



LAND DEVELOPMENT CODE REVISION

REPORT OF THE CITY OF AUSTIN PLANNING COMMISSION

To: Mayor & Council
From: Land Development Code Revision Team
Date: November 22, 2019
Subject: Planning Commission Report on Proposed Land Development Code Revision

In advance of the upcoming public hearing scheduled for December 7, 2019, we are pleased to provide the Planning Commission's report on the proposed Land Development Code (LDC) Revision and associated amendments to the Imagine Austin Comprehensive Plan. The report represents a tremendous effort on the part of the Planning Commission as a whole, as well as Chair Faye Kazi and working group chairs Azhar Awais (Affordability), Claire Hempel (Downtown), Conor Kenny (Non-Residential Zones), Patricia Seeger (Residential), Todd Shaw (Transition Zones), and Jeffrey Thompson (Process/Administrative Procedures).

The report includes the entire record of the Planning Commission's deliberations and approved actions, concluding with the final vote on November 12, 2019. The Planning Commission recommended approval of the October 4th draft LDC Revision with additional text, map, and plan revisions described in staff's October 25th Supplemental Report and amendments approved by the Commission on October 29, November 5, November 6, November 11, and November 12. The report includes the following items:

1. Report of Planning Commission Actions

Attached is a summary of motions passed by the Planning Commission during its deliberations on the LDC Revision and proposed comprehensive plan amendments. The summary includes the final motion language approved by the Commission, with a few minor clarifications shown in brackets. These motions constitute the core of the Commission's report to the City Council.

Additionally, though not part of the Planning Commission's report, the LDC Team has included a statement of staff's position on each of the Commission's proposed amendments and additional comments addressing key issues.

2. Record of Actions, Deliberations, and Testimony

The Planning Commission's report includes all actions, deliberations, testimony, documents, and agenda backup, including video footage, posted to the City Clerk's official website for the following public meetings devoted to the LDC Revision:

November 12, 2019 – Regular Meeting ([link](#)) | Discussion and Possible Action

- Agenda Item A1

November 11, 2019 – Special Called Meeting ([link](#)) | Discussion and Possible Action

- Agenda Item A1

November 6, 2019 – Special Called Meeting ([link](#)) | Discussion and Possible Action

- Agenda Item A1

November 5, 2019 – Special Called Meeting ([link](#)) | Discussion and Possible Action

- Agenda Items A1 & B1

October 29, 2019 – Special Called Meeting ([link](#)) | Discussion and Possible Action

- Agenda Item A1

October 26, 2019 – Special Called Meeting ([link](#)) | Briefing and Public Hearing

- Agenda Items A1 & B1

Report of Planning Commission Action on Land Development Code Revision 2019

| Motion No. | Working Group | Title (Short Description) | Intent | Suggested Method | Vote Tallies | | | Vote by Commissioner | | | | | | | | | | | | | Staff Recommendation | Staff Response | | | | | | | | | |
|------------|-----------------------------|--------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------|----------|----------------------|----------|----------|--------|-------|--------|------|--------|--------|----------|--------|-----------|-------|----------------------|----------------|---|---|---|---|---|---|---|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | | | Ayes | Noes | Abstains | HEMPEL | SHAW | ANDERSON | LLANES | SHEIH | FLORES | KAZI | KENNEY | SEEGER | THOMPSON | HOWARD | SCHNEIDER | AZHAR | | | | | | | | | | | |
| A1 | Affordability Working Group | Income restricted affordable housing management | Allow the management and monitoring of scattered-site affordable units so that they can be made feasible. | Create a certified affordable housing provider certification (with community input at a later time) based on certain criteria. If a developer builds less than 4 income-restricted affordable units, they must partner with this provider for resident income certification and placement. The management and maintenance of the unit must remain the duty of the management of the market rate units. | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Agree | Programmatic measure. Staff will evaluate the feasibility of using certified providers for this purpose following code adoption. |
| A2 | Affordability Working Group | Income averaging in income restricted units | Consider income averaging within income restricted units. | Allow for income averaging in income restricted units | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Partially Agree | Staff will consider this option. However, it could be challenging for developments with a small number of income-restricted affordable units. |
| A3 | Affordability Working Group | Increase income restricted housing in high opportunity areas | The opportunities for income restricted housing high opportunity areas need to be maximized. | | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Agree | Staff is working on options for achieving greater income-restricted housing in high opportunity areas. |
| A4 | Affordability Working Group | Transitional and supportive housing CUP | Ensure that the CUP requirement for transitional and supportive housing is economically feasible in all zones | | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Oppose | A CUP is appropriate because transitional and supportive housing is a sensitive use that needs additional review to determine appropriate location. Staff will review this recommendation with the Law Department. |
| A5 | Affordability Working Group | Transitional and supportive housing CUP | Ensure that the CUP requirement for transitional and supportive housing is economically feasible in all zones | | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Oppose | A CUP is appropriate because transitional and supportive housing is a sensitive use that needs additional review to determine appropriate location. Staff will review this recommendation with the Law Department. |
| A6 | Affordability Working Group | Transitional and supportive housing CUP | Ensure that the CUP requirement for transitional and supportive housing is economically feasible in all zones | | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Oppose | A CUP is appropriate because transitional and supportive housing is a sensitive use that needs additional review to determine appropriate location. Staff will review this recommendation with the Law Department. |
| A7 | Affordability Working Group | Tenant protections for income-restricted housing | For all AHBP units, require tenant protections similar to what is currently required in the Rental Housing Development Assistance lease addendum. | | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Partially Agree | Staff will work with stakeholders to consider this recommendation. |
| A9 | Affordability Working Group | Unlimited CC bonus to increase community benefits | Offer an unlimited bonus in the CC zone to increase community benefits, including affordable housing | | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Agree | Staff supports affordable housing through the Downtown bonus program. |
| A11 | Affordability Working Group | Child care accessibility | Encourage accessible child care facilities by reducing restrictions on child care for 35 children or fewer in all zoning categories, except industrial and airport zones. | | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Oppose | Staff agrees that childcare should be more accessible. Staff has increased the number of children and the allowance of childcare in the current draft, but do not recommend increasing to 35 children in Residential House-Scale without a CUP. |
| A13 | Affordability Working Group | Elder care accessibility | Encourage accessible elder care by reducing restrictions, including parking, on elder care facilities, including occupancy limits, in all zoning categories, except industrial and airport zones | | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Partially Agree | Staff has already reduced restrictions on elder care by allowing it in more zones, removing the number of adults allowed, and removing the units per acre caps. Staff supports reducing parking requirements to space 1 plus 1 additional space per every 3 bedrooms. |
| A14 | Affordability Working Group | Review effectiveness of S.M.A.R.T housing | Ensure that the S.M.A.R.T housing section is aligned with previous Planning Commission work | | 12 | 0 | 1 | Y | Y | Y | A | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Partially Agree | Previous Planning Commission work on the S.M.A.R.T. Housing section will be incorporated to the extent possible. |
| A15 | Affordability Working Group | Increasing income restricted housing on TPN | The opportunities for income restricted housing in zones on the TPN within non-gentrifying areas need to have increased entitlements to achieve increase in the number of income restricted units, especially in high opportunity areas, this does not apply to naturally occurring affordable housing | | 10 | 2 | 1 | Y | Y | Y | N | A | Y | Y | Y | Y | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Partially Agree | Staff agrees that we need affordable housing, but the bonuses have been calibrated to work in the zone that they are in and to meet council capacity goals. |
| A16 | Affordability Working Group | Administrative variances under Affordability Unlocked | To enhance Affordability Unlocked, in the case of units built under the program, explore options to allow some level of administrative variances for some building form regulations (setbacks, height, building cover, etc.) | Administrative variances may be allowed in the Affordability Unlocked section, "for some building form regulations (setbacks, height, building cover, etc.)" | 10 | 2 | 0 | Y | OFF DAIS | Y | N | Y | Y | Y | Y | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Oppose | Alternative equivalent compliance is available, but there are some design and base zoning regulations that cannot be administratively waived. Affordability Unlocked already waives many of the base zone regulations, as directed and calibrated by Council. |
| A18 | Affordability Working Group | Transition zones in gentrifying areas | Transition zones in the "late" and "Continued loss" gentrifying areas should be mapped as 5 lot deep in order to increase housing capacity, including income-restricted units. | | 9 | 4 | 0 | Y | Y | Y | N | Y | Y | Y | Y | N | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Oppose | Staff does not support increasing transition areas any further in these areas. |
| A19 | Affordability Working Group | Naturally occurring affordable housing in gentrifying areas | Increase protections for naturally occurring affordable housing in all parts of the city. All naturally occurring multi-family affordable housing (as defined by staff) in all parts of the city should not be allowed a bonus unless rezoned at a later date. | | 11 | 0 | 2 | Y | Y | Y | Y | A | Y | Y | Y | Y | A | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Do Not Oppose | Staff has not proposed upzoning multi-unit housing determined to be market-rate affordable based on parcel-level data on rental rates. However, bonuses are built into the zones, and the only way to prevent the use of bonuses would be through the application of F25 zone. |
| A20 | Affordability Working Group | Increasing income restricted housing in transition zones | Require the creation of an on-site income restricted unit in transition zones and susceptible, early type and dynamic through zoning that only increases entitlements vs current zoning through a bonus, and only where there currently exists housing. In transition zones in gentrifying areas, the base zoning should be limited to 2 units per lot with a potential increase to 8 or 10 units (same as R4 and RM1 now). Any use of the bonus must require at least one on-site income restricted affordable unit (unless the calculation supports more).The affordable unit must be comparable to the market-rate units in all ways, including size. | | 10 | 0 | 3 | Y | Y | Y | A | A | Y | Y | Y | Y | A | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Oppose | Creation of a new zone may conflict with or detract from use of R4 and RM1, which are the primary zones for missing middle housing, and may perpetuate patterns of low-unit development. In general, staff recommends against creation of bonus zones with a base of less than 3-4 units. |

