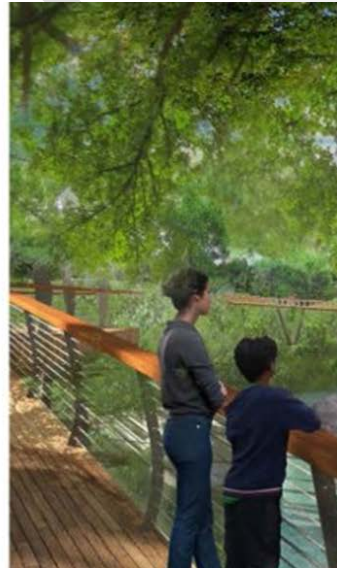




SOUTH CENTRAL WATERFRONT COMBINING DISTRICT & DENSITY BONUS PROGRAM (DRAFT – Staff Recommendations)



PLANNING DEPARTMENT
CITY OF AUSTIN

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BACKGROUND.

The [South Central Waterfront Vision Framework Plan](#) (Vision Plan) was adopted as an amendment to the [Imagine Austin Comprehensive Plan](#) on June 16, 2016. As defined in the Vision Plan, the South Central Waterfront (SCW) district encompasses roughly 118 acres and 56 individual parcels.

The intent of the Vision Plan is to leverage forecasted development through a districtwide approach that creates a dynamic people-centered district in Central Austin by:

- Establishing a lively, attractive pedestrian environment;
- Expanding open space and creating great public places;
- Enhancing connections to and along the waterfront; and
- Providing 20% new affordable housing units.

A districtwide approach is essential to realize the Vision Plan's intent:

The [South Central Waterfront] initiative can become a model for how a districtwide green infrastructure system, paired with quality urban design, can provide an interconnected framework of public spaces – streets, streetscapes, lakeside trails, and parks – that provides the framework for redevelopment and districtwide value capture to fund other community benefits, such as affordable housing. A transformed South Central Waterfront district will not only become a great new neighborhood in the central city and a destination in itself, but will serve as an iconic gateway from South Austin to the downtown and the State Capitol, and an inspiration for the region.

(South Central Waterfront Vision Framework Plan, p. 17)

The urban development envisioned in the Vision Plan requires modifications to the existing zoning and development regulations. To support the development envisioned in the Vision Plan, the City Council passed [Resolution Number 20220915-090](#) on September 15, 2022 to initiate the development of the South Central Waterfront Regulating Plan. In the resolution, Council asked staff, in part, to create regulations that considers today's market realities, anticipates future demand, and realizes the intent of the Vision Plan to:

- Create a density bonus program “akin” to the Downtown Density Bonus Program;
- Allow building height, floor-to-area-ratio, and entitlements that support the economics required to achieve infrastructure and community benefits;
- Permit additional entitlements exclusively through density bonus;
- Conduct regulation updates, at a minimum, of every five years;
- Ensure development entitlements are sufficient to sustain and address increasing market demands and the rising inflation of labor and materials;
- Maximize the number of affordable housing units within and nearby the District;
- Maximize infrastructure investments, such as for new streets, parks, bicycle infrastructure and trails;

- Maximize other community benefits;
- Ensure enhanced environmental standards and protections;
- Supports the Project Connect transit investment the community is making; and
- Helps create a connected, pedestrian-oriented, mixed use district where thousands more Austinites can live, work, and play.

This document has been written in support of the intent of 2016 Vision Plan and 2022 Council Resolution. The following adjustments have been made to support both effectively:

- The proposed alignment of the Project Connect Phase 1 Light Rail has been updated to reflect the latest financial and engineering findings. Properties adjacent to the SCW district were identified to further support Project Connect. The South Central Waterfront area is comprised of the SCW district including additional properties and being generally located in the vicinity of Lady Bird Lake to the north, Blunn Creek to the east, South 1st Street to the west, and Bouldin Creek with some properties extending to the north end of Music Lane to the south.
- A property owner within the SCW Combining District may use the regulations herein as an alternative to their base zoning. Modification to the standard regulations to achieve increased density may be accomplished by a property owner electing to participate in the Density Bonus South Central Waterfront Program (DBSCW) by implementing certain design criteria and providing community benefits. This combining district implements the direction provided in Resolution Number 20220915-090 by establishing a clear and user-friendly regulations and incentives to improve development quality.
- To align with current and future economic conditions in the South Central Waterfront area and the City as a whole, the on-site affordable housing percentage is lowered, and the requirement is adjusted to target deeper levels of affordability. The reduction in on-site residential units is attributed to increasing interest rates and inflation, leading to higher costs in high-rise construction. This adjustment in affordable housing requirements aims to also achieve additional community benefits such as parks and infrastructure. The City intends to reassess the set-aside requirement to gauge the favorability of market conditions. Alongside the on-site mandate, the City will also collect a fee-in-lieu for affordable housing for all developments exceeding a 3:1 FAR.

