

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE TITLE 25 (*LAND DEVELOPMENT*) TO MODIFY SITE DEVELOPMENT REGULATIONS APPLICABLE TO CENTRAL BUSINESS DISTRICT (CBD) ZONING DISTRICT, DOWNTOWN DENSITY BONUS PROGRAM (DDBP), AND RAINEY STREET SUBDISTRICT REGULATIONS.

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

PART 1. The table in Subsection (D) of City Code Section 25-2-492 (*Site Development Regulations*) is amended to establish a maximum height of 350 feet for Central Business District (CBD) zoning district site development regulations and modify corresponding cells within the table to reflect Maximum Height/350/CBD.

PART 2. *Eligibility, Floor-to-Area Ratio and Height Maps* (Figure 2) of City Code Section 25-2-586 (*Downtown Density Bonus Program*) is repealed in its entirety and replaced with the *Eligibility, Floor-to-Area Ratio and Height Maps* (Figure 2) attached to this ordinance as **Exhibit "A"**.

PART 3. Subsection (B) (*Downtown Density Bonus Maps and Table*) of City Code Section 25-2-586 is amended to read as indicated below:

(A) *Definitions.* In this section:

(1) **BONUS AREA** means the greater of:

- (a) The gross floor area that exceeds the maximum allowable floor-to-area ratio allowed with the site's primary entitlements; or
- (b) The gross floor area contained within the portion of a structure that exceeds the maximum height allowed under the site's primary entitlements.

(2) **COMMUNITY BENEFIT** is a public amenity that exceeds the Gatekeeper Requirements of the Downtown Density Bonus Program as described in (C)(1) of this section and that is provided by an applicant in order to obtain bonus area.

(3) **CULTURAL USES** are uses that are eligible to participate in the City of Austin Core Cultural Funding Program.

- (4) DAY CARE SERVICES is the provision of one of the adult or child care services defined in Section 25-2-6 (*Civic Uses Described*) of the City Code.
- (5) DEVELOPMENT BONUS FEE means the dollar amount an applicant pays to the City per square foot of bonus area.
- (6) DIRECTOR means director of the Planning and Development Review Department.
- (7) DWELLING UNIT means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (8) FAMILY-FRIENDLY ELIGIBLE BEDROOM is any bedroom over one bedroom within a dwelling unit that provides on-site affordable housing that complies with all of the affordability requirements of Subsection (G) of this section.
- (9) GREAT STREETS STREETSCAPE STANDARDS means design standards for streets within the boundaries of the Great Streets Master Plan.
- (10) LIVE MUSIC USE is the performance of live music at least four days a week in an indoor public or private facility of at least 2,500 square feet that is open to the general public and readily equipped with sound, staging, lighting and safety accoutrements to accommodate professional and semi-professional live music needs on a daily basis.
- (11) MIXED-USE PROJECT means a project that has 25 percent or more of its floor area in a use different from a predominant use.
- (12) NON-RESIDENTIAL PROJECT means a project for which the predominant use is not listed in Section 25-2-3 (*Residential Uses Described*), and which has less than 25 percent of its floor area devoted to uses described in Section 25-2-3 (*Residential Uses Described*).
- (13) PRIMARY ENTITLEMENT means the height and floor-to-area ratio entitlement that a site derives from its current zoning. That entitlement may be derived from the base zoning or from a previous modification to the base zoning.

- 76 (14) PUBLICLY ACCESSIBLE ON-SITE PLAZA is a publicly-accessible
77 area provided by an applicant as a community benefit that complies with
78 the Downtown Public Plaza Standards adopted by administrative rule.
79
- 80 (15) RESIDENTIAL PROJECT means a project for which the predominant use
81 is within one or more of the classifications described in Section 25-2-3
82 (*Residential Uses Described*).
83
- 84 (16) URBAN DESIGN GUIDELINES means guidelines for public
85 streetscapes, plazas, open space and buildings in a dense area, adopted by
86 City Council.