Report of Planning Commission Action on Land Development Code Revision 2019

| Motion No. | Working Group | Title (Short Description) | Intent | Suggested Method | Vote Tallies | | | Vote by Commissioner | | | | | | | | | | | | Staff Recommendation | Staff Response |
|--------------------------|---------------------------|--------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------|----------|----------------------|------|----------|--------|-------|--------|------|--------|--------|----------|--------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| | | | | | Ayes | Noes | Abstains | HEMPEL | SHAW | ANDERSON | LLANES | SHEIH | FLORES | KAZI | KENNEY | SEEGER | THOMPSON | HOWARD | SCHNEIDER | | |
| Form Requirements | | | | | | | | | | | | | | | | | | | | | |
| R6 | Residential Working Group | Garages and parking adjustments for R zones | Adjust garage and parking restrictions to allow more flexibility of placement. A) Allow garages to come forward of building facade (NOT into front setback) IF it forms one side of an engaged (2-sides enclosed) front porch; B) Consider increasing front yard impervious cover restriction from 45% to 50%; C) Change 50% limit of building frontage allowed for parking (garage door) from 50% of non-parking frontage (which makes it effectively 33% of building) to 50% of entire building frontage (a true 50%); D) Restore current code FAR exemption limit for garages to 200 sq ft/ unit. | See intent. | 12 | 0 | 1 | Y | Y | Y | A | Y | Y | Y | Y | Y | Y | Y | Partially Agree | A) Staff agrees. B) Staff does not oppose. C) Staff agrees the definition of building facade needs to be adjusted. D) Staff agrees that garages need to be added back to FAR with a 200 sq. ft. exception per unit. | |
| R8 | Residential Working Group | Double-Lot form for all units/lot R zones | For all R zones with a units/lot standard (all current zones), create a "double-lot" set of allowed forms for all but townhouse and attached SF forms (e.g. single family, duplex, multi-family) that allows double the number of units if a lot has double the minimum lot area AND a width of the minimum standard width PLUS the minimum width needed for a flag lot. Limited to two lots. Maximum building width is unchanged. All other standards (e.g. impervious cover, FAR, exterior setbacks) still apply. | New rows in Lot Size and Intensity tables with double-lot forms, like Cottage Court-6 is a double-lot standard for Cottage-Court 3. | 12 | 0 | 1 | Y | Y | Y | A | Y | Y | Y | Y | Y | Y | Y | Oppose | Staff does not support double-lot standards and regards subdivision as the best tool for achieving the intent of this request. The recommendation, if adopted, would complicate applicability of affordability bonuses. | |
| R9 | Residential Working Group | Cottage Court form - make practical | Suggest to remove requirements: 1,500 sf min. area for courtyard; courtyard have buildings on two sides; courtyard cannot be in front or side st. setback; on a corner lot, units adjacent to the side street must front both the courtyard and the street; parking must be clustered and may not be provided adjacent to or attached to an individual unit. Preserve: 200 sf/unit courtyard size min.; courtyard cannot be used for vehicular access or parking; units must front the common courtyard or the street; a pedestrian connection must link each building to the public right-of-way, court, and parking area; buildings must be separated by a min of 6 ft. | Suggest to remove requirements, especially of the 3-unit form, that make it difficult to achieve, especially on smaller lots. | 12 | 0 | 1 | Y | Y | Y | A | Y | Y | Y | Y | Y | Y | Y | Partially Agree | Staff is reviewing cottage court requirements to improve feasibility. | |
| R10 | Residential Working Group | Clarify entitlements for multiple forms | Clarify code when a mix of forms are utilized, such as a duplex and an ADU. | | 12 | 0 | 1 | Y | Y | Y | A | Y | Y | Y | Y | Y | Y | Y | Agree | Staff will clarify code requirements for a mix of forms. | |
| R11 | Residential Working Group | Zero lot-line for developing adjoining lots | Adopt townhouse zero lot option for other forms when two contiguous R3 and R4 lots are being developed. (Maximum building mass/width/facade of 90 ft applies.) Fire codes and other restrictions still apply and are not superseded. | See intent. | 12 | 0 | 1 | Y | Y | Y | A | Y | Y | Y | Y | Y | Y | Y | Do Not Oppose | Staff agrees in concept. | |
| R14 | Residential Working Group | Curb cuts in R4 and RM1 | Discourage to Allow two curb cuts in R4 and RM1 zones. When on the All-Ages, All-Abilities bicycle network or Bicycle Priority Network, additional curb cut is always at discretion of Austin Transportation Director. | See intent. | 12 | 0 | 1 | Y | Y | Y | A | Y | Y | Y | Y | Y | Y | Y | Partially Agree | Staff agrees that discouraging curb cuts in residential zones is beneficial and in concurrence with the ASMP; any additional curb cuts should be only allowed in context-sensitive situations when deemed appropriate and safe. | |
| New Zones | | | | | | | | | | | | | | | | | | | | | |
| R7 | Residential Working Group | New R2 zone that bonuses to 4 units in R2B tent | Consider a new R zone. Purpose: intended to maintain a house-scale aesthetic in areas well-served by transit; base entitlements of 2 units with an affordable housing bonus up to 4 units. Base: R2B. Bonus: Same as base but max FAR of 1.0, impervious cover of 55%, up to 4 units, and multi-family form. Calibration of bonus likely needs to allow an affordable ADU to get bonus, maybe with a 1-to-3 ratio of affordable-to-market bonus area, and unbundled parking so affordable unit does not necessarily have parking. | Same as R2B, but with bonus entitlements of 4 units, 55% impervious cover, multi-family form. Calibration of bonus is important and likely requires an ADU-sized affordable unit, so a max FAR determined by bonus calculations may be necessary. | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Oppose | Creation of a new zone may conflict with or detract from use of R4 and RM1, which are the primary zones for missing middle housing, and may perpetuate patterns of low-unit development. In general, staff recommends against creation of bonus zones with a base of less than 3-4 units. | |
| R12 | Residential Working Group | Scalable version of R4 | Consider creating a units/acre version of R4 to be available to be appropriately mapped for large lots. | See intent and R4 section, but with units/acre equivalent to the units/lot in R4. | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Oppose | The proposed residential multi-unit zones are intended to accommodate large lots where units/acre may be an appropriate measure of density. | |
| R13 | Residential Working Group | Replacement zone for SF6 | Consider creating an equivalent to SF-6 in R zones that utilizes units/acre. Do not allow a height bonus but provide an affordable bonus for other entitlements that could produce on-site units on large lots. | See intent and current SF-6 entitlements. Could also map current SF-5 to this zone. Could trade a lower base impervious cover (current is 55%) for a higher units-acre, while allowing more impervious cover under the bonus. | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Do Not Oppose | Staff is reviewing the need for a new zone that allows a variety of housing types with density calculated as units/acre rather than units/lot. | |
| R15 | Residential Working Group | Manufactured Homes keep current smaller MH parks compliant under new LDC | Consider some existing MH home parks are on small lots that will become noncompliant under the proposed LDC, even though council articulated desire to keep MH parks; create a smaller lot size for existing MH parks on smaller lots | Redesignate current zone as MH1A (for MH parks); Create new zone MH1B for existing smaller MH parks on lots to ensure small existing parks don't become non-compliant | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Partially Agree | Staff recommends revising the minimum site area for MH zones. | |
| R16 | Residential Working Group | | Consider providing tiny home alternatives in both a park setting as well as on lots to enhance affordability with small footprint dwellings | See intent | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Oppose | The LDC does not have a minimum size for any unit, including cottage court. The building code requires any house to be on a permanent foundation. | |

