

Version 2 Staff Responses to Proposed City Council Amendments introduced by 3:00pm on 5/16/2024

ITEM 6: HOME PHASE 2				
Item	CM	Amendment	Staff Recommendation	Staff Response
HOME Phase 2 (Item 6)	Fuentes (Link)	The City Manager is directed to conduct an analysis of HOME phase 2’s potential impact on displacement of communities of color and include this information in future annual impact reports required by HOME phase 1.	Staff supports	Staff supports providing information on land development code changes to the public. Staff can provide a breakdown of HOME Phase 1 and HOME Phase 2 applications received in Displacement Risk Areas based on the Uprooted Report and updated by the Housing Department. However, individual displacement impacts of a code amendment will be difficult to assess and measure because of the complicated nature of displacement pressures. Additional and/or in-depth analysis may require additional staff time and resources.
HOME Phase 2 (Item 6)	Fuentes 2 V2 (Link)	<ul style="list-style-type: none"> • The City Manager is directed to continue to create and preserve affordable housing in Austin through the City’s existing programs and initiatives, including: <ul style="list-style-type: none"> ○ Continue to allocate the \$350 million made available through the 2022 Affordable Housing Bond to develop affordable housing, rehabilitate and preserve existing affordable housing, to acquire land, and to fund Home Repair programs, and of which \$120 million have been appropriated in Fiscal Year 2024, and to date, the Austin Housing Finance Corporation has approved \$95 million in funding for affordable housing developments and/or acquisitions and preservation which will result in thousands of income-restricted units. ○ Continue to work with the Community Advisory Committee to allocate the \$300 million of Project anti-displacement funding to prevent displacement and provide support for residents who live within one mile of the Project Connect high-transit corridors, and of which \$120 million has already been made available to acquire land, preserve and rehabilitate existing affordable housing and income-restricted housing with expiring affordability requirements, to prioritize the development of deeply affordable housing that serves residents earning 30% of the median family income, and for community initiated solutions and partnerships with community organizations. ○ Continue to rehabilitate existing affordable housing, building new affordable housing, and advance affordable housing in higher-income neighborhoods in Austin through the Housing Trust Fund, which has supported the creation and preservation of hundreds of safe affordable homes. ○ Continue to seek land acquisitions for the City’s Community Land Trust to create long-term affordability and homeownership opportunities, and which has an acquired portfolio of 21 homes using 2018 Affordable Housing Bonds with 20 more homes in the pipeline, and to date has helped 24 families remain in their neighborhoods by utilizing the City’s preference policy. ○ Continue to prevent displacement through the continuation of the Anti-displacement Navigator program which, over the course of its pilot year, served over 221 households in Dove Springs and Colony Park, neighborhoods which have been identified as being vulnerable to displacement. ○ Continue to provide renter assistance through the I Belong in Austin program which, as of April 2024, has distributed over \$2,711,135 in funding with an additional \$1,724,405 in current obligations and has served over 206 households across the City of which over 88% have been at 30% Median Family Income and below and at risk of eviction and experiencing financial challenges paying rent. 	Staff supports	This highlights the bulk of the Housing Department’s work. The “I Belong in Austin” program is currently funded through FY24, and future funding will be contemplated during FY25 budget discussions. Regarding the rest of the highlighted activities, we anticipate funding these through the City’s Housing Trust Fund, GO Bonds, Project Connect anti-displacement funding, federal funds, and other funding sources.