87 (B) *Downtown Density Bonus Maps and Table.*

- 88 (1) The downtown district boundaries are shown on the Downtown Districts
89 Map (Figure 1). Properties in the downtown district that are eligible for
90 density bonuses under this section are shown on the Eligibility, Floor-to-
91 Area Ratio and Height Maps (Figure 2).
92
- 93 (2) Properties in the Rainey Street Subdistrict may participate in the
94 Downtown Density Bonus Program only for floor-to-area ratio that
95 exceeds 8:1 or height above 350 feet. To achieve floor-to-area ratio up to
96 8:1 or height between 41 feet and 350 feet, properties in the Rainey Street
97 Subdistrict must comply with Subsection (C)(4) of Section 25-2-739
98 (*Rainey Street Subdistrict Regulations*) of the City Code.
99
- 100 (3) The amount of floor-to-area ratio or height that may be achieved by a
101 downtown density bonus for a site is limited by the maximum height or
102 Floor-to-Area Ratio identified on Figure 2.
103
- 104 (4) The maximum heights and maximum floor-to-area ratios on Figure 2 do
105 not modify a site's primary entitlement. If the maximum height or
106 maximum floor-to-area ratio allowed under a primary entitlement exceeds
107 the height or floor-to-area ratio on Figure 2, the bonus area is calculated by
108 using the site's primary entitlement that does not exceed the maximums
109 shown on Figure 2.
110
- 111 (5) The development bonus fee may vary by use and downtown district. The
112 applicable development bonus fee within each of the nine districts is
113 established by ordinance.
114

- (6) Notwithstanding the limitation provided for in Subsection (B)(3) of this section, the city council may grant additional ~~[to an applicant]~~ floor-to-area ratio or height that exceeds the maximum floor-to-area ratio or height in Figure 2 if:
- (a) The applicant wants to exceed floor-to-area ratio or height and has already achieved the maximum shown ~~[floor-to-area ratio]~~ in Figure 2 by participating in the Downtown Density Bonus Program;
 - (b) The applicant submits a written request and rationale for the additional floor-to-area ratio or height to the director;
 - (c) The director makes a written recommendation on the application and then submits the recommendation to the Planning Commission for its review and recommendation; and
 - (d) The city council determines that the additional floor-to-area ratio or height should be granted because:
 - (i) The applicant has offered additional community benefits described in Subsections (E)(1)–(12) above and beyond those offered to achieve the floor-to-area ratio or height in Figure 2;
 - (ii) The applicant agrees to use the same methodology and bonus area granted for each community benefit as described in the downtown density bonus program to achieve the desired bonus area;
 - (iii) The city council determines that awarding the additional floor-to-area ratio or height substantially furthers the goals and objectives of the Downtown Austin Plan and the Imagine Austin Comprehensive Plan; and
 - (iv) the applicant has agreed that any residential parking space shall be offered separately from the dwelling unit.
- (7) A property described in the downtown district boundary (Figure 1) and subject to Section 25-2-161 (*Capitol Dominance Overlay District*) is eligible ~~[eligible]~~ for density bonuses shown on the Eligibility, Floor-to-Area Ratio and Height Maps (Figure 2).

- 154 (8) A property described in the downtown district boundary (Figure 1) and
155 subject to Section 25-2-162 (*Capitol View Corridor Overlay District*) is
156 eligible for density bonuses shown on the Eligibility, Floor-to-Area Ratio
157 and Height Maps (Figure 2) that do not conflict with the height limitations
158 established in Section 25-2-642 (*Capitol View Corridor Overlay District*
159 *Regulations*).

160 (C) *Program Requirements.*

161 (1) Gatekeeper Requirements.

