February 27, 2020

Janine Sisak  
DMA Companies  
4101 Parkstone Heights Drive, Suite 310  
Austin, TX 78746

Re:  Site Feasibility Report 6306 McNeil Drive, Austin, TX  78729

Ms. Sisak,

The following summary represents the results of our preliminary site research on the tract located at 6306 McNeil Drive, totaling ±4.456-acres located near the northwest corner of the Corpus Christi Drive and McNeil Drive in the Full Purpose Limits City of Austin, Travis County, Texas.  We acknowledge that the Texas Department of Housing and Community Affairs may publish the full report on the TDHCA website, release the report in response to a request for public information and make other use of the report as authorized by law.

**EXECUTIVE SUMMARY**

As part of this preliminary investigation, we have conducted research through publicly available City of Austin and Travis County files and utilized available record information. Our research was performed with the intent to identify potential issues that may impact the future development of the subject site, including multifamily use. These findings have been outlined below for your consideration.

- The property formerly was used as a single-family residence, and current improvements on the property include a two-story single-family residence and a legally non-compliant store, built prior to annexation in 1997.  It is currently in the full purpose jurisdiction of the City of Austin, and it will fully within Travis County.
- The site is generally flat with a number of large trees that are protected by the City of Austin’s heritage tree ordinance.
- The property is not currently a platted legal lot. 6306 McNeil Drive is called out as Abstract 2695, Survey 10, W J Baker, Acreage 4.457. The property was made legal by Land Status Determination. Case number C8I-2016-0185.
- The site is zoned I-RR, Interim Rural Residential. The zoning would need to be changed into a permanent zoning that is appropriate for the intended use.
- Nearby multifamily zoning categories are MF-2 (Maximum 23 units per acre) and MF-3 (Maximum 36 units per acre). These zoning categories would be appropriate for multifamily use.
- Based on GIS records there is no City of Austin wastewater near the lot. A wastewater main extension will be required to service this site.
- The site is over the North Edwards Aquifer and will require a WPAP and potentially an SCS review depending on the wastewater extension.
More detailed information about this site has been expanded upon in the body of this report.

LOCATION | GENERAL SITE CHARACTERISTICS
• This site is about 150 feet to the west-southwest of the intersection of Corpus Christi Drive and McNeil Drive, a signaled intersection. McNeil Drive is a 4-lane divided roadway. Magnolia Mound Trail, a 2-lane residential street, aligns perpendicularly with the subject site, across McNeil Drive. There is an existing curb break in the McNeil median at Magnolia Mound Trail.
• The City of Austin Grid number associated with this site is H37, the MAPSCO grid number associated with this site is 434Z.

ZONING
• The property is zoned I-RR, Interim Rural Residential, which is a zoning category given to a newly-annexed occupied property which is intended to be changed to a permanent zoning whenever the site is developed.
• Applicable setbacks and density limits for the MF2 and MF3 base zoning districts are as follows:

<table>
<thead>
<tr>
<th>Setbacks/Density Limits</th>
<th>MF2</th>
<th>MF3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Size</td>
<td>8,000 SF</td>
<td>8,000 SF</td>
</tr>
<tr>
<td>Min. Lot Width</td>
<td>50’</td>
<td>50’</td>
</tr>
<tr>
<td>Max. Height</td>
<td>40’ or three stories</td>
<td>40’</td>
</tr>
<tr>
<td>Min. Front Yard Setback</td>
<td>25’</td>
<td>25’</td>
</tr>
<tr>
<td>Min. Street Side Yard Setback</td>
<td>15’</td>
<td>15’</td>
</tr>
<tr>
<td>Min. Interior Side Yard Setback</td>
<td>5’</td>
<td>5’</td>
</tr>
<tr>
<td>Min. Rear Yard Setback</td>
<td>10’</td>
<td>10’</td>
</tr>
<tr>
<td>Max. Impervious Cover</td>
<td>60%</td>
<td>60%</td>
</tr>
<tr>
<td>Max. Building Coverage</td>
<td>50%</td>
<td>55%</td>
</tr>
<tr>
<td>Max. FAR</td>
<td>-</td>
<td>.75:1</td>
</tr>
</tbody>
</table>