HOME Phase 2 (Item 6)	Fuentes (Link)	<ul style="list-style-type: none"> The City Manager is directed to continue work on the direction passed by Council in Resolution No. 20231214-071 to provide gap financing for low- or moderate-income residents, conduct outreach for the program and designate an ombudsperson in DSD to assist residents who want to add housing units on their property. The City Manager is directed to prioritize developing resources and guidance for homeowners to age in place, including financial assistance and strategies to reduce development costs for low- or moderate-income residents to subdivide their lots according to HOME 2. 	Staff supports	The City of Austin Housing Department is currently working on a response to Resolution Number 20231214-071 relating to financial assistance for residential property owners who want to add an additional housing unit on their homesteaded property, to include an outreach and education campaign and assistance with infrastructure fees.
HOME Phase 2 (Item 6)	Kelly (Link)	The City Manager is directed to include the number of subdivision applications that are submitted to create small lots allowed in Home Phase 2 as part of the report required by Part 19 of Ordinance No. 20231207-001 (HOME Phase 1).	Staff supports	
HOME Phase 2 (Item 6)	R. Alter (Link)	<p>I move to amend the draft ordinance to add staff's recommended text related to measurements and impervious cover for flag lots:</p> <p>PART 2. City Code Section 25-1-22 (Measurements) is amended to read:</p> <p>§ 25-1-22 MEASUREMENTS.</p> <p>(A) <u>For property zoned multi-family residence limited density (MF-1) district and less restrictive base zoning districts, lot [Lot] area is the net horizontal area within the lot lines, excluding the portion of the lot that:</u></p> <ol style="list-style-type: none"> that provides street access, if the lot is a flag lot; or that is located below 492.8 feet of elevation above sea level, if the lot is adjacent to Lake Austin. <p>(B) <u>For property zoned townhouse and condominium residence (SF-6) district and more restrictive base zoning districts, lot area is the net horizontal area within the lot lines and:</u></p> <ol style="list-style-type: none"> includes the portion of the lot that provides street access, if the lot is a flag lot, and excludes the portion of the lot that is located below 492.8 feet of elevation above sea level, if the lot is adjacent to Lake Austin. <p>(C) Lot depth is the horizontal distance between the mid-point of the front lot line and the midpoint of the rear lot line.</p> <p>(DC) Except as otherwise provided in this title, lot width is measured at the front setback line and at a distance of 20 [50] feet to the rear of the front setback line.</p> <p>(ED) In determining required yards and setbacks for an irregularly shaped lot or a lot bounded by only three lot lines, the rear lot line is:</p> <ol style="list-style-type: none"> a line ten feet long; parallel to the front lot line; and at the most distant location from the front lot line. <p>(FE) A distance from a structure to a line or location is measured from the exterior face of the nearest wall or vertical support of the structure to the line or location. For a structure that does not have a wall or vertical support, the building official shall determine the point of measurement.</p> <p>§ 25-2-779 SMALL LOT SINGLE-FAMILY RESIDENTIAL USE.</p> <p>(H) Impervious Cover.</p> <ol style="list-style-type: none"> The maximum impervious cover is 45 percent. Except for a flag lot, the maximum front yard impervious cover is 50 percent. 	Staff supports	This is consistent with the staff recommendation.
HOME Phase 2 (Item 6)	R. Alter (Link)	<p>I move to add staff's recommended text related to setbacks into Subsection (F) of Section</p> <p>25-2-779 (Small Lot Single-Family Residential Use) by replacing Subdivisions (F)(4) and (F)(5) to read:</p>	Staff supports	This is consistent with the staff recommendation.

		<p>(4) Except as provided in Subdivision (5), the following setbacks apply.</p> <p>(a) The minimum street side yard setback:</p> <p>(i) on a Level 1 street is the greater of five feet from the property line or 10 feet from curb, or in the absence of curbs, from the edge of the pavement; or</p> <p>(ii) on a Level 2, Level 3, or Level 4 street is 10 feet from the property line.</p> <p>(b) The minimum side yard setback is:</p> <p>(i) five feet; or</p> <p>(ii) zero feet if adjacent to the portion of a flag lot that provides street access.</p> <p>(c) The minimum front yard setback is:</p> <p>(i) 15 feet; or</p> <p>(ii) five feet if the lot is a flag lot.</p> <p>(d) The minimum rear yard setback is five feet.</p> <p>(5) Except for a street side yard setback, when an attached dwelling unit abuts a property line, the minimum setback for that property line is zero.</p>		
HOME Phase 2 (Item 6)	R. Alter (Link)	<p>I move to include staff’s recommended phased implementation, which requires two changes.</p> <p>1. § 25-2-1406 ORDINANCE REQUIREMENTS.</p> <p>(5) for a single-family residential use on an existing legal lot platted on or before August 15, 2024 or a secondary apartment special use on an existing legal lot:</p> <p>(a) may reduce the required minimum lot area to 2,500 square feet;</p> <p>(b) may reduce the required minimum lot width to 25 feet; and</p> <p>(c) for a lot with an area of 4,000 square feet or less, may increase the maximum impervious coverage to 65 percent; and</p> <p>(d) a lot that is aggregated with other property to form a site may not be disaggregated to satisfy this subsection; and</p> <p>2. And a new part that reads: <u>For a property located outside of the wildland-urban interface area, this ordinance applies only to an application filed on or after August 16, 2024. For a property located within the wildland-urban interface area, this ordinance applies only to an application filed on or after November 16, 2024.</u></p>	Staff supports	This is consistent with the staff recommendation.
HOME Phase 2 (Item 6)	Watson 1 (Link)	Move to amend the minimum lot size in Subsection (F) of Section 25-2-779 (Small Lot Single-Family Residential Use) to 1,800 square feet.	Neutral	Existing lot widths and depths will likely result in lots that are larger than the staff’s recommended minimum of 2,000 sq ft (see staff Analysis & Illustrations). Reducing the minimum lot size to 1,800 sq ft will add flexibility to how an existing lot can be subdivided for corner lot and flag lot configurations.
HOME Phase 2 (Item 6)	Velasquez V2 (Link)	The City Manager is directed to study the feasibility, merits and risks of an equity/anti-displacement overlay and the impacts that such an overlay could have on affordability, displacement, and property values should we modify the proposed standards by geographic area and lowest income census tracts. The focus is to mitigate speculation and displacement in areas most affected by gentrification. The City Manager should explore both short- and long-term consequences of such an overlay, and the study should be based on the latest data and trends regarding geographic areas experiencing and vulnerable to displacement.	Staff supports	Staff supports the recommendation to study the feasibility of an equity/anti-displacement overlay to assess the potential impact. In fact, staff has initiated internal, interdepartmental conversations on next steps.
HOME Phase 2 (Item 6)	Pool (Link)	<p>I move to amend the draft ordinance to add a delayed implementation date for 90 days.</p> <p>§ 25-2-1406 ORDINANCE REQUIREMENTS.</p> <p>(5) for a single-family residential use on an existing legal lot platted on or before August 15, 2024 or a secondary apartment special use on an existing legal lot:</p> <p>(a) (b) (c) may reduce the required minimum lot area to 2,500 square feet;</p> <p>may reduce the required minimum lot width to 25 feet;</p> <p>and] for a lot with an area of 4,000 square feet or less, may increase the maximum impervious coverage to 65 percent;</p>	Staff supports	