- 162 (a) To receive bonus area, the director must determine that the project
163 substantially complies with the Urban Design Guidelines.
- 164 (i) The applicant must submit to the director a schematic level
165 site plan, building elevations, and other drawings, simulations
166 or other documents necessary to fully describe the urban
167 design character of the project and relationship of the project
168 to its surroundings.
- 169 (ii) The Design Commission shall evaluate and make
170 recommendations regarding whether the project complies
171 with the Urban Design Guidelines and the director shall
172 consider comments and recommendations of the Design
173 Commission.
- 174 (b) Except as provided in Subsection (C)(1)(c), the applicant shall
175 execute a restrictive covenant committing to provide streetscape
176 improvements along all public street frontages, consistent with the
177 Great Streets Standards.
- 178 (c) For a property located on a Texas Department of Transportation
179 frontage, an applicant provides for Great Streets streetscape
180 improvements along all public street frontages if the applicant pays a
181 fee-in-lieu set by separate ordinance and a one-time maintenance
182 obligation fee set by separate ordinance. The director of the
183 Transportation and Public Works Department may spend a fee paid
184 under this subsection for Great Streets capital improvement projects
185 within the Downtown area.
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(d) The applicant shall execute a restrictive covenant committing to achieve a minimum two star rating under the Austin Energy Green Building program using the ratings in effect at the time the project is registered with the Austin Energy Green Building program. The applicant shall also provide the director with a copy of the project's signed Austin Energy Green Building Letter of Intent before the director may approve bonus area for a site.

(2) After the director determines the applicant meets the gatekeeper requirements, the applicant shall provide sufficient written information so that the director can determine:

(a) the site's primary entitlement;

(b) the amount of bonus area that the applicant is requesting;

(c) the total dollar amount the applicant will pay if the applicant chooses to obtain the entire bonus area exclusively by paying a development bonus fee, and the amount of the fee to be dedicated to each community benefit; and,

(d) the community benefits the applicant proposes to provide to obtain bonus area if the bonus area will not be obtained exclusively by paying a development bonus fee.

PART 4. City Code Section 25-2-739 (*Rainey Street Subdistrict Regulations*) is amended to read as follows:

(A) This section applies in the Rainey Street subdistrict of the WO combining district.

(B) The primary setback lines are located:

(1) 150 feet landward from the Town Lake shoreline; and

(2) 50 feet from the Waller Creek centerline.

(C) This subsection applies to property in the Rainey Street Subdistrict zoned central business district (CBD) after April 17, 2005.

(1) For a building located on Red River Street from Cesar Chavez Street to Driskill Street or River Street from I-35 to River Street's western terminus,

the development must have sidewalks not less than ten feet wide along the street frontage.

- (2) A use with a drive-in service is prohibited.
- (3) Except as provided in Subsection (C)(4) below, for a residential or mixed-use building the maximum building height is forty (40) feet.
- (4) An applicant may exceed the forty foot height limit and achieve a floor-to-area ratio of 8:1 if at least five percent of the square footage of dwelling units developed within that floor-to-area ratio of 8:1 is available to house persons whose household income is eighty percent or below the median family income in the Austin statistical metropolitan area, as determined by the director of the Neighborhood Housing and Community Development Office.
 - (a) In meeting the five percent requirement, mixed-use projects shall provide on-site affordable housing in proportion to the amount of floor area in the project that is devoted to residential uses.
 - (b) The affordability period for housing units shall be forty years for rental housing and ninety-nine years for on-site for sale housing. The affordability period begins on the date a certificate of occupancy is issued.
 - (c) On-site affordable housing units offered for sale shall be reserved, sold, and transferred to an income eligible buyer subject to a resale restricted, shared equity agreement approved by the director of Neighborhood Housing and Community Development.
 - (d) An applicant may not deny a prospective tenant affordable rental housing based solely on the prospective tenant's participation in the Housing Choice Voucher Program or in any other housing voucher program that provides rental assistance.
 - (e) The bedroom count mix for the affordable units must be proportional to the overall bedroom count mix within an overall development.
 - (f) A unit is affordable for purchase or rental if, in addition to the other requirements of this section, the household is required to spend no

