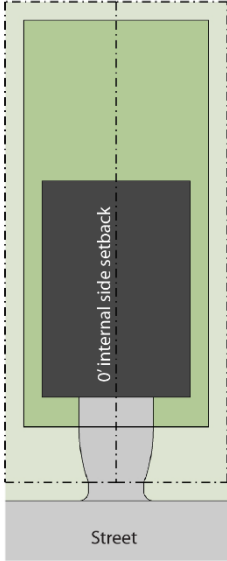
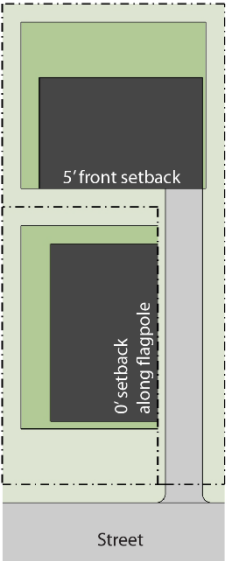


HOME Phase 2 - Planning Commission Amendments and Staff Responses

	Planning Commission Amendment	Staff Recommendation	Staff Response	Text Changes
1	Impervious Cover and Lot Area: Ensure that there is no change to impervious cover requirements and how lot area is measured from existing LDC requirements. When making changes to § 25-1-22, renumber accordingly. Proposed Text: § 25-2-779(H)(1) - The maximum impervious cover is [45 percent] <u>the maximum allowed in the base zoning district regulations</u>. § 25-1-22 MEASUREMENTS (A) Lot <u>For MF-1 and less restrictive, lot</u> [Lot] area is the net horizontal area within the lot lines, excluding the portion of the lot <u>that</u>: (1) [that] provides street access, if the lot is a flag lot; or (2) [that] is located below 492.8 feet of elevation above sea level, if the lot is adjacent to Lake Austin. (B) For SF-6 and more restrictive, lot area is the net horizontal area within the lot lines and: (1) includes the portion of the lot that provides street access, if the lot is a flag lot, and (2) 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.	Not recommended	Due to existing lot sizes and widths, the smaller lot size will likely result in the creation of more flag lots. Under the current code, the flagpole does not count towards the lot area, and the impervious cover in this area is not regulated, meaning it can exceed the maximum. Including this area in the future will ensure that the overall site does not exceed the impervious cover limit. Austin has significant drainage challenges because it is in Flash Flood Alley, an area that produces extreme rainfall and has steep slopes and slow-draining soils. A 45% impervious cover threshold helps ensure there is space for runoff to be directed to a storm drainage system and not negatively affect neighboring properties. The more room taken up with buildings and hard surfaces, the more likely lot-to-lot drainage challenges become. Additionally, drainage systems for our residential subdivisions are designed assuming 45% impervious cover for residential lots. This means that the drainage system including inlets, pipes, and detention pond sizing are designed for this level of runoff.	No changes to the staff version of the ordinance.
2	Reduce the minimum lot size to 1,500 square feet	Not recommended	Staff recommends a minimum lot size of 2000 sq ft because it is roughly one-third of the current minimum. Staff did an analysis of lot sizes based on urban context (see website), and in the oldest neighborhoods with the smallest average lots, the median lot size is 6,500 sq ft. For interior lots (i.e., not corner lots), the lot width provides the main constraint for subdivision due to the limited lot frontage along the street. A 2,000 sq ft minimum lot size allows the median lot size citywide (about 8,500 sq ft) interior to a block to subdivide into three lots with 2 flag lots. The staff’s recommendation also takes into account the 45% impervious cover limit. A 2,000 sq ft lot will have 900 sq ft of impervious cover. Less impervious cover will not allow for a reasonable building footprint, especially if any driveway or parking is provided.	No changes to the staff version of the ordinance.
3	Change line 116/117 from 1,450 to 1,650 square feet Proposed Text: § 25-2-779 (J)(3) The maximum floor-to-area ratio for the lot is the greater of 0.55 or 1450 <u>1,650</u> square feet.	Not recommended	Staff recommends a guaranteed unit size to mirror the entitlements under HOME Phase 1 and 1,450 sq ft is equal to the average unit size for three units on a lot. Increasing the unit size on small lots is in conflict with the intended goal of the amendment to create small homes on small lots.	No changes to the staff version of the ordinance.