		[and] (d) a lot that is aggregated with other property to form a site may not be disaggregated to satisfy this subsection; and[.] And add a new PART 10. This ordinance applies only to an application filed on or after August 16, 2024.		
HOME Phase 2 (Item 6)	A. Alter (Link)	I move to prohibit short-term rentals in small lot single-family residential use and to change Section 25-2-779 (Small Lot Single-Family Residential Use) to read: (E) Subsections (F) through (M) (L) apply to small lot single-family residential use on property zoned single-family residence small lot (SF-3) district or more restrictive. (M) Short-term rental use is prohibited.	Neutral	City staff and the Law Department are in the process of developing a recommendation for regulating STRs from a holistic perspective.

ITEM 1: CHAPTER 4-18

Item	CM	Amendment	Staff Recommendation	Staff Response
Chapter 4-18 (Item 1)	Fuentes (Link)	<ul style="list-style-type: none"> The City Manager is directed to investigate the legal feasibility of applying the city's preference policy beyond the Community Land Trust program to all density bonus programs that require affordable housing units. The City Manager is directed to develop a template affirmative marketing policy and explore strategies to increase compliance with the policy. 	Staff supports	Staff supports Council's amendment to investigate the feasibility of applying the Chapter 4-18 code amendments to all density bonus programs that require affordable housing units.
Chapter 4-18 (Item 1)	Qadri V2 (Link)	<p>I move to replace Part 2 of the draft ordinance and to add a new part to the draft ordinance so that the ordinance reads:</p> <p>PART 2. City Code Section 4-18-32 (Existing Multi-Family Structure) is repealed and replaced to read:</p> <p>§ 4-18-32 EXISTING MULTI-FAMILY STRUCTURE.</p> <p>(A) For redevelopment with an existing multi-family structure, an applicant must:</p> <ol style="list-style-type: none"> (1) replace all existing units that were affordable to a household earning 70 percent MFI or below in the later of the previous 12 months or latest lease term and have at least as many bedrooms as those units; (2) provide current tenants with: <ol style="list-style-type: none"> (a) notice and information about the proposed development on a form approved by the Housing director; (b) relocation benefits that: <ol style="list-style-type: none"> (i) equal four months of rent and fees; and (ii) a fixed payment for moving expense that is consistent with Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601, et seq.; and (3) grant current tenants the option to lease for a minimum of 12 months a unit of comparable number of bedrooms, and size following completion of redevelopment; and (4) allow a current tenant to terminate a lease without a penalty; and (5) return security deposits to current tenants. <p>(B) Replacement Units.</p> <ol style="list-style-type: none"> (1) Except as provided in Subsection (C)(3), a unit required to be replaced under Subsection (A)(1) must be rented to a household earning 60 percent MFI or below and in accordance with Section 4-18-23 (Affordability Requirements – Dwelling Units). (2) A unit required to be replaced counts towards the minimum affordability requirements established in the applicable density bonus or incentive program. (3) The maximum number of replacement units that must be restricted to a household earning 60 percent MFI or below is two times the number of units the minimum affordability requirements established in the applicable density bonus or incentive program. <p>PART X. Division 2 (Redevelopment Requirements) in Article 2 of Chapter 4-18 (General Permitting Standards) is amended to add a new Section 4-18-33 to read:</p> <p>§ 4-18-33 WAIVER OF REPLACEMENT REQUIREMENT</p>	Staff supports	<p>Staff supports the replacement language for 4-18-32.</p> <p>The City is currently exploring the possibility of lease termination provisions as part of an incentive program, as proposed in 4-18-32 (A)(4).</p> <p>4-18-32 (B)(3), which caps the number of replacement units to double the amount required by the applicable program, may lead to scenarios in which not all existing tenants in replaceable units would have an opportunity to lease an income-restricted unit.</p>

