriction, ensuring that the home would be sold to another low-income owner and remain owner-occupied.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
15	Anti-Displacement Taskforce	Make ongoing significant investments in the creation and preservation of affordable housing through the City's bond program, with an ultimate goal of reaching \$300 million in bonds dedicated to affordable housing per bond cycle.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
16	Anti-Displacement Taskforce	Continue to support home repair assistance programs for low-income homeowners to prevent their involuntary displacement stemming from housing habitability problems.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
17	Anti-Displacement Taskforce	Require that 85% of bond funds approved for affordable housing target families whose income is 50% MFI or less with at least half of these funds being targeted to families at earning 30% MFI or less.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.

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18	Anti-Displacement Taskforce	Significant investments in land acquisition, affordable housing production and preservation should only be approved if there is a guarantee for long-term affordability.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
19	Anti-Displacement Taskforce	Invest at least 30% of revenues generated through all Tax-Increment Financing (TIF) Districts in the City of Austin be dedicated to creating and preserving affordable housing as currently done by the City of Houston.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
20	Anti-Displacement Taskforce	Investment of \$16 million in general fund dollars in the Housing Trust Fund, including the requirement that all funds target households making 60% or less of median family income.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
21	Anti-Displacement Taskforce	Support the ability of low-income homeowners to build an accessory dwelling unit by easing land restrictions and viable financing options.	Partially	Yes	Staff agrees with the recommendation.	Accessory dwelling units will be easier to build under the new code due to new provisions for their placement, size, and zone in which they are permitted. Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources, including programs related to homeowner financing.
22	Anti-Displacement Taskforce	Allow homeowners to subdivide and sell a portion of their lots while remaining in place. This option helps them to remain in place, generate from sale of the additional lot, and reduce the tax obligation for their homestead.	Yes	Partially	Staff agrees with the recommendation.	Subdivision of lots remains in the new code, as it is in the current code, an option for any property owner where their lot is large enough to subdivide given the zoning minimum lot size. Minimum lot sizes have generally been reduced, which may make subdivision feasible under the new code where it isn't today. Taxing obligations are outside the purview of the LDC revision.
23	Anti-Displacement Taskforce	Establish a mobile home park resident acquisition program through resident acquisition and management.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
24	Anti-Displacement Taskforce	Use community land trust as a way of preserving existing affordable housing units as well as to ensure long-term affordability of new affordable housing units.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
25	Anti-Displacement Taskforce	Establish a City-controlled or joint City/County controlled community land trust (e.g., Austin Land Assemblage Authority) that can facilitate affordable housing development on publicly-owned property as well as on land acquired for the purpose of developing affordable housing. This City or City/County land trust can serve as a safeguard to community land trusts operated by non-profit entities, should those entities dissolve or choose to discontinue management of a community land trust that they control.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
26	Anti-Displacement Taskforce	Establish an advisory board for the City or City/County community land trust. This advisory board will provide oversight of the City or City/County community land trust and suggest performance standards for community land trusts that are run by non-profit organizations.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
27	Anti-Displacement Taskforce	The City (or City/County if applicable) will ensure that certain legal provisions are included in order to safeguard the interests of local government as well as to ensure that homeowners' access to mortgage financing or security of tenure are not jeopardized, including provisions that: outline what happens in the event of default of an entity managing a community land trust; provide an opportunity for an entity managing a community land trust to cure problems that may lead to default; outline the remedies that are possible should problems remain unresolved; and stipulating that the rights of the owners and their lenders will be honored if the ground lease is transferred from non-profit land trust to a city or city-county controlled land trust.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.

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28	Anti-Displacement Taskforce	Identify publicly-owned property (city, county, school and state) that may be used for affordable homeownership and affordable rental opportunities, particularly tracts greater than 2 acres and located within 3 miles of downtown.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
29	Anti-Displacement Taskforce	Consider designating some of the tracts identified in ID-28 <i>[Identify publicly-owned property (city, county, school and state) that may be used for affordable homeownership and affordable rental opportunities...]</i> and located in gentrifying areas as parcels that may be used for the establishment of new mobile home parks, for example the undeveloped City-owned land/campus on Levander Loop.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
30	Anti-Displacement Taskforce	Require a formal assessment of the "affordable housing potential" for city-owned property meeting criteria in ID-28 <i>[Identify publicly-owned property (city, county, school and state) that may be used for affordable homeownership and affordable rental opportunities...]</i> as well as a formal "release" by Mayor and Council before such a tract may be sold or before the use of any such property may be changed.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
31	Anti-Displacement Taskforce	For all city-owned property greater than two acres, utilize criteria used in the development of the "Villas on 6th Street" project, specifically that: (i) the city will retain ownership of the land and lease it to the developer or subsequent entity controlling the project; at least half of the units will be made available to families earning 50% MFI or less; and that the affordability period will be at least 50 years. Additional affordability (beyond half of the housing units) may be leveraged using housing bonds and tax credits.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
32	Anti-Displacement Taskforce	Re-evaluate undeveloped property at Mueller to see if deeper affordability and a longer period of affordability can be secured.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
33	Anti-Displacement Taskforce	In discussion with other public entities about government-owned tracts of land, such as the Lions Golf Course, ensure that a variety of community needs, like the need for affordable housing, are considered when considering redevelopment options.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
34	Anti-Displacement Taskforce	Increase the percentage of the City tax revenues into the tax increment fund of the existing Homestead Preservation District from 10% to 30%	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
35	Anti-Displacement Taskforce	For any new HPD's that are established, set the percentage of the City tax revenues that is to be deposited into the tax increment fund at 30%.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
36	Anti-Displacement Taskforce	In areas having a degree of gentrification with a "Late," "Dynamic," or "Early Type 1" designation in the recent UT study entitled Uprooted, do not allow any changes that increase density unless those zoning changes are tied to the provision of affordable housing.	Yes	Yes	Staff agrees with the recommendation.	Per May 2 Council direction, increase in entitlements throughout the city are only available through an affordability bonus or through the application of a missing middle zone in a transition area. In those areas considered Vulnerable to gentrification and displacement, which encompass those considered Late, Dynamic, or Early Type 1, the level of zoning entitlement and depth of transition area are reduced. This approach is consistent with balancing the pros and cons of code related recommendations in the UT study, entitled Uprooted.
37	Anti-Displacement Taskforce	The adoption of a new land development code should not have the impact of increasing density in areas having a degree of gentrification with a "Late," "Dynamic," or "Early Type 1" designation in the recent UT study Uprooted, unless those zoning changes are tied to the provision of affordable housing.	Yes	Yes	Staff agrees with the recommendation.	Per May 2 Council direction, increase in entitlements throughout the city are only available through an affordability bonus or through the application of a missing middle zone in a transition area. In those areas considered Vulnerable to gentrification and displacement, which encompass those considered Late, Dynamic, or Early Type 1, the level of zoning entitlement and depth of transition area are reduced. This approach is consistent with balancing the pros and cons of code related recommendations in the UT study, entitled Uprooted.

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38	Anti-Displacement Taskforce	Whenever there is a change to existing flood plain maps, the city must immediately conduct a demographic analysis of residents whose properties will be added to the flood plain or, if already in a flood plain, whose flood plain designation is intensifying.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
39	Anti-Displacement Taskforce	Whenever there are changes to existing flood plain maps, the city must immediately assess the economic impact caused by the corresponding need for flood insurance and work to mitigate the impact of that change by providing needed assistance to low-income homeowners, such as assistance in purchasing flood insurance.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
40	Anti-Displacement Taskforce	Identify areas that have experienced flooding in the last five years in the watersheds (i.e., Onion Creek, Williamson Creek, Boggy Creek and Walnut Creek), establish interim development regulations for those areas that flooded, assess drainage areas and condition of stormwater infrastructure, and develop/fund improvements to drainage areas and stormwater infrastructure to address problems with flooding.	Partially	Partially	Staff agrees with the recommendation.	<p>The LDC Revision proposes to help address outdated drainage infrastructure by requiring redeveloping commercial, multi-family, industrial, and civic sites that have not provided flood solutions to manage stormwater in proportion to each site's impact, compared to undeveloped conditions. These provisions will have the greatest positive impact in areas that were built out prior to modern drainage and floodplain requirements, including many neighborhoods within Onion, Williamson, Boggy, and Walnut Creek watersheds.</p> <p>Staff is proposing to address lot-to-lot drainage impacts using a recently adopted provision in the drainage section of the Plumbing Code. Instead of establishing a new requirement, staff recommends publicizing and enforcing Plumbing Code section 1101.1, which is a 2017 amendment that requires that stormwater runoff drain to a separate storm sewer system or to some other satisfactory, approved location.</p> <p>WPD tracks creek and local flood problems and drainage infrastructure condition in all watersheds, including those listed in the recommendation. WPD has a substantial capital improvement program (CIP) and related programs to evaluate, maintain, and upgrade our drainage system based upon this data. These public projects—sometimes done in partnership with private development to achieve cost savings—help directly address existing problems and reduce impacts from new and re-development. Through its Equity Action Planning process, staff will explore the development of a method to consider equity when prioritizing both small and large drainage projects.</p>
41	Anti-Displacement Taskforce	If modifications are made that move homes into a designated flood plain or that designate the homes to be in an area at a higher flood risk, the city should establish a program to provide financial assistance to lower-income homeowners to assist them in the purchase of federal flood insurance.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
42	Anti-Displacement Taskforce	Monitor wrap around and other predatory mortgage lending and establish a financial assistance program to assist homeowners at risk of displacement due to predatory lending practices.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
43	Anti-Displacement Taskforce	<p>Make Austin the national center for "neighborhood affordability, integration, diversity and inclusion" by:</p> <ul style="list-style-type: none"> i. Establishing a Joint Center for Urban Affordability, Integration, Diversity and Inclusion at the University of Texas, Huston-Tillotson University and St. Edward's University, with an extension program working in Austin's neighborhoods for students to work with residents to learn, teach and innovate. ii. Support Austin neighborhood directed programs to serve as living laboratories for neighborhood and housing equity and inclusion. iii. Train and fund neighborhood-based CDCs, to engage people of color, persons with disabilities, persons of all incomes, developers, architects, planners and community leaders to develop and carry out neighborhood level initiatives to achieve integration, diversity and inclusion. 	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.

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44	Anti-Displacement Taskforce	Invest public dollars to support tenant engagement and organizing around housing development so that residents know where they can go and are aware of the existing resources that they can leverage well before a displacement event occurs.*	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
45	Anti-Displacement Taskforce	Continually update UT Gentrification study maps as new census and real estate market data comes out and continuously conduct deep-dive analyses for all gentrifying and at-risk neighborhoods.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
46	Anti-Displacement Taskforce	Undertake a campaign to encourage Austinites to embrace the values of affordability, integration, diversity and inclusion at the neighborhood and city levels.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
47	Anti-Displacement Taskforce	Implement rental registration to track the location, occupancy, ownership information, and number of rental units, so that displacement patterns can be identified and monitored.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
48	Anti-Displacement Taskforce	Work with the Texas Legislature to expand protections for tenants from displacement that are available to tenants in many other states. These protections include: just cause evictions, anti-retaliation and anti-harassment, providing tenants an opportunity to cure lease violations (except non-payment) and guaranteeing tenants a right to organize.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
49	Anti-Displacement Taskforce	Aggressively advocate for and zealously defend Austin's core values of diversity, integration and community by ensuring that the City Law Department retains senior counsel specializing in housing justice matters and the City Council should avail itself of outside legal counsel specializing in housing law who would report directly to the City Council.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
50	Anti-Displacement Taskforce	Only invest in land acquisition, affordable housing production, and preservation where there are guarantees of permanent affordability. Wherever possible, the City should retain ownership or control of land or ensure that a Community Land Trust or similar entity with a commitment to permanent affordability retains ownership or control.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
51	Anti-Displacement Taskforce	Prioritize investing in units for the most underserved populations according to regular housing market analysis. Public funds should not be used to invest in housing that the market is already sufficiently providing. Currently, this means investment should be directed at housing with deep affordability serving families at or under 30% AMI.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
52	Anti-Displacement Taskforce	Do not take actions that shift the tax burden to renters and small businesses such as increasing the homestead exemption. Any property tax relief should be targeted to populations at risk of displacement. The Mayor should take the initiative to bring together the mayor of other Texas cities that face displacement challenges related to property taxes with the purpose of developing recommendations for the legislature to provide targeted property tax relief for affordable rental housing and low-income homeowners.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
53	Anti-Displacement Taskforce	Work with the Travis County Tax Appraiser to explore alternative assessment approaches to rental housing, in accordance with Texas law which permits an income-based appraisal approach to be utilized when the owner has committed to charge substantially below market rents.*	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.

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54	Anti-Displacement Taskforce	Assess the feasibility and legality of providing more robust protections to Austinite renters and implement such protections to the greatest extent possible. Possible protections include just cause eviction protections, anti-retaliation and anti-harassment protections, an opportunity for tenants to cure lease violations,, and a right to organize. *	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
55	Anti-Displacement Taskforce	Any rental property which benefits from City dollars, a City endorsement or City incentives must have a standardized set of robust tenant protections including just cause eviction, an opportunity to cure alleged lease violations, an opportunity to rent regardless of source of income, limited tenant screening, and requirements for notice prior to entry.*	No - Other Programs	Partially	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
56	Anti-Displacement Taskforce	Enact an Eviction Notification Ordinance where landlords will be required to notify the City when they intend to evict a substantial number of a property's leases in less than a year period.*	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
57	Anti-Displacement Taskforce	Implement a Tenant Opportunity to Purchase Program akin to the successful program operating in Washington DC. This program is the subject of detailed study in the UT Uprooted report to the city council. This program should provide tenants in multifamily properties or a tenant-designated nonprofit the right of first refusal upon the sale of their property. The City should fund such a program, including money to help finance purchases, organize tenants, and provide technical assistance to resident-owned properties.*	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
58	Anti-Displacement Taskforce	Implement a Troubled Buildings Program similar to Chicago's Troubled Building Initiative to ensure that landlords do not profit off of neglecting maintenance in their buildings and that there are responsible landlords available to act as receivers or purchasers if owners of neglected properties fail to adhere to compliance timelines.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
59	Anti-Displacement Taskforce	Adopt a Community Benefits Agreement Ordinance that which would require that all large projects that receive business incentives through the City to mitigate the impact of the project on vulnerable neighborhoods and populations and engage in a Community Benefits process.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
60	Anti-Displacement Taskforce	Ensure that Austin renters have equal access to Austin Energy programs. Multifamily Renters often receive utility services that are sub-metered and allocated and they, therefore, do not qualify for Austin Energy customer assistance programs. The City should provide the same financial assistance that would be available to a homeowner or a single-family renter to multifamily renters. Similarly, multifamily renters should equally benefit from weatherization programs.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
61	Anti-Displacement Taskforce	Preserve and expand the supply of existing public housing and other forms of government subsidized housing. Austin's public housing has provided essential housing for Austinites with low-incomes since the 1930's. This is an example of a public "investment" strategy in permanent affordable housing that the task force strongly recommends. The affordability permanency of public housing is of immense importance. The location of several public housing developments in what are today gentrifying neighborhoods also increases the importance of the existing public housing stock. The Austin Housing Authority and the Austin City Council should insist on the rigorous maintenance and preservation of this critical community asset as well as seeking opportunities to expand the city's supply of permanent affordable housing. When public housing is redeveloped, ensure that there is no net loss of affordability in terms of number of units and the income levels served.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.

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62	Anti-Displacement Taskforce	Preserve existing subsidized affordable housing stock by monitoring properties at-risk of leaving affordability programs, informing residents, housing advocacy groups and the public of potential losses, and identifying resources necessary to aid in preservation efforts. The City should prioritize investing in and securing financing for properties at-risk of losing affordability, including through purchasing properties during rights of first refusal and qualified contract periods.*	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
63	Anti-Displacement Taskforce	When demolition of existing multi-family units is proposed as part of the redevelopment project, work to ensure that there is no net loss of affordable units and that at least one half of the new project's unit are affordable as defined as the pre-redevelopment rent levels.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
64	Anti-Displacement Taskforce	Enforce the Short Term Rental Ordinance in multifamily housing to ensure that multifamily units are not being removed from the rental market.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
65	Anti-Displacement Taskforce	Carry out an Assessment of Neighborhood Equity (ANE) for each neighborhood which will include an analysis of affordability, integration, diversity and inclusion, public services, and schools.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
66	Anti-Displacement Taskforce	Create fair share policies for each neighborhood. Identify affordability, integration, diversity and inclusion goals for each Austin neighborhood. Require neighborhoods to adopt a workable plan to meet their goals. Link future neighborhood density protections, public investments in parks, libraries, other improvements to the achievement of these goals. Provide incentives in CIP funding, and code protections to encourage residents of those neighborhoods to develop and carry-out initiatives to achieve neighborhood affordability, diversity and inclusion goals. If neighborhoods do not voluntarily adopt and implement a workable plan, then the city would prioritize up zoning requests and density bonuses requested by nonprofits and for profits who propose to develop affordable housing in those neighborhoods.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
67	Anti-Displacement Taskforce	Work with nonprofits and for profits to affirmatively market housing, both renter and owner-occupied, to people of color and people with disabilities in both gentrifying neighborhoods and in traditionally segregated white neighborhoods.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.

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68	Anti-Displacement Taskforce	Aggressively enforce Fair Housing laws. Fair Housing enforcement in Austin is currently inadequate. Enforcement should be directed against the two types of Fair Housing violations: 1) transactional discrimination between two private parties; and 2) systemic discrimination that results in patterns and practices of unlawful residential segregation. Transactional discrimination can be very subtle and difficult for home seekers to detect. And when it is not detected, it is not reported. The low levels of fair housing enforcement activities on the part of the Austin Human Relations Commission are a result of passive enforcement of Fair Housing laws which is solely complaint driven. The City should increase funding to more effective programs by the Austin Tenants Council to proactively conduct fair housing testing investigations to identify, document, and eliminate systemic housing discrimination. The City's goal should be to expand the Austin Tenants Council Fair Housing Program to provide Austinites with a best practice, proactive Fair Housing testing enforcement program modeled after the Fair Housing Justice Center of New York City. Assessment and combating systemic discrimination an ongoing responsibility of the city. The City's Analysis of Impediments to Fair Housing is the vehicle for assessment and the document that sets forth the city's strategy to combating systemic discrimination. The City Council should hold an annual work session to assess the state of Fair Housing in Austin and to make necessary changes to the transactional testing, systemic assessment and policies and enforcement. The City must aggressively root out all vestiges of housing discrimination through active Fair Housing law enforcement actions based on a program of assessment, testing, diligent investigation and prosecution.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
69	Anti-Displacement Taskforce	Implement a program with uniform tenant eligibility standards, a central application process, and waitlist procedures for all City-financed, endorsed and incentivized housing.*	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
70	Anti-Displacement Taskforce	Increase opportunities for low-income residents in gentrifying communities to participate in planning and development processes. Ensure that all residents know about and are invited to participate in meaningful discussions related to development in their neighborhoods. Meetings should be conducted in the neighborhoods, during evenings and weekends, and interpreted into all languages spoken in the area.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
71	Anti-Displacement Taskforce	Adopt Small Area Fair Market Rents for Section 8 voucher holders.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
72	Anti-Displacement Taskforce	Adopt regulatory changes to treat manufactured housing as real estate rather than personal property.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
73	Anti-Displacement Taskforce	Through both legislative advocacy and through the courts defend Austin's right to enact policies and ordinances to combat residential segregation and to support "integration, diversity and inclusion of everyone." Start by mounting aggressive challenges to State of Texas legislative actions infringing on Austin's ability to use inclusionary zoning, linkage fees and prohibition of source of income fair housing protection.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.

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74	Anti-Displacement Taskforce	Immediately fund the City of Austin relocation assistance program so that relocation payments can be promptly given to eligible families and the contemplated nonprofit agency can begin aiding affected families, conduct the needed nexus study, amend the relocation ordinance to include a lookback period for tenants who lived in units for one year prior to a permit or site plan request, and explore further methods to ensure that the effects of displacement are mitigated and families who wish to can remain in Austin, including rapid response supportive services.*	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
75	Anti-Displacement Taskforce	Increase funding for emergency rental assistance and increase awareness of assistance resources, through outreach programs.*	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
76	Anti-Displacement Taskforce	Fund programs to support Austinites in navigating eviction proceedings and in negotiating appropriate settlements that minimize the impacts of eviction.*	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
77	Anti-Displacement Taskforce	Prioritize previously displaced residents on waitlists for City-financed, endorsed, and incentivized housing.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
78	Anti-Displacement Taskforce	Energy should waive set up fees and deposits for previously displaced tenants. Past arrears and the need for a down payment should not be a barrier to connecting services. Austin Energy should designate staff to assist displaced tenants in navigating the process. Many displaced tenants are unable to procure housing in the City of Austin because of barriers to reconnecting utilities because of past expenses.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
79	Anti-Displacement Taskforce	Provide dedicated bond funds and other sources of funding to establish a robust cultural land trust with a priority to be given to communities facing late stage gentrification.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
80	Anti-Displacement Taskforce	Use the disposition of surplus City-owned land, and through partnerships with private, nonprofit and local government entities, to establish a robust cultural land trust. (Chapter 253 Local Government Code allows for this).	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
81	Anti-Displacement Taskforce	Create a robust cultural land trust to be implemented within one year to be operated as a joint venture as a public-private partnership with city, philanthropic, corporate and nonprofit arts leaders. The cultural land trust will provide: a. Affordable housing for artists; b. Studio, office, practice and performance space for artists.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
82	Anti-Displacement Taskforce	Expand use of Neighborhood Conservation Combining Districts and Historic Districts to preserve Austin's historically black and brown communities, with an immediate priority on communities experiencing continued loss and late displacement.	Yes	No	Staff opposes the recommendation.	Neighborhood Stabilization Overlays (NSOs), per the University of Texas Uprooted study (pg. 77-78, Part 4), have pros and cons. The LDC Revision, in service to Council Policy Direction, takes a city-wide approach to balance the pros and cons by applying the nearest equivalent zoning to the majority of the City and upzoning for new market rate and affordable housing (through the Density Bonus Program) in approximately 2% of the City (through creation of Transition Areas). Preservation of character is possible with historic zoning. Related to historic provisions, staff is not making substantial changes. Staff is streamlining regulations, for example: the historic provisions are now consolidated into a single chapter called, "permits and special approvals."

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83	Anti-Displacement Taskforce	Provide a complete analysis of current economic development incentives to recommend changes to these programs to make them more meaningful for small businesses (including individual entrepreneurs, music venue operators, and cultural/arts organizations).	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
84	Anti-Displacement Taskforce	Create a legacy business registry, whose oversight would be jointly shared by the Economic Development Department and the Historic Preservation Office, to protect legacy businesses and institutions that are important cultural assets to Austin's identity.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
85	Anti-Displacement Taskforce	Instruct the Economic Development Department to complete a third-party analysis of current fees and ordinances that small businesses are charged by the City of Austin to establish the true annual cost of doing business in Austin; the findings are to be prepared in a report and are to include how collected fees are spent.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
86	Anti-Displacement Taskforce	Provide funding for two permanent, full-time employee ombudsperson, to be housed in the Economic Development Department, who will be responsible to assist existing small businesses (including individual entrepreneurs, music venue operators, and cultural/arts organizations) in navigating city requirements for operating and doing business to be hired within 1 year with a targeted focus on assisting minority owned businesses.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
87	Anti-Displacement Taskforce	Complete an analysis of City owned cultural and recreational facilities to determine the greatest needs throughout the City and begin implementing a process by which all City owned cultural facilities are maintained for the benefit of the community at a level that is equitable throughout all districts.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
88	Anti-Displacement Taskforce	Make funding affordable housing a core city service around which the city budget is structured.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
89	Anti-Displacement Taskforce	Direct the city manager to prepare the next year's budget with the priority of allocating \$16 million for housing programs over and above bond proceeds. This funding level is reasonable. \$16 million is roughly equal to the revenue generated by \$.01 of the tax rate. As a comparison, Austin budgeted roughly \$13.7 million in FY 2018 and \$11.3 million in FY 2019 for economic development incentive payments.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
90	Anti-Displacement Taskforce	Set a budget policy that for the next five years the additional tax revenue generated by new development be allocated to achieving a \$16 million goal. This can be achieved by directing tax revenue from new development into housing expenditures. For FY 2019 the additional tax revenue generated by new development is projected to roughly equal \$16.5 million.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
91	Anti-Displacement Taskforce	City staff estimates that roughly \$3 million dollars in fees are waived annually for the SMART Housing Program. These waivers usually provide short-term (5 year) affordability for households above the populations most vulnerable to displacement. Rather than budget for SMART Housing waivers, the city should dedicate an equal amount for targeted anti-gentrification investments that provide permanent affordability for displacement-vulnerable households at lower income levels.	Partially	Partially	Staff agrees with the recommendation.	The LDC Draft proposes updates to the SMART Housing Program to increase its affordability periods from 5 years to 40 years for rental and from initial sale to 99 years for ownership units and reduces the affordability levels to 60% MFI for rental (from 80% MFI).
92	Anti-Displacement Taskforce	Create TIFs in areas that are experiencing rapid development and along corridors that are slated for transit upgrades or city infrastructure investment.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.