• The site will be subject to the Commercial Design Standards (Subchapter E) of the land development code of the City of Austin. McNeil Drive Lane is the principal roadway and is classified as a Suburban Roadway. As a multifamily project, if it is multifamily zoning, regulations related to Commercial Design standards are limited. Regulations pertaining to sidewalk requirements, the exterior lighting, screening of equipment and utilities, private common open space, and pedestrian amenities and circulation will be required.
• Suburban roadways require sidewalks along the principal street to have a 12-foot linear dedicated area with a 7-landscape zone adjacent to the street and a 5-foot clear area (sidewalk) to the inside of the landscape zone. Street trees are not required to be planted in the landscape zone.
• Compatibility requirements are triggered for new development on this site due to the MH zoning of the abutting property to the south and west, and due to the SF-2 properties across McNeil Drive. Height requirements for compatibility limit most proposed development on the site to 3 stories and 40 feet, which is also the maximum zoning height. Compatibility setbacks prohibit
any development within 25 feet of a triggering property, and height is limited to two stories and 25 feet in height within 50 feet of the triggering property.

- A new “Affordability Unlocked” ordinance related to the construction of affordable housing went into effect in May of this year. Bonuses are available to certified affordable residential projects. Most compatibility requirements, FAR, and minimum site area requirements are waived for developments with dwelling units dedicated for 50% or more of the units for households at 60% Median Family Income (MFI) or less, and 20% or more of the units for households at 50% MFI or less.

**SUBDIVISION**

- The Travis Central Appraisal District (TCAD) information is included in the table below.

<table>
<thead>
<tr>
<th>Parcel ID</th>
<th>Ownership</th>
<th>Deed Reference</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>017001304</td>
<td>Adey/Vandling Ltd.</td>
<td>2005229104TR</td>
<td>±4.56</td>
</tr>
</tbody>
</table>

- The Land Status Determination (LSD) C8I-2016-0185 declared and affirmed that this property is a legal tract, without the requirement of subdivision and is eligible to receive utility service. This determination was based on a deed recorded on August 14, 1991 in Volume 89, page 396 of the Travis County records.

**PARKLAND DEDICATION**

- The City of Austin requires a parkland dedication fee based on new units such as multifamily dwelling units or hotel rooms.
- This site appears to not be in a parkland-deficient area. The parkland dedication requirement may be met by dedication of land for parkland, a fee-in-lieu, or a combination of these, to be determined by the Parks Department during site development permit review. Additionally, developments that receive a SMART Housing Certification, which includes this one, generally receive a waiver of this requirement.

**SITE INGRESS & EGRESS | TRANSPORTATION | PARKING**

- This site has frontage on McNeil Drive, with one existing driveway that will provide the primary point on ingress and egress to the development.
- A Traffic Impact Analysis (TIA) provides information on the projected traffic expected from a proposed development and evaluates the impact of proposed development on the roadways in the immediate vicinity. If the expected number of trips generated by the project exceeds 2,000 vehicles trips per day, then a TIA will be required. Typical threshold for the generation of 2,000 vehicle trips for a multifamily use is approximately 200 units.
- Minimum parking requirements will be prescribed by Appendix A of Section 25-6 of the land development code; parking requirements will be established based on the proposed land use. For multifamily land use, minimum parking requirements are based on the number of bedrooms per unit. Generally parking is calculated as two spaces per two-bedroom unit and a half space additionally required for each bedroom per unit. While this site is not eligible for a 20% parking reduction because the site is outside the urban core, it does get reduced parking under
Affordability Unlocked, which only requires accessible parking, and no additional parking. Nevertheless, the current site plan provides 147 parking spaces, 8 of which are fully accessible.