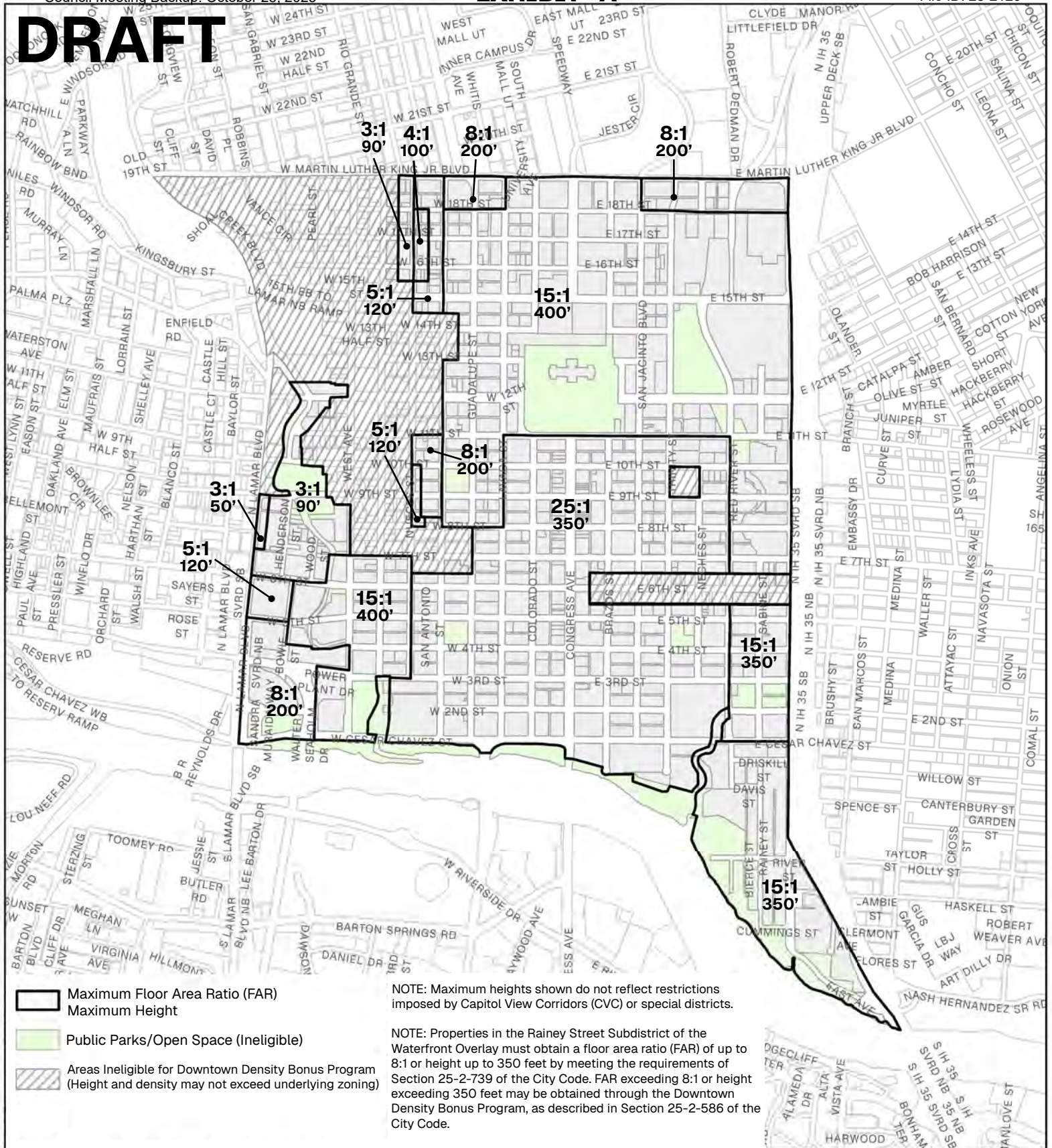
(5) Development in the Rainey Street Subdistrict may participate in the Downtown Density Bonus Program as provided below.

- PART 5.** This ordinance takes effect on _____, 2025.

§§§

APPROVED: _____ **ATTEST:** _____
 Deborah Thomas Erika Brady
 City Attorney City Clerk

DRAFT



Downtown Density Bonus Program - Eligibility, Floor Area Ratio (FAR) and Height Map

Figure 2: Page 1

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. It has been produced by Austin Planning for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