		<p>(A) After a public hearing, the council may waive the replacement requirement in Section 4-18-32 (Existing Multi-Family Structure) if the council determines that replacing the units in a particular instance:</p> <ul style="list-style-type: none"> (1) is not in the best interest of the public; (2) constitutes waste or the inefficient use of land or other resources; (3) does not serve its intended purpose; (4) is not effective or necessary; or (5) for any other reason the council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community. <p>(B) Request for a Waiver.</p> <ul style="list-style-type: none"> (1) To request a waiver under this section, an applicant must submit an application to the director of the Housing Department that, at a minimum, specifies the applicable grounds for the waiver under Subsection (A). (2) The director of the Housing Department approves the form of an application required by this subsection. (3) Before council considers a request for a waiver, the director must prepare a report that: <ul style="list-style-type: none"> (a) summarizes the existing conditions of the multi-family structure and the number of units affordable to households less than 70 percent MFI; (b) states the director's recommendation, which must be based upon the Strategic Housing Blueprint and anti-displacement priorities. (4) In considering a request for a waiver, council shall consider the director's report. <p>(C) If the city council denies a waiver request under this section, the director of the Housing Department may not accept an application for the same or a substantially similar waiver request for at least 18 months after the date the previous waiver request was denied.</p> <p>(D) If the city council indefinitely postpones a waiver request submitted under this section, the director of the Housing Department shall not schedule a public hearing for the same or a substantially similar waiver request for at least 12 months after the date of the postponement.</p>		
Chapter 4-18 (Item 1)	Qadri 2 (Link)	<p>I move to include the following direction to the City Manager:</p> <ul style="list-style-type: none"> • Analyze costs of adhering to Chapter 4-18 and provide recommendations on incorporating the costs into future density bonus calibration. • Conduct engagement with relevant stakeholders, including housing and tenant advocates, and incorporate feedback for future changes to Chapter 4-18. • Explore and provide recommendations regarding actions the City should take to more comprehensively address renters' abilities to find housing affordable to them at all income levels in all neighborhoods and along transit corridors. 	Staff supports	
Chapter 4-18 (Item 1)	Vela 1 - V1.2 (Link)	<p>Add a new Part 3 to the draft ordinance, amending § 4-18-23 AFFORDABILITY REQUIREMENTS-DWELLING UNITS to add the following language:</p> <p>(H) City Right to Further Subsidize units</p>	Neutral	The City's Austin Housing Finance Corporation (AHFC) currently has several programs to increase affordable housing, including the ability to subsidize on-site affordable residential units through the Rental Housing Development Assistance Program, wherein gap financing is provided to housing developers to reduce the rent and meet community needs around deeper affordability. Staff provides funding at various stages in the development, including pre-

	<p>(1) For the units provided as an affordable unit under this section, the City reserves the right to further subsidize additional affordability down to 40% MFI, paying the difference between 40% MFI and the MFI level required as part of the density bonus.</p> <p>Explanation 50% and 60% MFI, while a significant reduction from market rates for new construction, don't reach the lowest income levels for service industry workers.</p> <p>These projects will provide significant property tax revenue for the city that could be used to buy down the affordability levels. Fee in lieu payments from ownership units could also be used for this purpose.</p> <p>The Lamar/Justin Regulating Plan has a buy down provision applicable to the number of units on page 57: https://www.austintexas.gov/sites/default/files/files/Housing_%26_Planning/Urban%20Design/lamar_justin_regplan.pdf</p>		<p>development, construction, and post-construction. Generally, AHFC has more leverage to extract deeper affordability across more units if engaged early in the development process; buying down rents after construction is the costliest point of engagement. While rent buy downs may not be the most advantageous point of entry for affordable housing, it remains a tool that AHFC may deploy whenever and wherever a developer makes a request, and the agreement makes sense.</p>
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ITEM 4: COMPATIBILITY