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| | | | | | Ayes | Noes | Abstains | HEMPEL | SHAW | ANDERSON | LLANES | SHEIH | FLORES | KAZI | KENNEY | SEGER | THOMPSON | HOWARD | SCHNEIDER | AZHAR | | | | | | | | | | |
| Misc. Requirements | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| R17 | Residential Working Group | Shade trees in transition zones | Make walking to transit more pleasant, healthy, and increase city tree canopy by requiring trees for sidewalks when not conflicting with utilities and ensure city wide credit for existing trees. Consider a scaled down requirement and review process for R zones | Apply front yard tree planting requirements to all urban/transition zones (R2B and up); trees should be oriented toward shading sidewalks | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Partially Agree | Robust tree requirements are part of the applicable criteria; however, the landscape requirements are intended for larger lots, and are not easily applied to the residential house-scale. Applying additional requirements for residential house-scale zones complicates their streamlined review process. |
| R24 | Residential Working Group | Front fence height limits | For private frontages use same fence regulations of 4'-6" average height at front yard, however if on raised frontages, then rail/fence must be mostly see thru. | | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Partially Agree | Staff agrees that the fence regulations should be adjusted. |
| R23 | Residential Working Group | Fences for non private frontage properties | Simplify fences to be allowed (do not limit at intersections, driveways, alleys) to be built on property line. Fence height regulations same as today, however limit fence in front yard to average 4'-6" to allow fences to be 4'-5' tall. | | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Partially Agree | Staff agrees that the fence regulations should be adjusted. |
| R27 | Residential Working Group | Parking reductions | Between 1/4 and 1/2 mile from Transit Priority Network corridors, parking reductions should be context sensitive based upon characteristic of the areas, not just whether a sidewalk exists or if planned to exist | | 8 | 5 | 0 | Y | Y | N | Y | Y | Y | N | N | Y | N | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Oppose | The Oct. 4th staff recommendation is to provide 50% of parking in this area, which is context sensitive based on distance to the corridor. |
| ADU Misc. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| R19 | Residential Working Group | Accessory Dwelling Units (ADUs) | Direct COA departments including utilities involved in assessing fees to reduce the cost of building ADUs through fee waivers, shorter approval times, etc. | | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Do Not Oppose | Programmatic measure. Staff does not oppose reviewing this option following code adoption in order to improve feasibility of ADU construction. |
| R29 | Residential Working Group | Give ADUs the same FAR bump as duplexes | ADU does not count towards FAR | In the FAR tables for each R zone. | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Partially Agree | Staff agrees with the intent of this recommendation, and is evaluating FAR for two units. |
| R26 | Residential Working Group | Accessory apartments/internal ADUs | Define internal ADU's: 1 per lot; Must have internal door, does not count as an additional unit on the lot, No additional FAR, separate access encouraged, shared utilities; reasonable limitation on area (750sqft?) | Current code already allows this for homeowners to care for additional elderly occupants. This expands this for others regardless of age | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Oppose | Internal ADUs have the same standards as all other ADUs. The recommended changes would create additional complications. |
| Mapping | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| R31 | Residential Working Group | Correct R1 map to match existing small-lot amnesty lots | Make R1 (replacement zone for small-lot amnesty) match current zoning by mapping it everywhere current small-lot amnesty SF zoning is mapped. | All R2 lots under minimum size (5,000 sq ft) in neighborhoods that adopted small lot amnesty tool should be re-mapped as R1. | 12 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF | DAIS | Y | Y | Y | Agree | Staff agrees and is making map corrections for lots below 5000. Lots between 3500-4999 sq ft will be zoned to R2C; lots between 2500-3499 will be zoned R1. |
| R32 | Residential Working Group | Map greenfield lots more intensely than R2 | Consider Re-map current R2 on vacant lots to a higher intensity, preferably one with an affordable bonus. Zoning should be compatible with adjacent lots. | n/a | 12 | 0 | 0 | Y | Y | OFF | DAIS | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Do Not Oppose | In general, council direction was to not upzone beyond existing entitlements; however, a more intense zone (that is still compatible with adjacent zoning) on undeveloped lots would help to address displacement concerns. |
| R37 | Residential Working Group | Preservation Incentive | Preservation Incentive, as introduced in CodeNext, intended to maintain the block street scape and neighborhood character so ADUs could be added with little disruption. The new code does not preserve the street scape appearance or character. Current proposed code does not specify how long the qualifying dwelling must be maintained. | Direct staff to review the Preservation Incentive for substantive changes to 23-3C-3050 (D)(2)(a-c) without altering the streetscape appearance consider implications for internal ADU. | 9 | 3 | 1 | A | Y | A | Y | Y | Y | N | N | Y | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Partially Agree | Staff is reviewing all aspects of the preservation incentive. |
| Non-Residential | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NR1 | Non-Residential Working Group | Uncap FAR in bonuses | Remove the maximum FAR in the bonus configuration of all MU and RM zones. | | 11 | 2 | 0 | Y | Y | Y | N | Y | Y | Y | Y | Y | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Agree | Staff agrees that bonus FAR should not limit bonus dwelling units. |
| NR2 | Non-Residential Working Group | Restore current code for ground-floor height in corridor zones | Make 15' minimum required height for bottom of the structure in MS zones and for corridor mixed-use zones with an activated ground floor. | | 12 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF | DAIS | Y | Y | Y | Agree | Staff agrees that 15' is a suitable ground floor height for MS zones, where pedestrian uses are required on the first floor. |
| NR3 | Non-Residential Working Group | Make FAR in RM1, MU1, and MU2 based on units, not form. | Change FAR table to correspond to available units. Keep 1-2 units at 0.4 (current zoning for SF2/SF3 sites), and staff should calibrate remaining gradient for feasibility and to incentivize the bonus. | | 11 | 2 | 0 | Y | Y | Y | N | Y | Y | Y | Y | Y | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Partially Agree | Staff is re-evaluating FAR limitations for 1-2 units. |
| NR4 | Non-Residential Working Group | Recalibrate RM1 to allow 4 stories in bonus | Set the height for RM1 in bonus configuration to not exceed 50' or 4 stories. | | 9 | 3 | 0 | Y | Y | Y | N | N | Y | Y | Y | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Partially Agree | Staff agrees that bonus height should be changed if it will make the production of bonus units more feasible. |
| NR5 | Non-Residential Working Group | Recalibrate bonus heights in RM, MU, MS, UC zones | Increase heights under bonus configurations in RM2, RM3, RM5, MU1, MU2, MU3, MU4, and MS3 to match natural building heights and sync one of UC's heights to UNO's 300' height. UC base heights should match the height of existing zones that are zoned into UC but a wide range of base heights should be available for future mapping. | | 11 | 0 | 1 | Y | Y | Y | A | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF | DAIS | Y | Y | Y | Y | Agree | Minor changes to bonus heights (not base height) would help capture more affordable (income-restricted) housing. |
| NR6 | Non-Residential Working Group | Fix Cottage Court form | Follow residential WG guidance on cottage courts for RM zones | See Resi cottage court recs | 13 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Agree | Staff is re-evaluating cottage court provisions to improve feasibility. |
| NR10 | Non-Residential Working Group | Microbrewery tasting room right-sizing | Increase the allowed size of microbrewery tasting rooms on smaller sites. | 23-3D-1240 (A) (3) should be revised to state: Except as provided in Subsection (B)(2), the area utilized for on-site consumption may not exceed the lesser of 66% or 5,000 square feet of the total floor area of the principal developed use. | 9 | 2 | 1 | Y | Y | Y | N | Y | Y | A | Y | N | Y | Y | Y | Y | Y | Y | OFF | DAIS | Y | Y | Y | Y | Partially Agree | Staff agrees that on-site tasting areas should be enlarged to accommodate smaller breweries/micro-breweries, but the floor area should not exceed 50%. |