USING THIS DOCUMENT.

Applicability.

The regulations of the South Central Waterfront Combining District (SCW) modify elements of the applicable base zoning district, including permitted and conditional uses and other site development regulations. The SCW shall only apply to a property located in the boundaries indicated in [Figure 1.1: South Central Waterfront District Boundary Map](#) and be rezoned to include the SCW to the base zoning district.

A property owner shall have the option to participate in the SCW regulations as an alternative to base zoning should the property be rezoned to include SCW to the base zoning district.

A property owner shall have the option to participate in the Density Bonus South Central Waterfront (DBSCW) should they adhere to SCW regulations and rezone to include the SCW to the base zoning district. Projects may achieve increased density, including additional square footage by implementing certain design criteria and providing community benefits as described in the DBSCW.

Along with the DBSCW, a Bonus Calculator has been produced to assist applicants in determining the required number of affordable units, the amount of the in-lieu fees required, and the total value of on-site community benefits to achieve the desired building density.

Organization

The SCW is comprised of 5 Articles. A density bonus program is located after Article 5.

Article 1 — General Provisions.

- Participation, application, and review requirements;
- Conflicting provisions and exemptions; and
- Program evaluation.

Article 2 — Land Use Standards.

- Permitted, permitted with conditions, and conditional land uses requiring a conditional use permit.

Article 3 — Development Standards.

- Waterfront Overlay applicability;
- Building height, floor-to-area ratio, and impervious coverage;
- Building setbacks;
- Floor-to-area ratio calculation;
- Density Distribution Areas;
- Parking regulations;

- On-site open space requirement.

Article 4 — Design Standards.

- Streetscape and built environment;
- Internal circulation routes;
- Supplemental zones; and

Article 5 — Definitions.

- Terms not defined in the Land Development Code (LDC).

South Central Waterfront Density Bonus Program.

- Program procedures and requirements;
- Affordable housing;
- Environmental protection;
- Fees-in-lieu; and
- On-Site community benefits.

ARTICLE 1: GENERAL PROVISIONS.

1.1. Intent.

The South Central Waterfront Combining District (SCW) is incorporated as part of Land Development Code (LDC) of the City Code Title 25 (Title 25).