Item	CM	Amendment	Staff Recommendation	Staff Response
Compatibility (Item 4)	Watson (Link)	Direct the City Manager to provide an annual impact report on city wide compatibility. The council relies on the discretion of the relevant departments for identifying necessary data points.	Staff supports	
Compatibility (Item 4)	R. Alter (Link)	<p>Amend the draft ordinance to add “alleyway” to Section 25-2-1063 (Screening, Noise, and Design Requirements) to read:</p> <p>25-2-1063 SCREENING, NOISE, AND DESIGN REQUIREMENTS.</p> <p>(A) Exterior lighting must be hooded or shielded so that the light source is not visible from the site’s property line <u>or alleyway</u> that is shared with a triggering property.</p> <p>(B) Mechanical equipment may not produce sound in excess of 70 decibels measured at the site’s property line <u>or alleyway</u> that is shared with a triggering property.</p> <p>(C) A concrete slab used for a refuse receptacle may not be placed within 15 feet of triggering property.</p> <p>(D) Except for a multi-use trail, an on-site amenity that is available only to residents and occupants of the site and their guests may not be located within 25 feet of a triggering property.</p> <p>(E) Screening Requirements. Except when visible from or through a pedestrian or bicycle access point, the following objects shall be screened and may not be visible at the site’s property line <u>or alleyway</u> that is shared with a triggering property:</p> <ol style="list-style-type: none"> (1) vehicle lights from vehicles that use or are parked on a parking lot or in a parking structure located on the site; (2) ground floor and rooftop mechanical equipment; (3) outdoor storage; (4) refuse receptacles and collection areas; and (5) common areas for amenities, including outdoor decks, patios, and pools. <p>(F) The screening required in Subsection (E) may not impede pedestrian or bicycle access points.</p> <p>(G) Rooftop mechanical equipment may be screened by a parapet.</p>	Staff supports	

ITEM 5: ETOD OVERLAY

Item	CM	Amendment	Staff Recommendation	Staff Response
ETOD Overlay (Item 5)	Pool 1, V2 (Link)	<p>I move to amend the minimum affordability for rental dwelling units in Subsection (E) and the maximum height in Subsection (G) of Section 25-2-654 to read:</p> <p>(E) Affordability Requirements – Dwelling Units.</p> <p>(2) Affordability Minimums - Rental Units. If an applicant develops dwelling units for lease, this subdivision applies.</p> <p>(a) <u>To achieve 60 feet or to utilize a development standard under DBETOD that is not height-related, a development must provide a minimum of 10 percent of the residential units as affordable for lease and occupancy by households earning 60 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the director of the Housing Department.</u></p> <p>(b) <u>To achieve 90 feet, a development must provide:</u></p> <p>(i) <u>a minimum of 12 percent of the residential units as affordable for lease and occupancy by households earning 60 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the director of the Housing Department; or</u></p> <p>(ii) <u>a minimum of 10 percent of the residential units as affordable for lease and occupancy by households earning 50 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family.</u></p> <p>(c) <u>To achieve 120 feet in height, a development must provide:</u></p> <p>(i) a minimum of 15 percent of the residential units as affordable for lease and occupancy by households earning 60 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the director of the Housing Department; or</p> <p>(ii) a minimum of 12 percent of the residential units as affordable for lease and occupancy by households earning 50 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family</p> <p>(G) Development Standards and Mixed Use.</p> <p>(5) Maximum Height.</p>	Neutral	<p>Staff does not have significant concerns with this amendment, although it may be more complex to administer multiple tiers of affordability requirements and could result in fewer projects taking advantage of DBETOD as compared to the other bonus programs that would have matching affordability requirements under this motion (i.e., DB90 and VMU).</p> <p>If this motion is passed, staff will evaluate its impact as we develop and calibrate future phases of the ETOD Overlay. Staff’s goal would be to re-evaluate calibration regularly to continue to make strides towards meeting the goals in the Austin Strategic Housing Blueprint regarding units and deeper levels of affordability.</p>