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| | | | | | Ayes | Noes | Abstains | HEMPEL | SHAW | ANDERSON | LLANES | SHEIH | FLORES | KAZI | KENNEY | SEEGER | THOMPSON | HOWARD | SCHNEIDER | AZHAR | | | |
| NR13 | Non-Residential Working Group | Grandfathered under-parked buildings | Create a process for allowing applicants with change-of-use or minor construction on sites that have not met parking requirements for more than 10 years to continue without adding parking | | 7 | 0 | 5 | Y | A | Y | A | A | Y | Y | Y | A | Y | Y | OFF DAIS | A | Agree | Staff agrees with the intent of this recommendation. | |
| NR16 | Non-Residential Working Group | Allow more restaurants to serve alcohol | Anywhere where there are zones with restaurants with alcohol sales are not permitted, but restaurants without are, that be converted to a CUP. [Intent is to permit restaurants with alcohol sales by CUP in any zone that currently prohibits them, if that zone allows restaurants without alcohol sales.] | | 10 | 2 | | Y | Y | Y | Y | Y | Y | N | Y | Y | N | Y | OFF DAIS | OFF DAIS | Y | Oppose | MU1 and MS2A were created to be similar in site standards to MU2 and MS2B, but with less intense uses, and they have been mapped on zones that do not allow alcohol uses today. These zones are more appropriate to not allow alcohol. |
| NR17 | Non-Residential Working Group | Allow mobile food trucks in all RM, MS, MU zones | Allow mobile food trucks in all RM zones with CUP and MU1 and MU2 with a Minor Use Permit (where they are currently prohibited). | | 12 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | Y | Partially Agree | Staff supports some level of heightened review for food trucks in MS and MU zones, but is opposed to allowing food trucks in RM zones, which are solely residential. |
| NR19 | Non-Residential Working Group | Parking facilities allowed in MU zones | A CUP for MU2 and below, MUP for MU3 and above | | 10 | 2 | 0 | N | Y | N | Y | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | Y | Partially Agree | Staff agrees that a CUP is appropriate for parking facilities for MU2 to MU5A, and P in MU5B. |
| NR20 | Non-Residential Working Group | Require approval for Drive-Thrus | Require specific CUP approval for drive-through accessory uses on the Transit Priority Network or Bicycle Priority Network and within the Urban Core | | 12 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | Y | Partially Agree | Staff agree in concept; however, the new zones and mapping effectively render this recommendation complete. |
| NR21 | Non-Residential Working Group | Allow Hotels in MU1&2 | Allow hotels through a CUP in MU1 and MU2. | | 7 | 5 | 0 | Y | N | Y | N | N | Y | Y | Y | N | Y | Y | OFF DAIS | OFF DAIS | N | Agree | Staff agrees. |
| NR22 | Non-Residential Working Group | Create an MS1 zone | Create a new MS1 zone for 3-story commercial with MS uses | Base of 35' (2 stories w/ active ground floor), bonus to 50' (3 stories). Not necessarily mapped now. See Non-Resi chart. | 8 | 1 | 3 | Y | Y | Y | N | A | Y | Y | Y | A | Y | Y | OFF DAIS | OFF DAIS | A | Do Not Oppose | While staff regards the currently proposed zoning spectrum sufficient to meet Council directives and capacity goals, establishing additional zones for future use may be prudent. |
| NR24 | Non-Residential Working Group | Create new, taller MS and MU zones | Create new sets of MS and MU zones at 135' and 160' for future mapping with compatibility to reach base a base height of 100 feet | | 8 | 1 | 3 | Y | Y | Y | N | A | Y | Y | Y | A | Y | Y | OFF DAIS | OFF DAIS | A | Do Not Oppose | While staff regards the currently proposed zoning spectrum sufficient to meet Council directives and capacity goals, establishing additional zones for future use may be prudent. |
| DT2 | Downtown Working Group | Substitute Amendment | Consider an unlimited CC Base as is, and height unlimited with the bonus | | 11 | 1 | 0 | Y | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | Y | Agree | Staff agrees that additional units, both income-restricted and market rate, should only be available through the Downtown Density Bonus Program, with no change to the base entitlements. This is in line with other recommendations from staff in the 10/4 draft to uncap the DDBP in certain subdistricts. |
| DT6 | Downtown Working Group | Downtown Civic Spaces Overlay | Staff to explore new development adjacent to Waller Creek and within the Waller Creek Local Government Corporation (LGC) boundary be exempted from the existing code's Downtown Creeks Overlay and its equivalent regulations reflected in the Downtown Civic Spaces Overlay of the LDC Revision 2019. Additionally, we recommend a new overlay zone that establishes metes and bounds for a common Waller Creek centerline for consistent planning and regulatory purposes within the LGC, establishes a 60' minimum building setback for new development from the newly-defined creek centerline. | | 12 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | Y | Do Not Oppose | Staff supports the creation of a setback from Waller Creek to protect the riparian area, maintain creek bank integrity, and facilitate creek restoration in the Waller Creek District. Staff does not support the creation of a new overlay and instead recommends incorporating specific requirements for Waller Creek into the Downtown Civic Spaces Overlay. |
| Site Plan Lite (3-8 units) / Missing Middle | | | | | | | | | | | | | | | | | | | | | | | |
| P18 | Process Working Group | Permit-only review and site plan lite - number of units. | Consider increasing the number of units that do not require a site plan review from 2 to 3. Consider raising the number of units eligible for site plan lite from 8 to 10 units (RM1). Consider creating a second-tier of site plan lite for 11-20 units (e.g. joint development of two RM1 lots). Consider allowing site-plan lite generally for up to 60% IC, but with appropriate specific reviews and/or on-site controls (as determined by staff) if necessary for sites with IC higher than 50%. | | 8 | 1 | 2 | Y | Y | Y | N | A | Y | Y | Y | A | Y | OFF DAIS | OFF DAIS | OFF DAIS | Y | Oppose | Projects falling under the "one-to-two" or "three-to-eight" unit categories are exempt from full site plan review, provided they satisfy the applicable criteria. However, "three-to-eight" unit projects are subject to stricter lot standards than "one-to-two" unit projects, and staff recommends maintaining the threshold at three lots. Staff does not support waiving water quality or drainage requirements for projects with more than 50% impervious cover. Staff has already recommended automatic eligibility for RSMP for small sites, but those sites should still require engineering design and City drainage review. Staff opposes creating a second category for 11-20 units, but will recommend increasing the upper limit for the "three to eight" category to ten so that RM1 projects utilizing an affordability bonus are eligible for the streamlined regulations. |
| P19 | Process Working Group | Site Plan lite "3-8 unit residential review" - characteristics | Direct all departments (including utilities) that review site plans to review all applicable sections of code and report which sections could be exempted, streamlined, reviewed by DSD, or have automatic fee-in-lieu. The review should distinguish between when a section should be applied to all missing middle sites, none, or only those with certain characteristics (size, location, number of units, etc.). The site plan lite process should generally be completable within 30-60 days. | | 11 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | OFF DAIS | Y | Partially Agree | WPD staff have identified drainage and water quality requirements that should apply to small scale missing middle projects, which will help make the review process more efficient, and a similar evaluation will be conducted for parkland, utilities, and other non-zoning regulations. Staff opposes specifying review times in code, but is committed to expediting the review process for missing middle projects and scaling application requirements. |