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93	Anti-Displacement Taskforce	Adopt a policy that all new TIF districts, TIF life extensions or expansions of existing TIFs be required to dedicate 30% of the revenue to housing programs consistent with city housing goals and policies. As an example of the impact, if the Waller Creek TIRZ expansion had this requirement, Austin would have an additional \$33 million for housing over the next 20 years.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
94	Anti-Displacement Taskforce	Require that TIFs sell bonds when financially feasible to bring forward future tax revenue to use for affordable housing today. This would permit the purchase of land or older apartments in rapidly re-developing areas before costs increase.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
95	Anti-Displacement Taskforce	Property taxes for apartments are roughly 50% of total overall operating expenses. A fairer appraisal will reduce property owner resistance to providing affordable units. The city should work with the Travis County Appraisal District to develop a clear and equitable policy to so that rental developments with dedicated affordable units are appraised at a market value that accurately reflects explicitly foregone revenue attributable to lower rents in affordable units.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
96	Anti-Displacement Taskforce	Combine density bonuses with property tax abatements and negotiate with developers to secure more affordable units at lower rents. Density bonuses alone often fail to achieve rents affordable to lower income households but combined with additional incentives could make a significant contribution to preventing displacement for households with low incomes from Austin. Convince other local taxing jurisdictions, especially Travis County, to participate in this effort.	Partially	Partially	Staff partially agrees with the recommendation.	There is certainly a need to realize income-restricted affordable housing units at deeper levels of affordability. The Housing Blueprint establishes goals for affordability at multiple affordability levels (less than 30%, 60% and 80% median family income). The Blueprint also acknowledges on page 16 that density bonuses are not well-suited to reach deeper MFIs and may require additional subsidy or layering with other tools. While density bonuses can help generate more units at income levels of 60% MFI or 80% MFI, other tools, like subsidies, are better suited to generate units at deeper levels of affordability. Layering different subsidies and incentives can help reach deeper levels of affordability and this option is open to developers who wish to combine the various tools the City offers.
97	Anti-Displacement Taskforce	Set a policy that for the next 10 years 20% of every GO bond election be allocated to housing. If Austin had this policy on the last 2 bond elections it would have allocated \$329 million for housing bonds rather than \$250 million.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
98	Anti-Displacement Taskforce	When scheduling bond sales and using those proceeds, direct the city staff to prioritize the use of bonds proceeds for housing. If the most recent \$250 million in housing bonds are spent over 5-7 years, their impact on rapidly gentrifying areas of Austin will be greatly diminished.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
99	Anti-Displacement Taskforce	Throughout this report the Task Force recommends the city maximize the use of public funds for extremely long-term or preferably permanent affordability rather than short term benefits directed at households today. Historically investments in land and buildings with permanent affordability provisions, such as public housing have produced huge public benefits. If the city were to use a long-term "investment" approach more widely, it would benefit from bringing forward all available tax resources in order to invest in housing assets at today's prices.	Partially	Partially	Staff partially agrees with the recommendation.	NHCD is striving for longer affordability periods whenever possible, and investing in community land trusts, which offer permanent affordability. The LDC does contain recommendations to increase the affordability periods for SMART Housing rental and ownership units. It also proposes a new citywide affordable housing bonus program with affordability periods at 40 years for rental and 99 years for ownership.
100	Anti-Displacement Taskforce	The city should extend density bonus fees-in-lieu to all new commercial development.	Yes	Partially	Staff agrees with the recommendation.	Neighborhood Housing & Community Development has contracted with a consultant to update existing density bonus programs. As part of this effort fees for non-residential developments utilizing a bonus will be calculated. The LDC Draft also includes a new citywide density bonus program that contemplates charging fees for non-residential developments that utilize a bonus.
101	Anti-Displacement Taskforce	The mayor's strike fund for socially responsible real estate investors to support and preserve affordable housing should be aggressively marketed and pursued.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.

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102	Anti-Displacement Taskforce	The Austin Affordable Housing Incentive Advisory Board should be responsible for reviewing and making recommendations to the City Council on proposed expenditures from the Housing Trust Fund.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
103	Anti-Displacement Taskforce	Work with the Texas Municipal League and the mayors of large Texas cities to convince the Legislature to permit cities to adopt a reasonable, broad based housing linkage fee. Workforce and affordable housing are as much economic development issues as corporate incentives, and all major Texas cities face an affordable housing shortage.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
104	Anti-Displacement Taskforce	Work with other cities to secure authority from the Texas Legislature to permit cities to negotiate property tax waivers or reductions for projects that include affordable housing.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
105	Anti-Displacement Taskforce	Work with other cities to lobby the Legislature to restore the authority of cities to adopt inclusionary zoning. Texas is one of only three states that prohibit inclusionary zoning.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
106	Anti-Displacement Taskforce	The mayor should work with the appointed representatives on the public employees' pension board to ensure the board prioritizes sound investments in affordable housing consistent with the City's established goals and to avoid speculative investments that produce involuntary displacement.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
107	Austin-Travis County Food Policy Board	The Austin Travis County Food Policy Board (ATCFPB) encourages the City of Austin to amend the CodeNEXT Draft 3 definition of Community Agriculture to include "community gardens," as follows, "A site for growing or harvesting food crops or ornamental crops on an agricultural basis, by an individual or group of individuals for personal or group use, consumption, donation, to be sold for profit, or may provide community gardening and agricultural education activities. Agricultural education activities include, but are not limited to, volunteer programs, farm tours, youth programs, and farming and gardening classes."	Yes	Yes	Staff agrees with the recommendation.	Definition has been included as the Community Agriculture definition.
108	CodeNEXT Community Engagement Report	Change the definition of affordable housing. Affordable housing is 60% or less of MFI; low-income is 30% to 40% of MFI.	Partially	Partially	Staff partially agrees with the recommendation.	The Land Development Code Revision's proposed citywide Affordable Housing Bonus Program would serve renters at or below 60% MFI and owners at or below 80% MFI. Staff is also proposing to amend the SMART Housing Program to match these levels. Each affordable housing program in the City contains a definition of what an "affordable unit" is; most use these income levels. General obligation bonds are set aside for households at or below 60% MFI. The City of Austin follows US Department of Housing & Urban Development guidance on setting MFI limits at extremely low, very low, low, and moderate income levels.
109	CodeNEXT Community Engagement Report	Make use of city, county, school district, state and University of Texas property to build affordable housing so land is used for public good rather than financial profit.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
110	CodeNEXT Community Engagement Report	Be creative and find new uses for old spaces, like the old Brackenridge Hospital. Make it into affordable housing.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.

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111	CodeNEXT Community Engagement Report	Require a fund for low income housing to be incorporated into CodeNEXT.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
112	CodeNEXT Community Engagement Report	Adjust occupancy restrictions in appropriate areas. Some families are financially interdependent even though they are not related by blood or marriage. Rent and mortgages are more affordable when costs are shared.	Yes	Yes	Staff agrees with the recommendation.	Staff is recommending that occupancy regulations be standardized for all dwelling units in all parts of the city to a maximum of six. Currently occupancy limits vary, where some occupancy limits are lower than six.
113	CodeNEXT Community Engagement Report	Provide property for more manufactured home parks and encourage the construction of more manufactured homes.	Yes	No	Staff does not oppose the recommendation.	Properties that currently contain manufactured home parks were recently rezoned MH to match the existing use; however, no new properties were zoned MH where the use does not currently exist today.
114	CodeNEXT Community Engagement Report	Provide a mix of diverse housing opportunities in all parts of the city. Seniors do not necessarily want to live in single-family homes and families with children appreciate having the additional space afforded by single-family homes.	Yes	Yes	Staff agrees with the recommendation.	The LDC Revision includes provisions for more diverse housing types in all parts of the city to account for varying income brackets and housing preferences.
115	CodeNEXT Community Engagement Report	Enforce the building code to prevent slumlords from owning dilapidated houses that lower neighborhood values and create eyesores.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
116	CodeNEXT Community Engagement Report	Do not zone East Austin like it is the Central Business District (CBD).	Yes	Yes	Staff agrees with the recommendation.	Zoning for the Central Business District is specific to the Downtown boundaries and not intended for other parts of the City. Additionally, the level of zoning entitlement and depth of transition area are reduced in areas defined as vulnerable to gentrification, including east Austin, as defined by the UT Uprooted Study and City Council LDC Revision policy direction.
117	CodeNEXT Community Engagement Report	Push for density in areas other than East Austin.	Yes	Yes	Staff agrees with the recommendation.	Developing new housing capacity, including missing middle housing, was a key directive from the May 2nd, 2019 City Council direction. New zoning entitlements have been established and focused to transition zones, which are mapped throughout the City to support our housing and transportation goals.
118	CodeNEXT Community Engagement Report	The density program is already a City program. It shouldn't be addressed in CodeNEXT.	Yes	Yes	Staff opposes the recommendation.	The City of Austin administers about a dozen density bonus programs, which are voluntary, incentive-based programs through which developers can access additional entitlements in exchange for setting aside some residential units as affordable. Only one of these programs is available citywide (Affordability Unlocked); the rest are limited to specific parts of town. Combined, these geographically-specific density bonus programs apply in less than 3% of the city's area. The current LDC Revision proposes a new citywide bonus program that is calibrated, or updated, to incentivize the creation of the most affordable units possible. This is a necessary tool to help the City reach its affordable housing goals (outlined in the Strategic Housing Blueprint) because the City cannot rely on funding alone to meet its affordable housing needs.
119	CodeNEXT Community Engagement Report	Preserve existing homes and provide grants and low interest loans for maintenance and repairs. This is much more affordable than displacing people and building brand new homes that existing residents can't afford to buy.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
120	CodeNEXT Community Engagement Report	Make sure neighborhoods have sidewalks and accessibility for people with disabilities.	Partially	Partially	Staff agrees with the recommendation.	Current Code requires sidewalks. The LDC Revision is strengthening sidewalk requirements by revising criteria for when construction and fee-in-lieu is required in order to efficiently complete the sidewalk system. The City proactively constructs sidewalks in areas that are deficient based on the 2016 Sidewalk Plan/ADA Transition Plan. There is not sufficient funding to complete all missing sidewalks, so the Sidewalk Program works to implement as much as they can with the existing resources and priorities defined by the Plan, while relying on the development process. All new sidewalk construction is ADA compliant.
121	CodeNEXT Community Engagement Report	Turn city easements into sidewalks and include benches with shade covers.	Partially	N/A	Staff agrees with the recommendation.	The code will seek to be efficient with all city easements to achieve all Imagine Austin goals.

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122	CodeNEXT Community Engagement Report	Provide adequate parking, which is crucial to those who have jobs requiring that they drive a car or truck.	Yes	Yes	Staff partially agrees with the recommendation.	Following Council direction on May 2nd, 2019, the LDC Revision aims to balance multiple goals, including those in the Austin Strategic Mobility Plan. Parking requirements are being updated with the LDC Revision and remain specific to types of land uses, with some requiring more than others depending on the nature of the use. Incentives for parking reductions have also been updated, as well as the introduction of parking maximums. Parking minimums have been eliminated within 1/4 a mile of Imagine Austin Corridors, Centers and the Transit Priority Network if the site is located on a completed sidewalk segment connecting to the corridor or is a High Very/High sidewalk segment in the Sidewalk Prioritization Map. The LDC Revision provides more diverse housing and parking requirements to serve more people and lifestyles.
123	CodeNEXT Community Engagement Report	Develop Affordable Equitable Transit Oriented Developments, which create transit hubs so that people have access to transit as well as affordable housing. Financial programs are available that encourage banks to increase available loans within the transit hub.	Partially	Partially	Staff agrees with the recommendation.	The criteria for creation of transition areas includes proximity to the ASMP Transit Priority Network and Imagine Austin Activity Corridors and Centers. Because transition areas are introducing missing middle housing in these areas they provide for transit oriented development equitability through the City. The ASMP also calls for Mobility Hubs, of different scales and with context-based services, to serve as connection points between transportation services and provide public amenities. Their installation and operation must emphasize equity through the resources they provide, their maintenance, and their locations throughout Austin.
124	CodeNEXT Community Engagement Report	Capital Metro needs to offer more and better bus routes that connect to grocery stores, schools, doctors' offices, jobs, etc. People should be able to walk out their front door and get to their destination in a reasonable amount of time.	Partially	Yes	Staff does not oppose the recommendation.	The LDC Revision includes new zoning districts (zones) for house-scale multi-unit housing and those zones are applied in a transition area. A transition area is defined as 2-5 lots from an Imagine Austin Corridor or Center and the Austin Strategic Mobility Plan (ASMP) Transit Priority Network. The ASMP includes the policy: "improve access to public transportation." This states that the City must supply infrastructure to provide safe, expanded, and seamless multimodal access to public transportation. The outcome expected is closer access to services and/or public transit to access services further away. The City of Austin's partners at Capital Metro are ultimately in charge of where they operate public transportation, but the City is also working to implement its Transit Enhancement Program to help improve the speed and reliability of transit through strategies like transit priority lanes and signals; a recent example of this work are the transit improvements to Guadalupe and Lavaca Streets at Martin Luther King, Jr. Boulevard.
125	CodeNEXT Community Engagement Report	Implement fleets of small buses to circulate in neighborhoods to get seniors and others to the bus stops and back to their homes. Encourage developers and other private investors to pay for these and other unique transportation venues.	Partially	Yes	Staff agrees with the recommendation.	The LDC Revision includes a requirement for Transportation Demand Management (TDM) in the approach to transportation mitigation in the Transportation Chapter. TDM strategies will be defined in the concurrent Transportation Criteria Manual update. "First/Last Mile" strategies such as neighborhood circulators could be a form of TDM mitigation required as part of a transportation mitigation.
126	CodeNEXT Community Engagement Report	Slow down. Don't adopt CodeNEXT in April. Recalibrate and go to each neighborhood with the neighborhood plan and go parcel by parcel. Make it local instead of global.	No - Process Related	N/A	N/A	Council terminated the CodeNEXT process in August 2018. Council then directed staff through the May 2nd, 2019 direction to prepare a draft code text and map and bring them back to Council for consideration in 2019. The map was created by applying Council direction parcel by parcel and reflects neighborhood plans to the extent possible.
127	CodeNEXT Community Engagement Report	Publicly acknowledge the impact of previous policies, especially the 1928 Master Plan that moved Black residents east of I-35. Make sure that new policies don't perpetuate the same discrimination as in the past.	Partially	Yes	Staff agrees with the recommendation.	The LDC Revision in service to Council Direction aims to learn from the past, care for the present, and plan for the future. The new code, per City Council policy direction, prioritizes all types of homes for all kinds of people in all parts of town (our Strategic Housing Blueprint goals). All transportation and land use decisions need to first consider these and other historical events that have negatively impacted communities of color. Only then can we acknowledge them and create space for communities to share so that we do not repeat the same mistakes. Increasing equity throughout the transportation and land use decision-making processes will require more representative collaboration, input, ownership, and ongoing evaluation of existing and new policies to understand their implications for equity. We recognize that our decisions today will affect equity in the future.
128	CodeNEXT Community Engagement Report	Ensure that neighborhood plans are reflected in CodeNEXT. Neighborhoods spent many hours crafting these neighborhood plans only to see them ignored in CodeNEXT.	Yes	Partially	Staff agrees with the recommendation.	Neighborhood Plans were considered in the development of the LDC Revision, as was the May 2nd, 2019 Council direction on the LDC Revision related to missing middle housing, transition areas, and future small areas planning. Also considered was a recent Neighborhood Plan audit done by the City Auditor's Office. The LDC Revision considers the City as a whole and applies regulations in a context sensitive manner across the City.
129	CodeNEXT Community Engagement Report	Instead of changing the entire land development code all over the city to make the permitting process more palatable, address the inefficiency of getting permits through the city department that is responsible for them.	No - Other Programs	Partially	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
130	CodeNEXT Community Engagement Report	Provide more funding for the East Austin Conservancy and programs like it that pay half of seniors' property taxes so that they can stay in their homes. Currently, 30 families are helped on a rotating basis. The Conservancy can help 30 families for \$50,000 whereas to build 30 new homes would cost millions of dollars.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.

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131	CodeNEXT Community Engagement Report	Talk to neighborhood residents.	No - Process Related	N/A	Staff agrees with the recommendation.	Throughout the process to update the land development code, staff have engaged with members of the community through open houses, office hours, email and phone calls, and as requested for neighborhood and community groups. The report that this recommendation comes from was also an effort in the process to hear from the community about items of major concern and to better understand tradeoffs that they considered acceptable or unacceptable.
132	CodeNEXT Community Engagement Report	Look at the MFI in respective neighborhoods instead of using the MFI in the city as a whole. Tailor the price of affordable units to where you are building.	Yes	No	Staff opposes the recommendation.	This would make programs more difficult and costly to administer. Staff is also concerned about potential data quality issues at such a granular level of geography.
133	CodeNEXT Community Engagement Report	Create a special zoning category for the people who live in small homes, who are not adding to the size of their homes but whose property values are escalating based on surrounding development. These residents are currently being taxed as if they are in 3,000 to 5,000 square foot homes.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
134	CodeNEXT Community Engagement Report	Hold property taxes steady for homeowners whose property valuations have increased not because of their improvements but because of other real estate activity in the area.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
135	CodeNEXT Community Engagement Report	Require a higher percentage of units to be built that are affordable to people who make 30% to 40% of MFI.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
136	CodeNEXT Community Engagement Report	Incorporate policies into CodeNEXT, or side by side with CodeNEXT, through the neighborhood housing or community development departments, that address the housing crisis.	Partially	Partially	Staff agrees with the recommendation.	In addition to the LDC Revision seeks to increase housing capacity and affordably housing city-wide (e.g. missing middle housing, density bonus program), the Neighborhood Housing and Community Development Department provides a range of programs and subsidies to address the range of affordable housing needs. The implementation of the Strategic Housing Blueprint contains strategies for acquiring and utilizing public land for affordable housing, increasing gap financing for developments, utilizing development incentive programs, and coordinating with entities in the community to monitor and preserve developments at risk of losing their affordability. In the current LDC revision process, a new citywide affordable housing bonus program is proposed that will increase opportunities to include income-restricted affordable units in new developments.
137	CodeNEXT Community Engagement Report	Take 1% of the City's budget and build affordable housing.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
138	CodeNext Equity SWOT Analysis	Centers and Corridors Context/Recommendations: While there is focus on opportunities and challenges related to affordable housing preservation, there is no clear acknowledgement of increased risk of displacement specifically among Neighborhoods of color, or rising costs linked with the housing/transportation/food nexus. Directly discuss questions related to historical inequities and gentrification/displacement; where inclusionary zoning regs are not possible, explore alternatives (e.g., developer incentives for BMR unit development, public lands policies, affordable housing trust funds, homeowner incentives for affordable density); not every impact of development can be addressed through a regulatory solution, so collaboration between planning, other departments, and external partners becomes paramount	Partially	Partially	Staff agrees with the recommendation.	Recognizing that certain areas of Austin that are more vulnerable to displacement, staff utilized the University of Texas at Austin's study of gentrification and displacement (Uprooted) to make decisions about how to map "missing middle" residential zones along corridors in areas vulnerable to gentrification. These missing middle areas are mapped for less intensity and in smaller areas along corridors in vulnerable census tracts. The City also has other initiatives, such as housing subsidy programs, that work concurrently with the LDC to address gentrification.

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Comment ID	Comment Source	Recommendation/Change Proposed to Draft 3	Could the LDC address this?	Is this in the LDC Revision process?	Staff Response	Detailed Response
139	CodeNext Equity SWOT Analysis	<p>Human-scale Street Design Context: Austin's Neighborhoods of Color embody a unique character based on authentic cultures and relationships; not simply on the physical infrastructure of sidewalks, street trees, and frontage designs. There is concern that CodeNEXT runs the risk of capturing the physical infrastructure of these historical cultures, while the people on whose lives they were built can no longer afford to live there.</p> <p>Question: How does humanscale street design preserve access to and affordability for historical culture and character for the people to whom it belongs? How is it implemented in a way that is not culturally appropriative?</p>	Partially	Yes	Staff agrees with the recommendation.	The Land Development Code is a tool that determines what can be built, where it can be built, and how much can (and cannot) be built. It contains regulations for the creation and preservation of historic districts and structures that contribute to the City's diverse cultural assets. The City also has cultural programming that works concurrently with the Code.
140	CodeNext Equity SWOT Analysis	<p>Urban Trail Connections Context: Neighborhoods of Color have had fewer and inferior recreational trails, parks, and active infrastructure compared to Austin's white neighborhoods. This situation is a direct result of a racist legacy in both zoning, code enforcement, and city budget decisions. Furthermore, the term "master plan" connotes a plan designed by a "master" and implemented without regard to its negative consequences and has a negative history attached to it.</p> <p>Question: How will CodeNEXT correct imbalances in opportunities to enjoy the outdoors and live healthier lifestyles that disproportionately affect Neighborhoods of Color? How will CodeNEXT preserve access and affordability for Neighborhoods of Color people in their historical neighborhoods? How will design standards consider historical cultures in a way that is not culturally appropriative?</p>	Partially	yes	Staff agrees with the recommendation.	<p>The current Parkland Dedication Ordinance requires the dedication of parkland or a fee in lieu of parkland dedication for all multifamily developments, subdivisions and hotels. In cases where fees-in-lieu are accepted, they are used to improve existing nearby parks and urban trails. These elements are carried forward in the Code revision. The Parkland Dedication Ordinance is the major city tool for the acquisition of parkland, including linear parks/urban trails in park deficient areas and ensures that as any area of the city is developed, there will be additional parkland brought online to support all residents.</p> <p>Outside of the LDC, PARD is actively working with the community to research and document the history of recreational parks and facilities in underserved areas through the PARD Historic Preservation and Heritage Tourism Program. Following documentation, PARD subsequently works to historically designate and then interpret the untold histories of park spaces. Examples include the recent dedication of historical markers at Parque Zaragoza and Downs Field, the designation of Parque Zaragoza and Rosewood Park as Lone Star Legacy Parks, and the listing of Fiesta Gardens in the National Register of Historic Places. A thorough understanding of the social history and/or site development history of a space helps ensure that future developments will respect the park's history.</p>
141	CodeNext Equity SWOT Analysis	<p>Multimodal Transportation Context: Many Austinites want the option to get around the city without having to rely on an automobile..." ignores the reality that, for many residents in Austin's Neighborhoods of Color, automobile transportation has not been an option. These residents have gotten around Austin for decades without an automobile. Public transportation in the neighborhoods most dependent upon it has been inferior to public transportation serving Austin's predominantly white neighborhoods. Gentrification and displacement has forced these residents to move into neighborhoods with even fewer transportation options. Furthermore, Austin's dominant cultural concept of what feels "safe" is distorted by racial stereotypes.</p> <p>Question: How will CodeNEXT correct historical imbalances in access to public transportation and ensure that multimodal transportation doesn't contribute to displacement?</p>	Partially	Partially	Staff does not oppose the recommendation.	<p>The LDC rewrite cannot directly dictate the quality or frequency of transit service, which is ultimately outside of the City of Austin's authority and up to our partner agency, Capital Metropolitan Transportation Authority. However, by facilitating transit-supportive densities along the ASMP Transit Priority Network and Imagine Austin Activity Centers and Corridors the LDC revision will contribute to improving both multimodal transportation facilities and access to them. The current LDC revision addresses our city's historical inequities in multimodal transportation by facilitating and applying transit-supportive densities in neighborhoods all throughout Austin, not only those that currently have access to high-quality transportation options.</p> <p>The City recognizes that with additional investment in transportation in neighborhoods of color, there is potential to exacerbate forces that contribute to displacement. Ensuring that improved public transportation and other multimodal options do not contribute to gentrification and displacement requires a broad and concerted effort that relies on a variety of programs and policies. New City programs called for in the Austin Strategic Housing Blueprint and Austin Strategic Mobility Plan, such as strategic land banking, will work in concert with the LDC to support Austin's neighborhoods of color and address displacement, allowing residents the ability to enjoy the benefits of new transportation investments meant to address historical imbalances.</p>
142	CodeNext Equity SWOT Analysis	<p>Walk to Shops and Services Context: Austin's Neighborhoods of Color have developed with local and nearby stores and services because residential zoning had not been restrictive, and because many residents lack the automobile transportation options available in Austin's predominantly white neighborhoods. Austin's Neighborhoods of Color are more dependent on neighborhood stores and services.</p> <p>Question: How will CodeNEXT ensure and facilitate access to critical or essential services and food for these communities within their neighborhoods? These services include healthcare, community centers, neighborhood schools and public and governmental resources.</p>	Partially	Partially	Staff partially agrees with the recommendation.	The current LDC draft aims to increase affordable housing opportunities and facilitate more mixed-use communities in all areas of the city. Per Council Direction, the criteria for the creation of transition areas includes high opportunity areas as defined by Enterprise 360 (Enterprise 360 identifies census tracts that have resources that support positive educational, health, and economic outcomes). Encouraging affordable housing through density bonuses in transition areas is one of the best strategies to improve access to services such as health care, community centers, and food resources.