	Planning Commission Amendment	Staff Recommendation	Staff Response	Text Changes
4	Reduce the minimum lot width to 15 feet. Proposed Text: Modify line 82 to read: "(2) Except for a flag lot, a lot must be at least 20 15 feet wide."	Recommend with changes	A 15-foot-wide lot is appropriate for a townhome-style house that is attached on both sides with rear access or no driveway. Staff recommends lowering the width for non-flag lots only and adding a provision in access requirements for driveways that would prohibit a driveway in the front yard for any lot below 20 feet. Additionally, staff recommends keeping the minimum width of flag lots at 20 feet and clarifying that the lot width minimum does not apply to the “flagpole” (per the amendment below clarifying the width requirement). The 15-foot minimum would not be achievable for a flag lot as the front lot would at a minimum be 15 feet wide with a “flagpole” beside it, causing the flag lot width to be greater than the front lot’s width.	Incorporated with changes into the staff version of the ordinance.
5	Reduce minimum front setback requirements to 10 feet for small lots under 5,750 sq ft. Proposed Text: (F)(4)(c)(i) 15 10 feet, into which a covered porch that is open on three sides may project five feet	Not recommended (partially addressed in the staff recommendation)	Buildings and shade trees provide an important element for improving streetscapes and creating walkable places. The proposed ordinance and current code include design standards that promote pedestrian-friendly site layouts, including allowing porches that are open on three sides to project 5 feet into the front yard for a more urban aesthetic. Reducing the setback from 25 feet to 15 feet will give small lot developments additional flexibility while preserving open space along the street for trees, an important streetscape and environmental feature. Additionally, a vehicle parked in the driveway could block pedestrian access along the sidewalk when parking is provided in the front yard with a minimum 10-foot setback. Lastly, staff does not recommend a 10-foot setback for small lots because it will create a third setback requirement in the zoning districts (SF-1, SF-2, and SF-3) depending on the type of development and reduce open space, including space for trees, along the street. Staff recommends a 15-foot front consistent with HOME Phase 1.	No changes to the staff version of the ordinance.
6	Remove setbacks for "internal" lot lines (aka setbacks between new lots created from a replat), maintain 5 foot setback from original side and rear property lines. Proposed Text: Modify 25-2-779(F)(4) with the following: (4) Except as provided in Subdivisions (5) and (6), the following setbacks apply... Replace 25-2-779(F)(5) with the following: (5) The minimum setback from any property line directly abutting another small lot residential use on property zoned SF-3 or more restrictive is zero. (6) Except for a side-street setback, when an attached dwelling unit abuts a property line, the minimum setback for that property line is zero.	Not recommended (partially addressed in the staff recommendation)	Staff does not recommend tying setbacks to adjacent use because uses are subject to change and the staff proposal already allows for a zero lot line for attached residential uses. Specifically, the staff recommendation includes the allowance for zero setbacks along internal lot lines to enable the development of attached units, which will be developed and built together. Additionally, flexibility is given for internal setbacks related to flag lots. The front setback for a flag lot is reduced to 5 feet because the lot is not street-facing. The side setback adjacent to the “flagpole” of a flag lot is zero. For detached units, distinguishing between internal and external lot lines of the original lot that has been subdivided is difficult to implement. Any additional flexibility other than what has already been provided for by staff may cause fire access issues. With allowed encroachments, the staff’s recommendation ensures detached units still provide space between the structure and a fence along the property line.	No changes to the staff version of the ordinance.