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| | | | | | Ayes | Noes | Abstains | HEMPEL | SHAW | ANDERSON | LLANES | SHEIH | FLORES | KAZI | KENNEY | SEEGER | THOMPSON | HOWARD | SCHNEIDER | AZHAR | | | | | | |
| P4 | Process Working Group | Expedited Limited Site Plan for Affordable | To encourage developers to take the bonus, the expedited review should not impose a longer wait to begin construction | | 11 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF | DAIS | DAIS | Y | Oppose | Additional units may impact review times due to metering and other factors. However, in general, the shift to a scaled review process will ensure a more efficient review process. | | |
| P5 | Process Working Group | Explore Options for Subdivision Lite | To encourage more missing middle housing and allow different ownership options, consider creating a process for subdividing a modest size lot into a small number of units potentially through the residential improvement area process of state law. | | 12 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF | DAIS | OFF | DAIS | Y | Partially Agree | Staff will evaluate the feasibility of utilizing the "residential improvement area" procedure established in state law (LGC Chapter 212) for creation of lots through by amended plat. | |
| P20 | Process Working Group | Missing middle utility accommodations | City utilities should consider developing processes specifically aimed at missing-middle scale housing to ease cost and review time. | Consider, for example, banked meter details; standard process for sub-metering four units on one lot. | 11 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF | DAIS | OFF | DAIS | Y | Partially Agree | In the October 4 staff report, the utility departments and LDC team committed to exploring options for increasing the efficiency of utility review going forward. While more significant changes may need to be deferred to a separate process, staff will consider whether certain improvements can be made concurrent with LDC adoption. | | |
| P8 | Process Working Group | Parking Exceeding Max Should be detached | Staff should develop a process by which parking maximums are allowed [to be exceeded] at directors discretion if the spaces are detached and not surface parking lots within 1/4 mile of transit priority network with a cap that staff determines. This excludes downtown entirely. Staff to review the options of having this variance expire in five years. | | 10 | 2 | 0 | N | Y | N | Y | Y | Y | Y | Y | Y | Y | Y | OFF | DAIS | OFF | DAIS | Y | Oppose | Staff opposes this recommendation because it would be difficult to administer and because it undercuts the purpose of parking maximums. | |
| P21 | Process Working Group | Clarify parking screening | Clarify that required parking screening from sidewalks applies only to sidewalks in ROW, not interior sidewalks. | See intent. | 11 | 0 | 0 | Y | N | Y | Y | Y | Y | Y | Y | Y | Y | OFF | DAIS | OFF | DAIS | Y | Agree | "Sidewalk" is intended for public use and must be ADA compliant. "Walkway" is for private use on private property and does not have to be ADA compliant. | | |
| P22 | Process Working Group | Parking Minimum Qualifiers | Rather than require parking within 1/4 mile of transit where there are no sidewalks, the Sidewalk Master Plan should upgrade the sidewalks in all transition zones to "High" priority level (to accelerate funding for build-out) and not require parking due to a lack of sidewalks. | See intent | 8 | 2 | 1 | Y | Y | Y | A | Y | Y | Y | N | N | N | OFF | DAIS | OFF | DAIS | OFF | DAIS | Y | Oppose | The Sidewalk Master Plan has been established and adopted by Council. |
| Prioritizing / alternative compliance for corridors and elsewhere | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P9 | Process Working Group | Create Alternative Compliance Formulas | Create a set of formulas that indicate under which circumstances a project could qualify for variances under development regulations in order to maximize unit yield especially in centers and corridors. Include qualifications (Minimum Development Yield, percentage of site impacted by critical root zones, etc) and variance options (e.g. percent of setback). | | 8 | 2 | 1 | Y | Y | Y | N | A | Y | Y | Y | N | Y | OFF | DAIS | OFF | DAIS | OFF | DAIS | Y | Partially Agree | Staff will consider potential revisions to criteria for alternative equivalent compliance and administrative modifications to better prioritize housing capacity. Staff will also consider whether, in some cases, housing capacity could be recognized as a general consideration for reviewing variance requests. However, it is not feasible to establish a "minimum development yield" or otherwise mathematically define the circumstances in which a variance must be approved. |
| P10 | Process Working Group | Incentives to redevelop surface parking lots. | To encourage redevelopment of existing surface parking lots in corridors and centers, explore additional options for standard storm water and water quality controls including regional stormwater management and longterm and shortterm targets. | | 8 | 3 | 0 | Y | N | Y | N | Y | Y | Y | Y | N | Y | OFF | DAIS | OFF | DAIS | OFF | DAIS | Y | Oppose | Staff has recommended that commercial/multifamily lots that are 0.5 acres or small be automatically eligible to participate in the Regional Stormwater Management Program (RSMP). Larger properties may request to participate in RSMP as currently allowed by the Drainage Criteria Manual. Staff does not recommend further expansion of automatic RSMP eligibility or exceptions to the proposed greenfield standard for drainage management. Prior modeling indicated that detention represents a small percent of a project's overall cost and staff expects on-site detention to be feasible for redevelopment of properties larger than 0.5 acre. |
| P10 | Process Working Group | Incentives to redevelop surface parking lots. | To encourage redevelopment of existing surface parking lots in corridors and centers, explore additional options for standard storm water and water quality controls including regional stormwater management and longterm and shortterm targets. | | 11 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF | DAIS | OFF | DAIS | OFF | DAIS | Y | Oppose | Staff has recommended that commercial/multifamily lots that are 0.5 acres or small be automatically eligible to participate in the Regional Stormwater Management Program (RSMP). Larger properties may request to participate in RSMP as currently allowed by the Drainage Criteria Manual. Staff does not recommend further expansion of automatic RSMP eligibility or exceptions to the proposed greenfield standard for drainage management. Prior modeling indicated that detention represents a small percent of a project's overall cost and staff expects on-site detention to be feasible for redevelopment of properties larger than 0.5 acre. |
| P23 | Process Working Group | Corridor development alternative equivalent compliance / weighing of priorities | Consider requiring all city departments - including utilities - to review site requirements in a similar fashion to site plan lite, but aimed at the specific needs of corridor sites with high intensities of density, and produce recommendations for flexibility or alternative compliance. | | 10 | 0 | 1 | Y | Y | Y | A | Y | Y | Y | Y | Y | Y | OFF | DAIS | OFF | DAIS | OFF | DAIS | Y | Do Not Oppose | See staff response to Motion No. P19. |
| Mapping | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P11 | Process Working Group | Sunset F25 | Staff should develop a timeline and process for converting all F25 zoning to the new LDC. | | 10 | 0 | 1 | Y | Y | Y | A | Y | Y | Y | Y | Y | Y | OFF | DAIS | OFF | DAIS | OFF | DAIS | Y | Agree | Cities cannot automatically "sunset" zoning districts. However, consistent with the purpose of F25 zoning, staff supports establishing an appropriate timeline and planning process for rezoning F25 properties to a current LDC zone. |
| P24 | Process Working Group | Evaluate zoning in Transit Oriented Development areas | [To ensure that] opportunities for the affordable housing bonus program [are maximized:] Incorporate NCCDs into the updated code, areas not in historical district areas should be given comparable zoning immediately, for historic districts look for a new process to preserve these, but not using F25 | | 10 | 0 | 1 | Y | Y | Y | A | Y | Y | Y | Y | Y | Y | OFF | DAIS | OFF | DAIS | OFF | DAIS | Y | Partially Agree | Staff agrees that TODs should be updated to reflect any newly adopted code revisions, but this process should be a focused effort to revise TODs in total, and should occur after code adoption. With respect to NCCDs, staff regards the "intent" statement as contrary to council policy direction. |