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143	CodeNext Equity SWOT Analysis	<p>Strengthen Neighborhoods Context: Context: Base zoning in Austin's Neighborhoods of Color has been the most lax, allowing commercial and industrial activity to mix indiscriminately with residents. This lax zoning is one of the reasons why residents in these neighborhoods are most vulnerable to the pressures of gentrification and displacement.</p> <p>Question: How will the integration of existing tools slow gentrification and maintain and strengthen Neighborhoods of Color? How will CodeNEXT ensure that essential services and culturally-based businesses are not displaced by bars, restaurants, stores, and services that primarily serve people who live elsewhere?</p>	Partially	Partially	Staff partially agrees with the recommendation.	The approach of transition area mapping is context sensitive to application in areas vulnerable to gentrification (gleaned from the University of Texas at Austin Uprooted study). By applying transition area mapping with less intensity in vulnerable areas, displacement of residential and commercial tenants is discouraged, thereby preserving not only housing, but business and cultural assets of the community as well. Other programs outside of the land development code are needed to maintain businesses and services serving the neighborhood.
144	CodeNext Equity SWOT Analysis	<p>Enable Small Enterprises Context: Currently, developers have access to incentives that contribute to displacement of Persons of Color-owned businesses. Small business allowances by-right could further contribute to this displacement.</p> <p>Question: How will encouraging spaces suitable for small scale enterprises preserve the culture, affordability, and accessibility of existing businesses in Neighborhoods of Color?</p>	Partially	Partially	Staff does not oppose the recommendation.	<p>The LDC Revision aims to create neighborhoods that are affordable by incentivizing affordable units city-wide. Local businesses that are well-connected by a variety of transportation options will be supported by their local neighbors, as well as customers/community members/people who do not live within the neighborhood. The revisions also allow for smaller minimum lot sizes for commercial spaces, and a wider mix of uses in those spaces. New uses include Live/Work, which allows for small maker spaces with a residential component, and a Performance Venue use that improves the feasibility of creative spaces.</p> <p>The Land Development Code is not the only tool that can or is being used to help maintain neighborhood culture and affordability. The City has a variety of programs aimed at supporting local businesses and neighborhood culture. For example, the Neighborhood Housing and Community Development Department and Economic Development Department are working together to identify facilities for cultural arts, community spaces, and local businesses. The Economic Development Department also runs Austin's Small Business program, which provides business training, educational events, and coaching to for job creation and support new and existing small businesses.</p>
145	CodeNext Equity SWOT Analysis	<p>Right-sizing Zoning Context: Base zoning in Austin's Neighborhoods of Color has not protected single-family, family-friendly residences compared to zoning restrictions that have protected Austin's dominantly white residential neighborhoods.</p> <p>Question: How will form-based zoning preserve the cultural makeup, affordability, and identify of Neighborhoods of Color? Will CodeNEXT eliminate existing barriers to gentrification and displacement?</p>	Partially	Partially	Staff partially agrees with the recommendation.	The approach of transition area mapping is context sensitive to application in areas vulnerable to gentrification (gleaned from the University of Texas at Austin Uprooted study). By applying transition area mapping with less intensity in vulnerable areas, displacement of residential and commercial tenants is discouraged, thereby preserving not only housing, but business and cultural assets of the community as well. Other programs outside of the land development code are needed to maintain businesses and services serving the neighborhood. The LDC Revisions contain regulations for the creation and preservation of historic districts and structures that contribute to the City's diverse cultural assets. The City also has cultural programming that works concurrently with the Code. While the LDC has elements of a form-based code, it is not entirely form based.
146	CodeNext Equity SWOT Analysis	<p>Diverse Place for People Context: "Well-designed 'Missing Middle' buildings unify the walkable streetscape as they greatly diversify the choices available for households of different age, size, and income." Austin's Neighborhoods of Color have traditionally supported a wide range of family configurations, multi-generational households, and accommodations for children as a strategy to compensate for the consequences of racism.</p> <p>Question: Do Neighborhoods of Color disproportionately bear the densification of residential and commercial neighborhoods proposed in CodeNEXT? Will the proposed housing type diversity in Neighborhoods of Color provide affordability and access to current residents in those neighborhoods?</p>	Yes	Partially	Staff partially agrees with the recommendation.	Developing new and existing affordable housing capacity, including missing middle housing, was a key directive from the May 2nd, 2019 City Council direction. New zones have been established and applied in transition areas, which work to support our housing and transportation goals throughout the city and distribute density as equitably as possible through all areas of the city. The LDC Revision includes a preservation incentive that when coupled with the new missing middle zones allows for family-friendly/multi-generational housing.
147	CodeNext Equity SWOT Analysis	<p>Anticipate Future Growth Context: While Austin's population overall has grown, the number of Black residents has decreased by 5.4%.</p> <p>Question: Will future growth increase the dominance of Austin's white demographics? How will CodeNEXT implement strategies to reverse this trend? Are the CodeNEXT corridors and centers disproportionately proposed for Austin's Neighborhoods of Color? Will they contribute and accelerate gentrification, displacement and cultural appropriation?</p>	Partially	Partially	Staff does not oppose the recommendation.	Per City Council direction the new code should prioritize all types of homes for all kinds of people in all parts of town (our Strategic Housing Blueprint goals). The Imagine Austin Activity Corridors and Center and the ASMP Transit Priority Network are used as a foundational basis for increasing housing capacity. The application of housing capacity through transition areas was guided by recommendations in the UT Uprooted study which resulted in the level of zoning entitlement and depth of transition areas being reduced. This approach is consistent with balancing the pros and cons of code related recommendations in the UT study.

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148	CodeNext Equity SWOT Analysis	<p>Water Stewardship Context: Austin's Neighborhoods of Color are most vulnerable to the stresses of drought, heat, and flooding associated with climate change. Flood areas are more extensive and stream bank erosion more prevalent. Residents in these neighborhoods are less able to afford expensive utility bills for air conditioning and have fewer choices to move when their homes become uninhabitable. They have historically been underserved by Austin's water supply and storm water management infrastructure compared to Austin's predominantly white neighborhoods. Landfills, wastewater treatment plants, petroleum product storage, electrical generation and industrial brownfields are all disproportionately located in and near Neighborhoods of Color.</p> <p>Question: How will CodeNEXT address historic inequities by providing meaningful and affordable opportunities for water stewardship in Neighborhoods of Color? How will CodeNEXT address the presence of lead in drinking water of Austin's Neighborhoods of Color and schools?</p>	Partially	N/A	Staff partially agrees with the recommendation.	<p>Providing safe and high-quality drinking water, which includes meeting all state and federal drinking water quality standards, is an everyday, fundamental responsibility of Austin Water to all of the citizens of Austin and is not governed by the LDC Revision. Austin Water operates and maintains a centralized water system that provides the same level of safe, high-quality drinking water to all of Austin Water's customers. Austin has a small percentage of lead service lines (the pipe from the water main to the customer meter) remaining in older parts of the city. Austin Water is proactively identifying where the remaining lead service lines are located. However, Austin Water's treated drinking water is scale forming and noncorrosive. That means Austin's treated water forms a protective scale on the inside of pipes that prevents the leaching out of materials such as lead, if it were present in a pipe. If citizens think their plumbing and fixtures may contain lead, they can have their water tested, or run the water for a short period of time (one to two minutes) before using to minimize potential exposure. Additionally, citizens can also have a qualified plumber or certified Customer Service Inspector (CSI) check their plumbing components. More information can be found at: http://austintexas.gov/page/lead.</p> <p>Regarding protective buffers for Austin's creeks, WPD acknowledges an inequitable legacy. When the Comprehensive Watershed Ordinance—one of Austin's seminal environmental laws—was adopted in 1986, greater protections were given to the western watersheds in order to safeguard our water supply lakes and aquifers. But this failed to adequately recognize that the eastern, prairie watersheds also needed a higher level of protection. Their fragile clay soils, expansive floodplains, and long history of farming and other land alteration pose special challenges that the 1986 rules did not address adequately. Many historic Neighborhoods of Color are located in the less protected areas. To close this gap, the 2013 Watershed Protection Ordinance specifically addressed these disparities by extending creek protections to smaller "headwaters" creeks in the eastern watersheds. The Watershed Protection Ordinance also focused on restoring the health and function of creeks and floodplains to regain lost ecosystem services, and added citywide Erosion Hazard Zone protections to address threats of stream channel erosion on buildings and infrastructure. Together, these key changes are helping foster the recovery and reforestation of degraded waterways, which will in turn better protect streams, rivers, and lakes downstream—preserving water quality and safeguarding property for the residents of Austin. The LDC Revision retains and strengthens these existing environmental protections and adds a new, key provision for green stormwater infrastructure that applies citywide.</p>
149	CodeNext Equity SWOT Analysis	<p>Flood Mitigation Context: Austin's Neighborhoods of Color are most vulnerable to the stresses of climate change and flooding. Flood infrastructure in these neighborhoods has been designed to a lower standard. Flood areas are more extensive and stream bank erosion more prevalent. The residents in these neighborhoods have fewer choices to move when their homes become uninhabitable.</p> <p>Question: How will CodeNEXT address these historical inequities? Will new and redeveloping properties be required to fully mitigate their flood impacts over undeveloped conditions?</p>	Partially	Partially	Staff agrees with the recommendation.	<p>The adequacy of Austin's stormwater drainage system correlates closely with system age. Austin created its first Drainage Criteria Manual (DCM) in 1977, establishing minimum sizing criteria. Stormwater conveyance, treatment, and storage systems built prior to 1977 are often in need of updating in order to prevent flooding. Many historic Neighborhoods of Color are located in these areas. The current LDC revision proposes to help address outdated drainage infrastructure by requiring redeveloping commercial, multi-family, industrial, and civic sites that have not provided flood solutions to manage stormwater in proportion to each site's impact, compared to undeveloped ("greenfields") conditions. These provisions will have the greatest positive impact in areas that were built out prior to modern drainage and floodplain requirements, including Austin's central-east and central-north Neighborhoods of Color. The LDC Revision cannot address all existing flooding and drainage problems, however. The LDC Revision proposals will contribute to incremental progress where redevelopment occurs. Significant additional public and private investments will still be needed to upgrade inadequate infrastructure.</p>
150	CodeNext Equity SWOT Analysis	<p>Tree Protection Context: Stresses associated with the urban heat island and flooding, both mitigated by tree protection, disproportionately affect Neighborhoods of Color.</p> <p>Question: Is tree preservation equitably applied across the city? Are variances applied disproportionately in Neighborhoods of Color?</p>	Yes	Yes	Staff does not oppose the recommendation.	<p>Tree regulations in the LDC currently and any LDC Revisions apply to the entire City equitably. Any variances are based on site specific factors and are not applied disproportionately in any area of the city.</p>
151	CodeNext Equity SWOT Analysis	<p>Open Space and Parks Context: Neighborhoods of Color public parks in Austin have been underfunded, underdeveloped and under maintained compared to parks in white neighborhoods. Furthermore, part of the culture of Neighborhoods of Color is large family gatherings in parks. Making these inaccessible has caused communities to travel outside of their neighborhoods to gain the benefits of Austin parks.</p> <p>Question: How do these new standards take into account historic inequities in Austin's park assets? How can CodeNEXT make new parks and funding for existing parks a priority and requirement for redeveloping neighborhoods?</p>	Yes	Yes	Staff partially agrees with the recommendation.	<p>The current Parkland Dedication Ordinance requires the dedication of parkland or a fee-in-lieu of parkland dedication for all multifamily developments, subdivisions and hotels. In cases where fees-in-lieu are accepted, they are used to improve existing nearby parks (e.g., new features and play structures). These elements are carried forward in the Code revision. The Parkland Dedication Ordinance is the major city tool for the acquisition of parkland in park-deficient areas and ensures that as any area of the city is developed, there will be additional parkland brought online to support all residents. Although not directly part of the LDC, in PARD's draft Long Range Plan, "Expand and Improve Park Access for All" is a citywide strategy. Under this strategy, PARD has identified specific objectives: (1.) Prior to any significant planning or development, work with partner organizations and current and long-time residents to ensure community involvement in the process. (2.) Invest in the acquisition of new parkland that can make parks a part of everyday life in existing and future underserved areas.</p>

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152	CodeNext Equity SWOT Analysis	<p>Nature in the City of Austin Context: This palette of tools - green walls, stormwater collection, green roofs - have been easily available for more than a decade. These tools have been inequitably and optionally implemented in Austin in only the most affluent neighborhoods and projects.</p> <p>Question: How will CodeNEXT assure that these beneficial standards are achieved in Neighborhoods of Color without contributing to gentrification and displacement? Does CodeNEXT address the need for consistently applied natural infrastructure standards?</p>	Yes	Yes	Staff agrees with the recommendation.	<p>Under the LDC revision, many of these tools are no longer optional. The current draft of the LDC revision requires development citywide to use green stormwater infrastructure such as rain gardens, biofiltration ponds, and rainwater harvesting systems to comply with water quality treatment standards, thereby also reducing potable water consumption and urban heat island impacts and increasing environmental resilience and natural beauty. There is an exception for sites greater than 90% impervious cover, which may use conventional water quality controls. Small sites within Urban watersheds may also be able to make a payment-in-lieu of providing onsite controls (same as current code). The LDC Revision also introduces, as part of the revised landscape code, a citywide "Functional Green" landscaping requirement that will ensure that very intense development (greater than 80% impervious cover) includes many more green elements (trees, other plants, green walls, rain gardens, alternative water use, etc.) than required under current code. Functional Green provides flexibility for a range of options and price points to increase flexibility and help contain costs. It also encourages overlap with other regulations, allowing a single element to satisfy multiple requirements. Working together, these requirements will contribute to the quality of life for residents within and beyond these developments.</p>
153	CodeNext Equity SWOT Analysis	<p>More Diverse Housing Choice Context: In its current form, CodeNEXT maps show that traditional single-family houses in Neighborhoods of Color would be replaced with zoning to allow six to nine units. The new code concentrates density allowances in Neighborhoods of Color while preserving existing single-family zoning in many of Austin's predominantly white neighborhoods.</p> <p>Question: Does CodeNEXT make room for diverse housing yet avoid applying this standard to the people living in these spaces? Are the new code allowances applied across Austin, or are they concentrated in Neighborhoods of Color? Are the consequences of more diverse housing types equitably borne by white neighborhoods?</p>	Yes	Yes	Staff agrees with the recommendation.	<p>Developing new housing capacity, including missing middle housing, was a key directive from the May 2nd, 2019 City Council direction. New transition zones have been established, which work to support our housing and transportation goals throughout the city and distribute density as equitable as possible through all areas of the city. Transition areas were mapped according to the four mapping criteria from Council direction, with areas identified as vulnerable to gentrification were mapped with a reduced level of zoning entitlement and depth of transition area. Additionally, single family neighborhoods outside of vulnerable areas will allow for a minimum of two units, potentially three if the preservation incentive is utilized, furthering housing choices throughout the city.</p>
154	CodeNext Equity SWOT Analysis	<p>More Units by Right Context: New housing built to cater to wealthy renters and buyers is not a result of Austin's land development code cumbersome or unnecessary regulation. It is a result of an exclusively profit-driven market. Austin's affordability incentives have completely failed to provide any increase in affordable housing. Allowing more units by right would increase the economic incentive to destroy the existing affordable single-family residences.</p> <p>Question: Do the incentives proposed in CodeNEXT provide truly affordable housing? Do the incentives provide affordable housing for families? Do the housing types being incentivized meet the needs of families? Do they preserve Neighborhoods of Color? Does CodeNEXT focus on preserving neighborhood character without preserving historical culture and the people who have lived there?</p>	Partially	Partially	Staff does not oppose the recommendation.	<p>In Texas, housing prices, rents and values can increase unchecked unless the housing is income-restricted for an extended period of time, meaning that it must remain affordable to households at a certain median family income for a set period of time. One of the few ways in Texas to create long-term income-restricted housing that does not require funding or subsidy is use of optional incentive programs, such as density bonus programs. For that reason, tools for achieving income-restricted affordable housing in the Land Development Code are focused around voluntary incentive programs. These tools need to be carefully calibrated to the market (development costs & revenues) so that property owners/developers want to use them and thereby deliver affordable units. Due to state law, these programs must be voluntary & therefore must be attractive to entice participation. Otherwise, development could occur that would result in no affordable units. The city also employs tools outside of the Land Development Code for the creation of affordable housing, including Homestead Preservation Districts, Community Land Trusts, affordable housing bonds, and others that are described in the Austin Strategic Housing Blueprint (http://austintexas.gov/housingblueprint). However, most of the tools outside of the Land Development Code require funding from some source. The new proposed affordable housing bonus program requires rental units to be affordable to households at or below 60% of the median family incomes and ownership units to be affordable to households at or below 80% of the median family income. There is an incentive for developers to provide multi-bedroom units.</p>
155	CodeNext Equity SWOT Analysis	<p>Affordability Incentives Context: The reality of Austin's history and current market forces demonstrates that land development affordability incentives have failed as a mechanism to maintain Austin's historical affordability. A major consequence of the lack of affordable housing is decreasing and fragmenting People of Color populations in Austin and disrupted critical social infrastructure.</p> <p>Question: Please provide an analysis of how the incentives will provide affordable housing for Neighborhoods of Color.</p>	Partially	Partially	Staff does not oppose the recommendation.	<p>In Texas, housing prices, rents and values can increase unchecked unless the housing is income-restricted for an extended period of time, meaning that it must remain affordable to households at a certain median family income for a set period of time. One of the few ways in Texas to create long-term income-restricted housing that does not require funding or subsidy is use of optional incentive programs, such as density bonus programs. For that reason, tools for achieving income-restricted affordable housing in the Land Development Code are focused around optional incentive programs. The city also employs tools outside of the Land Development Code for the creation of affordable housing, including Homestead Preservation Districts, Community Land Trusts, affordable housing bonds, and others that are described in the Austin Strategic Housing Blueprint (http://austintexas.gov/housingblueprint). However, most of the tools outside of the Land Development Code require funding from some source as opposed to housing created through optional incentive programs.</p>

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156	CodeNext Equity SWOT Analysis	<p>Flexible Live/Work Places Context: In Neighborhoods of Color small business owners have lived and thrived under the existing code. Their challenges are related to affordability and infrastructure and the displacement of their customers by gentrification. The description of "an old model of large-scale office and industrial development" fails to recognize small businesses that have lived and thrived under the existing land development code.</p> <p>Question: Will a CodeNEXT greater range of building types accelerate displacement? How will a greater range of building types preserve the culture and affordability of Neighborhoods of Color?</p>	Yes	Yes	Staff does not oppose the recommendation.	The current draft of the LDC is providing a greater range of building types in an effort to provide more affordable housing at different levels and for different needs. By offering increased types of housing, as well as more affordable options, where people can access services more easily, more people will be able to stay in their neighborhoods. The options for live/work opportunities have been updated with the current LDC Revisions and provide more flexible employment/housing options for reduced costs, including transportation.
157	CodeNext Equity SWOT Analysis	<p>Connected Communities Context: The description of new development as occurring in "pods of single-family or multi-family uses" reflects reality in many of Austin's historically white neighborhoods, which were designed to segregate residential and commercial and industrial activities. One of the reasons this zoning was desirable for white families was their ability to afford individual automobile transportation. Austin's Neighborhoods of Color were not protected with isolated single family zoning and developed with walkable access because some of these families had no other option. Challenge and solution statements in this section address connected infrastructure. By ignoring the challenges of connecting the people in Neighborhoods of Color, this focus on infrastructure perpetuates systemic racism.</p> <p>Question: How will CodeNEXT address the challenges of increasing fragmentation in Neighborhoods of Color?</p>	Partially	Partially	Staff does not oppose the recommendation.	The LDC Revision includes updated transportation mitigation regulations that are tailored to size and intensity of development and include multimodal mitigation options, including transit supportive improvements and sidewalk improvements, for example. Infrastructure improvements required by the LDC are intended to apply equitably across the City. The approach to transportation mitigation with the LDC Revision is an improvement to provide transportation mitigation to complete all transportation systems in all part of the City.
158	CodeNext Equity SWOT Analysis	<p>Clear, Effective Zoning Districts Context: The existing stock of affordable residential housing in Neighborhoods of Color is an important city asset. It provides affordability and helps to preserve an existing, important, unique and essential component of Austin's culture. Newly proposed zoning districts disproportionately target Neighborhoods of Color for increased density, compared to Austin's predominantly white neighborhoods. This targeting fails to respect existing residents and their communities. It would increase property taxes and development pressure in those neighborhoods and accelerate the already devastating consequences of gentrification and displacement.</p> <p>Question: Do the changes proposed by CodeNEXT to existing patterns of residential, commercial, business, or industrial development, or any changes in Neighborhoods of Color, reflect a consensus or input of those who have lived in or have been displaced from those neighborhoods?</p>	No - Process Related	No	Staff does not oppose the recommendation.	The LDC Revision team has worked with a wide variety of people, organizations, constituencies, and communities such as the authors of the UT Uprooted study, community leaders in the Eastern Crescent, and the City's Equity Office. While creating the revised code, the team has also reviewed the CodeNext Equity SWOT Analysis, the Anti-Displacement Task Force recommendations, and the CodeNEXT Austin Voices and Community Conversations report.
159	CodeNext Equity SWOT Analysis	<p>Fine-Tuned Uses in Zones Question: If the fine-tune uses replace overlays, how do these address neighborhood-specific conditions? Are development standards less restrictive in Neighborhoods of Color? Do these uses encourage gentrification? Does the simplified process make it easier to bypass community input?</p>	Partially	Partially	Staff does not oppose the recommendation.	The Land Development Code does address neighborhood-specific conditions, but it would not make it easier to bypass community input; there will not be changes to public input and notification requirements will remain the same. Development standards are standards city-wide, and are not less or more restrictive in neighborhoods of color in the current draft of the code. LDC can dictate use categories, but not specific types of businesses.
160	CodeNext Equity SWOT Analysis	<p>Site Planning Process Context: Neighborhood-scale infill projects have, and continue to, demolish Austin's affordable residential housing stock. These consequences are felt across the City but most particularly damage both individuals, families, and the cohesive structure and support of Austin's Neighborhoods of Color. Residential infill also places increased stress on City infrastructure: wastewater lines, water service, parks, trails, creeks, water quality and flood mitigation. This stress is most acute in Neighborhoods of Color, which have not been served, protected, and preserved to the same degree as Austin's predominantly white neighborhoods.</p> <p>Question: Will the new simplified site plan review process provide adequate opportunities for public review and input? Will there be sufficient protection of Neighborhoods of Color and businesses? Is there priority placed in affordability over feasibility?</p>	Partially	Partially	Staff does not oppose the recommendation.	The LDC Revisions are simplifying and streamlining processes, but are not making changes to notification requirements. In addition to existing process improvement efforts, the LDC is drafted to simplify the development process, directing staff to scale application requirements to match the proposed development and applicable regulations. The LDC Revisions include regulations for the creation and preservation of historic districts and structures that contribute to the City's diverse cultural assets. Per City Council Policy Direction, the LDC Revisions seek to increase housing capacity and affordability city-wide (e.g. missing middle housing, affordable housing density bonus programs). Recognizing that certain areas of Austin are more vulnerable to displacement, staff utilized the University of Texas at Austin's study of gentrification and displacement (Uprooted) to make decisions about how to map "missing middle" residential zones along corridors in areas vulnerable to gentrification. These missing middle areas are mapped for less intensity and in smaller areas along corridors in vulnerable census tracts. The City also has other initiatives, such as housing subsidy programs that work concurrently with the LDC to address gentrification.