	Planning Commission Amendment	Staff Recommendation	Staff Response	Text Changes
			Attached Units  0' internal side setback Street - - - - - = Property Line Flag Lot  5' front setback 0' setback along flagpole Street - - - - - = Property Line	
7	Proposed Text: 25-2-779 (4)(b) The minimum side setback is: (i) five feet; or (ii) zero feet for the portion of the lot that provides street access; <u>or</u> (iii) <u>zero feet for a side lot line is shared with a lot containing a Small Lot Single- Family Residential use.</u> (4)(c) The minimum front setback is: (i) fifteen feet; or [edit proposed by other amendments] (ii) five feet if the lot is a flag lot; <u>or</u> (iii) <u>zero feet if the lot is a flag lot and the front lot line is shared with a lot containing a Small Lot Single-Family Residential Use.</u> (4)(d) The minimum rear setback is: (i) five feet; <u>or</u> (ii) <u>zero feet for a side lot line is shared with a lot containing a Small Lot Single- Family Residential use.</u> (5) Except for a side-street setback, when an attached dwelling unit abuts a property line, the minimum setback for that property line is zero. <u>For setbacks permitted by this section to be less than 5 feet, the fire-resistant construction standards based on fire separation distance in the applicable building and fire technical codes are required.</u>	Not recommended (partially addressed in the staff recommendation)	See the response above.	No changes to the staff version of the ordinance.
8	Allowing Encroachments for Design: The maximum encroachment is 2 feet for architectural features and 3 feet for a projecting 1-story uncovered porch, stoop, or uncovered steps. With the definition of architectural feature as follows: A building element, which alone or as part of a pattern, embodies the style, design, or general arrangement of the exterior of a building or structure, including, but not limited, to a window sill, belt course, cornice, flue, chimney, eave, box window, awning, or cantilevered box or bay window.	Included in current code	These encroachments are already allowed per the current code for all developments, as described in §25-2-513 Openness of Required Yards subsection (B) and (C). No text changes are necessary.	No changes to the staff version of the ordinance.

	Planning Commission Amendment	Staff Recommendation	Staff Response	Text Changes
.9	Front Yard Impervious Cover Requirement: The maximum front yard impervious cover requirement of 50 percent should only apply to driveways and parking.	Not recommended	Staff recommends maintaining the 50% maximum for all front-yard impervious cover to increase the space available for street-tree preservation and open space. During the passage of HOME 1, Council provided direction to preserve trees and promote tree planting with new development. Additionally, only counting impervious driveways and parking could create a loophole where pavement is installed and not declared as parking but ultimately utilized as additional parking space.	No changes to the staff version of the ordinance.
10	Minimum Flag Lot Width: The minimum width of a flag lot with up to three dwelling units is 10 feet: if sufficient area is available for utility installation; or a driveway is not proposed or 5 feet each if: two or more contiguous lots share a common driveway or walkway and sufficient area is available for utility installation; or the applicant can demonstrate access through an alternative route.	Not recommended (partially addressed in the staff recommendation)	The staff's recommendation allows a 10-foot flagpole if no driveway is proposed, consistent with this amendment. If a driveway is proposed that is not shared, staff recommends 15 feet to ensure enough space for utilities outside of the driveway. Reducing the flagpole width to 5 feet when two flag lots are adjacent to one another, whether a driveway is proposed or not, is not sufficient for utility separations. Per State law, water and sewer lines must maintain a minimum of a 4-foot interior separation, and additional space is required for meter boxes and access to the lines. Additionally, water and sewer lines must maintain the same separation from lines on adjacent lots. Therefore, 10 feet is not enough space for two sets of water and utility services.	No changes to the staff version of the ordinance
11	Allow for "back lots" to be created without frontage on a public street, as long as they have utility and physical access via a permanent easement shown on the subdivision. Direct staff to propose a mechanism for the creation of lots that do not have street frontage, as long as they have adequate room for utilities, first responder and physical access guaranteed by permanent easement, and meet other required lot standards (i.e. width, area). One potential approach is described below, using the term "back lots." Houston, Charlottesville VA, Cleveland OH, and numerous other cities have a similar mechanism under different names (sub lots, townhouse lots, etc). Proposed Text: Insert new subsection (10) under 25-1-21 (Definitions) and renumber the remaining items accordingly: (10) BACK LOT means a lot created without any lot lines abutting a public right-of-way, and