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| | | | | | Ayes | Noes | Abstains | HEMPEL | SHAW | ANDERSON | LLANES | SHEIH | FLORES | KAZI | KENNEY | SEGER | THOMPSON | HOWARD | SCHNEIDER | AZHAR | | | | | | | |
| Misc. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P13 | Process Working Group | Set benchmarks for development process timelines | Direct the City Manager to publish an annual review of the time required to complete development tasks and set benchmarks for evaluating staff's efficiency, including and affordable housing expedited reviews, for the following year. Should be informed by relevant sections of Imagine Austin. | | 12 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | Y | Do Not Oppose | This is duplicative of current measures already tracked by DSD. However, any accountability metrics tied to the permitting timelines of affordable housing must also include a corresponding tracking and accountability of the applicants response times for affordable housing projects. | |
| P25 | Process Working Group | PC oversight of Technical Criteria Manuals | Consider requiring that all technical criteria manuals receive a public hearing at Planning Commission, which can vote to make recommendations to City Manager. | | 10 | 0 | 0 | Y | Y | Y | OFF DAIS | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | OFF DAIS | Y | Do Not Oppose | Staff does not oppose requiring an additional public process for the initial adoption of criteria manuals, beyond the mandatory stakeholder review required for all administrative rules under City Code Chapter 1-2. | |
| P26 | Process Working Group | Technical Criteria Manuals | Consider moving as many requirements as practical that affect site development from the criteria manuals to the Code. | | 10 | 0 | 0 | Y | Y | Y | OFF DAIS | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | Y | Oppose | Consistent with Council policy direction, staff agrees that requirements with significant policy implications should have a firm foundation in Code and not be established solely through criteria manuals. As part of the LDC Revision process and in subsequent updates to criteria manuals, staff will consider additional revisions that further this objective. However, codifying significant portions of the criteria manuals would complicate the LDC and expand its overall size. Additionally, because it's more difficult to amend or vary code requirements than administrative rules, codifying criteria manual requirements would reduce staff's flexibility to modify the review process in response to changes in development practices, scientific understanding, or City objectives. | | |
| P27 | Process Working Group | Transportation Criteria Manual | Consider requiring the transportation chapter and criteria manual to be oriented towards achieving the goals of the Austin Strategic Mobility Plan | See the Urban Transportation Commission recommendations, particularly re-orienting reviews to focus on overall Vehicle Miles Travelled, not Level of Service on any given road. | 10 | 0 | 0 | | Y | Y | OFF DAIS | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | Y | Partially Agree | Staff believes the transportation chapter and the TCM rewrite are oriented towards achieving ASMP policies and goals. | | |
| P28 | Process Working Group | Conditional and minor use permits | Consider clarifying that - to the extent appropriate - CUPs and MUPs only review those site characteristics inherent to the change/establishment of use, not all code requirements. Consider publicly posting guidelines for CUP and MUP reviews. | | 11 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | Y | Agree | Staff agrees that standards for CUPs and MUPs should be clarified and will consider appropriate code revisions. | | |
| P29 | Process Working Group | Unified Development Agreements - simplify | Consider simplifying the process for unified development agreements, particularly for missing middle housing. | Consider allowing DSD to design and administer a simpler, form-based process. | 11 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | Y | Oppose | When the standard UDA template is utilized, the turnaround time is 2 weeks. However, staff has proposed limiting the use of UDAs in missing middle zones, which will positively affect process time. | | |
| P30 | Process Working Group | Historic review - early determination letter | Consider offering an early determination process for a finding that a site is not of historic importance. | Consider basing on parkland dedication early determination letter. | 11 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | Y | Partially Agree | Staff will consider the feasibility of this option. | | |
| P31 | Process Working Group | Historic review - preserve current time threshold | Consider restoring current code that only properties older than 50 years be reviewed. | | 9 | 1 | 0 | Y | Y | Y | N | Y | Y | OFF DAIS | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | Y | Oppose | Recommendation to lower 50-year cutoff to 45 years is carried forward from Draft 3. Staff finds no compelling reason to reverse this recommendation. | | |
| P32 | Process Working Group | Line up zone purposes with city goals. | Evaluate purpose/description sections in zoning chapters. Where appropriate, consider replacing or augmenting language about how zones provide a transition from one form to another, and instead reference appropriate locations (e.g. served by transit, in or near neighborhood centers or regional centers, etc.). All individual zones or division purpose sections should include references to appropriately achieving housing, transportation, climate, and other city goals in the comprehensive plan or adopted strategies. | | 9 | 0 | 1 | Y | Y | Y | A | Y | Y | OFF DAIS | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | Y | Partially Agree | Staff agrees that all adopted goals and priorities should be reflected in regulations. | | |
| P33 | Process Working Group | Rough proportionality - early determination | Consider offering an early determination process for rough proportionality payments that do not require extensive analysis. | | 11 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | Y | Do Not Oppose | Staff is developing an updated RP worksheet which will be available to the public to determine a maximum RP amount associated with proposed developments; this determination worksheet will update the currently publically available worksheet. | | |
| P34 | Process Working Group | Shared utility easements | Direct all utilities and departments that regularly require easements to develop a process for sharing easement area as much as possible to limit total amount of sites dedicated to utilities, in alignment with best management practices. | | 11 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | Y | Do Not Oppose | In the October 4 staff report, the utility departments and LDC team committed to exploring the use of shared easements and other potential improvements to utility requirements going forward. While more significant changes may need to be deferred to a separate process, staff will consider whether certain improvements can be made concurrent with LDC adoption. | | |
| P36 | Process Working Group | Tree planting requirements | Consider reviewing tree PLANTING requirements for practicality and ease of administration, particularly on smaller sites and missing middle / site plan lite sites. | | 8 | 1 | 1 | Y | Y | OFF DAIS | A | Y | Y | Y | Y | N | Y | Y | Y | Y | OFF DAIS | OFF DAIS | Y | Do Not Oppose | Staff does not support making this an incentive rather than a requirement. Staff supports continuing to work with stakeholders to develop and refine the criteria. | | |
| P37 | Process Working Group | Landscaping and functional green | Consider reviewing landscaping and functional green requirements for practicality and best practices with stakeholder groups, including ASLA and other local environmental justice groups. Where functional green practices are not yet well established, consider making optional or an incentive rather than a requirement, with a process for requiring them when fully vetted. | | 7 | 2 | 2 | Y | A | Y | Y | Y | N | Y | N | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | A | Do Not Oppose | Staff does not support making this an incentive rather than a requirement. Staff supports continuing to work with stakeholders to develop and refine the criteria. | | |