DRAINAGE | FLOODPLAIN
- The site is in the Walnut Creek watershed. The Walnut Branch watershed is a suburban watershed and is over the north Edwards Aquifer recharge zone. This watershed has an impervious cover limit of 60% for multifamily sites, due to the aquifer and environmental requirements.
- There is no known or mapped floodplain on this site to date. However, the COA is revising their flood ordinance as a result of ATLAS 14 data. As such, a detailed drainage analysis is recommended as part of the due diligence of this site to confirm any added impacts to the site’s developable area.
- The site generally slopes from south to north with about a 1% slope.

DETENTION | WATER QUALITY
- Detention for 2-, 10-, 25-, 50-, and 100-year storm events will be required for any increase in impervious cover.
- Water quality controls are required for impervious cover in excess of 8,000 square feet. The City of Austin requires construction of water quality ponds (or approved alternative treatments) to treat the first 1/2-inch of storm water discharge from the site plus an additional 1/10 of an inch for every 10% over the first 20% of impervious cover on the site.

LANDSCAPE AND TREE ORDINANCE
- Compliance with the City of Austin landscape ordinance will be required. A landscape plan must be submitted with the site development permit application.
- The City of Austin Tree Ordinance requires a tree survey identifying all trees eight-inches (8”) in diameter and larger for all proposed development. Trees nineteen-inches (19”) in diameter and greater are considered “protected” trees by the City of Austin. Removal of protected trees requires a tree removal permit issued from the City of Austin.
- On February 4, 2010, the Austin City Council approved the new heritage tree ordinance. Any tree from the specified tree species list larger than 24-inches, but smaller than 30-inches requires an administrative variance from the director of the Development Services Department prior to removal. Any tree larger than 30-inches requires a land use commission public hearing before the approval to remove variance is granted. Heritage tree species are shown on the table below.
- Based on aerial maps, this site appears to have some trees and vegetation on the property, scattered throughout the site. The presence of the existing trees may impact site layout and we recommend a tree survey and an Arborist evaluation of the health of any existing trees, prior to
the building layout process in order to plan accordingly.

<table>
<thead>
<tr>
<th>Heritage Tree Species</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas Ash</td>
</tr>
<tr>
<td>Bald Cypress</td>
</tr>
<tr>
<td>American Elm</td>
</tr>
<tr>
<td>Cedar Elm</td>
</tr>
<tr>
<td>Texas Madrone</td>
</tr>
<tr>
<td>Bigtooth Maple</td>
</tr>
<tr>
<td>Pecan</td>
</tr>
<tr>
<td>Walnut</td>
</tr>
<tr>
<td>Oak (all)</td>
</tr>
</tbody>
</table>

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

- The site is located within the North Edwards Aquifer Recharge Zone and as such a water pollution and abatement plan will be required to be reviewed and approved by TCEQ. This process can be run concurrently with the site plan but does take 3-4 months to receive approval.
- A Storm Water Pollution Prevention Plan (SWPPP) will be required for this site.

WATER | WASTEWATER

- The City of Austin Water Utility is the water service provider for this area.
- The site currently utilizes a septic field on site.
- A Service Extension Request (SER) with Austin Water Utility will be required to determine if adequate water pressure and flow is available for domestic and fire demands.
- A Service Extension Request with Austin Water Utility will be required to determine if adequate capacity is available in the existing wastewater main located off the northeast corner of the site, and in easement document 92/339 of the Travis County Public Records.