which meets the standards in Section 25-2-779 (Small Lot Single-Family Residential Use). Insert new line (3) under 25-2-779(F) Lot Standards, and renumber the remaining lines accordingly: (3) "Back lots," or lots without frontage along a public right-of-way, are allowed subject to the following requirements: (a) Back lots are exempt from §25-4-171 Access to Lots. (b) The applicant provides a permanent utility easement(s) of sufficient width to provide electric, water and wastewater service to all back lots as applicable; and (c) The applicant provides a permanent access easement at least 10 feet in width connecting all back lots to a public right-of-way, containing: (i) a paved pedestrian pathway at least 5 feet in surface width and complying with City standard sidewalk design details; or (ii) a joint-use driveway, subject to the approval of the director of Transportation and Public Works (or successor department) and the design requirements applicable to driveways on flag lots. (d) The same easement may be utilized for utility and physical access, subject to the approval of the director of Transportation and Public Works (or successor department). (e) For the purposes of determining setbacks, the lot line nearest a public right-of-way and parallel to the front lot line of the originally platted lot, is considered to be the "front lot line" of a back lot.	Not recommended	The creation of "back lots" or "land-locked parcels" is not permitted under today's code. Section 25-4-171 of the subdivision chapter requires each lot of a subdivision to abut a dedicated public street. This requirement ensures compliance with a variety of important design and safety features, including: • Fire access to the lot and appropriate spacing and alignment of utilities which are not permitted to cross lot lines under today's regulations. • Guaranteeing access rights for all flag lots is ensured if access points for each lot directly abuts the street. Relying on easements to access back lots provides less protection against changes to front lots effectively land-locking rear lots. • Compliance with utility design and placement standards, which disfavor placement of utilities in access easements. Additionally, since these changes primarily impact subdivision, staff recommends locating the amendments in Chapter 25-4 (Subdivision), where they are most appropriate. Codifying these provisions as land use regulation in 25-2-779 Small Lot Single-Family Residential Use would cause confusion for both residential and subdivision reviewers and would be more difficult to revise in the future. While solutions to these challenges may be achievable, we recommend that sufficient time be allowed to work through the issues with partner departments, particularly utilities, which will be critical given the degree of departure required from existing practices and standards. If Council is interested in directing staff to review this concept, staff recommends initiating this amendment as Council direction at the May 30 meeting, when Infill Plats will be considered by Council, or a future meeting.	Not included in the Planning Commission recommendation ordinance.

	Planning Commission Amendment	Staff Recommendation	Staff Response	Text Changes
	(f) Any subdivision containing back lots must include a note that reads as follow: "THIS SUBDIVISION CONTAINS ONE OR MORE PERMANENT ACCESS EASEMENTS THAT HAVE NOT BEEN DEDICATED TO THE PUBLIC OR ACCEPTED BY THE CITY OF AUSTIN OR ANY OTHER LOCAL GOVERNMENT AGENCY AS PUBLIC RIGHTS-OF-WAY. THE CITY OF AUSTIN HAS NO OBLIGATION, NOR DOES ANY OTHER LOCAL GOVERNMENT AGENCY HAVE ANY OBLIGATION, TO MAINTAIN OR IMPROVE ANY PERMANENT ACCESS EASEMENT WITHIN THE SUBDIVISION, WHICH OBLIGATION SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF PROPERTY IN THIS SUBDIVISION."			
12	Add the words "the flagpole section" after the word "a" and before the word "flag". Clarify the exemption from the minimum applies to the flagpole only, not the entire flag lot.	Recommend with changes	Staff agrees that the exemption for the flagpole should be clarified. Flagpole is not a defined term, and therefore, staff recommends alternate text.	Incorporated with changes into the staff version of the ordinance.
13	Add a definition of replatt to conform code with state law. Proposed Text: On line (6), add the following and renumber accordingly. (96) REPLATT means the division of a tract of land located within the limits of the City by an owner who divides the tract in two or more parts to lay out a subdivision of the tract build, create other lots, or lay out streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use must have a plat of the subdivision prepared. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.	Not recommended	The quoted provision of state law specifies conditions that trigger subdivision requirements generally, not just for replats of lots within existing subdivisions. If directed by Council, staff can explore the feasibility of incorporating a definition along these lines within the ordinance pertaining to infill subdivisions but does not recommend including it in HOME Phase 2.	Not included in the Planning Commission recommendation ordinance.