		<p>(a) A building may exceed the maximum building height in the base zoning district but no building may exceed 60 feet if the minimum affordability requirements in Subsection (E)(2)(a) are met; or</p> <p>(b) A building may exceed the maximum building height in the base zoning district <u>but no building may exceed 90 feet if the minimum affordability requirements in Subsection (E)(2)(b) are met; or</u></p> <p>(c) A building may exceed the maximum building height in the base zoning district <u>by 60 feet but no building may exceed 120 feet in height if the minimum affordability requirements in Subsection (E)(1) or Subsection (E)(2)(c) are met.</u></p>		
ETOD Overlay (Item 5)	Pool 2, V2 (Link)	<p>I move to amend Subsection (F) of Section 25-2-654 using the text below that accomplishes the following:</p> <p>(1) change the uses and operating time for existing non-residential spaces and small format use; and</p> <p>(2) require replacement for existing non-residential spaces with comparable spaces.</p> <p>(F) Existing Non-Residential Spaces.</p> <p>EXISTING NON-RESIDENTIAL SPACE means a:</p> <ul style="list-style-type: none"> i. adult care services use (general or limited) that has operated for a minimum of 12 continuous months; ii. child care services use (general or limited) that has operated for a minimum of 12 continuous months; iii. cocktail lounge use that has operated for a minimum of 12 10 continuous months years; iv. counseling services use that has operated for a minimum of 10 consecutive years with a gross floor area of 5,000 square feet or less; v. creative space use that has operated for a minimum of 12 three continuous months years; vi. food sales use that has operated for a minimum of 12 10 continuous months years with a gross floor area of 40,000 20,000 square feet or less; vii. medical office use that has operated for a minimum of 10 consecutive years with a gross floor area of 5,000 square feet or less; viii. personal improvement services use that has operated for a minimum of 12 continuous months; or ix. small format use that has operated for a minimum of five 10 continuous years with a gross floor area of 10,000 5,000 square feet or less. <p>SMALL FORMAT USE means a use described in Chapter 25-2 (<i>Zoning</i>) that allows one or more of the following occupancies:</p> <ul style="list-style-type: none"> x. custom manufacturing; xi. general retail sales; xii. personal services; xiii. pet services; xiv. restaurant (general or limited); or xv. veterinary services. 	Staff supports	

		<p>(2) If a site includes an existing non-residential space, the proposed development must replace each existing non-residential space with a space that is comparable in size for a period of 10 5 years.</p> <p>(3) This subsection establishes an existing non-residential space subject to Division 2 (Redevelopment Requirements), Article 2 of City Code Chapter 4-18.</p> <p>(4) A non-conforming use is not discontinued or abandoned under Section 25-2-945 (Abandonment of Nonconforming Use) if the non-conforming use qualifies as an existing non-residential space and is required to be replaced under this subsection.</p>		
ETOD Overlay (Item 5)	Pool 3, V2 (Link)	<p>I move to remove “electric vehicle charging” from Table (E) and amend Subsection (E) of Section 25-2-653 to read:</p> <p>(E) <u>Conditional Uses.</u></p> <p>(1) The uses included in Table (E) are conditional uses on property with equitable transit-oriented development (ETOD) combining district zoning if the use is permitted by the zoning that applies to the property.</p> <p>(2) <u>If electric vehicle charging is permitted by the zoning that applies to the property, electric vehicle charging is a conditional use on a site that is not:</u></p> <p>(i) <u>an existing service station use; or</u></p> <p>(ii) <u>a discontinued service station use, if a subsequent use on the site did not include a restaurant (general) use, a restaurant (limited) use, or a residential use.</u></p>	Neutral	<p>Staff would like to analyze and make recommendations on specific conditions when electric vehicle charging should be allowed within the ETOD Overlay during the next phase of work, anticipated to be brought for Council consideration in spring 2025.</p> <p>EV charging as a principal land use, in general, is not-pedestrian-oriented or particularly active. Therefore, staff feels that the conditional use permit process (under the staff proposal for the ETOD combining district) is appropriate to consider the location and related impacts of EV charging as a principal use within the ETOD Overlay on a case-by-case basis through the conditional use permit process.</p>
ETOD Overlay (Item 5)	Vela 1, V1.1 (Link)	<p>Amendment: Make the following line edits and renumber accordingly (line 517 onwards)</p> <p>§ 25-2-654 DENSITY BONUS ETOD (DBETOD) COMBINING DISTRICT REGULATIONS.</p> <p>(C) Pre-Requisites.</p> <p>(1) To utilize the regulations described in Subsection (G) and (H), the site’s zoning must include DBETOD and applicant must comply with Subsections (E) and (GF) or (F) and (G).</p> <p>(F) Austin Light Rail Infrastructure Requirements</p> <p>A development providing Project Connect Infrastructure, as required by the City of Austin Project Connect Office, can utilize the regulations described in (G) and (H). The requirements may not exceed the proportionate share of costs of the affordability requirements in Subsection (E).</p> <p>(FG) Existing Non-Residential Spaces...</p> <p>Explanation</p> <p>This amendment addresses several needs for Project Connect and incentives partnerships, such as partnering with a developer to include space in a parking garage for an electrical box, integrating a station into a building, or providing first floor space for a bus transfer station or charging electric buses.</p> <p>Authority to use this provision would reside with the Project Connect Office, a developer could not unilaterally decide to use it</p>	Staff recommends alternative language	Staff is not opposed to the intent of the amendment but has concerns with how it is written. We are working on an alternative.
ETOD Overlay (Item 5)	Vela 2, V1 (Link)	<p>Allow civic uses to count towards ground floor activation requirements.</p> <p>Amend line 171-175 of the PC Version or line 174-178 of the Staff Version as follows.</p>	Staff supports	