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| | | | | | Ayes | Noes | Abstains | HEMPEL | SHAW | ANDERSON | LLANES | SHEIH | FLORES | KAZI | KENNEY | SEGER | THOMPSON | HOWARD | SCHNEIDER | | | AZHAR | | | | | |
| I1 | Individual | Simplify F-25 Compatibility standards to align with new code | Amend F25 compatibility to use the draft code's triggers and use zone distances and setbacks in the most equivalent draft code zones. | | 9 | 2 | 0 | Y | Y | Y | N | Y | Y | Y | Y | N | Y | OFF | DAIS | DAIS | DAIS | Y | Partially Agree | Staff agrees with the intent of this recommendation and will consider potential code revisions related to F25. | | | |
| I2 | Individual | Repeat offender affordable housing program participation | Consider not allowing offenders with any properties registered with the Repeat Offender Program (ROP) to participate in all affordable housing bonus programs, Affordability Unlocked, and the S.M.A.R.T housing program. | | 11 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF | DAIS | OFF | DAIS | OFF | DAIS | Y | Agree | Staff is open to the concept of not allowing offenders with the ROP to participate in housing programs; however, staff will need to confer with Law as to how or if this could be permitted. | |
| I3 | Individual | Compatibility and transition zone depth in gentrifying areas | In gentrifying areas, regardless of transition area depth, compatibility should be waived on the corridor lots and centers if the development is participating in an affordable housing bonus program, Affordability Unlocked, or the S.M.A.R.T housing program. | | 10 | 1 | 1 | Y | N | Y | A | Y | Y | Y | Y | Y | Y | OFF | DAIS | OFF | DAIS | OFF | DAIS | Y | Do Not Oppose | Where compatibility still impacts corridors, staff supports allowing the waiver of compatibility through bonus programs. Where transition areas are adjacent to corridors, compatibility has already been reduced. | |
| I4 | Individual | Post-construction requirements and penalties for affordable housing program participation | Revise, align and strengthen post construction requirements; reporting, compliance, monitoring, and enforcement mechanisms and procedures; and penalties for all affordable housing bonus programs, Affordability Unlocked, and the S.M.A.R.T housing program. | | 10 | 1 | 1 | Y | Y | Y | Y | A | Y | Y | Y | Y | Y | N | OFF | DAIS | OFF | DAIS | Y | Agree | Staff is working to unify compliance and enforcement language across all affordable housing bonus sections in the code. | | |
| I5 | Individual | Monitoring and compliance fee for affordable housing program participation | Consider requiring a monitoring and compliance fee from all participants of the affordable housing bonus programs. | | 10 | 1 | 1 | Y | Y | Y | Y | A | Y | Y | Y | Y | Y | N | OFF | DAIS | OFF | DAIS | Y | Partially Agree | Because newly utilized land use restriction agreements address non-compliance with reporting/monitoring and affordability requirements, NHCD will wait to make a decision about monitoring fees or fines for non-compliance. | | |
| I6 | Individual | Improve Site Plan Process | Explore ways to cut down on the time it takes to deliver site plan approvals. | | 12 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF | DAIS | OFF | DAIS | Y | Agree | There is a multipronged, inter-departmental effort to streamline and shorten the site plan process which includes, among several needed tools, enabling language in the draft LDC authorizing staff to scale application requirements based on the type of development proposed. | | |
| I7 | Individual | Rezone some Highland tracts to UC and add Activity Center and Transition Areas zoning in all Activity Centers and | Consider rezoning some Highland tracts and other Activity Centers to UC and apply transition zones from the Activity Centers. | | 9 | 0 | 2 | Y | Y | Y | A | Y | Y | Y | Y | A | Y | OFF | DAIS | OFF | DAIS | OFF | DAIS | Y | Agree | Staff will continue to review centers for additional opportunities to map transition areas. Additionally, staff will review mapping new UC-60 zone (per PC Recommendation NR5) in Regional Centers, including Highland Mall properties. | |
| I8 | Individual | Affordable Bonus Program Calibration | Re-calibration of affordable bonuses: The City Auditor shall issue a report, no later than two years after adoption of the code and happen at least every three years after that, assessing 1) If the affordable bonus program is making planned progress towards goals for market-rate and income-restricted housing established in the Strategic Housing Blueprint; 2) If the affordable bonus program is maximizing the number of income-restricted affordable housing units – whether on-site or financed through fee-in-lieu – in high-opportunity areas; 3) If the affordable housing bonus is being taken by a majority of the development occurring in each zone. If the affordable bonus program is failing to meet any of those standards, the Manager will recalibrate the bonuses to achieve those standards using all available tools, including proposed modifications to the Land Development Code | | 11 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF | DAIS | OFF | DAIS | OFF | DAIS | Y | Partially Agree | Staff supports the overall intent of the amendment and will consider ways to incorporate some of these proposals into the draft code, although any direction to the auditor would require council approval. | |
| I9 | Individual | Corridors of Equitable Opportunity | Consider creating a "Corridors of Equitable Opportunity" program within the affordable housing bonus program that aims to establish a mix of market, affordable, and deeply affordable units in specific, targeted corridors in high-opportunity areas. The program should use all available tools to create deeper levels of affordability in income-restricted units, and more of them. | | 12 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF | DAIS | OFF | DAIS | OFF | DAIS | Y | Partially Agree | Programmatic measure. Staff supports reviewing some of the options following LDC adoption. |
| I10 | Individual | Schools - parking and zoning | Work with public school districts to 1) ensure zoning or procedures for school district property could facilitate the production of affordable housing if desired by districts; 2) ensure zoning feasibly and reasonably allows schools with a more traditional urban form to be allowed in the urban core; 3) removes parking minimums, allowing school districts to build the amount of parking they deem appropriate; and 4) establishes procedures for working with school districts to regulate on-street parking near schools and/or implement TDM programs to facilitate school operations, but does NOT increase minimum parking for housing near schools. | N/A | 12 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF | DAIS | OFF | DAIS | OFF | DAIS | Y | Do Not Oppose | All items are covered by this recommendation are addressed in the interlocal agreements between the school district and the City. Staff is conferring with AISD on aspects of the LDC Revision that may impact schools. |
| I11 | Individual | Helicopter pads | Require helicopter landing pads to be available only for legitimate public interest activities (e.g. medical facilities, news, law enforcement). | Establish helicopter landing pads as a use only allowed via a CUP, and that the use only be granted for public interest activities, not for private use or regular transportation use. | | 10 | 0 | 2 | Y | Y | Y | Y | A | Y | A | Y | Y | Y | OFF | DAIS | OFF | DAIS | OFF | DAIS | Y | Oppose | Regulation of helipads is addressed in Title 13 of the City Code, which is outside of the scope of the LDC Revision. |