14	Request staff to develop new category for replatting lots subject to this ordinance and define a fee appropriate for the level of effort required for review. Consider the development of a fee waiver program based on one or more of the following: (1) Proximity of lot to high-capacity transit stop (2) Preservation of existing structure(s) similar to HOME1 (3) Socioeconomic characteristics of property owner	Policy/Programmatic/ Future Action	An LDC amendment is currently under development that will create a revised subdivision process for infill developments. Development fees are set based on cost-of-services studies. Since the proposed amendments for "infill plats" will provide a streamlined review process for residential resubdivisions, they are anticipated to reduce fees associated with dividing a residential lot into smaller lot sizes proposed for HOME Phase 2. Staff does not recommend tying subdivision regulation or fees to the preservation of existing structures.	General recommendation not in the scope of these code amendments.
15	Create a HOME preservation program with benefits such as smaller lot sizes than what may be approved for HOME Phase 2, and remedies for the HOME Phase 1 portion to reflect the City Council's intent of granting a total 0.65 FAR for three units with only a 0.4 FAR cap on each individual new unit. Allow for the HOME Preservation Program to be adjusted annually, or as needed, to achieve the greatest amount of preservation of existing homes.	Policy/Programmatic/ Future Action	A preservation bonus seeks to allow new development to occur under relaxed regulations if an existing structure's future development is restricted. Implementing the current preservation bonus, adopted with HOME Phase 1, requires extensive process changes to track newly restricted preserved structures and the bonus entitlements available to new development. Additional process changes will be required to implement the following new code changes: HOME Phase 2, as well as Infill Plats, Site Plan Lite Pt. 2, EV Charging, revised Downtown Parking, revised Compatibility, and the ETOD Overlay. Council has directed staff to collect and analyze data related to HOME Phase 1, including the preservation bonus. As this is a new program for the City, staff recommends against expanding the preservation bonus until outcomes of the first year of implementation can be reviewed for guidance on further improvements.	General recommendation not in the scope of these code amendments.

	Planning Commission Amendment	Staff Recommendation	Staff Response	Text Changes
16	Modify changes to HOME Phase 2 standards to certain geographic areas of the city, with the intent to explore an equity overlay to reduce displacement and gentrification impacts in vulnerable neighborhoods.	Policy/Programmatic/ Future Action	If Council directs staff, staff can study future amendments to HOME Phase 2, which would focus on modifying the proposed standards by geographic area. The study could require a variety of new analysis and consultant resources to create separate standards per geographic area.	General recommendation not in the scope of these code amendments.
17	Tailor changes to meet the racial and environmental needs of individual neighborhoods/areas of town. Changes should be implemented in accordance with Austin's adopted plans, including but not limited to the Climate Equity Plan, Strategic Housing Blueprint, Strategic Mobility Plan etc., to ensure racial equity and environmental justice in how Austin implements HOME 2 across all neighborhoods and communities.	Policy/Programmatic/ Future Action	If Council directs staff, staff can study future amendments to HOME Phase 2, which would focus on modifying the proposed standards by geographic area. The study could require a variety of new analysis and consultant resources to create separate standards per geographic area.	General recommendation not in the scope of these code amendments.
18	Amend the Annual Impact Study to focus on displacement of historically marginalized groups. Add a Displacement Study, to the Annual Impact Report under HOME1, that looks at population trends in neighborhoods that redevelop under HOME 2, specifically, to lower-income residents, African Americans, and Hispanics, given gentrification policies going back to the 1990s. The effects of HOME Phase 2 should be studied to assess the specific impacts of the policy in addition to ongoing displacement impacts of other policies, forces, and realities.	Policy/Programmatic/ Future Action	In general, staff supports providing information on land development code changes to the public. The particular scale of this request, including analysis of the effects of historic gentrification and the holistic effect of all other policies and realities, would require substantial reprioritization of staff time and additional resources.	General recommendation not in the scope of these code amendments.
19	Direct staff to explore the feasibility and implementation of report on the impacts of HOME I and HOME II via a publicly accessible online dashboard on an ongoing basis, but at least on a quarterly basis, that presents data including but not limited to location of properties, number of sublots, size of sublots, number of units pre- and post-application, size of units pre- and post-application, existing unit demolition, impervious cover pre- and post-application, socioeconomic characteristics of property pre- and post-application or other socioeconomic data that can be gathered via application or public information sources, and other data that may provide the City and the public the most up-to-date feedback on the implementation and impacts of HOME1 and HOME2.	Policy/Programmatic/ Future Action	In general, staff supports providing information and data on Land Development Code changes to the public. The particular scale of this request, including on-going updates, would require reprioritization of staff time and additional resources. Additionally, it is likely not feasible to collect data such as socioeconomic characteristics on a lot-specific basis.	General recommendation not in the scope of these code amendments.