		<p>(c) Pedestrian-Oriented Commercial Spaces. When a site abuts a principal street, 75 percent of the building frontage along the principal street must contain one or more commercial <u>or civic</u> uses and must comply with the dimensional requirements found in Section 4.3.3.C 178 in Subchapter E (Design Standards and Mixed Use).</p> <p>Explanation</p> <p>The intent of the overall requirement for pedestrian-oriented commercial spaces is to provide for ground floor street activation. Civic uses can provide needed space. In addition, allowing civic uses to count towards the ground floor requirement provides an incentive for developers to work with government and non-profit institutions to provide space for civic uses.</p> <p>The non-residential redevelopment requirements may also apply to some civic uses. Allowing civic uses to count towards the ground floor activation requirements makes it easier to comply with the non-residential redevelopment requirements.</p>		
ETOD Overlay (Item 5)	Fuentes 1 (Link)	<ul style="list-style-type: none"> The City Manager is directed to prepare a recommendation related to prohibiting Short Term Rental as a use in the Equitable Transit Oriented Development Overlay combining district (ETOD) and the ETOD Density Bonus combining district (DBETOD). The City Manager is directed to explore strategies to increase Short Term Rental licensing compliance and to optimize revenue collection, including Hotel Occupancy Taxes 	Staff supports	City staff and the Law Department are in the process of developing a recommendation for regulating STRs from a holistic perspective.
ETOD Overlay (Item 5)	Watson V2 (Link)	<p>Move to amend the maximum height in Subsection (G) of Section 25-2-654 to read:</p> <p>(G) Development Standards and Mixed Use.</p> <p>(5) <u>Maximum Height.</u></p> <p>(a) In Subdistrict 1, a building may exceed the maximum building height in the base zoning district by 60 feet except that no building may exceed 120 feet in height.</p> <p>(b) <u>In Subdistrict 2, a building may exceed the maximum building height in the base zoning by 30 feet except that no building may exceed 90 feet in height.</u></p> <p>And to replace Exhibit “A” in Part 6, which is Appendix G (ETOD Boundaries), with Mayor Exhibit “A” attached to this motion.</p> <p>EXPLANATION</p> <p>Our community has had growing concerns regarding the density, especially at 120 feet, going a half-mile into the neighborhood. We must have a good balance of density along our transit corridors while also ensuring that we do not have what some consider as extreme height encroaching into neighborhoods. This would also ensure that projects up to 90 feet in height would utilize the ETOD density bonus versus DB90 since we are also incorporating redevelopment requirements within our ETOD areas. As advised by legal, this amendment creates subdistricts allowing 120 feet in height a quarter-mile away from a transit corridor and up to 90 feet in height a half-mile away from a transit corridor</p>	Neutral	Staff does not have significant concerns with this amendment, although it could be more complex to administer and could result in fewer projects taking advantage of DBETOD as compared to the other bonus programs that would have matching affordability requirements under this motion (i.e., DB90). Participation in a different bonus program rather than DBETOD (or lowering allowable heights in DBETOD) could result in a loss of potential housing units and affordable housing units near transit.
ETOD Overlay (Item 5)	Watson (Link)	<p>Move to amend the compatibility requirements for DBETOD for dwelling units on line 216 to read:</p> <p>(3) Any structure that is located less than 50 feet from any part of a triggering property may not exceed 60 90 feet.</p>	Neutral	Staff is concerned that this motion could make DBETOD less attractive compared to the DB90 bonus program. The DB90 bonus program allows a building to reach 90’ in total height after 25’ in distance from a triggering property. Staff’s DBETOD proposal includes the same level of compatibility modifications to match DB90 to keep the two programs on par with each other. DB90 does not include redevelopment requirements that protect existing