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161	CodeNext Equity SWOT Analysis	Simplified Permitting Question: How does this process benefit community members from Neighborhoods of Color? Does it make it easier to bypass community involvement? Will it accelerate gentrification? Will this impact Neighborhoods of Color more than other neighborhoods?	Partially	Yes	Staff does not oppose the recommendation.	In addition to existing process improvement efforts, the LDC is drafted to simplify the development process, directing staff to scale application requirements to match the proposed development and applicable regulations. This will work to streamline the process. There will not be changes to public input; notification requirements will remain the same.
162	Community Development Commission	The affordable units should be calculated from the number of total units and not the increased entitlements	Yes	No	Staff opposes the recommendation.	Because state law prohibits cities from requiring developers to include affordable housing units, affordable housing bonus programs must be voluntary and must be carefully calibrated so that developers will find it attractive to participate. Otherwise, the development will not include any affordable units. Calculating the affordable unit set-aside on the total number of units rather than the bonus units would mean that developers would only participate if they wanted to take advantage of the entire bonus, rather than just a portion.
163	Community Development Commission	If bonus units are part of the formula for determining the percentage of affordable units, the base for calculating entitlements should be the current Pre-CodeNEXT base	Yes	Partially	Staff does not oppose the recommendation.	LDC zones mirror current entitlements with the only upzoning based within the Council directed transition areas. Affordable bonus entitlements have been increased as part of the LDC Revision, creating a bigger incentive for developments to take part in this program.
164	Community Development Commission	As in vertical mixed use, dwelling unit cap should only be removed from Main Street Zones as a lever to encourage affordable housing units.	Yes	Partially	Staff partially agrees with the recommendation.	For the largest Main Street zone, a dwelling unit cap has been added to the zone, with the bonus allowing for unlimited dwelling units. The Main Street 2 zones still have an unlimited dwelling unit cap; however, they are limited by their height, with a height bonus for the affordable housing bonus.
165	Community Development Commission	If it is determined that any of the above tools [ID-162, ID-163, and ID-164] are infeasible, we request public access to the formulas and data used in the infeasibility assessment	No - Process Related	N/A	Staff opposes the recommendation.	Because state law prohibits cities from requiring developers to include affordable housing units, affordable housing bonus programs must be voluntary and must be carefully calibrated so that developers will find it attractive to participate. Otherwise, the development will not include any affordable units. Calculating the affordable unit set-aside on the total number of units rather than the bonus units would mean that developers would only participate if they wanted to take advantage of the entire bonus, rather than just a portion.
166	Design Commission	23 3E 1: The Design Commission suggests that the proposed Density Bonus of Max Dwelling Units per Acre be more equitable. This has been concentrated in east Austin and not been allowed in west Austin. This could be interpreted as racially and/or economically bias. Density must be distributed evenly to be effective at achieving affordability throughout Austin.	Yes	Yes	Staff agrees with the recommendation.	Developing new housing capacity, including missing middle housing, was a key directive from the May 2nd, 2019 City Council direction. New zones have been established, which work to support our housing and transportation goals throughout the city and distribute density as equally as possible through all areas of the city. Density bonuses are now included in all zones R4 or less restrictive, and are mapped throughout the city.
167	Design Commission	23_3B 1060: The Design Commission wants to understand how the Director determines if off site affordable units propose a better community benefit than on site affordable units. The Director shall provide metrics for the evaluation of the production of off site units in areas of high opportunity.	Yes	Yes	Staff does not oppose the recommendation.	Section 23-3E-1050 has been updated in the LDC draft to include more information around off-site provision of affordable units. A developer must get specific approval from NHCD to provide units off-site, rather than on-site. In order to provide off-site units, a developer must also locate them within a mile of the development, in a high opportunity area, or an area that allows the City to meet its Housing Blueprint goals. The section has also been updated to reference specific decision making criteria that will be published in the Affordable Housing Criteria Manual.
168	Design Commission	23 3E 1060: The Design Commission supports this proposed Downtown Density Bonus fee for non residential projects.	Yes	No	Staff agrees with the recommendation.	Neighborhood Housing & Community Development has contracted with a consultant to update existing density bonus programs. As part of this effort fees for non-residential developments utilizing a bonus will be calculated.
169	Design Commission	23 3E 1060B: The draft does not include a fee in lieu schedule. This regulation cannot be properly evaluated without knowing what the cost to developers will be for the added entitlements.	Yes	No	Staff partially agrees with the recommendation.	Fees in lieu of affordable units need to be updated as market conditions (rents, sale prices, and construction costs) change. Fees will be approved by City Council through a fee schedule, rather than through the Land Development Code.
170	Design Commission	23 3E 1070: It is unclear who the designated review group will be in determining the fee in lieu schedule.	Yes	No	Staff does not oppose the recommendation.	The LDC draft has removed the designated review group. Staff recommend that developers seek NHCD approval for paying fees in lieu, as is done with some density bonus programs today. This approval will be based on criteria published in the Affordable Housing Criteria Manual. This approach will provide a more streamlined process for participants in the program, responding to City Council direction to make the code more streamlined.
171	Design Commission	23 3E 2: The Design Commission proposes that all downtown have a two tiered Density Bonus Program, like the current program in the Rainey Street District. The first FAR tier should have a properly calibrated affordable housing requirement without a fee in lieu option. The second tier could have a fee in lieu option.	Yes	No	Staff opposes the recommendation.	This would be challenge to implement because most areas of downtown already have a base entitlement of FAR 8:1, whereas in Rainey, the base entitlement is 40ft and residential projects must provide on-site affordability in order to get to FAR 8:1. On site affordability should be considered within the context of all required community benefits to make sure the City is getting the greatest amount of community benefits without discouraging development.
172	Design Commission	23 3E 2040: If a design of a proposed project changes significantly after the Density Bonus is approved then it should be required to return to the Design Commission to be re evaluated for compliance.	Yes	Yes	Staff agrees with the recommendation.	This is already required.
173	Design Commission	23 3E 2050: The Design Commission recommends that the Community Benefit requirements be expanded to include all projects opting into the Density Bonus Program.	Yes	Partially	Staff partially agrees with the recommendation.	In order to do this a recalibration of the density bonus is needed. The community benefits of the Downtown Density Bonus Program are not being recalibrated as part of the Code Revision process.

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174	Design Commission	23 3E 2050: The Design Commission recommends that the Community Benefit options include mobility alternatives that support biking, and pedestrian transit, and manages off street parking and ride share loading availability to reduce street traffic and support Vision Zero's mission to reduce pedestrian fatalities. If they are not providing on site affordable housing, the applicant should also be required to file a restrictive covenant agreeing to provide more Community Benefits.	Yes	Partially	Staff partially agrees with the recommendation.	Much of this is already required by Austin Transportation in order for a project to mitigate the impact of traffic generated by the project. How much and what type of community benefits a density bonus participant provides is limited by the size of the development and the cost of providing a community benefit relative to the value gained from the bonus. In general, community benefits can therefore compete against each other so that the addition of another community benefit can detract from the overall amount of fees or housing that is provided through the affordable housing community benefit.
175	Design Commission	23 3E 2060E1c: A sales price of 3.5 times the annual income of a household at 120 percent MFI is not affordable. This is well over what most middle class families can afford and must be re evaluated. Why is this so much higher than the amount outlined in the Proposed Administration Procedures for Affordable Housing Bonus Program document on the CodeNEXT website? It says 3.5 times 80 percent MFI.	Yes	No	Staff opposes the recommendation.	This language pertains to the Downtown Density Bonus Program only. In the downtown area, the combination of high land prices and high-rise construction types creates a markedly different set of economics than elsewhere in the city. The program could be amended to require units be affordable at 80% MFI; however, even fewer units would be generated because the cost to cross-subsidize them would be higher. Even at 120% MFI, the program has not generated on-site affordable ownership units because in that construction type and with those land costs, the provision of on-site affordable units is often not feasible.
176	Design Commission	23 3E 4020D1: Why is the location of affordable housing in "high opportunity areas" left to the discretion of the Housing Director? This process should be transparent and clearly defined. How will these decisions be measured against land that could provide equivalent opportunity?	Yes	No	Staff opposes the recommendation.	The Housing Director will utilize the most current map of high opportunity areas as these can change over time to reflect changes in Austin. Rather than referencing a static map this language was included so the map referenced would always be up to date.
177	Design Commission	23 4D 5010: The Commission recommends that all properties along Imagine Austin Corridors be included in the Affordable Housing Bonus Program. (Draft 3 maps zone some corridors MS2B which prohibits using the Affordability Housing Bonus Program.)	Yes	Yes	Staff agrees with the recommendation.	All zones along ASMP Transit Priority Network and Imagine Austin Activity Corridors and Centers will include a bonus for affordable housing.
178	Design Commission	23 9C 2020A: The Commission supports lowering the threshold for triggering a Traffic Impact Analysis.	Yes	Yes	Staff agrees with the recommendation.	The new code takes a Transportation Demand Management (TDM)-first approach to transportation mitigation. This TDM-first approach to development review will result in a more predictable, multimodal approach to regulations, allow more context-sensitive mitigation, and will allow for better enforcement of traffic mitigation. All <u>Transportation</u> Impact Analyses (TIAs) will be required to include TDM. The current code draft separates new trips generated by development into three tiers. In tier 1 a development that generates under 1,000 net daily trips doesn't require a TIA to be conducted, but TDM and other mitigation may be required of the development. In tier 2 if a new development will generate between 1,000 and 2,000 net daily trips or 100 peak hour trips it is allowed to undergo TDM measures to lower its generated trips and reduce the scope of a potential TIA; if it reduces its generated trips through TDM so that it now falls below the 1,000 trip level, a TIA would no longer be required. In tier 3 if a new development will generate 2,000 or more net daily trips it is required to conduct a TIA.
179	Design Commission	23 3E 4060: The Design Commission recommends that the Housing Director establish a systematic approach for reporting, compliance and enforcement of SMART Housing policy and program, to be approved by City Manager. The Housing Director shall provide an annual report to Council regarding status of SMART Housing program.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
180	Design Commission	23 4C 1030: The Design Commission recommends that the Planning Commission support the staff recommendation for Common Open Space requirements with the added language that it may count towards a project's Functional Green or Parkland Dedication requirements; thereby eliminating the fee in lieu. Additionally, we recommend that staff better illustrate how Common Open Space can count towards the Private Open Space and Civic Open Space requirements.	Yes	Yes	Staff partially agrees with the recommendation.	The new draft allows other requirements throughout the Code to be counted toward Common Open Space. Functional Green does not count toward open space or parkland dedication, as its primary purpose is ecosystem services and not open/recreational space for residents. Civic Open Space has been removed from the code.
181	Design Commission	23 3E 2040: The Design Commission recommends that the Planning Commission support staff's recommendation that the Design Commission remain as gatekeeper of the Urban Design Guidelines and thereby reviewing all Downtown Density Bonus projects for conformance. The Design Commission is the only peer review these projects receive and past applicants have improved their projects significantly based on the Commission's comments. Removal of the Design Commission from this process will result in less community benefits in exchange for the large increases in entitlements being given away.	Yes	Yes	Staff agrees with the recommendation.	The Design Commission remains the reviewing body for the Design Guidelines in the current code draft.
182	Design Commission	The Design Commission recommends that the Director thoughtfully consider recommendations from Design Commission and provide written determinations on how the applicant substantially achieved compliance with the Urban Design Guidelines if the Director does not accept the Design Commission recommendations. For these contested projects, the final decision should be made by Council.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.

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183	Design Commission	The Design Commission recommends keeping track of revisions made to Density Bonus projects made after approval by Design Commission, but before issuance of building permit. The continued cycle of reporting how recommendations have been implemented through construction ensures affordability and community benefits are executed. Keeping historic data on affordable units generated by density bonus program (off site and on site) helps establish precedent to improve on the program's implementation.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
184	Design Commission	To the maximum extent possible, The Director of Housing should utilize community based nonprofits to produce affordable housing related to the Density Bonus Program.	Yes	No	Staff partially agrees with the recommendation.	The City's Density Bonus programs are available to both for-profit and nonprofit entities. The code revisions aim to expand availability of density bonus opportunities, thus increasing the amount of affordable housing produced. Austin cannot rely solely on its non-profits to achieve its affordable housing goals, simply because so much housing is needed. A successful strategy will incorporate developers across the spectrum.
185	Design Commission	Overall, there is too much reliance on the Director's decision/discretion in many of these Sections. There should be some oversight of the Director's decisions, possibly Planning Commission or Council.	Yes	Yes	Staff opposes the recommendation.	As a whole, changes to administrative authority under the LDC Revisions are accompanied by expanded authority of boards & commissions. The authority of both the Land Use Commissions & Board of Adjustment, for example, are clarified and/or expanded compared to current code. That said, both Draft 3 and the LDC Revision do include new "administrative modification" sections that are intended to provide greater flexibility for the director to make limited kinds of discretionary decisions in order to reduce the time and cost associated with commission-level review.
186	Downtown Commission	These adopted principles [Imagine Austin Comprehensive Plan, Downtown Austin Plan] have not been incorporated into the latest Draft of CodeNEXT, and the Downtown Commission recommendations for CodeNEXT focuses on the tenet that the entire City of Austin and its downtown will benefit by encouraging downtown density. Downtown's growth currently is restricted by several geographic and regulatory constraints. With space at a premium, CodeNEXT needs to take advantage of available space to maximize the density of downtown without placing additional regulations on development which discourage density. A key element of Imagine Austin was encouraging downtown density, therefore CodeNEXT should facilitate the optimal development of all available properties and not act as an impediment to future growth. Downtown Commission appreciates the efforts and complexity of creating CodeNEXT, however, the Commissions does not believe the current release as written is in the best interest of downtown and the citizens of Austin.	Yes	Yes	Staff agrees with the recommendation.	Staff has implemented the zoning and some design/overlay elements from the Downtown Austin Plan. However, in accordance with Council direction, the overall entitlements for downtown will remain approximately the same, with the ability to participate in the Downtown Density Bonus Program (DDBP). Some of the FAR and height caps in the most intense DDBP sub districts have been removed.
187	Downtown Commission	23-4D-6080 DC Zone: DC is the new zoning classification for current CBD. The current and proposed FAR is 8:1. Robinson Ranch has an FAR of 12:1 and Domain has an FAR of 8:1 with a 308' height limit. The Imagine Austin Comprehensive Plan calls for a compact and connected city. The CBD should continue to have the highest density in the city. The CBD should have similar or higher density by right to remain competitive with other areas and recommend that all parcels zoned DC should have a 12:1 FAR by right. Additional Standards include a one star rating under Austin Energy Green Building program. Energy efficiency effects sustainability, affordability and the environment. Therefore, we recommend that this Additional Standard be increased to at least a two star rating under Austin Energy Green Building program	Yes	Yes	Staff opposes the recommendation.	Per May 2nd Council direction, the LDC Revisions related to downtown zoning should stay consistent with the Downtown Austin Plan (DAP). Additionally, the density bonus program performs well in Downtown, suggesting a more refined approach to planning for the downtown. Downtown entitlements are being given the nearest equivalent zoning per the new zoning districts in the LDC Revisions.
188	Downtown Commission	When reviewing the proposed maps, many of the CC-120 properties are in the innovation zone or publicly controlled properties and are surrounded by many properties proposed shown as DC. We feel the other CC categories provide an adequate transition to lower density areas and to encourage further density, we recommend all CC120 properties should be changed to DC.	Yes	Yes	Staff opposes the recommendation.	Per May 2nd Council direction, the LDC Revisions related to downtown zoning should stay consistent with the Downtown Austin Plan (DAP). Additionally, the density bonus program performs well in Downtown, suggesting a more refined approach to planning for the downtown. Downtown entitlements are being given the nearest equivalent zoning per the new zoning districts in the LDC Revisions.
189	Downtown Commission	Transitional and Supportive Housing conditional uses in CC and DC. Live/Work is N/A in CC and DC. We do not believe any residential uses should be restricted in the CBD and recommend that Transitional housing, Supportive housing and Live/Work housing uses should be allowed in CC and DC zones.	Yes	Partially	Staff agrees with the recommendation.	Most types of housing are allowed in downtown, although low-intensity residential uses such as single family, ADU, and duplex are not. Transitional and Supportive housing is allowed as a Conditional Use Permit. Live/Work is a permitted use in the CC, DC, and UC zones.

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190	Downtown Commission	Fee -in Lieu applications must be reviewed by a designated review group. We recommend fee-in-lieu be an option by right without review. Fee-in-lieu is the only designated source for PSH for the chronically homeless. There are no other designated sources for such funds.	Yes	No	Staff agrees with the recommendation.	To clarify: the designated review group was proposed in CodeNEXT Draft 3 for the new citywide Affordable Housing Bonus Program, not the Downtown Density Bonus Program (the fees from which go to support PSH). However, staff agree that fee-in-lieu should be subject to administrative review and approval to ensure participation in the voluntary citywide program remains as attractive as possible and that the process can be quicker and cost effective. This change is reflected in the new LDC Draft.
191	Downtown Commission	Affordability requirements for Owner-occupied units. 35% of household income can vary widely based on changes in interest rates and taxes. When are the requirements set? The long term viability of restricting resales to the same requirements for 99 years will adversely affect the initial owners if there are changes in interest rates, taxes and HOA dues. While making owner occupied units viable for 99 years is a worthy goal, this could easily have a severely negative impact at resale to the owner. Over a 99 year period, we recommend that the calibration should be reviewed to balance the affordability with the ability to resell the unit.	Yes	No	Staff partially agrees with the recommendation.	Neighborhood Housing and Community Development is working with a consultant who specializes in Community Land Trusts and long term affordability to refine program guidelines, including long-term affordability agreements and the methodology for setting sale prices.
192	Downtown Commission	Why are the following community benefits (Day Care Services, Cultural Uses and Live Music) only required to be available for 10 years to qualify for the density bonus? We recommend that these community benefit options be obligated for a minimum of 20 years.	Yes	No	Staff opposes the recommendation.	Most leases are for 10 years and requiring options beyond the least term may be challenging.
193	Downtown Commission	Gatekeeper requirements include a minimum two star rating under the Austin Energy Green Building program. Many recent projects exceed this minimum, therefore, we recommend that the Gatekeeper Requirements achieve a minimum three star rating under the Austin Energy Green Building program	Yes	No	Staff does not oppose the recommendation.	Staff is not altering the requirements of the Downtown Density Bonus Program, however it is not opposed to updating requirements based on evidence of recent projects.
194	Downtown Commission	The CC zoning classification indicates a minimum 5" front and side setback and maximum 95% impervious coverage. While this may be workable on a half block or larger site, there are very few of these available for private development. On small sites, especially those on a corner, this likely renders the site infeasible for any substantial redevelopment. As we are trying to encourage additional density, we recommend that the setbacks be eliminated in the CC zoning classification and impervious coverage be allowed to 100%	Yes	Yes	Staff agrees with the recommendation.	Council directed staff to unencumbered smaller lots downtown; the code has been changed to make CC impervious cover 100% with 0' setback.
195	Downtown Commission	According to the current draft, Ground Floor Minimum Use Requirements are 75% Pedestrian Activity (Group A) and Civic Use on Pedestrian Activity Streets and 60% Pedestrian Activity (Group A and B) Civic Uses and Residential Uses on All Other Streets. We recommend that lobbies and any code required uses are included in the calculations. Additionally, it is further recommended that ground floor use requirements should be based upon a district planning level effort that integrates the principles of the Downtown Austin Plan but revises which streets and blocks are required to comply and enables <1/2 block development.	Yes	Yes	Staff partially agrees with the recommendation.	Lobbies and entrances to residential uses are now included in the permitted ground floor uses. In addition, it has been clarified that the % requirement is for frontage and not ground floor area. The permitted ground floor uses have applicability to all of downtown, depending on street type, but a focused small area planning effort could further refine the requirements.
196	Downtown Commission	TIA requirements are applied on a citywide basis. In the CBD this can be an expensive process that yields no tangible results due to the inability to modify the limits of existing ROW that may already be at capacity. As we continue to evaluate and adopt alternatives to single occupant vehicles, we are recommending that that instead of a TIA, for DC and CC properties, that a Transportation Demand Management (TDM) study be provided. A TDM will provide more useful information to the property owner that can be applied to the development than a TIA.	Yes	Yes	Staff partially agrees with the recommendation.	The new code takes a Transportation Demand Management (TDM)-first approach to transportation mitigation. This TDM-first approach will allow more context-sensitive mitigation and strategic use of Transportation Impact Analyses (TIAs). TIAs will only be required if a new development generates over 1,000 net daily trips or 100 peak hour trips. Developments will have the opportunity to utilize TDM to reduce their number of trips below the TIA thresholds. If they do this, a TIA is not required.