FIRE DEPARTMENT REQUIREMENTS

- The Site Plan must meet the minimum requirements set forth in the 2015 International Fire Code and Austin Fire Department Fire Protection Manual. The Site Plan must be reviewed and approved by Austin Fire Department.
- To meet fire coverage requirements for portions of the building(s) inaccessible from the right-of-way, fire apparatus access roads must meet the requirements set forth in Appendix D of the 2015 IFC, which includes, but is not limited to:
  - Have a minimum width of 25-ft
  - Have a hammerhead, turn-around, or be looped if it’s longer than 150-ft
  - Meet curve radii minimums: 25-ft inside radius, 50-ft outside radius
  - Be within 150-ft of an un-sprinklered building, or 200-ft of a sprinklered building
  - Be delineated by red painted striping or signage spaced at 35-ft with “Tow Away”
  - Tree canopies over the fire lane must be maintained with a minimum 14-ft clearance
- Permanent building overhangs are not allowed over a fire lane
Fire hydrant placement must meet the minimum spacing requirements set forth in Appendix C of the 2015 IFC.

**ELECTRIC | NATURAL GAS | TELECOM**
- Austin Energy is the electric service provider in this area.
- Texas Gas Service Company is the natural gas supplier in this area.
- AT&T and Time Warner Cable provide telecommunications services in this area.

**CITY OF AUSTIN PROCESSES**

**SUBDIVISION PROCESS**
- The City of Austin requires all proposed development be located on a legal lot or grandfathered parcel exempt from subdivision requirements. The subject lot is a legally grandfathered parcel and thus the platting process is not required.

**SITE DEVELOPMENT PROCESS**
- A site plan application must be submitted and approved by the City of Austin. A site plan application requires the combination of the land use site plan element reflecting the layout of proposed parking, buildings, and setbacks and the construction site plan element which shows proposed grading, storm water detention, site utility plan, erosion/sedimentation control plan, tree protection plan, landscape plan, etc.
- The application requires review by the City of Austin Development Services Department and can be approved administratively, provided there are no variances associated with the application. If variances are proposed which deviate from the City of Austin Land Development Code, the variances may require approval by the City of Austin Planning Commission and possibly the Environmental Review Board or Board of Adjustments. Once the site plan application is submitted to the City of Austin, they have 28 days for initial review. Any updates submitted to the City take 14 days of review time each. The complete site development permit process usually requires 8-12 months for final permitting.

**BUILDING PERMIT**
- Upon the approval of the subdivision application, City of Austin building permit(s) will be required for development of the sites. The building permit process is designed to ensure compliance with all County codes and ordinances relative to the construction of buildings and building sites. The building permit application must be accompanied by the required prerequisite reviews for the Health Department, Fire Department and Industrial Waste. In addition, energy and lighting budget calculations must be submitted for review in accordance with those set by the code review section.

**PERMIT AND REVIEW FEES**
- Additional fees such as capital recovery fees, utility inspection, parkland dedication, landscape fees and erosion/sedimentation control fiscal will be required prior to issuing the development permit.
permit. These fees are typically based on the meter size for the proposed buildings, the acreage of the proposed development, construction estimates of proposed improvements, and total estimated construction costs. These costs will be further defined as we continue with the development process for this site, however a large proportion of the fees will be waived under the SMART Housing program for this particular development.

- Several permit and review fees will be required throughout the development process of this project, however a large proportion of the fees will be waived under the SMART Housing program for this particular development.

The items described above represent a preliminary summary of the conditions we believe will affect development of the subject tract as of the date of this letter. However, this letter does not guarantee representation of all potential issues may arise during the site development process and likewise represents only the publicly available facts which are available as of the date of issuance.

Should you have any questions, comments, or require further assistance with this project, please do not hesitate to contact our office.

Sincerely,
Malone Wheeler, Inc.

Lance Rosenfield, P.E.
Senior Project Manager
B | BOUNDARY SURVEY
City of Austin
Development Services Department
Land Status Determination
1995 Rule Platting Exception

August 10, 2016

File Number: C8I-2016-0185
Address: 6306 MC NEIL DR
Tax Parcel I.D. #0170011304 Tax Map Date: 07/31/2012