				<p>tenants of affordable housing and commercial spaces, so it is important that DBETOD continue to remain attractive as an alternative to DB90 in order to see these additional protections implemented. Lowering allowable heights for DBETOD projects could result in fewer potential housing units near transit. However, there are also additional benefits available within the DBETOD program that are not accessible via DB90.</p> <p>If this motion is passed, staff will evaluate its impact as we develop and calibrate future phases of the ETOD Overlay. Staff's goal would be to re-evaluate calibration regularly to continue to ensure that all of the City's bonus programs work together to achieve our policy goals and recommend adjustments as needed when more information is available.</p>
ETOD Overlay (Item 5)	Watson (Link)	<p>Direct the City Manager to provide an annual impact report on the Equitable Transit Oriented Development Overlay. The annual impact report should include but not limited to:</p> <ul style="list-style-type: none"> • The number of projects utilizing the bonus program. • The number of units yielded. • The number of subsidized affordable units yielded. • The amount of fee-in-lieu dollars collected from projects within the overlay. <p>The council provides relevant departments the authority to collect additional data points to measure and understand the efficacy of the program.</p>	Staff supports	
ETOD Overlay (Item 5)	Qadri 1 (Link)	<p>I move to include the following direction to the City Manager: The City Manager is directed to provide recommendations to incorporate enhanced street standards as outlined in the Great Streets Program, University Neighborhood Overlay, and South Central Waterfront and apply as appropriate to the DBETOD overlay</p>	Staff supports	
ETOD Overlay (Item 5)	Qadri 2 (Link)	<p>I move to include the following direction to the City Manager:</p> <ul style="list-style-type: none"> • The City Manager is directed to explore options and return to Council with recommendations to incentivize and encourage the preservation of culturally and/or historically significant buildings and facades that contribute to a walkable, transit oriented pedestrian realm along the frontage of light rail corridors while allowing for increased height and density. Options considered should include, but not be limited to, establishing facade preservation requirements and design standards in the DBETOD overlay or another tool to narrowly tailor the requirements to particular properties that meet the intent. • The City Manager is directed to explore and provide recommendations on incentives to preserve and protect culturally and historically significant sites along or within ½ mile of transit corridors. <p>Rationale: Older buildings that contribute to a walkable, transit-oriented street and are culturally significant to Austin exist along our transit corridors, such as some blocks of South Congress and Guadalupe. This includes properties in the National Register of Historic Places, buildings that are 50+ years old, and other properties that may not qualify for historic zoning due to improvements made over time, but they still offer a feeling of place and could fit very well with future light rail due to their short setbacks and inviting storefronts. This motion helps to avoid unintended loss of meaningful structures and facades while still allowing for future development that complements both the existing streetscape and the need for more density along the light rail corridors. Council has a precedent of establishing facade preservation requirements and design standards that still provide flexibility for redevelopment (e.g. 6th Street design requirements).</p>	Staff supports	

ITEM 3: ETOD OVERLAY REZONING

Item	CM	Amendment	Staff Recommendation	Staff Response
ETOD Overlay Rezoning (Item 3)	Watson 1 V3 (Link)	<p>I move to remove the parcels identified on the attached maps (marked as Mayor Exhibits “1” through “13”)</p> <p>And amend Part 1 of the ordinance to modify the number of acres being rezoned from approximately 1,104 acres to approximately 941 acres.</p> <p>For the parcels identified on attached maps, City Code Section 25-2-247 (Restrictions on New Applications) is not triggered.</p> <p>EXPLANATION</p> <p>Currently, if an applicable property is partially in the ETOD overlay, the property is fully included within the ETOD. This amendment would state that if only a portion of a site is within the ETOD combining district it is subject to zoning at a later point</p>	Neutral	
ETOD Overlay Rezoning (Item 3)	Watson 3 (Link)	<p>I move to replace the maps marked Exhibits “A-1” through “A-13” with maps attached to this motion sheet (Mayor Exhibits “A-1” through “A-13”).</p> <p>And move to amend the ordinance to add a new part that reads:</p> <p>The subdistricts identified in this ordinance and referenced in Subsection (G) of Section 25-2-654 (Density Bonus ETOD (DBETOD) Combining District Regulations) are based on the following parameters: properties within .25 mile of the Project Connect Austin Light Rail Phase 1 and Priority Extensions as Subdistrict 1 and designate the remaining properties within a .5 mile of Project Connect Austin Light Rail Phase 1 and Priority Extensions as Subdistrict 2</p> <p>EXPLANATION</p> <p>The proposed maps identify the properties within the subdistricts.</p>	Neutral	<p>Staff does not have significant concerns with this amendment, although it may be more complex to administer and could result in fewer projects taking advantage of DBETOD as compared to the other bonus programs that would have matching affordability requirements under this motion (i.e., DB90). Participation in a different bonus program rather than DBETOD could result in a loss of potential housing units and affordable housing units near transit. Further, lowering allowable heights for DBETOD projects could result in fewer potential housing units near transit.</p> <p>If this motion is passed, staff will evaluate its impact as we develop and calibrate future phases of the ETOD Overlay. Staff’s goal would be to re-evaluate calibration regularly to continue to ensure that the DBETOD program is achieving our policy goals and recommend adjustments as needed when more information is available.</p>