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197	Environmental Commission	The [Environmental] Commission recommends that the proposed landscaping requirements be approved, with the following revisions: - Direct staff to develop a program to apply the Functional Green Scoring system to all landscapes, regardless of impervious cover, to ensure that we are maximizing the benefits to be achieved via landscaping requirements and to ensure simplicity and consistency; - Revise the width of landscape buffers for compatibility setbacks as follows: a. Intermittent Visual Obstruction: 15 feet b. Semi-Opaque: 15 feet c. Opaque: 15 feet - Remove details regarding plant quantities from the draft Code and move to criteria manual; - Coordinate with the Water Forward Task Force to incorporate recommendations that further incentivize beneficial reuse of non-potable water and reduce water demand, including requirements for auxiliary water use and beneficial reuse of stormwater for irrigation, with consideration for the need to use potable water during dry periods, especially to help establish new or young vegetation.	Yes	Partially	Staff partially agrees with the recommendation.	Staff opposes the recommendation to apply Functional Green to all landscapes. While that is our long-term goal, we first need time to fine-tune the system. Staff opposes the recommendation on width of landscape buffers. Buffer widths are designed to follow compatibility buffer widths set elsewhere in code. Staff opposes the recommendation to move plant quantities from the code into the criteria manual. The proposed practice follows current practice. Staff agrees on continuing coordination with the Water Forward Task Force. Development Services Department staff has developed water-related landscape requirements in consultation with Austin Water staff and will continue to do so. Additionally, Watershed Protection staff will continue to coordinate with Austin Water to incentivize beneficial reuse of stormwater and reduce potable water demand. Austin Water will continue to seek input from the Water Forward Task Force as the utility works to implement these and other Water Forward strategies.
198	Environmental Commission	The Environmental Commission recommends the following proposed changes: - Add setbacks for parks to improve functionality and compatibility; - For residential development, add a provision that encourages street frontage or open spaces next to existing or proposed parkland; - Add "adjacency" regulations for non-residential development, including regulations that discourage or screen loading docks and service entries from being located to face a park zone, and specify that screening must include vegetation; - For subdivisions, add a regulation that lots must not block access to existing or dedicated parkland; - For common open space, establish an impervious cover limit of 30 percent; - In park deficient areas, clarify that land dedication is the priority or preferred manner of satisfying parkland requirements; and - Ensure that common or civic open space is required for all zoning categories; and - Screening on developments next to a park must include vegetation.	Yes	No	Staff partially agrees with the recommendation.	Staff generally agrees with these recommendations with a few exceptions. Regarding parkland deficiency, staff finds that parkland dedication is the primary way to satisfy deficiency. Code does not require certain building orientation relative to adjacent park space, but dumpsters, equipment, loading docks, and parking lots are required to have some level of screening. Civic open space has been removed from the code.
199	Environmental Commission	In Section 23-4D-8110(F), reinsert the existing Tier 1 requirement that all PUDs must exceed the minimum landscaping requirements of the Code	Yes	Yes	Staff agrees with the recommendation.	Staff has included this provision in the PUD Tier 1 requirements.
200	Environmental Commission	Delete Subsection 23-4D-8110(G)(2)(c), which is not superior to the GSI requirements proposed in CodeNEXT	Yes	No	Staff agrees with the recommendation.	Staff deleted this Subsection in the LDC Revisions
201	Environmental Commission	Modify Subsection 23-4D-8110(G)(2)(m) to remove the references to heritage and protected size trees and keep only the following language: "Preserves 75 percent of all of the native caliper inches."	Yes	No	Staff does not oppose the recommendation.	Staff did not update the PUD tier requirements, but is not opposed to this request.
202	Environmental Commission	The Commission recommends that staff draft provisions to address sound and light pollution and weigh safety considerations.	Yes	Yes	Staff agrees with the recommendation.	The LDC Revisions establish requirements for lighting practices and systems which will minimize light pollution. Provisions to address sound mitigation are included throughout the LDC Revisions related to specific uses.
203	Environmental Commission	Reinstate Street Tree Requirements, 23-9E-5050, (B) (1), as written in Draft 2, which states "The width requirements for street tree planting shall apply regardless of the available right-of-way; the street tree planting area shall extend onto private property, within a public access easement, to fulfill the width requirement when sufficient right-of-way is not available."	Yes	Yes	Staff agrees with the recommendation.	Draft LDC language requires street trees any time a sidewalk is also required during the development review process. Clarification has also been added to allow for back of curb improvements to be placed within public access easements to realize street cross-sections per the Transportation Criteria Manual and Transportation Plan (Austin Strategic Mobility Plan).
204	Environmental Commission	When Subchapter E transitions to CodeNEXT Draft 3, staff will provide the Environmental Commission with the locations of Subchapter E in the new code at an Environmental Commission meeting to ensure consistency and reflect the general intent that has been captured in the new draft.	No - Process Related	N/A	Staff partially agrees with the recommendation.	The provisions of Subchapter E have generally been carried into the new code, but exist in many different locations throughout the new code (Subchapter E as a single entity no longer exists). It would be possible to note the locations of provisions similar to those currently found in Subchapter E.
205	Environmental Commission	The Environmental Commission recommends clarifying who is responsible for installing and maintaining street trees regardless of where they are located on a property;	Yes	Partially	Staff partially agrees with the recommendation.	Draft LDC language requires street trees any time a sidewalk is also required during the development review process, thus the development applicant is required to install street trees as well as any landscaping trees required on site. Specifics regarding maintenance of these trees are dictated by State Law and Office of Real Estate procedures, both of which are handled outside of the land development code.

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206	Environmental Commission	The Environmental Commission recommends adding a cross reference in the Landscaping Section to refer to the street tree requirements in the Transportation code.	Yes	Yes	Staff partially agrees with the recommendation.	Street trees are required within draft LDC language any time a new development is required to construct a sidewalk; street tree specifics (species, spacing, etc.) will be included in the Environmental Criteria Manual.
207	Environmental Commission	Environmental Commission recommends approval of the proposed regulations for single-family residential and missing middle developments with the changes shown on the attached document and reflected in red text. (Changes indicate that staff review and inspect all engineer's certification submittals; exceptions for owner-occupied, projects < 400 ft2, and projects attached to existing structure; fees waived for ADUs providing affordable housing at 70% MFI for 10 years)	Yes	No	Staff opposes the recommendation.	Staff is concerned that any proposal to review and inspect drainage plans on all 1- and 2-family and eligible missing middle projects will create an administrative and financial burden on these projects disproportionate to the benefits derived. Staff is proposing to address lot-to-lot drainage impacts using a recently adopted provision in the drainage section of the Plumbing Code. Instead of establishing a new requirement, staff recommends publicizing and enforcing Plumbing Code section 1101.1, which is an amendment approved in 2017 that requires that stormwater runoff drain to a separate storm sewer system or to some other satisfactory, approved location.
208	Environmental Commission	<p>The Environmental Commission recommends that issues related to economic displacement be prioritized and addressed before or in conjunction with any passage or implementation of CodeNEXT, to reflect the expressed priorities of Austin residents, to prioritize and protect the most vulnerable and impacted residents and communities in Austin, to provide the urgent attention that these issues warrant, and to ensure that these issues are not exacerbated by a revised land development code that was drafted without considering impacts on gentrification and displacement and without an equity analysis, including an analysis of community engagement efforts.</p> <p>The Environmental Commission further recommends that among the tools that should be considered before or in conjunction with the passage or implementation of CodeNEXT are the following examples: TIFs, identification of City-owned property and development of plans to create affordable housing on those properties; reduction in entitlements that encourage development in areas that have been identified as at risk of imminent gentrification and displacement by UT's mapping project; identification of opportunities and funding for land banking and land trusts; identification of opportunities for historic preservation and neighborhood conservation combined districts (NCCD); exploration of partnerships with CapMetro and other entities to create affordable housing, especially near transportation hubs; implementation of inclusionary zoning for rental housing; maximization of opportunities in homestead preservation districts; creation of a right-to-stay fund;¹ and other creative measures that have already been proposed and presented to the City by the various task forces that have addressed these issues.</p> <p>The Environmental Commission recommends that any reduction in environmental risk or improvement in environmental factors must go hand-in-hand with projections for vulnerable individuals, families, and communities in order to ensure an equitable and resilient future for all Austin residents.</p>	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
209	Environmental Commission	The Environmental Commission recommends and supports the proposed revisions to the drainage regulations in 23-10E-3010 that apply to commercial and multifamily redevelopment, as reflected in Draft 3.	Yes	Yes	Staff agrees with the recommendation.	These provisions are included in 23-9E-1060.
210	Environmental Commission	The Environmental Commission supports the language in CodeNEXT Draft 3 and the Addendum, which requires sites that are two or more acres to provide Common Open Space. In addition, we support the requirement that a site of four acres or more to comply with Section 23-4C-1040. In addition, we are concerned that additional studies or public hearings regarding these requirements be conducted as it relates to zoning requirements related to mapping and corridors; and the Environmental Commission does not support the additions as currently drafted in the Planning Commission recommendations and strongly feels they should be removed pending a significant stakeholder outreach, and stands by the recommendations in the Environmental Commission's April 18, 2018 CodeNEXT recommendations on Open Space.	Yes	Yes	Staff partially agrees with the recommendation.	Open space requirements remain in the new code for any multifamily development (of any size) and any development over 2 acres. Civic open space has been removed from the new draft code.

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211	Environmental Commission	The Environmental Commission recommends the following: Replace "23-3C-1010 (A) Purpose" with the following: The urban forest has social, ecological, cultural, historical, and aesthetic benefits for the citizens of Austin. A 2016 study by the U.S. Forest Service and the Texas A&M Forest Service estimated that there are nearly 34 million trees in the City of Austin, and trees in the city save citizens almost \$19 million a year, and have a standalone, compensatory value of \$16 billion. The study also found that: (1) trees less than five inches in diameter (DBH) account for 61 percent of the canopy cover, (2) trees 8 to 19 inches in diameter (DBH) have greater leaf area relative to abundance, and (3) the larger the tree, the greater the environmental benefits. Consequently, the urban forest is an integral part of the City's infrastructure, and the City has an interest in planning and protecting the resource, with the goal of increasing the urban forest within the City to maximize the aforementioned benefits;	Yes	No	Staff opposes the recommendation.	The proposed language in the LDC Revision is being carried forward from Draft 3 to remain consistent in the level of information provided in the General Planning Requirements Section.
212	Environmental Commission	The Environmental Commission recommends the following: Modify section 23-3C-1030(A) to add: "Direct staff to provide updates to the Environmental Commission regarding any changes or delegation of functions to reviewing departments for items under their purview;	Yes	No	Staff opposes the recommendation.	Assignment of functions within and between city departments is within the City Manager's authority. Council may by ordinance change departmental functions, but boards and commissions do not exercise oversight authority over assignment of functions.
213	Environmental Commission	Reorder Sections 23-3C-2010 and 23-3C-2030 so that protected trees are first in order, to prioritize protected trees;	Yes	No	Staff does not oppose the recommendation.	This recommendation seems reasonable to have protected trees first in the hierarchy of tree regulations.
214	Environmental Commission	Replace section 23-3C-1080 (A) Tree Permit with Section 23-3C-2040 (A) to reinstate the original language regarding pre construction meetings back into Section "A" as follows; "Approval of an application to remove a regulated tree is effective immediately unless associated with development plans. If associated with development plans, removal is effective after the development plan approval and required pre construction meetings have occurred."	Yes	Yes	Staff agrees with the recommendation.	Per City law review, the language has been revised to speak to only to expiration dates.
215	Environmental Commission	Upon reviewing the Addenda and Planning Commission recommendations, the Environmental Commission has concerns with the Planning Commission recommendations as they relate to Common Open Space contained in 23-4C-1030; Therefore, the Environmental Commission does not support the additions as currently drafted in the Planning Commission recommendations and strongly feels they should be removed pending a significant stakeholder outreach, and stands by the recommendations in the Environmental Commission's April 18, 2018 CodeNEXT recommendations on Open Space.	Yes	Yes	Staff partially agrees with the recommendation.	Open space requirements remain in the new code for any multifamily development (of any size) and any development over 2 acres. Civic open space has been removed from the new draft code.
216	Environmental Commission	City staff [should] work to align and clearly demonstrate connections and synergies between the following recent or ongoing planning projects and tools to maximize the collective impact of City initiatives: the Austin Water Forward Plan, the Integrated Green Infrastructure Plan, the proposed Functional Green Program, the City's Resilience Plan, the Long Range Parks Plan, the Equity Tool, Project Connect, the Strategic Mobility Plan, and the Austin Strategic Housing Blueprint. City staff [should] work to align and clearly demonstrate connections and synergies between the above plans and tools and the final draft of the Land Development Code.	No - Process Related	N/A	Staff does not oppose the recommendation.	The LDC Revision Team is a cross-functional and multi-departmental team that includes representatives from Watershed Protection, Planning and Zoning, Development Services, Neighborhood Housing and Community Development, Transportation, Parks and Recreation, Law, Communications and Public Information, Austin Water, Office of Sustainability, and the Equity Office. By relying on a wide-range of subject matter experts who are also familiar with adopted City policy, the LDC Revision is able to incorporate the many different plans and initiatives individual departments have created. The LDC aims to implement the City's comprehensive plan, Imagine Austin. Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources.
217	Environmental Commission	The Environmental Commission recommends incorporating into discussions regarding CodeNEXT the implementation of an interim regulation that redefines the 100-year storm event and floodplain.	Yes	Partially	Staff agrees with the recommendation.	WPD is in the process of offering for Council consideration an ordinance which would enforce 500-year floodplains on an interim basis based on the Atlas 14 National Weather Service study of historic rainfall. This ordinance is separate from the LDC Revision. The LDC Revision does explicitly use Atlas 14 data to guide zoning decisions. It uses the existing 500-year floodplain as a proxy for the future 100-year floodplain. In cases where the 500-year floodplain crosses or runs parallel to an activity corridor, the extent of transition zone mapping was reduced.
218	Environmental Commission	The Environmental Commission recommends a staffing analysis in conjunction with CodeNEXT.	No - Process Related	N/A	Staff does not oppose the recommendation.	In response to the May 2nd, 2019 Council Direction, the City Manager assembled a cross-functional and multi-dimensional team. This structure allowed for a core team of subject matter experts to focus on creating a comprehensive code in service to the May 2nd Council Direction. The LDC Core Team is led by a multi-disciplinary Leadership Team, and an auxiliary team provides even further specialized expertise, pulling from many different City of Austin departments and offices.

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219	Environmental Commission	Section 23-3D-6010 (B)(3) should be revised as follows: (B) In a watershed other than a Barton Springs Zone watershed, water quality controls are required for development: (1) Located in the water quality transition zone; (2) Of a golf course, play field, or similar recreational use, if fertilizer, herbicide, or pesticide is applied; or (3) If the total of new and redeveloped impervious cover exceeds 5,000 square feet.	Yes	Yes	Staff agrees with the recommendation.	Per Council direction, the LDC Revision requires water quality treatment for development with more than 5,000 square feet of new or redeveloped impervious cover. The current size threshold is 8,000 square feet.
220	Environmental Commission	City staff [should] draft a provision that requires best management practices to address property where the primary use is a dog park.	Partially	No	Staff partially agrees with the recommendation.	PARD's draft Long Range Plan provides numerous city-wide strategies related to dog areas, including: --Ensure equitable distribution of off-leash areas throughout the city --Refrain from planing off-leash areas in existing neighborhood parks with space constraints --Create a set of standards for off-leash areas, that specifies issues related to needed amenities, waste management, proximity to waterways, and overall management to mitigate heavy use. Additionally, PARD has recommended the creation of a new park type, which is a stand-alone dog park that would exist independently from other park types.
221	Environmental Commission	The Environmental Commission recommends that staff come up with best management practices for 3-6 unit missing middle housing that includes GSI that are visible, such as porous pavement or rainwater harvesting systems, even if the 3 to 6 unit developments are proposed for lots previously zoned for single-family residential.	Yes	No	Staff opposes the recommendation.	Staff does not recommended requirements for small-scale onsite green stormwater infrastructure (GSI) controls for missing middle residential projects. To accomplish the Imagine Austin and Council direction goals of providing a wider diversity of housing types, staff from multiple departments collaborated to develop a streamlined path for "missing middle" residential projects that maintain impervious cover and resulting environmental/drainage impacts at or very similar to current levels. Under the current proposal, a 3 - 9 unit project is eligible for this streamlined process only if it is residentially platted (e.g., the subdivision has already gone through drainage/environmental review) and does not propose more than 50% impervious cover (just above the 45% limit of a 1 - 2 unit project). The additional cost to provide GSI onsite could disincentivize 3 - 9 unit products in favor of 1 - 2 unit products, despite essentially identical drainage and environmental impacts. Use of onsite GSI for individual residential lots for regulatory compliance is a challenge and is not recommended due to barriers to effectively permit, inspect, and ensure maintenance and permanent existence of these controls. However, staff recognizes the benefit of small-scale GSI and the Watershed Protection Department incentivizes their use on a voluntary basis with rainwater harvesting and rain garden rebates and drainage fee discounts.
222	Environmental Commission	The Environmental Commission recommends that staff coordinate with the Water Forward Task Force to come up with an appropriate water quality volume for beneficial and auxiliary use.	Partially	Partially	Staff partially agrees with the recommendation.	The LDC Revision requires sites to use green stormwater infrastructure (GSI) for water quality treatment. Currently, this task of slowing and filtering dirty stormwater is typically done with sand filters, which are a practical engineering tool, but offer limited water conserving and ecological benefits. The LDC revision incorporates GSI code improvements, which increases the beneficial uses of a site's stormwater. It also includes provisions for developments with buildings over 250,000 square feet to integrate alternative water, including rainwater, into their designs. As the Water Forward recommendations are incorporated into the LDC and Building Codes, Watershed Protection and Austin Water will work to develop an approach that will enable sites to receive water quality credit for auxiliary water systems to the extent possible. Austin Water will continue to seek input from the Water Forward Task Force as the utility works to implement these and other Water Forward strategies.
223	Environmental Commission	(23-3D-8) The Environmental Commission recommends extending cut and fill requirements and construction on slope regulations to developments in the Urban Watershed, and directs staff to develop variance criteria to address cut and fill for foundation systems and underground parking.	Yes	Partially	Staff partially agrees with the recommendation.	Staff supports extending protections for construction on steep slopes to Urban watersheds and has included this in the LDC Revision. Staff also evaluated the extension of cut and fill requirements to the Urban watersheds. However, unlike the steep slopes requirements, which apply to relatively few properties, cut and fill limits would affect every property within the Urban watersheds. Although cut and fill limits do provide a water quality benefit, staff was concerned that such a significant change would conflict with other Council direction related to mitigating the impact of non-zoning regulations.
224	Environmental Commission	The [Environmental] Commission recommends that the draft Code be revised to require that requests for floodplain variances be presented to the Environmental Commission for a recommendation before being presented to City Council.	Yes	No	Staff does not oppose the recommendation.	Staff is currently considering modifications to the floodplain variance process. Staff does not recommend making any changes to the LDC until this process is complete.
225	Environmental Commission	The [Environmental] Commission recommends that the current tree protections in the Code be preserved, without change, except to add provisions that encourage preservation of young trees.	Yes	Partially	Staff does not oppose the recommendation.	Staff has provided alternative variance procedures for Heritage Trees along the corridors and activity centers. This was offered to meet Council's direction to the City Manager. Staff does not see this alternative variance as counter to the Environmental Commission's direction, but did want to acknowledge a proposed change in procedure.

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226	Historic Landmark Commission	<p>The incentives proposed by the [Historic Landmark] 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.</p> <p>Priority Change 1 <i>[feedback given on Draft 2]</i>: Encourage ADUs as a tool to retain older, historic-age residential buildings (50+ years) while increasing density</p> <ul style="list-style-type: none"> 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. 	Yes	Partially	Staff partially agrees with the recommendation.	<p>The LDC Revisions are encouraging ADUs city-wide per May 2 City Council direction to allow accessory dwelling units (ADUs), both external and internal/attached, to be permitted and more easily developed in all residential zones. Some specific provisions include:</p> <ul style="list-style-type: none"> a. ADUs allowed to not count against FAR if existing dwelling unit 30+ years old is retained. b. An ADU can be attached. c. No parking required for any ADU.
227	Historic Landmark Commission	<p>The Commission's recommendations under Priority Changes 2-4 appear to have been ignored.</p> <p>Priority Change 2 <i>[feedback given on Draft 2]</i>: Maintain the historic street pattern</p> <ul style="list-style-type: none"> 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. 	Yes	Yes	Staff partially agrees with the recommendation.	<p>In order to provide more flexibility for small lots or missing middle zones, reduced setbacks have been recommended for many of the residential zones. A site may still average the adjacent neighboring buildings if this is less restrictive than the setback given by the base zoning.</p>
228	Historic Landmark Commission	<p>The Commission's recommendations under Priority Changes 2-4 appear to have been ignored.</p> <p>Priority Change 3 <i>[feedback given on Draft 2]</i>: Preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning</p> <ul style="list-style-type: none"> 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]. 	Yes	Yes	Staff opposes the recommendation.	<p>Form-based design regulations were simplified compared to Draft 1 of the code, and while specific design requirements could work well for areas that are deemed historic, it would be difficult to apply them city-wide in a meaningful way.</p>
229	Historic Landmark Commission	<p>Many errors and contradictions remain within and between sections that should be corrected.</p>	Yes	Yes	Staff agrees with the recommendation.	<p>The code has been simplified and clarified to reduce errors and contradictions.</p>
230	Historic Landmark Commission	<p>The term <i>preservation</i> should be defined. Commissioners recommended the definition adopted by the Secretary of the Interior.</p>	Yes	Yes	Staff partially agrees with the recommendation.	<p>Preservation in the preservation incentive does not indicate any historical significance, it refers only to the literal preservation of an existing dwelling unit. Staff is open to another name if needed, to clarify that the preservation incentive does not speak to historical factors.</p>
231	Historic Landmark Commission	<p><i>[feedback given on Draft 2 and reaffirmed for Draft 3]</i>: Allocate full funding for a comprehensive citywide historic resources survey.</p>	No - Other Programs	N/A	Pending	<p>Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.</p>
232	Historic Landmark Commission	<p><i>[feedback given on Draft 2 and reaffirmed for Draft 3]</i>: 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).</p>	No - Other Programs	N/A	Pending	<p>Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.</p>

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233	Historic Landmark Commission	[feedback given on Draft 2 and reaffirmed for Draft 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.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
234	Historic Landmark Commission	[feedback given on Draft 2 and reaffirmed for Draft 3]: 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.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
235	Historic Landmark Commission	[feedback given on Draft 2 and reaffirmed for Draft 3]: 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	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
236	Planning Commission	Establish triage points after the Council adopts the codes such as quarterly check-ins as problems are found with code language. Problems first are revisited by Planning Commission and then Council.	No - Process Related	No	Staff partially agrees with the recommendation.	Staff anticipates that amendments will be needed after adoption with a schedule and process to be determined by Council.
237	Planning Commission	Complete rework of the Plan to Plan including transitions, centers, TODs, and Neighborhood Plans. Following the adoption of CodeNEXT, Land Use Commission revisit the Imagine Austin Centers and Corridors	No - Process Related	No	Staff agrees with the recommendation.	The May 2nd Council direction included language regarding small area planning. The small area planning process will need to be further addressed through a separate process after the adoption of the land development code.
238	Planning Commission	Process to phase out F25 with stakeholder input regarding items such as Conditional Overlays, TODs, etc. Process to be revisited by Planning Commission and then Council.	No - Process Related	No	Staff does not oppose the recommendation.	Staff does not oppose a process to phase out F25 zones. This will need to be done at Council's direction following the adoption of the code.
239	Planning Commission	Prior to the Code being enacted, test and model the code in a wide-range of development scenarios with stakeholder participation, and testing of the financial impacts of the Code, including additional staffing needs, development fee increases, Density Bonus Program resources, and a quantified effect of working in two codes. Staff and consultants to prepare a Report Card of the Planning Commission mapping recommendations. After the Code has been implemented, additional testing to help inform the triage process and measure if the added density is delivering. the anticipated affordable units.	Yes	Yes	Staff agrees with the recommendation.	Staff has incorporated testing of the draft code during its development and will do more testing with the public after the October 4th release of the draft code. Staff anticipates additional testing after the code is adopted (before it is effective).
240	Planning Commission	Entire Code needs to be reviewed by a Master Editor prior to adoption	No - Process Related	Yes	Staff agrees with the recommendation.	Brent Lloyd has been designated as the Master Editor for the LDC Revision.
241	Planning Commission	Planning Commission Recommendation is the starting point for Council Review.	No - Process Related	N/A	Staff opposes the recommendation.	Council will determine what their own preferred starting point for review is; staff will synthesize, report, and respond to all recommendations from the Planning Commission to assist Council in their review prior to consideration for adoption.
242	Planning Commission	Land Use Commission's recommendation is shown to Council by each Division. Prior to the Code adoption, Staff to show Council what major elements of Title 25 are not being included in CodeNEXT.	Yes	N/A	Staff does not oppose the recommendation.	Staff can provide a summary of the elements of Title 25 that were not carried forward into the new code; however, a detailed comparison of current code to the LDC Revision is not possible at this time. However, a comparison of Draft 3 to the LDC Revision will be available.
243	Planning Commission	Performance mechanisms be identified by PC and staff to show the success and failures of the Code, particularly as it relates to Affordable Housing, displacement, demolition, review times/permitting, and Imagine Austin Performance Indicators.	No - Process Related	N/A	Staff does not oppose the recommendation.	It will take many years of on-the-ground changes to be able to successfully make this evaluation, but monitoring will be necessary to determine how well the new code is meeting goals.
244	Planning Commission	Staff and Council explore methods to capture the added value of the added density along corridors to help finance transit projects along corridors.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.