Report of Planning Commission Action on Land Development Code Revision 2019

| Motion No. | Working Group | Title (Short Description) | Intent | Suggested Method | Vote Tallies | | | Vote by Commissioner | | | | | | | | | | | | | | Staff Recommendation | Staff Response |
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| | | | | | Ayes | Noes | Abstains | HEMPEL | SHAW | ANDERSON | LLANES | SHEIH | FLORES | KAZI | KENNEY | SEEGER | THOMPSON | HOWARD | SCHNEIDER | AZHAR | | | |
| I12 | Individual | Maintain asbestos protections for workers and the public | Amend the draft codes as necessary to not weaken local ordinances specifically relating to asbestos. | Ensure that municipal requirements in current code for asbestos testing and mitigation are incorporated into all relevant planning requirements and criteria manuals. | 12 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | Y | Agree | Staff proposal strengthens asbestos requirements by removing permit exemption for interior demolitions. Staff will further review proposed requirements to ensure that all appropriate protections are included. |
| I13 | Individual | Change Heritage Tree Ordinance - Administrative Modification | (1) Add administrative approval condition for removal of a Heritage Tree fronting a corridor and (2) correct language to add clarity | 23-4C-3020 (c) (4)add back in 4th requirement "Limited to projects with at least 50% residential square footage for the project and that provide at least 10% on-site affordable housing" | 10 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | Y | Y | OFF DAIS | OFF DAIS | OFF DAIS | Y | Agree | Staff agrees with this recommendation, which is consistent with the October 4 staff report. |
| I14 | Individual | MU3, MU4, MU5A, MU5B, MS2A, MS2B Compatibility Height Stepback Distances | Per Council direction and consistent with other zones that can reach 60' or more in height, Compatibility Height Stepback Distance from the triggering property for MU3, MU4, MU5A, MU5B, MS2A, MS2B zones should reach base standard height at a distance greater than 100 ft. from the lot line of the triggering property, provided transit zones are mapped from IA centers and TODs such that compatibility does not impact within them. | Reference: Table 23-3C-6080(D) Height, (2) Compatibility Height Stepback Distance from the lot line of the triggering property: ≤ 25' = 25', > 25' and ≤ 50' = 35', > 50' and ≤ 100' = 45', > 100' = Set by zone standards. | 12 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | Y | Agree | Staff will consider the application of additional transition zones near TODs and Centers to reduce the impact of compatibility on those properties. Staff agrees with the standardization of compatibility requirements in these zones. |
| I15 | Individual | Tree Canopy | The land development code related to tree planting and protections should enable City to increase canopy from 35% to 40% and be equitably spread through all city districts. Tree canopy measurements last taken in 2010 and 2014 show Austin tree canopy is at 35%. Forestry Dept. states that best practice is 40%. | | 11 | 0 | 0 | Y | Y | OFF DAIS | Y | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | Y | Agree | Staff agrees with the intent of this recommendation and will consider programmatic measures, as well as code revisions, for better achieving it. |
| I16 | Individual | Reduce percentage of short term rentals type 3 allowed in MU and MS zones and prohibit income restricted units from being permitted as a short term rental. | Ensure adequate rental housing by reducing % short term rental type 3 (STR3) allowed in MU and MS zones and prohibiting any income restricted housing to be permitted as a short term rental. | (e) For a Type 3 short-term rental use located in a Mixed-Use or Main Street Zone, no more than 5 percent 25 percent of the total number of dwelling units at the property and no more than 5 percent 25 percent of the total number of dwelling units located within any building or detached structure at the property are a Type 3 short-term rental use as determined by the Director under Subsection (F); and(i) The structure and the dwelling unit at issue have a valid certificate of occupancy or compliance, as required by 23-2C-5 (Certificates of Occupancy and Compliance) issued no more than 10 years before the date the application is submitted to the Director; or | 10 | 0 | 0 | Y | Y | OFF DAIS | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | OFF DAIS | Y | Oppose | No Council direction was given to change STR regulations, but STRs are currently not permitted for units that qualify as income-restricted through an affordable housing bonus program. Additionally, staff has recommended prohibiting Type 3 STRs in R4 and RM1 absent participation in a density bonus program. |
| I17 | Individual | Create program for existing affordable housing remain as long as possible for all scales. | No one has talked about the displacement of the existing renters in existing affordable homes. As taxes go up so does the rent. We need to help landlords of older properties be able to maintain the near end of life structures to refurbish and renovate and maintain. Ideas could be to create a fund to offset the cost or maintaining an older affordable rental property. Consider using affordable housing funds to create a interest free fund solution to borrowing money to refurbish older rental homes. Consider tax credits for affordable units on a varying scale. People who are leasing out more affordable units are NOT making a killing.If there are no protections created, the property taxes increase from the LDC will hurt these renters | | 9 | 2 | 1 | Y | N | Y | Y | Y | A | N | Y | Y | Y | Y | OFF DAIS | OFF DAIS | Y | Do Not Oppose | NHCD already has a Rental Housing Development Assistance Program to which property owners can apply for funds to rehabilitate rental housing. This program requires that the units remain affordable for at least 40 years. The other suggestions are programmatic. |
| I18 | Schneider | Creation of a new article: Article 23-3F: Diversify, Sustain, and Cultivate Art, Music, and Culture | 1. Creation of a new article: Article 23-3F: Diversify, Sustain, and Cultivate Art, Music, and Culture 2. Amend and replace recently amended draft language as follows: 23-4A-1010 Purpose (A) This chapter establishes standards and regulations that apply at multiple stages of the development process and address a wide range of impacts that development may have on the City's residents and environment. (B) The purpose of this chapter is to: (1) Ensure that new development contributes to, and is served by, a strong municipal park system that provides passive and active recreational amenities and open space accessible to residents in all areas of the City; (2) Protect and replenish the City's urban forest resources; (3) Provide for the protection of water quality and protection against the impacts of flooding; (4) Encourage the creation and preservation of affordable housing; and [STRIKE: (5) Sustain the City's culture, music, and arts communities and industries. (Added to the Oct. 4 draft) [AND SUBSTITUTE: (5) Diversify, sustain, and cultivate the City's culture, music, and arts communities and industries.] | | 11 | 0 | 0 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | OFF DAIS | Y | Do Not Oppose | Staff is not opposed to the creation of a provision denoting the importance of Art, Music, and Culture |
| I19 | Individual | Map Red and Green Lines as Corridors | Keeping with Council and PC comments regarding gentrifying areas, flood plains, etc., map our existing and planned rail line stop walk-sheds as corridors with transition zones with transit supportive densities. | | 10 | 0 | 2 | Y | Y | Y | A | Y | Y | Y | A | Y | Y | OFF DAIS | OFF DAIS | OFF DAIS | Y | Agree | Staff will review current and proposed transit stops for the Green and Red lines for additional transition area mapping. |
| I20 | Individual | Parking Counts Against FAR | In all non-R zones that have an unlimited FAR in the bonus, count above ground parking against FAR. | | 10 | 0 | 1 | Y | Y | Y | A | Y | Y | Y | Y | Y | Y | OFF DAIS | OFF DAIS | OFF DAIS | Y | Do Not Oppose | Consistent with ASMP and Council direction, staff does not oppose changes that encourage better utilization of shared and existing parking, and changes that encourage the production of housing over parking. |

Report of Planning Commission Action on Land Development Code Revision 2019

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| | | | | | Ayes | Noes | Abstains | HEMPEL | SHAW | ANDERSON | LLANES | SHEIH | FLORES | KAZI | KENNEY | SEEGER | THOMPSON | HOWARD | SCHNEIDER | AZHAR | | | |
| FINAL LDC DRAFT REVISION VOTE | | | | | | | | | | | | | | | | | | | | | | | |
| | General Motion | Adopt the Draft Land Development Code from October 4th, The Amendments passed by Planning Commission on October 29, November 5, November 6, November 11, November 12, along with Staff's Supplemental Report | | | 9 | 3 | 0 | Y | N | Y | N | Y | Y | Y | Y | N | Y | Y | OFF DAIS | Y | | | The LDC Team thanks the Planning Commission for its diligence and attention to detail in completing its report to Council. As indicated above, staff concurs in many of the Commission's recommended Code revisions and implementation measures. |