1.2. Applicability.

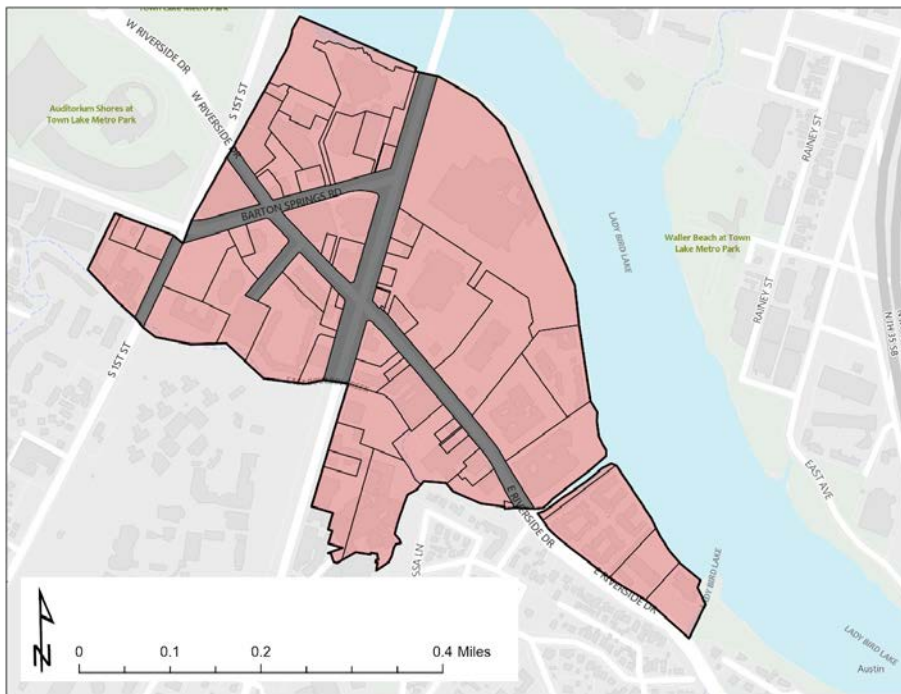


Figure 1.1: South Central Waterfront Boundary Map

A property located within the boundary—as indicated in [Figure 1.1](#): South Central Waterfront Boundary Map (Boundary Map) and rezoned to include SCW to the base zoning district — may elect to develop under the provisions of the SCW as an alternative to the property’s base zoning district.

1.2.1. Conflicting Provisions.

- A. The provisions of the SCW are applicable to a property located within the boundary illustrated in [Figure 1.1](#): South Central Waterfront Boundary Map which includes SCW zoning.

- B. If the provisions of the SCW conflict with provisions found in Chapter 25-2 (Zoning), the SCW shall control unless otherwise expressly provided.

1.3. Application and Review Requirements.

1.3.1. Development Services Department Director's Administration.

The director of the Development Services Department (Director) will administer and review projects for compliance with the SCW unless a director of another department is specified.

1.4. Text, Graphics, and Maps.

The SCW includes images to enhance understanding and comprehension by providing visual aids for some of the standards; however, in the event of a conflict or inconsistency between the text of the SCW and any heading, caption, figure, illustration, table, or map, the text shall control.

- A. In the event of conflict, the Boundary Map ([Figure 1.1](#)) and the South Central Waterfront Subdistrict and Floor-to-Area Ratio Map ([Figure 3.1](#)) shall supersede provisions in [Title 25-2 Zoning](#).

1.5. Density Bonus Program Evaluation.

The City Manager shall evaluate and, if necessary, recommend adjusting the development bonus fees, the list of on-site community benefits and their values, the on-site affordable housing bonus area, and the allocation of funds generated by the fee as needed. The City Manager shall submit those recommendations to the City Council for approval.

Additionally, the SCW and DBSCW shall be evaluated for applicable updates at a minimum of every five years. Initial South Central Waterfront Combining District and Bonus Program evaluation shall occur one year after initial adoption to support Project Connect and Urban Design. Updates may occur within the five year period to reevaluate affordable housing options under updated market conditions.

ARTICLE 2: LAND USE STANDARDS.

2.1. Intent.

Promote land uses within the South Central Waterfront Combining District (SCW) that prioritize walkability, diversity in use, and enhance multi-modal connectivity to housing, employment, recreation, and public transportation facilities.

2.2. Applicability.

For the purpose of applying the standards in this article, refer to the area identified in [Figure 1.1](#): South Central Waterfront Boundary Map.

2.3. Land Uses.

Any use not listed is a prohibited use.

2.3.1. Permitted (P), Permitted with Conditions (PC), and Conditional Uses (C).

A. Residential Uses:

1. Condominium Residential (P);
2. Group Residential (C);
3. Multifamily Residential (P);
4. Retirement Housing (Large Site) (C); and
5. Townhouse Residential (P).

B. Civic Uses:

1. Administrative Services (C);
2. Adult Care Services (Limited) (P);
3. Adult Care Services (General) (P);
4. Club or Lodge (C);
5. College and University Facilities (P);
6. Communication Service Facilities (P);
7. Community Events (P);
8. Community Recreation (Private) (P);
9. Community Recreation (Public) (P);
10. Congregate Living (P);
11. Convention Center (P);

12. Counseling Services (P);
13. Cultural Services (P);
14. Child Care Services (Commercial) (P);
15. Child Care Services (General) (P);
16. Child Care Services (Limited) (P);
17. Employee Recreation (C);
18. Family Home (P);
19. Group Home, Class I (General) (P);
20. Group Home, Class I (Limited) (P);
21. Group Home, Class II (P);
22. Guidance Services (P);
23. Hospital Services (General) (C);
24. Hospital Services (Limited) (C);
25. Local Utility Services (P);
26. Park and Recreation Services (General) (P);
27. Park and Recreation Services (Special) (C);
28. Postal Facilities (C);
29. Private Primary Educational Facilities (P);
30. Private Secondary Educational Facilities (P);
31. Public Primary Educational Facilities (P);
32. Public Secondary Educational Facilities (P);
33. Qualified Community Garden (P);
34. Religious Assembly (P);
35. Residential Treatment (P);
36. Safety Services (C);
37. Transitional Housing (P);
38. Transportation Terminal (C);