The Development Services Department has determined that this parcel, as described in the attached description and map, IS EXCEPTED FROM THE REQUIREMENT TO PLAT in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being 4.56 acres of land, more or less, out of the W.J. Baker Survey, Abstract No. 64 in the current deed, recorded on Dec 13, 2005, in Document #2005229104, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on Aug 14, 1991, in Volume 89, Page 396, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by water service on May 30, 1979. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:
NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: Michelle Casillas, Representative of the Director
Development Services Department
Description
6306 MC NEIL DR
AUSTIN FULL PURPOSE
Council District 6
County: TRAVIS
Map Grid: MH37
Property Website
Zoning Profile

Details
Address
6306 MC NEIL DR

Annexations - Click Below
12/31/1997 - FULL

Property Profile - Click Below
0170011304
E | ZONING MAP
ORDINANCE NO. 20190509-027

AN ORDINANCE AMENDING CITY CODE TITLE 25 (LAND DEVELOPMENT CODE) CREATING A RESIDENTIAL AFFORDABLE HOUSING DEVELOPMENT BONUS PROGRAM; WAIVING, MODIFYING, AND ESTABLISHING REQUIREMENTS; CREATING AN OFFENSE; AND ESTABLISHING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FINDINGS.

The council finds the following:

(1) The Strategic Housing Blueprint (Blueprint) establishes a City-wide goal to produce a total of 135,000 new units with a goal of at least 60,000 new income restricted units by 2027.

(2) There is a need for affordable housing of all types throughout the City including, but not limited, to single family, duplex, townhome, condominium, and multi-family.

(3) The City is dedicated to finding creative, innovative solutions to address the City’s affordable housing crisis, to create more affordable housing, to increase the effectiveness of public dollars used for affordable housing, and to meet the goals of the Blueprint.

(4) In November 2018, voters approved $250 million for affordable housing. Additionally, 4% and 9% Low Income Housing Tax Credits (LIHTC) are popular financing tools to create affordable housing and require at least 50% of a development’s dwelling units to serve households that average 60% median family income.

(5) This city-wide program, which was initiated in Resolution No. 20190221-027, is necessary to encourage the development of affordable housing throughout the City.

PART 2. City Code Chapter 25-1, Article 15 (Housing) is amended to add a new Division 4 (Affordability Unlocked Bonus Program) to read as follows:
Division 4. Affordability Unlocked Bonus Program.

§ 25-1-720 PURPOSE, APPLICABILITY, SHORT TITLE, AUTHORITY, AND CONFLICT.

(A) The purpose of this division is to establish a voluntary affordable housing bonus program that allows for increased density for residential dwelling units.

(B) This division applies within the zoning jurisdiction.

(C) This division may be cited as "Affordability Unlocked Bonus Program".

(D) The director may adopt, implement, and enforce:

1. program guidelines; and

2. administrative rules in accordance with Chapter 1-2 (Administrative Rules).

(E) A provision of this title that is specifically applicable to a qualifying development governs over a conflicting provision of this title.

§ 25-1-721 DEFINITIONS.

In this division,

(1) GOVERNMENT-OPERATED AFFORDABLE HOUSING PROGRAM means a program operated by a federal, state, or local department that provides financial or other form of subsidy for the purpose of providing affordable housing.

(2) HOUSING FOR OLDER PERSONS means housing for households with at least one individual who is at least 62 years of age at the time of initial occupancy.

(3) MFI means median family income for the Austin metropolitan statistical area.

(4) QUALIFYING DEVELOPMENT means a development certified under Section 25-1-724 (Certification) and participating in the Affordability Unlocked Bonus Program.

(5) SLEEPING UNIT means a bedroom in a structure that serves as a dwelling unit for seven or more unrelated individuals who share amenities, such as a kitchen, bathrooms, or living areas.

(6) SUPPORTIVE HOUSING means housing that includes non-time-limited affordable housing assistance with wrap-around supportive
services for individuals experiencing homelessness, as well as other individuals with disabilities.

§ 25-1-722 ELIGIBILITY.