20	Staff shall develop plain-language educational materials available to the public of the HOME2 regulations, application, and impacts and make the summary prominently available on the City's website pages related to building applications and permits, City libraries and community centers, development offices, City Clerk's office, and City Hall, describing the new entitlements afforded by both HOME1 and HOME2 and further recommend that these materials be available by the time of implementation of HOME2. Include proactive educational efforts and outreach in historically underserved communities.	Policy/Programmatic/ Future Action	DSD has a communication and community engagement division dedicated to providing clear and consistent information to applicants and residents. As a part of HOME Phase 1, DSD has created a webpage dedicated to the implementation and explanation of the HOME Phase 1 regulations . Staff will continue to maintain this resource and add the HOME Phase 2 regulations, if adopted.	General recommendation not in the scope of these code amendments.
21	For a minimum of one year after final implementation of HOME2 regulations, COA staff shall prioritize meetings with neighborhood contact teams, neighborhood associations, home-owners associations, social justice organizations, and civic and community groups to offer plain-language summaries and detailed descriptions of the application, permitting and platting requirements, financial incentive programs, and other pertinent information.	Policy/Programmatic/ Future Action	Staff supports the goal of providing excellent customer service to Austin residents, including discussion and explanation of land development requirements. DSD has a team dedicated to the service of meeting with and explaining land development regulations to homeowners and small businesses.	General recommendation not in the scope of these code amendments.

	Planning Commission Amendment	Staff Recommendation	Staff Response	Text Changes
22	Make ADUs more accessible: Allow manufactured housing to be permissible as an ADU provided it meets standards for safety and climate resistance to make ADU's accessible for low- and middle-income residents in our neighborhoods and seek opportunities to streamline permitting and provide permitting assistance income restricted at 80% MFI or below.	Policy/Programmatic/ Future Action	Pre-fabricated or manufactured housing is already allowed to be used as a dwelling unit, provided the manufactured unit is on a permanent foundation and not wheels. Please see this code interpretation for further details: City of Austin (austintexas.gov) . The distinction between a "primary" and an "accessory" use was removed under HOME Phase 1, and now up to three units may be built on a lot that is greater than 5,750 sq ft.	General recommendation not in the scope of these code amendments.
23	Establish a low-income financial assistance program to assist individuals participate in HOME2 programs, including cost associated with replatting. The COA should establish a low-interest lending program (with or without the private sector) with favorable terms up to forgiving loans for a homeowner who qualifies income-wise (who earns 50% to 80% of Austin's median income) OR is a homeowner who builds additional units on their property and designates at least one as affordable, meaning for someone who earns 60% to 80% of the MFI, including cost associated with replatting.	Policy/Programmatic/ Future Action	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.	General recommendation not in the scope of these code amendments.
24	Strengthen programs/protections to help for renters to relocate, and guidance and information to homeowners to help them stay in their homes through an information/outreach program and discounted city fees in redeveloping their properties according to HOME 2. Develop resources consisting of financial help for renters to relocate, and guidance/information to homeowners to help them stay in their homes through an information/outreach program and discounted city fees in redeveloping their properties according to HOME 2.	Policy/Programmatic/ Future Action	If Council directs staff and identifies additional resources, staff would be supportive of this recommendation.	General recommendation not in the scope of these code amendments.
25	Establish a program that provides legal counsel and estate and probate planning for homeowners at risk of displacement.	Policy/Programmatic/ Future Action	As part of the Project Connect anti-displacement initiatives led by the Housing Department, the City has awarded funds to 13 Community Initiated Solutions organizations focused on the needs of vulnerable neighborhoods within 1 mile of Project Connect. Estate Planning is one of the services available through the Community Initiated Solutions program and may be available for homeowners at risk of displacement near Project Connect lines and stations. If Council directs staff and identifies additional resources, staff would be supportive of expanding this program citywide.	General recommendation not in the scope of these code amendments.