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245	Planning Commission	Staff to continue to review items and exhibits in all Chapters presented in the May 25th Planning Commission CodeNEXT Draft 3 Deliberation Spreadsheet by individual commissioners that were unacted on, and to identify ways to continue to improve Draft 3 for Council's Deliberation. Planning Commission CodeNEXT Draft 3 Deliberation Spreadsheet shall also be given to Council.	No - Process Related	No	Staff opposes the recommendation.	Staff can only respond to official action taken by Commissions. Staff has reviewed all Commission recommendations and has incorporated those staff has agreed with, per the May 2nd 2019 Council direction.
246	Planning Commission	Where there is conflict between amendments made by the Planning Commission, Staff works to rectify those conflicts utilizing voting data and other related motion to help prioritize the final recommended action, and present them to Council for their action.	No - Process Related	N/A	Staff opposes the recommendation.	Staff responded to individual motions, but reconciling contradictory Planning Commission motions (that conflict with each other) is outside staff's purview.
247	Planning Commission	Recommend all Divisions that do not have comments presented in the May 22nd Planning Commission CodeNEXT Draft 3 Deliberation Spreadsheet	N/A	N/A	Staff does not oppose the recommendation.	Commission recommendation no longer applies as we are now in a new LDC Revision process.
248	Planning Commission	Reduce length of non 23-4 Sections by 30%. Identify a Master Editor who should identify measures in Non 23-4 Articles to reduce extreme length to assist in achieving CodeNEXT goal for code simplicity.	Yes	Yes	Staff partially agrees with the recommendation.	Staff has reduced the number of zones within each zone category, streamlining the zones to more closely align with Council goals and directions and reducing the number of redundant zones. Staff has also reduced the amount of redundant language within each zone, dramatically decreasing the page count of the zoning chapter. Brent Lloyd has been designated as the Master Editor for the LDC Revision.
249	Planning Commission	Where Article 23-1 conflicts with current policy related to the Neighborhood Planning Contact Team, corrections to those discrepancies are made.	Yes	N/A	Staff needs further clarification on the recommendation.	Staff is unclear exactly what is being referred to, but the neighborhood plan amendment process is carried forward in the new code.
250	Planning Commission	Recommend approval of Chapter 23-2 with amendments previously approved	N/A	N/A	Staff does not oppose the recommendation.	Commission recommendation no longer applies as we are now in a new LDC Revision process.
251	Planning Commission	Sections 23-2A-3030(B)(2) and 23-2A-3040(B)(2) Direct Staff to look at on-site alternatives that could be applied without triggering an engineer's letter and these should be directly proportional to the size of the expansion or construction such as the following alternative language: (2) Provide an affidavit from both owner and applicant, agreeing to preserve or improve existing drainage patterns and to provide an engineered grading plan and complete the work specified therein if it is determined by the Building Official that there has been an adverse impact to adjoining lots attributable to an as-built condition within one year from the date of the certificate of occupancy, if the construction, remodel or expansion is: (A) more than 300 square feet; and (B) Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted.	Yes	No	Staff partially agrees with the recommendation.	To minimize permitting costs and resources required for review, staff is not recommending the requirement of an engineer's certification or signed affidavit for residential building permits to address potential lot-to-lot flooding. Instead of establishing a new requirement, staff will help address lot-to-lot drainage impacts associated with residential building permits using a recently adopted provision in the drainage section of the Plumbing Code. Staff recommends publicizing and enforcing Plumbing Code section 1101.1, which is an amendment approved in 2017 that requires that stormwater runoff drain to a separate storm sewer system or to some other satisfactory, approved location. Projects not meeting this requirement can be red-tagged during construction or cited post-construction as a violation.
252	Planning Commission	Where an existing single-family home has been made non-conforming by the new code, that home can be renovated or rebuilt under today's standards. Staff to adjust language to not penalize existing homes that do not conform to the new zoning.	Yes	Yes	Staff agrees with the recommendation.	A new "Complying" code provision allows single-family homes that would have been made non-conforming due to the application of transition zones to be rebuilt, remodeled or expanded under the same standards of an R2 zone.
253	Planning Commission	Recommend approval of Article 23-3A, 3B, 3C, and 3D with amendments previously approved.	N/A	N/A	Staff does not oppose the recommendation.	Commission recommendation no longer applies as we are now in a new LDC Revision process.

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254	Planning Commission	Recommend approval of Article 23-3E (Affordable Housing Bonus Program), but with direction for staff to develop revisions that will address the following concerns: 1. Establish as additional items of intent for the program to: a. meet the annual affordable housing goals set forth by city council; b. generally permit sites to utilize affordable bonus entitlements; and c. maximize affordable units in high-opportunity areas, whether built on-site or financed via fee-in-lieu. 2. Reinstate expedited review for SMART Housing and expand it to the Affordable Housing Bonus Program at all stages for projects that participate in the program per the original requirements of 2000. 3. Explore a Super Density Bonus for large-scale affordable projects that offer over 50% of units as affordable 4. Establish a Density Bonus pilot program with a revision and review window of 18-months with an annual re-evaluation period to ensure the program is properly calibrated, and staff and consultants to continue to hold workshops with stakeholders, including affordable housing advocates, builders, affordable housing builders, construction companies, developers, and community advocates to continue to work out the bonus program. 5. Staff to use White Exhibit 1 Pages 20-25 (Edits to the SMART program) and White Exhibit 1 Pages 45-48 (SIMPLICITY & HOUSING BLUEPRINT GOALS - yellow from Housing Coalition) as a directive to prioritize those changes as they review this Article	Yes	Partially	Staff partially agrees with the recommendation.	Staff generally supports this recommendation, with the following exceptions: - The recommendation to add goals into the language of Article 23-3E [recommendation part 1) a)] is inappropriate to be included in the code language itself. Council has already adopted the Strategic Housing Blueprint and its goals, which covers this recommendation. - Staff do not recommend requiring density bonus projects to comply with S.M.A.R.T. Housing requirements [recommendation part 5)] unless it can be evidenced that typical density bonus projects would be S.M.A.R.T. Housing compliant and that this would not deter participation in density bonus programs. - Staff does not recommend reincorporating review times into the land development code. Review turnaround times for SMART Housing projects are currently in a policy document and have been in effect since the program's inception. Staff adheres to these review times to the extent possible; however, turnaround times are impacted by application volume and available resources. Review times are administrative and were removed from Title 25 and moved into the criteria manuals to be adopted via the rules process. Adopting review times by rule preserves the public stakeholder engagement component and provides staff with the flexibility to make adjustments based on the previously identified factors without having to initiate a code amendment.
255	Planning Commission	Upon Council's review of Article 23-3E, Council consider sending that division back to the Planning Commission for additional feedback	N/A	N/A	Staff does not oppose the recommendation.	Commission recommendation no longer applies as we are now in a new LDC Revision process.
256	Planning Commission	Recommend approval of Chapter 23-4 with amendments previously approved	N/A	N/A	Staff does not oppose the recommendation.	Commission recommendation no longer applies as we are now in a new LDC Revision process.
257	Planning Commission	[In 23-4A-1010] reference back to the Comprehensive Plan (23-1A-1020) as recommended by staff	Yes	Yes	Staff agrees with the recommendation.	The purpose statement of 23-3A-1 references the Comprehensive Plan, as does the Purpose statement of 23-1A-1020.
258	Planning Commission	Increase the base entitlements in DC [Downtown Core] per DAA recommendation, including: - Increase driveway width maximum to 30' to allow for 3 lanes of traffic flow - Frontage Requirements: Create exception for <1/2 block sites. Either significantly reduce the % gross frontage requirement or change requirement to "net" frontage or only require one block face of the site to comply. Or remove requirement in DC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW. The definition of active commercial uses (Commercial Group A in the Downtown Plan Overlay Zone) needs to be clarified or refined to allow for ground level office or multi-family lobbies. Additionally, revise the requirement that prohibits stairs/ramps in required setbacks to allow them in required setbacks. - (intent) Recalibrate the Downtown Density Program to maximize the yield of affordable housing units in a way that does not impede taking up of the bonus, particularly related to small lots - FAR and height for the PID area, not including Judge's Hill, be increased to unlimited for the Density Bonus Program	Yes	Partially	Staff partially agrees with the recommendation.	Staff has removed driveway width maximums from the zoning section. Driveway widths will be controlled by the TCM. Staff has updated to allow lobbies on the ground floor as part of the definition for active commercial uses. Staff feels that the recalibration of the Density Bonus needs to happen in another process; staff did not increase FAR and height in PID, but did change the bonus FAR to unlimited. Staff did not create a 1/2 block exception, but did change the requirement to net frontage instead of gross or area. Staff did not revise the setbacks to allow stairs or ramps as a setback encroachment.
259	Planning Commission	Change DC [Downtown Core] zone FAR max to 12:1.	Yes	No	Staff opposes the recommendation.	Staff does not support increased base FAR. Council directed us to implement the Downtown Austin Plan which includes a base FAR of 8:1. However, the bonus entitlements have been increased to unlimited for certain downtown zones, including DC.
260	Planning Commission	Move this section [23-1020 Conditional Use Permit (F)(2) Late Hours Permit] to Specific for Use for Restaurant and Bar	Yes	No	Staff opposes the recommendation.	Staff has created a Specific to Use (SPU) section for Bars, and has referenced this section in the new Bar SPU section and Restaurant SPU section. However, the actual provision should stay with the Conditional Use Permit regulations.
261	Planning Commission	Reinstate LDC 25-5-150 to prevent revolving door for same CUP requests	Yes	Yes	Staff agrees with the recommendation.	This has been included in the LDC Revision.

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262	Planning Commission	Reinstate LDC 25-5-145(C)(4) to ensure Large Retail Uses do not adversely affect future redevelopment	Yes	No	Staff opposes the recommendation.	Retail over 100,000 square feet is not permitted or is a Conditional Use Permit in: most Mixed-Use zones, and all Main Street, Regional Center, and Commercial/ Industrial zones. In addition, uses over 100,000 square feet must comply with additional building design standards (in 23-3E-6).
263	Planning Commission	Suggested change to text in Section 23-4B-2040: (C) Permitting Decisions. Except as provided in Subsection (A), a decision by the Development Services Director or another responsible director to approve or disapprove a development application because of noncompliance with the zoning code may be appealed to the Board of Adjustment under Article 23-21 (Appeals)	Yes	Yes	Staff agrees with the recommendation.	The language regarding appealability of a director's approval or disapproval has been changed from "because of noncompliance with the zoning code" to "subject to the regulations of this chapter or a separately adopted zoning ordinance."
264	Planning Commission	Change the word "Applicant" to "Owner" in Section 23-4B-3040	Yes	No	Staff opposes the recommendation.	The term applicant is generally preferred to owner, as the term applicant covers owner, owner's agent, or applicant representing the owner.
265	Planning Commission	Change the word "standards" to "regulations" in Section 23-4B-4010(A) and (B)	Yes	Yes	Staff agrees with the recommendation.	Change made
266	Planning Commission	Change the word "standards" to "regulations" in Section 23-4B-4020(B)(1)(c)(iii)	Yes	Yes	Staff agrees with the recommendation.	Change made
267	Planning Commission	Change the word "may" to "shall" in Section 23-4B-4030(C)	Yes	Yes	Staff opposes the recommendation.	Current code states "may" to give the Board of Adjustment some degree of discretion for these variances, and should be allowed to exercise that discretion in the future as well
268	Planning Commission	In Section 23-4C-1010, create (B)(1) and (2) instead of (C) and (D), add " <u>and that have a zone that requires it,</u> " and strike " four acres " and replace with " <u>eight acres.</u> " In 23-4C-1040(B)(3), replace " eight acres " with " <u>twelve acres</u> "	Yes	N/A	Staff does not oppose the recommendation.	This recommendation is no longer applicable, as Civic Open Space has been eliminated.
269	Planning Commission	Instead of completely deleting 1020(M)(2), move this standard to the zone districts where the Code lists parking maximums, and if the applicant wishes to exceed the parking maximum of the zoning district then the site must incorporate at least three of the items listed in Table 23-4C-1020(A).	Yes	No	Staff opposes the recommendation.	Staff has maintained connectivity requirements, but has created a separate division for connectivity to provide better clarity.
270	Planning Commission	Remove Section 23-4C-1030 Common Open Space, eliminating the Common Open Space requirement.	Yes	No	Staff opposes the recommendation.	Staff has eliminated <u>Civic Open Space</u> in this draft to reduce any onerous open space requirements. <u>Common Open Space</u> is a critical service to residents, offering open space and amenities to the residents of a building and fulfilling similar services to Parkland.
271	Planning Commission	Replace language in Section 23-4C-1040(B)(4) with: "An applicant shall locate each residential lot within: (a) one-quarter mile of a safe pedestrian travel distance from existing or proposed civic open space if the development is located within the urban core; and (b) a half mile of a safe pedestrian travel distance from existing or proposed civic open space if the development is located outside of the urban core Add a definition of "safe pedestrian travel."	Yes	N/A	Staff does not oppose the recommendation.	This recommendation is no longer applicable as Civic Open Space has been eliminated.
272	Planning Commission	Strike Section 23-4C-2050(D).	Yes	Yes	Staff agrees with the recommendation.	Staff completely eliminated Civic Open Space requirements.
273	Planning Commission	Where appropriate for the nature of the Civic Open Space, the design shall make shade an integral feature for people utilizing the civic space.	Yes	N/A	Staff does not oppose the recommendation.	This recommendation is no longer applicable as Civic Open Space has been eliminated.

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274	Planning Commission	<p>100% reduction in parking for properties located within a TOD. Add the following language from current code on CBD/DMU Parking: "Except for a use occupying a designated historic landmark or an existing building in a designated historic district, off street motor vehicle parking for persons with disabilities must be provided for a use that occupies 6,000 square feet or more of floor space under the requirements of this paragraph. (a) The following requirements apply if no parking is provided for a use, other than parking for persons with disabilities: (i) the minimum number of accessible parking spaces is calculated by taking 20 percent of the parking required for the use under Appendix A (Tables of Off Street Parking and Loading Requirements) and using that result to determine the number of accessible spaces required under the Building Code. The accessible spaces may be provided on or off site, within 250 feet of the use. (ii) The director may waive or reduce the number of accessible spaces required under Paragraph (2)(a)(i) if the applicant pays a fee in lieu to be used by the city to construct and maintain accessible parking in the vicinity of the use.</p>	Partially	No	Staff opposes the recommendation.	The TODs are current special regulating plans based in Title 25. While the TODs will be mapped as TODs on the zoning map, the regulations, including parking, specific to those plans will remain in Title 25, and will need to be updated through a separate process.
275	Planning Commission	100% reduction of parking for properties located within UNO.	Yes	Partially	Staff does not oppose the recommendation.	Staff is planning to address any changes to the University Neighborhood Overlay (UNO) through a separate code amendment process.
276	Planning Commission	List "Live Music Venue" as a separate use that is permitted in all the same use tables with the same permission standards as "Performance Venue/Theater," but without the requirements for alcohol sales. Define in Definitions	Yes	No	Staff opposes the recommendation.	This would allow live music venues to function as a bar and would be permitted in districts where Performance Venue/Theater is allowed (more permissive than a bar).
277	Planning Commission	Whatever the compatibility trigger is, setbacks start at the triggering property's lot line. Whatever the compatibility trigger is, setbacks start at the triggering property's lot line (regardless of an alley).	Yes	Yes	Staff agrees with the recommendation.	Staff added a definition of compatibility setback and setback that defines triggering as the triggering property lot line.
278	Planning Commission	<p>[For compatibility standards in Section 23-4D] Replace compatibility standards with the following: "Between 25-50 feet from the triggering lot line: 35 foot height limit 50-100 feet: 45 foot height limit 100-150 feet: 65 foot height limit 150-225 feet: 75 foot height limit 225-300 feet: 90 foot height limit Full height at 300 feet Affordable bonuses are exempt at 100 feet"</p>	Yes	No	Staff opposes the recommendation.	Staff opposes this recommendation and is keeping compatibility standards from Draft 3 to encourage housing. The exemption from compatibility standards will be reserved for Affordability Unlocked-eligible developments.
279	Planning Commission	Change Cooperative Housing to Permitted in MH, MS1A, MU3B, MU5. Change Cooperative Housing to Permitted in R3B-C, R4C,R4A-C, RM1A-B.	Yes	Partially	Staff partially agrees with the recommendation.	Cooperative Housing is now divided between Co-housing, which is used for units not in a single structure, and Group Residential, which is used for units in a single structure. These uses are now generally permitted where Multi-Family residential is permitted.
280	Planning Commission	<p>Daycares with less than 7 children permitted in R zones, Daycares with 7-20 children require a MUP in all R zones, Daycares with 7-20 children permitted in all RM zones; Commercial Daycares require a CUP in R zones; Commercial Daycares in RM zones stay the same as D3.</p>	Yes	Partially	Staff partially agrees with the recommendation.	Daycare has been divided into two uses: Childcare and Adult Care. Childcare is divided into 3 categories: Small (12 or less), large (between 13 and 24), and commercial (greater than 24). These uses have been expanded to more zones. Small is permitted in all zones that have a residential component, and is an accessory use to Residential. Large is a Conditional Use Permit in the R zones, and permitted by right in RM, MU, MS, and Regional Center. Commercial is a Conditional Use Permit in R and RM, and permitted by right in MU, MS, and Regional Center.

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281	Planning Commission	<p>Update each district to max height of "35 feet from top of slab to top of roof" and "slab height is limited to a maximum of 5' above finished grade and a maximum of 12" above highest finished grade."</p> <p>Building Height is defined as height from top of slab to top of roof. Slab Height is defined as height from grade to top of slab. Maximum building height is 35' from top of slab to top of roof.</p> <p>In McMansion Zones: - Maximum building height is 22' at 5' from the side lot line. - Max Building Height increases by 1' for every 1' past 5' from the side lot line. So 23' at 6' from the side lot line and so on, up to the 35' max height limit. - Max Slab Height: 5' above finished grade at any point. - Max Slab Height can be no more than 12" above the highest finished grade, Pier and beam foundations are not subject to this limit. - Max Slab Height does not apply to portion(s) of building footprint over 10% or greater slope of natural grade - The same Height Encroachments/Exemptions apply to this as apply to current McMansion tent.</p> <p>There is support from the slab up, and further study is needed from the slab down - staff to clarify and work out the details of this portion of the motion prior to Council review. Council to continue discussion.</p>	Yes	No	Staff opposes the recommendation.	This further complicates how height is to be measured, will increase plan submittal requirements, and could have unintended consequences. Staff has proposed a new method for measuring height that is dependent on the zone category and the roof type being measured.
282	Planning Commission	Delete Frontyard Impervious Cover Regulation in all R Zones.	Yes	No	Staff opposes the recommendation.	Deletion of this provision will allow paving of the entire front yard. Parking requirements in the R zone have been reduced compared to today's code to allow more flexibility.
283	Planning Commission	Allow pools and fountains in required yards as currently allowed, without new setback or restrictions.	Yes	Yes	Staff agrees with the recommendation.	The new draft code allows pools and fountains in the setback.
284	Planning Commission	Remove articulation from all R zones.	Yes	Partially	Staff partially agrees with the recommendation.	Staff significantly simplified articulation requirements for all zones, and also altered its applicability to make articulation less onerous for development.
285	Planning Commission	Add a maximum FAR of 0.3 or 1800 sf to all R zones; Add a maximum FAR of 0.3 or 1150 sf for single-family attached (the intent is to reduce by 0.1 FAR under future motions).	Yes	No	Staff opposes the recommendation.	Staff is recommending a base FAR for all zones, with slightly more FAR given to uses that produce more units. Additional FAR is permitted through the preservation incentive to encourage more units.
286	Planning Commission	<p>In 23-4E-6170(C), change the following: "A duplex must comply with the requirements in this subsection. (1) The two units must be attached or no greater than 12 feet apart; and (2) At least one of the two units must have a front entry that faces the front thoroughfare except each unit located on a corner lot must each have a front entry that faces a separate thoroughfare."</p> <p>In 23-13A-2, change the following: "DUPLEX. Two dwelling units on a single lot that are either attached or separated by no more than 12 feet A residential building containing two attached dwelling units on a single lot."</p>	Yes	Partially	Staff partially agrees with the recommendation.	Duplex now has the same requirements for attachment that single-family attached does.
287	Planning Commission	Increase the base heights and bonus heights for Mixed Use and Main Street zones per Kenny's Exhibit 1 - Page 29 of 29	Yes	No	Staff opposes the recommendation.	Base entitlements on Corridors are not increasing in order to maximize the feasibility of the affordable housing bonus program.
288	Planning Commission	Require a CUP for all Bars/Nightclubs (Level 2 only) within 200 feet of a Residential zone rather than permitting by-right. Beyond 200 feet remains permitted by-right. Add specific language in Specific to Use section for Bars and Nightclubs. Allow any non-permitted alcohol uses in Draft 3 (Level 1 or Level 2) as a CUP within the MS zones, except MS1A and MS2A.	Yes	Yes	Staff does not oppose the recommendation.	A Conditional Use Permit is now required for all Bar/Nightclubs within 200 feet of a residential house-scale zone. A Specific to Use section was added for Bars and Nightclubs. There are no non-permitted alcohol uses in MS2B and MS3.
289	Planning Commission	<p>For Residential Zones that allow an ADU Preservation Incentive, change the name to ADU "Streetscale Incentive," and change the word "preserved" to "<u>conserved</u>." Add the definition of the word "conserved" to the definitions section as follows: "Conserve: to maintain the height, footprint and roof line of an existing building for the first 25' as measured from the building line toward the rear lot line."</p>	Yes	No	Staff opposes the recommendation.	Staff has maintained the use of preserved to continue the understood nomenclature of the code and not create confusion.

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290	Planning Commission	Apply the Street Scale Incentive (formerly the Preservation Incentive) to all Residential zones.	Yes	Yes	Staff partially agrees with the recommendation.	Staff applied the Preservation Incentive to R2 and greater zones, but did not apply it to RR, LA, or R1. RR and LA are on 1 acre lots where a preservation incentive for FAR would not be feasible. R1 is a small (2500 square foot) lot that is intended for small lot developments that are not suitable for two units.
291	Planning Commission	Create comparable R zones in R1 and R2 that maintain the 5750 sf minimum lot size and a minimum 50' lot width. Number of zones to be created is to be determined by staff.	Yes	No	Staff opposes the recommendation.	Staff has maintained reduced lot sizes as directed by Council on May 2, 2019 and to allow smaller units on smaller lots.
292	Planning Commission	Allow three attached dwelling units as a residential use in the R3 zones. Exact definition and alterations to Use Tables to be determined by staff.	Yes	Yes	Staff agrees with the recommendation.	Staff's recommendation allows multifamily and townhouses in Draft 3 as well as duplexes with an ADU.
293	Planning Commission	Add clarifying/symbolic language to the Use Tables regarding the allowance and permitted timeframes of STRs.	Yes	No	Staff opposes the recommendation.	STR use is already shown in the use tables. Specifics on timeframes are not appropriate in the use tables, and can already be found in the Specific to Use language.
294	Planning Commission	Add a "Small Lot Single-Family Use" as a permitted use in R2D and R2E with the following development standards: <ul style="list-style-type: none"> - R2C remains the same. - min. lot size: 2500 sf. - max lot size: 4999sf - min. lot width: 36' - Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500 sf - Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5', Rear 10'. - Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses." - Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max" 	Yes	No	Staff opposes the recommendation.	Staff believes this recommended use is very similar to R2D and R2E. Staff did create a new R1 zone that can be used in lieu of doing a single-family attached use. This zone has a minimum lot size of 2,500 sf.
295	Planning Commission	In all R Zones, set the required lot size for an ADU to the minimum lot size for a single-family use. Retain all affordability requirements.	Yes	Partially	Staff partially agrees with the recommendation.	ADUs are now allowed in all zones that permit two units, and are capped at 1100 square feet, regardless of lot size (the size of the ADU no longer scales with the lot), but a lot that meets the minimum lot size for the zone is permitted an ADU. No affordability requirements are needed to build an ADU; in zones that that allow 2 units by right they are permitted.
296	Planning Commission	In the Parking Tables in all zones, add clarifying notes to the term "Other Allowed Uses" that reference back to the Permitted Use Tables.	Yes	Yes	Staff agrees with the recommendation.	Already addressed in parking tables.
297	Planning Commission	Make one new zone (staff to determine which zoning base [R, RM, etc.]) for the Small Lot Single-Family Use with the following development standards: <ul style="list-style-type: none"> - min. lot size: 2500 sf. - max lot size: 4999sf - min. lot width: 25' - Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500 sf - Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5' or 0 when adjacent to Small Lot Uses, Rear 10'. - Building Form (1) Building Articulation New Construction: add "Building Articulation is not required for Small Lot uses." - Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max Staff to prepare a new zone that only permits the single use.	Yes	Yes	Staff partially agrees with the recommendation.	Staff has created a R1 use that only permits single-family use. It is a minimum lot size of 2,500 sf and is intended as an alternative to single-family attached and to allow for smaller houses on smaller lots.
298	Planning Commission	Add/amend the below definitions and place in correct location of the Code: <ul style="list-style-type: none"> - Attached: When used with reference to two or more buildings units, means having one or more common walls or being joined by a roof, covered porch or covered passageway measured 20 feet in depth, perpendicular to the front property line - Detached: Fully separated from any other building, or joined to another building by structural members not constituting an enclosed or covered space Staff to analyze intent of above language and recommend a definition that encompasses the intent of a clear definable difference. Add the covered porch or covered passageway back to the definition of attached.	Yes	No	Staff partially agrees with the recommendation.	Staff feels that the 20' measurement and definition of detached are unnecessary and that the 20' measurement adds to impervious cover. The definition of "detached" should not allow attachment. Additionally, staff needs further clarification on the definition of "units" in this recommendation.
299	Planning Commission	Add language to applicable zones regarding sideyard setbacks exemptions for Small Lot Single Family Attached, Single Family Attached, and Townhouse.	Yes	Partially	Staff partially agrees with the recommendation.	Staff has updated the Specific to Use section for Townhouse to include a provision for a zero-lot line; Single-family attached has a provision for a zero-lot line in the subdivision section.