(A) A proposed development qualifies as a Type 1 development and is eligible for this program if:

(1) it includes:

   (a) a minimum of three dwelling units,
   (b) only affordable dwelling units; or
   (c) one or more structures that serve as a dwelling unit for seven or more unrelated individuals who share amenities, such as a kitchen, bathrooms, or living areas;

(2) at least 25 percent of the affordable dwelling units include two or more bedrooms, supportive housing, housing for older persons, or any combination of the three;

(3) not more than 25 percent of the proposed development’s gross floor area is for commercial uses;

(4) it is new construction, it is redevelopment of a site without existing multi-family structures, or the existing development on the site complies with the requirements in Subsection (D); and

(5) it meets the requirements set forth in Section 25-1-723 (Affordability Requirements).

(B) Except for a proposed development participating in a government-operated affordable housing program with stricter requirements, the applicant for a proposed rental development:

(1) shall incorporate lease provisions that are consistent with:

   (a) the U.S. Department of Housing and Urban Development (HUD) Section 8 Tenant-Based Assistance Housing Choice Voucher (HCV) Program related to the termination of tenancy by owner;
   (b) any lease addendum required as a condition to receive city or Austin Housing Finance Corporation (AHFC) funds; and
   (c) 24 C.F.R. § 245.100 related to a tenant’s right to organize; and
(2) may not discriminate on the basis of an individual’s source of income as defined in Section 5-1-13 (Definitions).

(C) A proposed development qualifies as a Type 2 development and is eligible for additional bonuses if it meets the standards imposed in Subsections (A) and (B) plus one or more of the following:

(1) at least 50 percent of the affordable dwelling units include two or more bedrooms;

(2) for a rental development:

(a) at least 75 percent of the total units or sleeping units serve households whose incomes average 60 percent MFI or below, rounded up to the nearest unit or sleeping unit; or

(b) at least 10 percent of the affordable units or sleeping units serve households with incomes of 30 percent MFI or below, rounded up to the nearest unit or sleeping unit; or

(3) for an owner-occupied development, at least 75 percent of the owner-occupied dwelling units or sleeping units serve households whose incomes average 80 percent MFI or below; or

(4) is located within ¼ mile of an activity corridor designated in the Imagine Austin Comprehensive Plan and is served by a bus or transit line.

(D) A proposed development that will require the applicant to redevelop or rebuild an existing multi-family structure is eligible for this program if:

(1) the proposed development meets the standards imposed in Subsections (A) and (B);

(2) the existing multi-family structure requires extensive repairs and for which rehabilitation costs will exceed 50 percent of the market value, as determined by the building official;

(3) the proposed development will replace all existing units that were affordable to a household earning 80 percent MFI or below in the previous year and have at least as many bedrooms;

(4) the applicant provides current tenants with:

(a) notice and information about the proposed development on a form approved by the director; and
(b) relocation benefits that are consistent with Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C.A. 4601, et seq.; and

(5) the applicant grants current tenants the option to lease a unit of comparable affordability and size following completion of redevelopment.

§ 25-1-723 AFFORDABILITY REQUIREMENTS.

(A) An applicant complies with the requirements in this section if the applicant participates in a government-operated affordable housing program that imposes, at a minimum, the same affordability requirements.

(B) A rental development must comply with at least the following:

(1) at least 50 percent of the total units or sleeping units serve households whose incomes average 60 percent MFI or below; and

(2) at least 20 percent of the total units or sleeping units serve households with incomes of 50 percent MFI or below.

(C) Except for a Type 2 owner-occupied development that complies with the requirements in Section 25-1-722(C)(3), at least 50 percent of the owner-occupied dwelling units or sleeping units must serve households whose incomes average 80 percent MFI or below.

(D) If the number of units required in this section include less than a whole unit, the unit number is rounded up to the nearest whole unit.

(E) The minimum affordability period for a rental development is the greater of the affordability period required for development receiving city or Austin Housing Finance Corporation (AHFC) funds or 40 years following the issuance of the last certificate of occupancy required for the qualifying development.

(F) The minimum affordability period for an owner-occupied dwelling unit is 99 years following the issuance of a certificate of occupancy for the owner-occupied dwelling unit.