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300	Planning Commission	Add a bonus of "+150sf for each three bedroom unit within 500' of public school" for Single-Family and Duplex uses in R2-R4 zones where McMansion applies.	Yes	No	Staff opposes the recommendation.	Staff does not recommend applying specific site regulations based on proximity to another lot's use, because uses are subject to change over time.
301	Planning Commission	Staff to find a way to alter the development standards to make R4 more feasible and recommend those changes to Council, particularly impervious cover.	Yes	Yes	Staff agrees with the recommendation.	Staff has increased the feasibility of R4 by reducing the setbacks, giving a height bonus for providing affordable units, altering the height definition, and by recommending an additional 5% impervious cover for this zone. Maximum impervious cover decreases in other zones help offset R4 increases.
302	Planning Commission	[Section 23-4D] Amend the height of all accessory structures to 15 feet instead of 12 feet, as applicable.	Yes	Yes	Staff agrees with the recommendation.	Staff removed height caps on accessory structures and ADUs in the current LDC revision.
303	Planning Commission	Increase the base standard units of Cottage Court in the R4 zones from: 3 to 4 units 6 to 8 units	Yes	No	Staff opposes the recommendation.	Staff did not change the provisions for cottage court.
304	Planning Commission	For existing lots between 1/3 to 1 acre, create a new zone (RM1D) which has the same uses as R2C, but with a permitted density of 14 units per acre maximum. - 0.4 FAR limit for the site - R2C height limits, building form (mcmansion) and setback tables, - 1 space per unit with additional proposed parking matrix reductions, - Add Note to Table A: minimum 10' separation between buildings. No compatibility setbacks. - No multi-unit buildings Staff to review proposed zone to ensure it does not have a negative impact on Density Bonus Program.	Yes	No	Staff opposes the recommendation.	This recommendation adds undue complexity to zoning code and has been made unnecessary by the new zoning scheme proposed in the current LDC revision.
305	Planning Commission	Increase units per acre by 20% in all multi-unit zones for base and bonus units and always round the numbers up.	Yes	Partially	Staff partially agrees with the recommendation.	Staff has increased bonus entitlements for the affordable housing bonus, including units per acre, height, and FAR. No increases in base zoning were included, except for transition zones. This was in response to Council's direction to not increase base entitlements without an affordability bonus, except in transition zones.
306	Planning Commission	Add Parking Facility as a permitted use with a CUP in RM2 zones and greater when adjacent to a Main Street or Mixed Use zone with the following design requirements to be stated in Specific to Use: (A) Screening: All areas used for parking, storage, waste receptacles or mechanical equipment shall be screened from a triggering property. Such screening may be a fence, berm or vegetation and shall be maintained by the property owner. Fences shall not exceed six feet in height. (B) Lighting: Exterior lighting shall be hooded or shielded so that it is not visible from a triggering property. (C) Noise: The noise level of mechanical equipment shall not exceed 70 db at the property line of a triggering property. (D) Waste: Waste receptacles, including dumpsters, shall not be located within 50 feet of a triggering property. The City shall review and approve the location of and access to each waste receptacle. Collection of such receptacles shall be prohibited between 10pm and 7am. (E) From a parking structure facing and located within 100 feet of a triggering property: (1) Vehicle headlights shall not be directly visible, and shall be shielded from view (2) Parked vehicles shall be screened from the view of any public right of way; and (3) All interior lighting shall be screened from the view of a triggering property. (F) No vehicle entrances or exits from parking accessible to a MS or MU property may be located within 100 feet of a triggering property.	Yes	No	Staff opposes the recommendation.	RM is a Residential Multi-Unit zone. It is intended for residential uses only, not commercial uses. Parking Facility is a commercial parking garage. Staff recommends maintaining RM for residential uses only in order to preserve these site for housing units.
307	Planning Commission	Increase impervious cover in RM1A to 60% for all other uses beyond residential, unless the primary use is parking.	Yes	N/A	Staff does not oppose the recommendation.	Staff has eliminated the RM1A zone in the current LDC revision.

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308	Planning Commission	For RM1A and RM1B the following development standards be altered: - McMansion tent (as McMansion is applied in Draft 3) apply - Within 30 feet from a rear triggering property, height be limited to 2 stories - Eliminate landscape buffer and articulation - Side setback of 10 feet, as opposed to the 5 that is currently required in Draft 3	Yes	Partially	Staff partially agrees with the recommendation.	Staff removed RM1A as a zone in the current LDC revision. Staff also removed compatibility setbacks and articulation requirements for RM1B.
309	Planning Commission	Change the bonus heights to those listed in the Kazi Exhibit for Mixed Use/Main Street Heights (see Kazi Exhibit) Keep the base heights as D3 for all zones except: - MS1A, MS1B: 35' to 40' - MU1A, MU1B: 32' to 40'	Yes	Partially	Staff partially agrees with the recommendation.	Staff removed MS1A, MS1B, and MU1B zones. MU1A height has been increased to 35' with a 10' height bonus.
310	Planning Commission	Allow the following uses as a permitted use in all MU and MS zones except MU1A and MU1B: Residential Care Facilities, Senior/Retirement Housing, Work/Live, Library, Museum, or Public Art Gallery, Meeting Facility, Mobile Food Sales, General Retail Under 5,000 SF, Performance Venue/Theater, Live Music, Indoor Recreation (all sizes), Cooperative Housing, Group Residential, Manufactured Home, and all sizes of Daycares.	Yes	Partially	Staff partially agrees with the recommendation.	Residential Care: permitted in MU2B, MU4A, and MU4B zones; Minor Use Permit in MU2A; not permitted in MS zones. Senior/Retirement: permitted in all MU and MS Work/Live: this use has been eliminated Library, Museum, or Public Art Gallery: permitted in MU2A and greater Meeting Facility: permitted in MU2A and greater Mobile Food Sales: permitted in MU2A and greater General Retail: permitted in MU2A and greater Performance Venue/Theater: Permitted in MU4A/B and MS3A (this includes Live Music) Indoor Recreation: permitted in MU2A and greater Cooperative Housing is now divided between Co-housing, which is used for units not in a single structure, and Group Residential, which is used for units in a single structure. Co-housing and Group Residential is permitted in all zones Manufactured Home: only permitted in MH Childcare: permitted in all zones
311	Planning Commission	For MS1A, MS1B, MU1A, and MU1B the following development standards be altered: - Within 30 feet from a rear triggering property, height be limited to 1 stories - No parking deck on top - No deck or patio for alcohol or food - Eliminate articulation (landscape buffer is still required) - Side setback of 10 feet - McMansion tent (as McMansion is applied in Draft 3) apply	Yes	Partially	Staff partially agrees with the recommendation.	For MU1A: Staff has simplified articulation requirements (moved to building design standard) and alcohol uses are not allowed in this zone. For MU1B, MS1A, and MS1B: These zones were eliminated.
312	Planning Commission	Change all front yard setbacks from 5 feet to 0 feet in commercial zones (RM4A and up).	Yes	No	Staff opposes the recommendation.	Setbacks of various widths is important to provide a variety in streetscapes and zones. Conflicts with allowing 0 foot setbacks include: impacting ADA accessibility if there are architectural details or other encroachments into the sidewalk clear zone; potentially interferes with placement & access to water meters; potentially has challenges to safety clearances for overhead power lines and utility poles; potentially interferes with placement and access to customer water cutoffs & wastewater cleanouts on the private lot; and may preclude frontage landscaping such as street trees (as per the City's Complete Streets Policy and Great Streets standards).
313	Planning Commission	Require a CUP for all Adult Entertainment in all applicable zones.	Yes	No	Staff opposes the recommendation.	Adult Entertainment use cannot be exclusively limited to CUP.
314	Planning Commission	Increase heights in the CC zone to the following heights: - Replace CC40 with CC50; Replace CC60 with CC75; Replace CC80 with CC90. - Replace CC40 with CC50 (50' overall max height); Replace CC60 with CC75 (75' overall max height); - Replace CC80 with CC90 (90' overall max height)	Yes	No	Staff opposes the recommendation.	Staff does not recommend increased base heights so as to not discourage people from taking part in the bonus program. The proposed CC zoning is also implementing the zoning recommendations from the Downtown Austin Plan and not increasing zoning entitlements in accordance with Council's May 2, 2019 direction.

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315	Planning Commission	Change CC40, CC60, CC80 FAR max to 5:1 Remove all minimum setbacks for all CC zones, and clarify reference to easements. Revise CC zones to increase heights & FAR. Allow exceptions for small sites downtown such as: - Create exception for <1/2 block sites. - Either significantly reduce the % gross frontage requirement or change requirement to "net" frontage or only require one block face of the site to comply. Or remove requirement in CC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW. Table G: For commercial buildings greater than or equal to one-half block width: - Except for building support spaces (including as Austin Energy vault, fire pump), entries must be oriented to the street and located at sidewalk level. No ramps or stairs allowed within public right-of-way or front setback For commercial buildings less than one-half block width: - The primary entry must be oriented to the street and located at the sidewalk level. - Increase impervious cover and building cover maximums to 100%. - Set setbacks to 0 feet unless stated otherwise in 23-4D-9070	Yes	Partially	Staff partially agrees with the recommendation.	Staff does not agree with increasing FAR or height in CC zones, because this would likely result in diminished utilization of the Density Bonus program, and the CC zones in the new code implement the zoning recommendations of the Downtown Austin Plan. All setbacks are now set at 0'. The frontage requirements in Draft 3 are "net" frontage requirements; Austin Energy vaults and fire pump rooms are not considered entries. Staff increased impervious cover to 100%.
316	Planning Commission	As stated in Kenny Exhibit 2 - ADU Bonus Amendments: - Apply Changes to the Citywide Density Bonus Program - Create a Corridor Density Bonus Program - Create an NHCD Review after the implementation of the bonuses - Alter the ADU and R-scale compatibility restrictions - Additional provisions not stated in Kenny Exhibit 2 - NHCD review will be 18 months after implementation - LA and RR zones will have a by-right ADU and it will no longer have an affordability requirement - Within 1/8 of a mile of any school, the Corridor ADU Bonus will apply	Yes	Partially	Staff opposes the recommendation.	The current LDC draft does not include an ADU bonus.
317	Planning Commission	In Section 23-4D-8110(F) insert and renumber: <u>(F)(8) exceed the minimum landscaping requirements of the City Code.</u> In Section 23-4D-8110(G)(2)(c) Delete: <u>Uses green water quality controls as described in the Environmental Criteria Manual to treat at least 50 percent of the water quality volume required by this Title.</u>	Yes	Yes	Staff agrees with the recommendation.	Both of the changes have been made for the new code.
318	Planning Commission	Direct staff to find a way to require superior standards for Tier 1 and Tier 2 PUDs apart from standard code.	Yes	Partially	Staff partially agrees with the recommendation.	Staff added the requirement for affordable housing to Tier 1 of the PUD provisions, but otherwise PUD standards are largely the same. Meeting Tier 1 and some portion of Tier 2 criteria should result in a product superior to standard code.
319	Planning Commission	Staff to work with the University of Texas, UT student body, and the seven neighborhoods who originally crafted UNO and the Central Austin Neighborhood Plan for opportunities for housing around UT, and consider adding height within UNO and extending the boundary of UNO.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
320	Planning Commission	Where appropriate, add a note detailing that other state or local laws may prohibit alcohol within certain distances, and clarify where to find those specific alcohol distances.	Yes	No	Staff does not oppose the recommendation.	Staff added clarifying language to the "Specific to Use" section for the "Bar" use, but does not include regulations beyond the LDC.
321	Planning Commission	Where applicable, amend the language to allow engaged porches to only be open on one side, instead of requiring two sides as is currently written	Yes	Yes	Staff agrees with the recommendation.	Staff has amended the engaged porch definition to allow one or two open sides.
322	Planning Commission	Direct staff to get as close to no parking requirements as possible while balancing ADA accessibility, and finding ways for neighborhoods to use residential parking and metered parking as a solution, RPP, and parking benefit districts. Excludes the areas that have already been voted on to have no parking requirements. Methods to be vetted through the Fire Department and Public Safety. Incorporate Vision Zero and Transportation Safety Improvement Program into consideration.	Yes	Yes	Staff partially agrees with the recommendation.	In the May 2nd direction, Council directed staff to remove parking minimums within 1/4 mile of the Transit Priority Network and Imagine Austin Activity Centers and Corridors except for instances of disruptive parking. Staff has instituted that directive with a 100% parking reduction within 1/4 mile of transit if site is located on a accessible sidewalk route to the corridor or are rated "Very High" or "High" in the Absent Sidewalk Prioritization Map. Additionally, if no parking is required, a site must still provide the number of on-site accessible spaces required under the Building Code based on 100 percent of the parking required for the use in the zone. Areas of the City currently having zero parking requirements remain the same. Staff was also directed to explore maximum parking regulations and we recommend maximum parking of 100% downtown, 125% on Corridors, and 175% if not downtown or on a Corridor.

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323	Planning Commission	Direct Staff to find a solution to preserve parking at specific sites near schools, of any type or district, where parking is an identified problem, utilizing school permit parking systems or other street parking restrictions. Staff to take pedestrian and bicycle safety into consideration.	Partially	Partially	Staff partially agrees with the recommendation.	The May 2nd direction calls for parking minimums to be eliminated in areas that are within 1/4 miles of activity centers, activity corridors, and the Transit Priority Network unless this elimination would be particularly disruptive. Staff has defined disruptive conditions as there being an absence of safe, accessible sidewalk or pedestrian routes. Amendments to the AISD Development Agreement could include school-specific TDM measures and right-sizing parking agreements for new and remodeled school sites to address school-specific parking needs.
324	Planning Commission	<p>In Section 23-4E-4020(A)(1)(c), add the language "and other residential house scale buildings"</p> <p>In Section 23-4E-4040(B), revise the language as follows: B. This section applies to commercial or nonhouse scale multi-family development that is located adjacent to a public right of way.</p> <p>In Section 23-4E-4050(C), revise to say "commercial zones"</p> <p>In Section 23-4E-4040, Exempt CC and DC (and any other urban zones) from this section as written (and it is recommended that CC does not require any minimum setback).</p> <p>In Section 23-4E-4040 Table A, reduce Front Yard Landscaping to 25%</p> <p>In Section 23-4E-4050, remove Foundation Buffer because some areas should not have landscaping next to the slabs. Soils engineers are against this on larger buildings.</p> <p>In Section 23-4E-4060(D), revise language to require an island every 10 spaces instead of 8 spaces</p> <p>In Section 23-4E-4060(F)(2), revise language to require a 9 foot landscape island instead of the 10 foot</p> <p>Direct Staff to take into consideration the results of the June 5th ASLA analysis of the Code, and ASLA's recommendation to move all landscape requirements to the Environmental Criteria Manual.</p>	Yes	No	Staff partially agrees with the recommendation.	<p>In Section 23-4E-4020(A)(1)(c): The LDC Revisions keep the exemption as: RR to R4.</p> <p>In Section 23-4E-4040(B): The LDC Revisions keep the exemption as: RR to R4 because this achieves the goal of addressing the RHS zones.</p> <p>In Section 23-4E-4050(C): Opposed. Foundation buffer is appropriate for nonhouse scale RM. Suggest revising to say "commercial and non-house scale multi-family." [did you revise to say that]</p> <p>Moot – This section has been removed</p> <p>In Section 23-4E-4040: Opposed. Site without sufficient area for Front Yard Planting in CC and DC zones is probably going to use Functional Green; keeping applicability general allows building design to dictate landscape requirements. Suggest edit: "Opposed: Site with less than 10' setback (as required by Zoning) is now exempt from Front Yard Planting requirement; keeping applicability general allows building design to dictate landscape requirements"</p> <p>In Section 23-4E-4040 Table A: Opposed. [why] 50% is adequate to allow multiple access points to front of building; only required for 10' or greater building setback.</p> <p>In Section 23-4E-4050: Opposed. [why] This section was removed</p> <p>In Section 23-4E-4060(D): Opposed. [why]. Spacing requirement has been revised to require tree island or landscape tree located within 50' of every stall.</p> <p>In Section 23-4E-4060(F)(2): Opposed. Larger islands are necessary to support tree health and allow trees to grow to full size and shade-giving potential; revised regulation requires tree island equal to 2 parking stalls or meeting soil volume requirements in ECM.</p> <p>Results of ASLA analysis: Agree. Staff revisions for LDC Rewrite reflect consideration of ASLA analysis. Move landscape requirements to criteria. Opposed. Landscape requirements are provided by ordinance, and as such are part of City code.</p> <p>In general, staff opposes reductions in the amount of required landscaping. The Green Infrastructure Working Group recommended providing as much nature as possible at a variety of scales. In addition, they recommended ensuring that greenery on the public and private side of the property line work together to form a cohesive and functional green space.</p>
325	Planning Commission	<p>Throughout the City (regardless of McMansion), set occupancy at the following standards:</p> <ul style="list-style-type: none"> - Single Family: 6 - Duplex: 3 + 3 - Single Family + ADU: 6 + 2 - Duplex + ADU: 3 + 3 + 2 - ADU alone: 2 - Cottage court leave as is, with direction to staff to recommend to Council additional occupancy limits where deemed appropriate 	Yes	Partially	Staff partially agrees with the recommendation.	Staff is recommending that occupancy regulations be standardized for all dwelling units in all parts of the city.
326	Planning Commission	Recommend approval of Chapters 23-5, 23-7, 23-8, 23-9, 23-10, 23-12, and 23-13 with amendments previously approved. In Article 23-13: Definitions and Measurements, revise the definition of Microbrewery from 15,000 barrels to 5,000 barrels, and review Draft 3 for any terms that have been left undefined, using motions from Planning Commission CodeNEXT Draft 3 Deliberation Spreadsheet as guidance.	Yes	No	Staff opposes the recommendation.	15,000 barrels is an industry standard definition of microbrewery.
327	Planning Commission	Require a variance for all Flag Lots as is required in Title 25.	Yes	No	Staff partially agrees with the recommendation.	<p>Flag lots are an important tool to address affordability, encourage infill and fight sprawl. The current code allows flag lots by-right for unplatted land, but requires a variance for platted lots when resubdividing. This is not a best practice. Staff's recommendation is to remove the variance requirement, but retain all other current standards. The following standards will remain:</p> <ul style="list-style-type: none"> - Driveway/utility plan for residential lots. - Minimum lot width (20') with option for narrower width (15') with shared access. - Addresses for flag lots posted at closest point to street access. - The flag portion must meet minimum requirements of the applicable zone (size, width, etc). The pole does not count toward lot size.

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328	Planning Commission	Recommend approval of Chapter 23-6 with amendments previously approved and the following additional changes: 1. Direct Staff to revisit Site Plan Lite and establish a process not to exceed 2 months that is administered by DAC with Watershed Protection review.	Yes	Partially	Staff partially agrees with the recommendation.	In the LDC Revision applications and extent of review will be scaled to the type of development and will expand the extent of watershed review for applications previously exempt.
329	Planning Commission	Recommend approval of Chapter 23-11 with amendments previously approved and the following additional changes: 1. Technical Criteria Manuals go through a public process that are ultimately discussed at Planning Commission and possibly Council	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
330	Planning Commission	Add Accessory Apartment as a permitted use in all R zones as shown in Sheih Exhibit 2 - Accessory Apartment.	Yes	Partially	Staff partially agrees with the recommendation.	ADUs in the new code are permitted by right in any residential zone that allows for 2 or more dwelling units.
331	Planning Commission	Revise the definition of Residential Gross Floor Area (GFA) to reduce the number of exemptions as follows: "RESIDENTIAL GROSS (GFA) The total enclosed area of all floors in a building with a clear height of more than five feet, measured to the outside surface of the exterior walls. The term excludes loading docks, 1st floor porches, stoops, basements, attics, stories below grade plane, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas. " In exchange, in all Residential Zones, allow for an increase of 0.05 FAR. Only applicable to R zones, not RM	Yes	No	Staff partially agrees with the recommendation.	Staff believes the existing GFA definition (carried forward from Draft 3) does the best job of defining what is and is not counted toward GFA. The term does exclude porches and stoops.
332	Planning Commission	Map Imagine Austin Corridors as follows: 1) All commercial lots will be zoned as MS with the following rules: lots under 140 sq. ft. deep zoned as MS2B, and lots between 140-220 sq. ft. deep zoned as MS3B. Revise the impervious covers in MS2B to 90%, and MS3B to 95%.	Yes	Partially	Staff partially agrees with the recommendation.	Staff is revising application of MS versus MU. The application of MS zoning is being targeted to support pedestrian activity and support transit on corridors. It is also being expanded from its application in Draft 3 to include Transit Priority Networks and areas outside of the currently defined Urban Core (McMansion Boundary). Impervious cover for MS2B is 90% in D3. MS3B zone is removed and the new MS3 has 95% impervious cover.
333	Planning Commission	Directive Exhibit (Original). No less than 1/3 of developable land area shall be the highest intensity T-type, and no more than 1/3 of developable land area shall be the lowest intensity T-type. Developable land area shall be exclusive of Critical Water Quality Zones, Floodplain, publicly owned land, parks, greenbelts, and other areas unsuitable for development or redevelopment. Don't decrease beyond the draft 3 entitlements. Use the appropriate zone based on the height above and the right zone based on amendments made to draft 3 at Planning Commission. Context sensitivity to the situation should always be applied, taking into consideration, but not limited to the following: 1) Orientation of blocks relative to corridor. (Does block run parallel, perpendicular or at an angle) 2) Block form (i.e. cul de sac, non-linear block form, grid) 3) Residential blocks sided by MS or MU zoned lots 4) Vicinity to transit centers 5) Direct access to the IA corridor 6) Proximity to an IA center 7) Near other major thoroughfares extending from the corridor 8) Bound by other zones, uses or environmental features 9) Localized flooding 10) Existing infrastructure and utilities capabilities 11) Eastern Crescent Gentrification Protection Zone (Kenny Exhibit 1 - Page 28 of 29) 12) Fire Safety as it applies to Wildland Urban Interface 13) Schools, civic uses, parks (neutral comment in regards to density) Council to decide the necessary level of public participation prior to acting on the map. Direct Staff to continue to perform outreach and make contact with each of the Contact Teams of the neighborhoods. After the mapping amendments by Planning Commission are complete, give each Contact Team a list of all the zoning changes that were made, and give them the opportunity to object to any change. Those objections to be incorporated into the Planning Commission Map where they conflict with the formula changes made.	Yes	Yes	Staff partially agrees with the recommendation.	Transition Areas and missing middle zones are being mapped 2-5 lots from the ASMP Transit Priority Network and Imagine Austin Activity Corridors and Centers, according to specific criteria outlined by City Council in the May 2 LDC Revision policy direction. New Transition Area zones are not being applied to properties within the Atlas 14 floodplain.