(G) In a multi-phased qualifying development, the director may begin the minimum affordability period upon the issuance of the last certificate of occupancy for each phase.
§ 25-1-724 CERTIFICATION.

(A) If the director certifies that a proposed development meets the requirements of this division, the accountable official is authorized to process a development application as a qualifying development.

(B) Before the director may certify that a proposed development meets the requirements of this division, the applicant shall execute:

1. an agreement to preserve the minimum affordability period and related requirements imposed by this division; and

2. a document for recording in the real property records that provides notice of or preserves the minimum affordability requirements imposed by this division.

(C) The form of the documents described in Subsection (B) must be approved by the city attorney.

(D) The director may certify an applicant who complies with the requirements in Subsection (B) because the applicant participates in a government-operated affordable housing program that imposes, at a minimum, the same affordability requirements.

§ 25-1-725 POST-CONSTRUCTION REQUIREMENTS AND PENALTY.

(A) For a rental development, the property owner or the property owner’s agent shall provide the director with information that allows the director to verify compliance with the affordability requirements. The information shall be provided on an annual basis and on a form approved by the director.

(B) If, for any reason, the director is unable to confirm that the affordability requirements were met during any 12-month period, the preceding 12 months may not be used to satisfy the minimum affordability requirements in Section 25-1-723 (Affordability Requirements).

(C) An applicant complies with the requirements in this section if the applicant complies with monitoring and income verification requirements that are imposed and enforced as part of a government-operated affordable housing program.

(D) A person commits an offense if the person fails to comply with the requirement in Subsection (A). A culpable mental state is not required, and need not be proved. A person commits a separate offense for each day the
person fails to provide the documentation. Each offense is punishable by a fine not to exceed $500.

PART 3. City Code Chapter 25-2, Subchapter C, Article 2, Division 2 (Requirements for All Districts) is amended to add a new Section 25-2-518 (Qualifying Development) to read as follows:

§ 25-2-518 QUALIFYING DEVELOPMENT.

(A) In this section, a qualifying development is a development certified under Section 25-1-724 (Certification) and participating in the Affordability Unlocked Bonus Program.

(B) Notwithstanding any ordinance or City Code provision to contrary, a qualifying development is a permitted use under Section 25-2-491 (Permitted, Conditional, and Prohibited Uses) in:

(1) a residential base zoning district;
(2) a commercial base zoning district;
(3) a special purpose base zoning district, except on a site designated:
   (a) agricultural (AG),
   (b) aviation (AV); or
(4) a combining and overlay district.

(C) No more than 25 percent of the gross floor area of the qualifying development may be comprised of commercial uses. The permitted commercial uses are determined using the base zoning district.

(D) A qualifying development is not required to comply with:

(1) the height and setback requirements of Article 10 (Compatibility Standards) except to maintain side setbacks as required by the base zoning district;
(2) the maximum floor-to-area ratio for the applicable base zoning district under Section 25-2-492 (Site Development Regulations);
(3) Subchapter F (Residential Design and Compatibility Standards) except to maintain side setbacks as required by the base zoning district;
(4) Section 25-2-773 (Duplex Residential Use); or
(5) minimum site area requirements.
This subsection applies to a qualifying development located in urban residence (SF-5) or more restrictive zoning district and the height of the development exceeds 35 or three stories.

(1) A qualifying development must comply with:
   (a) Section 25-2-1066 (Screening Requirements); and
   (b) Subsections (A) and (B) in Section 25-2-1067 (Design Regulations).

(2) A person must enclose a refuse receptacle, including a dumpster.

(3) The location of and access to a refuse receptacle is subject to review and approval by the accountable official.

(4) A person may not collect or allow another to collect refuse receptacles between 10:00 p.m. and 7:00 a.m.

PART 4. City Code Chapter 25-2, Subchapter C, Article 2, Division 3 (Exceptions) is amended to add a new Section 25-2-534 (Qualifying Development Exceptions) to read as follows:

§ 25-2-534 QUALIFYING DEVELOPMENT EXCEPTIONS.

(A) In this section, a qualifying development is a development certified under Section 25-1-724 (Certification) and participating in the Affordability Unlocked Bonus Program.

(B) A qualifying development is not subject to Section 25-2-511 (Dwelling Unit Occupancy Limit).

(C) Minimum lot size for a qualifying development is 2,500 square feet.

(D) Minimum lot width for a qualifying development is 25 feet.

(E) A Type 1 development may:
   (1) construct to a height that is the applicable base zoning district height limit multiplied by 1.25;
   (2) reduce front yard setbacks by 50 percent;
   (3) reduce rear setbacks by 50 percent; and
   (4) include six dwelling units if the existing zoning on the site is Single Family Residential Small (SF-4A), Single Family Residence Condominium Site (SF-4B), or more restrictive.
In addition to Subsection (E), a Type 2 development may:

1. construct to a height that is the applicable base zoning district height limit multiplied by 1.5; and

2. include eight dwelling units if the existing zoning on the site is Single Family Residential Small (SF-4A), Single Family Residence Condominium Site (SF-4B), or more restrictive.

If a qualifying development is also eligible to utilize a separate density bonus program that grants density bonuses for the provision of affordable dwelling units or for the payment of a fee-in-lieu for affordable housing, then the qualifying development may comply with the least restrictive site development requirements if all affordable dwelling units are provided on-site.

A qualifying development will comply with impervious cover as allowed by zoning.

PART 5. City Code Section 25-6-471 (Off-Street Parking Facility Required) is amended to add new Subsections (I) and (J) to read as follows:

§ 25-6-471 OFF-STREET PARKING FACILITY REQUIRED.

(I) In this section,

1. ACCESSIBLE SPACE means a parking space for an individual with a disability that complies with the Americans with Disabilities Act (ADA) and Fair Housing Act Amendments (FHAA), as appropriate; and

2. QUALIFYING DEVELOPMENT means a development certified under Section 25-1-724 (Certification) and participating in the Affordability Unlocked Bonus Program.

(J) A qualifying development is not required to comply with Appendix A of Chapter 25-6 (Transportation) but must comply with this section.

1. If the parking provided by a qualifying development with more than two units is fewer parking spaces than required in Appendix A (Tables of Off-Street Parking and Loading Requirements), the minimum number of required off-street accessible spaces is the greater of:

   a. one accessible parking space:
(b) the number of accessible spaces required under the Building Code based on 100 percent of the parking required for the use under Appendix A (Tables of Off-Street Parking and Loading Requirements); or

(c) the number of accessible spaces required under the ADA or the FHAA, as appropriate.

(2) An accessible space must be adjacent to the site and on an accessible route.

(3) An accessible parking space must comply with design, accessibility, and location requirements imposed by the ADA and the FFHA, as appropriate.

(4) Accessible parking detailed in Subsection (J)(1) must be provided off-street except insofar as on-street or off-site parking is allowed elsewhere in this title.

PART 6. The city shall enter into an agreement with each qualifying development, whether or not supported with city investments, that will include at least the following provisions to ensure compliance with affordability requirements established in this program, as well as ongoing affordability:

(1) for owner-occupied housing, granting the City a right of first refusal for purchase of the property upon sale;

(2) provisions related to penalties for repeated violations; and

(3) other options the city deems appropriate.

PART 7. The administrative rules implementing the Affordability Unlocked Bonus Program shall at a minimum establish:

(1) rent level standards based on the different median family income (MFI) level targets and varying to reflect different unit types; and

(2) determine income eligibility standards for renters and owners.
PART 8. This ordinance takes effect on May 20, 2019.

PASSED AND APPROVED

May 9, 2019

APPROVED: Anne L. Morgan
City Attorney

ATTEST: Jannette S. Goodall
City Clerk

Steve Adler
Mayor

Erika Brady