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334	Planning Commission	Direct staff to remove the compatibility impacts to CC zoning in the Downtown area, particularly related to the two parcels zoned R2C-H near Judge's Hill and the property on the southern corner of 15th street with R zoning. This includes F-25.	Yes	Yes	Staff does not oppose the recommendation.	The CC parcels that are affected by compatibility are under the Historic Landmark overlay. Impact of motion negligible.
335	Planning Commission	Map Imagine Austin Regional Centers as UC-Unlimited, unless affected by compatibility. If affected by compatibility, zone to the highest attainable UC per the limit of the affecting compatibility. Direct staff to look at current projected yield of affordable units for the Regional Centers and ensure that the anticipated yield is not being diminished by the effect of the prescribed zoning. Establish a program for Regional Center that uses opt-in methods similar to UNO, requiring certain development features, such as streetscaping, large-site connectivity, and mobility in order to get maximum heights.	Yes	Partially	Staff partially agrees with the recommendation.	UC is being proposed in two Regional Centers: South Central Waterfront and Highland Station. In the SCW center, UC is applied to properties that currently have similar entitlements under the Lake (L) zone. The application of UC in the Highland Station center is guided by the draft small planning effort in that area.
336	Planning Commission	Map the areas adjacent to core transit corridors and future core transit corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors, while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones. See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29) For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.	Yes	Yes	Staff partially agrees with the recommendation.	Transition Areas are created in service to City Council's May 2 LDC Revision policy direction. The Transition Areas are along Imagine Austin Activity Centers and Corridors and the ASMP Transit Priority Network. The LDC cross-functional and multi-disciplinary team worked to maximize transit supportive density and uses in these areas, while being mindful of flooding, access, and gentrification, also per City Council policy direction. While the Kenny Exhibit 1 is no longer applicable as this is a new LDC Revision process, per City Council policy direction less intense transition zones and less deep transition areas were applied in areas vulnerable to gentrification and displacement.
337	Planning Commission	Direct Staff to review policy on exempting TODs from compatibility.	Yes	Partially	Staff partially agrees with the recommendation.	Following May 2 Council direction. Staff is removing compatibility applicability for ASMP Transit Priority Network and Imagine Austin Activity Centers and Corridors, per council direction. TODs generally have their own regulations to accommodate TOD form development.
338	Planning Commission	Approve Downtown Map with Amendments and make no further motions regarding Downtown.	Yes	N/A	Staff does not oppose the recommendation.	Commission recommendation no longer applies as we are now in a new LDC Revision process.
339	Planning Commission	Amend Imagine Austin to reclassify South Park Meadows as a Regional Center. Map South Park Meadows as UC.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
340	Planning Commission	Approve Regional Centers with Amendments.	No - Process Related	No	Staff does not oppose the recommendation.	Creation of new regional centers is an Imagine Austin process and not a LDC Revision.
341	Planning Commission	Staff to establish a 3-year sunset process for F25, including community participation - particularly those areas that have already completed a small area planning process. New zones or subzones may need to be created to accommodate the sunset process. For areas scheduled to undergo a Small Area Plan, F25 will get phased out as part of that review if it has not already been phased out.	No - Process Related	No	Staff does not oppose the recommendation.	There is limited mapping of F25 in current draft LDC revision. The decision on sunset of F25 is a policy decision for Council to determine.
342	Urban Transportation Commission	Decrease the percentage of the City (roughly 25 percent) that would be exempt from CodeNEXT zoning to eliminate confusion of have two active land development codes.	Yes	Yes	Staff agrees with the recommendation.	Staff has remapped as much of the city as possible, reducing the amount of F25 (former Title 25) zoning, as directed by Council, by matching new zones as closely as possible with existing zones/entitlements.
343	Urban Transportation Commission	Increase residential zoning to more ably address the housing affordability crisis and provide more options (including "missing middle" housing).	Yes	Yes	Staff agrees with the recommendation.	Staff has mapped transition zones on areas that are located behind corridors and within centers, in accordance with Council direction from May 2nd, 2019. These transition zones allow for the development of multiple types of missing middle housing. In addition, sites that formerly had commercial-only entitlements have been given the ability to add residential units in exchange for participation in the Affordable Housing Bonus Program (AHBP).
344	Urban Transportation Commission	Further decrease parking minimums in all land use categories, particularly in areas that are supported by high-frequency transit and/or identified as Imagine Austin Activity Corridors.	Yes	Yes	Staff agrees with the recommendation.	In the May 2nd direction, Council directed staff to remove parking minimums within 1/4 mile of the corridors except for instances of disruptive parking. Staff has instituted that directive with a 100% parking reduction within 1/4 mile of transit if you are located on a accessible access route to the corridor or are rated "Very High" or "High" in the Sidewalk Prioritization Map. Additionally if no parking is required, a site must provide the number of on-site accessible spaces required under the Building Code based on 100 percent of the parking required for the use in the zone. Parking minimums have been reduced generally and a parking maximum has been applied citywide: 100% downtown, 125% on corridors, 175% everywhere else.

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345	Urban Transportation Commission	Support additional opportunities for sites to reduce parking minimums.	Yes	Yes	Staff agrees with the recommendation.	In the May 2nd direction, Council directed staff to remove parking minimums within 1/4 mile of the corridors except for instances of disruptive parking. Staff has instituted that directive with a 100% parking reduction within 1/4 mile of transit if you are located on a accessible sidewalk route to the corridor or are rated "Very High" or "High" in the Absent Sidewalk Prioritization Map. Additionally if no parking is required, a site must provide the number of on-site accessible spaces required under the Building Code based on 100 percent of the parking required for the use in the zone. Additionally, parking minimums have been reduced generally and a parking maximum has been applied citywide: 100% downtown, 125% on corridors, 175% everywhere else. Finally, there are opportunities through new transportation demand management requirement and incentive that can result in further minimizing required parking.
346	Urban Transportation Commission	Increase density not just on identified transit-friendly corridors but within 1/4 mile of those corridors to further shift mode choice away from single-occupancy vehicles; transition zones from corridor should reflect Imagine Austin and extend one to four blocks on either side of the corridor.	Yes	Yes	Staff agrees with the recommendation.	Imagine Austin Activity Centers and Corridors along with the Transit Priority Network identified within the Austin Strategic Mobility Plan were used as the basemap for zoning improvements along corridors. Per May 2nd Council direction, the depth of the transition zone varies from 2-5 lots based on context across the city. This flexibility acknowledges and supports the character and capacity of different neighborhoods and corridors to support increased density.
347	Urban Transportation Commission	Incentivize shared driveways for all types of development to both reduce impervious cover and better manage access points along roadways.	Yes	Partially	Staff agrees with the recommendation.	Shared driveways will be allowed and will have accompanying criteria within the Transportation Criteria Manual. Due to multiple legal issues surrounding shared driveways, a requirement to utilize this configuration has not been added to the LDC. However, it remains an option for neighboring properties willing to enter into a Joint Access Easement (JAE) agreement.
348	Urban Transportation Commission	Require that the updated Transportation Criteria Manual reflect the following goals: <ul style="list-style-type: none"> - Transportation Impact Analyses should focus less on peak 15-minute period traffic congestion and more on aligning with larger plans and goals, such as the ASMP, Vision Zero, active transportation plans and goals, and Capital Metro operating and capital plans; - Develop clear analysis requirements that are followed for all projects; - Specifically, remove level of service (LOS) as a metric and include VMT as a replacement to better align analyses with the City's goals; - Create a trip generation model specific to the City of Austin that includes the specific context of the development and location; - Re-examine the Rough Proportionality and cost-sharing requirements to more directly reflect the impact of the development and not the cost of historical infrastructure; - Focus on Transportation Demand Management (TDM) rather than supply-side improvements (LOS analysis); - Develop TDM standards for development that focus on the inclusion of TDM elements rather than trip reduction results. 	No - Other Programs	Partially	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
349	Urban Transportation Commission	If additional Transportation Impact Analyses are to be required, appropriately staff DSD and/or ATD in order to review these documents more effectively.	No - Other Programs	N/A	Pending	Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. While the LDC is not the tool to address this comment, the comment is important and may assist with the development of new programs or enhance existing City programs. Staff is currently working to develop a detailed response for this recommendation, which will be available prior to the City Council public hearing anticipated to take place mid-November.
350	Urban Transportation Commission	Exempt parcels within 1/4 mile of Imagine Austin corridors and destinations, and other transit corridors as defined by the City, Capital Metro and other transit agencies of the single-family compatibility constraints.	Yes	Yes	Staff partially agrees with the recommendation.	Staff concurs with Council direction to map transition areas such that compatibility does not apply to corridor lots.
351	Zoning and Platting Commission	Immediately terminate the CodeNext project	No - Process Related	N/A	N/A	CodeNEXT process was ended in August 2018. Council provided direction for a land development code revision process on May 2, 2019, and staff released a draft revision of the land development code that follows Council's direction on October 4, 2019.
352	Zoning and Platting Commission	Digitize the current Land Development Code so that restrictions and entitlements are clear on each parcel, and administration of the code is streamlined.	No - Process Related	N/A	Staff agrees with the recommendation.	When the LDC Revision is completed and adopted it will be available digitally. Ensuring that our land development code is accessible and comprehensible to our community is very important, and the LDC Revision team will make the final code as accessible and easy to use as possible. Clarifying the code and making a good, user friendly interface and website will be prioritized in the implementation of the LDC Revisions.
353	Zoning and Platting Commission	Determine the top 10 problems with the current code and its administration.	No - Process Related	Yes	Staff does not oppose the recommendation.	In addition to the Code Diagnosis performed in previous CodeNext work, staff identified five areas for additional guidance from Council and received direction on May 2nd, 2019 that has informed the current land development code revision process. The areas were: the scope of the revision, housing capacity, missing middle housing types, compatibility standards, and parking requirements.
354	Zoning and Platting Commission	Based on the agreed to list of problems, direct the City Manager to make changes to the current code as well as the way it is implemented and enforced.	No - Process Related	N/A	Staff agrees with the recommendation.	On May 2nd, 2019, Council directed the City Manager to restart the LDC revision process using Draft 3 as a starting point and provided policy direction to guide those changes.

Boards & Commissions Recommendations and Responses; Published October 4, 2019 For more information on the Land Development Code Revision, visit www.AustinTexas.gov/LDC						
Comment ID	Comment Source	Recommendation/Change Proposed to Draft 3	Could the LDC address this?	Is this in the LDC Revision process?	Staff Response	Detailed Response
355	Zoning and Platting Commission	Immediately focus attention on ways to minimize displacement and provide affordable housing by implementing recommendations from the Mayor's Taskforce on Institutional Racism and the People's Plan.	Partially	Partially	Staff partially agrees with the recommendation.	Some recommendations from these plans are part of NHCD's Displacement Mitigation Strategy (http://www.austintexas.gov/sites/default/files/files/Housing/Displacement_Mitigation_Strategy_Blueprint_Chapter__002_.pdf). The plan also incorporated both the work of a gentrification study conducted by researchers from the University of Texas, as well as the People's Plan, which recommends strategies to minimize displacement. Recognizing that certain areas of town may be more prone to displacement caused by gentrification, staff utilized the University of Texas at Austin's study of gentrification and displacement (Uprooted) to make decisions about how to map "missing middle" residential zones along corridors in areas vulnerable to gentrification. Many of these recommendation are programmatic and can work in tandem with Land Development Code revisions for maximized outcomes.
356	Zoning and Platting Commission	Preserve existing affordable housing by providing strong disincentives against the demolition of housing valued at \$300,000 or less per unit.	Yes	Partially	Staff partially agrees with the recommendation.	The Blueprint acknowledges the importance of market rate (unsubsidized) affordable housing and establishes a goal to preserve at least 10,000 housing units over the next 10 years. A preservation incentive is proposed in the draft code that will incentivize property owners to retain the existing home on a lot when they seek to add units.
357	Zoning and Platting Commission	Create a code efficiency task force to provide input and recommendations to achieve items [ID-351 through ID-356] by removing negative elements of our current code and integrating positive elements of CodeNext.	No - Process Related	N/A	Staff does not oppose the recommendation.	Council did not direct staff to create a task force to review recommendations on the land development code, but directed staff to review all boards & commissions recommendations on CodeNEXT Draft 3. Staff have reviewed all feedback provided previously from boards and commissions on CodeNEXT Draft 3 and responded to each recommendation in this table.
358	Zoning and Platting Commission	<i>[feedback given on Draft 2 and reaffirmed for Draft 3]:</i> Extend the timeline to give citizens, commissions, and council more time to review, revise, digest, and provide meaningful feedback on the full content of CodeNEXT	No - Process Related	N/A	Staff does not oppose the recommendation.	The CodeNEXT process was terminated in August 2018. On May 2nd, 2019, Council directed staff to bring a land development code revision for their review in fall 2019.
359	Zoning and Platting Commission	<i>[feedback given on Draft 2 and reaffirmed for Draft 3]:</i> CodeNEXT mapping should be completed only after the 5 year Imagine Austin plan has been updated with input from all stakeholders, including an intentional focus on seeking input from communities of color	No - Process Related	N/A	Staff opposes the recommendation.	On May 2nd, 2019, Council directed the City Manager to restart the LDC revision process and bring forward a new draft code and map at the same time.
360	Zoning and Platting Commission	<i>[feedback given on Draft 2 and reaffirmed for Draft 3]:</i> Do not release a city-wide map for Draft 3 of CodeNEXT. Instead, targeted areas of the city should be released to test desired vs. real-world impact	No - Process Related	N/A	Staff opposes the recommendation.	On May 2nd, 2019, Council directed the City Manager to restart the LDC revision process and bring forward a new draft code and map at the same time.
361	Zoning and Platting Commission	<i>[feedback given on Draft 2 and reaffirmed for Draft 3]:</i> Align CodeNEXT to Imagine Austin whenever possible, especially mapping and small area plans	Yes	Partially	Staff agrees with the recommendation.	Staff is mapping transition areas based on the adjacency of Imagine Austin Corridors and Centers, as well as the Austin Strategic Mobility Plan's Transit Priority Network in service to City Council policy direction. Any more detailed work completed by future small area planning would be done after the new code is adopted. Neighborhood Plans were considered in the development of the LDC Revision.
362	Zoning and Platting Commission	<i>[feedback given on Draft 2 and reaffirmed for Draft 3]:</i> Insure that all affordable housing programs work consistently and are available in all zoning categories; PUDs should participate too; tie entitlements to inclusion of affordable housing; require more 2 and 3 bedroom units for families; lower MFI thresholds	Yes	Yes	Staff partially agrees with the recommendation.	The proposed citywide Affordable Housing Bonus Program will apply in many zoning categories and provides incentives for multi-bedroom units. Staff is also proposing amendments to the PUD ordinance that make affordable housing a Tier I requirement. Staff proposes to amend the SMART Housing Program to lower MFI levels. While the LDC Revision expands affordable housing opportunities, not all zoning districts are compatible with residential uses (e.g., some industrial zones), while some on the other hand are not viable.
363	Zoning and Platting Commission	<i>[feedback given on Draft 2 and reaffirmed for Draft 3]:</i> Increase pedestrian-friendly policies	Yes	Yes	Staff agrees with the recommendation.	Staff has worked to increase pedestrian-friendly development throughout the city. In Residential-House Scale zones, we have limited the impervious cover permitted in the front yard to eliminate completely paved yard areas; we have also required private frontages for the more walkable urban areas, and not permitted the garage to be in front of the primary facade of the building. In transition areas, we have focused more density to allow more housing units within walkable distance of the corridors, and eliminated parking requirements if there is an accessible sidewalk route connected to the corridor or if absent sidewalk segments are rated "Very High" or "High" in the City's Sidewalk Prioritization Map. In Main Street zones, staff is requiring ground-floor pedestrian-oriented uses with a maximum setback. In RM, MU, MS, and Regional Centers, we have a required frontage where the building must be set to the curb line, and parking is not permitted between the building and the sidewalk. Additionally, transportation mitigation is updated to include Transportation Demand Management and the Transportation Impact Analysis requires an Active Mode Analysis.

ID	Comment Source	Recommendation/Change Proposed to Draft 3	Could the LDC address this?	Is this in the LDC Revision process?	Staff Response	Detailed Response
364	Zoning and Platting Commission	<p>[feedback given on Draft 2 and reaffirmed for Draft 3]:</p> <p>Incorporate recommendations regarding flooding</p> <p>["The Zoning and Planning Commission recommends that the City of Austin implement a regional storm water management system for the remaining watersheds that don't have a Regional Storm Management Program (RSMP). We would also like the RSMP to be the subject of a third party evaluation per the flood mitigation task force recommendation.</p> <p>The Zoning and Platting Commission recommends that properly credentialed engineers review subjects that they are licensed in, including site plans for three to nine residential units."]</p>	Yes	Partially	Staff partially agrees with the recommendation.	<p>1) Staff agrees with these recommendations. The Regional Stormwater Management Program (RSMP) is available citywide—the Drainage Criteria Manual will be updated to clarify that all watersheds are eligible for RSMP. Watershed Protection contracted with a consultant to evaluate appropriate RSMP fees consistent with construction costs and benchmark the program with other cities. In addition, the consultant will offer recommendations to improve RSMP administration.</p> <p>2) Staff partially agrees with this recommendation. Floodplain review for site plans, subdivisions, and building permits is currently completed by properly credentialed engineering staff. Drainage review for site plans and subdivisions is currently done by staff engineers as well. Staff proposes to address lot-to-lot drainage impacts associated with residential building permits by publicizing and enforcing Plumbing Code section 1101.1. This local amendment, approved in 2017, requires that stormwater runoff drain to a separate storm sewer system or to some other satisfactory, approved location. Projects not meeting this requirement can be red-tagged during construction or cited post-construction as a violation.</p>
365	Zoning and Platting Commission	<p>[feedback given on Draft 2 and reaffirmed for Draft 3]:</p> <p>ADUs - allow in all housing form zones; fast-track and eliminate fees for small (>500 sq. ft.) and income restricted units; Allow units up to 1,100 square feet based on lot size</p>	Yes	Partially	Staff does not oppose the recommendation.	<p>ADUs in the new code are easier to build due to revised development standards that allow them in more zones and make placement on a lot more feasible. An ADU is also allowed to be up to 1100 sq ft, regardless of lot size.</p> <p>Any fast-tracking or fee waiver would be implemented outside of the code and would require additional analysis. While size of unit is at the discretion of the applicant up to 1100 sq. ft., smaller units will generally be more affordable.</p>
366	Zoning and Platting Commission	<p>[feedback given on Draft 2 and reaffirmed for Draft 3]:</p> <p>Address compatibility standards, setbacks and step-back provisions</p> <p>["The Zoning and Platting Commission recommends that house form zones (and not use) trigger compatibility. We recommend that current compatibility rules be reduced by about one-third, allowing 40' buildings 100 feet away, 60' high-rises 200 feet away; and 80' story high-rises 300 feet away from house form zones. Step back provisions should be included for RM1B, and MU1 (A-D). Step-backs should be based on the distance from triggering property line and not on the widths of roadways and alleys. The Zoning and Platting Commission recommends that in addition to height, massing and uses be included. CUPs must be required for uses that are inappropriate in the vicinity of house form zones (including those involving alcohol and extended hours of operation). Compatibility requirements should also ensure that out of scale massing (such as MU1C and MU1D zones) be prohibited within 300' of residential house form zones. In addition, other compatibility provisions such as driveway and parking placement, dumpster placement, mechanical equipment placement, etc. should be retained from the current code. ZAP recommends that side yard setbacks be evaluated in an effort to provide uniformity."]</p>	Yes	Partially	Staff partially agrees with the recommendation.	<p>a) zones, and not uses trigger compatibility in the LDC Revision.</p> <p>b) compatibility was reduced in Draft 3 and maintained in the LDC Revision from Draft 3, but the effect of compatibility has been reduced along corridors due to the application of transition zones as directed by Council.</p> <p>c) RM1B is no longer a zone; MU1 and MU2 (formerly MU1(A and D)) include a setback, but these are both house-scale zones with a max height of 35 feet (with a 10 foot bonus) for MU1 and 45 feet total for MU2. Staff does not recommend step-backs at that height.</p> <p>d) Stepbacks and Setbacks are both now triggered at the triggering property's lot line, regardless of roadways and alleys.</p> <p>e) Specific uses have distance requirements, but for clarity and simplicity of code, this is managed in the Specific to Use section, not in individual zones.</p> <p>f) CUPs are required for specific uses in proximity to residential house-scale zones, including alcohol and late-night permits</p> <p>g) MU2 (formerly MU1D) has setback requirements (compatibility). MU1C is no longer a zone.</p> <p>h) Parking placement requirements have been maintained and further clarified in the new LDC revision. In all zones, screening for mechanical equipment and dumpsters is required.</p> <p>i) Side yard setbacks have been reviewed in all zones.</p>
367	Zoning and Platting Commission	<p>[feedback given on Draft 2 and reaffirmed for Draft 3]:</p> <p>Scrutinize and revise elements related to appeals, notifications, increased administrative authority, and the broadening of special exemptions as a means of ensuring the public can provide input throughout the process</p> <p>["The Zoning and Platting Commission is concerned about the following issues:</p> <ul style="list-style-type: none"> • Less notification; • Shorter time periods and impediments to appeals; • Changes to determination of standing to appeal; • Minor Use Adjustments; • Minor Use Permits (MUP); and the • Broadening of special exemptions."] 	Yes	Yes	Staff partially agrees with the recommendation.	<p>The code will continue to provide greater notification than is required under state law. With regard to appeals, the code broadens the rights of appeal to align with state law, and provides far clearer information than current code regarding the rights of appeal available to residents. Administrative authority is increased in certain narrowly defined categories in order to provide greater flexibility in the permitting process. However, that flexibility does not detract from the authority of boards and commissions.</p>

ID	Comment Source	Recommendation/Change Proposed to Draft 3	Could the LDC address this?	Is this in the LDC Revision process?	Staff Response	Detailed Response
368	Zoning and Platting Commission	[feedback given on Draft 2 and reaffirmed for Draft 3]: Ensure progression and cumulative nature of zoning categories	Yes	Yes	Staff partially agrees with the recommendation.	Cumulative zoning means that all uses in the least-intense zone are allowed in the next-most-intense zone, plus new uses. This is different from Euclidean zoning, which allows only specific, distinct uses in a zoning category, and traditionally has been used to separate uses like residential from other uses like industrial or commercial. New code is partially cumulative and partially Euclidean in how uses are allowed as zones get more intense. This is in part a response to Council direction that some uses, like single family, be dis-incentivized in more intense zones. It is also due to the distinct nature of some zones. For example, a main street zone has a specific intent and as such does not allow less-intense residential uses.
369	Zoning and Platting Commission	[feedback given on Draft 2 and reaffirmed for Draft 3]: Reduce number of zoning categories to reduce complexity (e.g. Cincinnati)	Yes	Yes	Staff agrees with the recommendation.	Staff has reviewed the zones from Draft 3 and reduced the number to simplify the zoning scheme and reduce redundancy among zones.
370	Zoning and Platting Commission	[feedback given on Draft 2 and reaffirmed for Draft 3]: Reduce overall text length to average of other similarly-sized city	Yes	Yes	Staff agrees with the recommendation.	Text of the new code has been simplified and reduced where possible, to create a clearer, more understandable and navigable code. The result should be less pages than Draft 3.
371	Zoning and Platting Commission	[feedback given on Draft 2 and reaffirmed for Draft 3]: Reorganize structure to match that of other cities (e.g. Portland, Chicago, Cincinnati)	Yes	Yes	Staff does not oppose the recommendation.	Staff has reorganized and restructured the draft code to make it simpler and easier to use, and used Draft 3 as a starting point, per May 2nd, 2019 Council direction and has looked at land development codes in other cities for inspiration and comparison in both format and content.
372	Zoning and Platting Commission	[feedback given on Draft 2 and reaffirmed for Draft 3]: Increase use of tables, illustrations and flowcharts whenever feasible to improve readability	Yes	Yes	Staff agrees with the recommendation.	Tables and illustrations are used when possible to better explain concepts and readability.
373	Zoning and Platting Commission	[feedback given on Draft 2 and reaffirmed for Draft 3]: Chapters: Incorporate transportation, separate environmental, separate technical; administrative procedures and definitions at the back; group together all procedures for appeals	Yes	Yes	Staff partially agrees with the recommendation.	The new draft has a separate chapter for transportation, technical codes, and environmental regulations. Administrative procedures remain at the front of the code while definitions have been moved to the back. Appeals processes are grouped together.
374	Zoning and Platting Commission	[feedback given on Draft 2 and reaffirmed for Draft 3]: Professional editing to address inconsistencies, missing/unclear definitions	No - Process Related	Yes	Staff agrees with the recommendation.	Brent Lloyd has been designated as the Master Editor. The code has also been reviewed by a copy editor, and reviewed multiple times by the responsible departments.