C. Commercial Uses:

1. Administrative and Business Offices (P);

2. Art Gallery (P);
3. Art Workshop (P);
4. Automotive Sales with a maximum showroom area of 3,500 square feet (PC);
5. Automotive Washing (PC) within a structured parking facility that is not visible from roadways;
6. Business or Trade School (C);
7. Business Support Services (C);
8. Cocktail Lounge;
 - a. Cocktail Lounges 3,500 square feet or less square feet (P); and
 - b. Cocktail Lounges that exceed 3,500 square feet (C).
9. Commercial Off-Street Parking (C);
10. Communication Services (C);
11. Construction Sales and Services (C);
12. Consumer Convenience Services (P);
13. Consumer Repair Services (P);
14. Financial Services (P);
15. Food Preparation (P);
16. Food Sales (P);
17. General Retail Sales (Convenience) (P);
18. General Retail Sales (General) (P);
19. Hotel-Motel (P);
20. Indoor Entertainment (P);
21. Indoor Sports and Recreations (P);
22. Kennels (C);
23. Laundry Services (C);
24. Liquor Sales (C);
25. Medical Offices – exceeding 5,000 sq. ft. gross floor area (P);
26. Medical Offices – not exceeding 5,000 sq. ft. gross floor area (P);
27. Monument Retail Sales (C);

- 28. Off-Site Accessory Parking (C);
 - 29. Outdoor Entertainment (C);
 - 30. Outdoor Sports and Recreations (C);
 - 31. Pedicab Storage and Dispatch (C);
 - 32. Personal Improvement Services (P);
 - 33. Personal Services (P);
 - 34. Pet Services (P);
 - 35. Plant Nursery (P);
 - 36. Printing and Publishing (P);
 - 37. Professional Office (P);
 - 38. Research Services (P);
 - 39. Restaurant (General) (P);
 - 40. Restaurant (Limited) (P);
 - 41. Software Development (P);
 - 42. Theater (P);
 - 43. Veterinary Services (P);
 - D. Industrial Uses:
 - 1. Custom Manufacturing that exceeds 2,500 square feet (PC);
 - 2. Telecommunication Tower (PC);
 - E. Agricultural Uses:
 - 1. Community Garden (P);
 - 2. Urban Farm (P);
 - F. Other uses as permitted by base zoning district and approved by the Planning Commission through the Conditional Site Plan Review Process.
 - G. For the uses listed in 2.3.1. Permitted, Permitted with Conditions, and Conditional Uses additional regulations may apply per Section [25-2-491\(C\) \(Table of Permitted, Conditional, and Prohibited Uses\)](#).
- 2.3.2. Pedestrian-Oriented Building Frontage Uses.
- A. A minimum of 60 percent of first and second floor ([lower-level](#)) building frontage on a street shall be uses classified as pedestrian-oriented in Section [25-2-691 \(Waterfront](#)

[Overlay \(WO\) District Uses\) \(C\)](#) with the addition of the following uses listed in Subsection 2.3. (Land Uses):

1. Financial Services;
 2. Hotel-Motel;
 3. Liquor Sales;
 4. Monument Retail Sales;
 5. Personal Improvement Services;
 6. Personal Services;
 7. Pet Services;
 8. Postal Facilities;
 9. Theater;
- B. A minimum of 85 percent of the required 60 percent of the [lower-level](#) building frontages are required to be immediately accessible by pedestrians, and 15 percent of the required lower-level frontages may be satisfied by mezzanine levels.

ARTICLE 3: DEVELOPMENT STANDARDS.

3.1. Intent.

Establish development regulations that shape the built environment of the South Central Waterfront Combining District (SCW) into an inviting mixed-use pedestrian-friendly district where thousands of Austinites and visitors can live, work, and play.

3.2. South Central Waterfront Overlays.

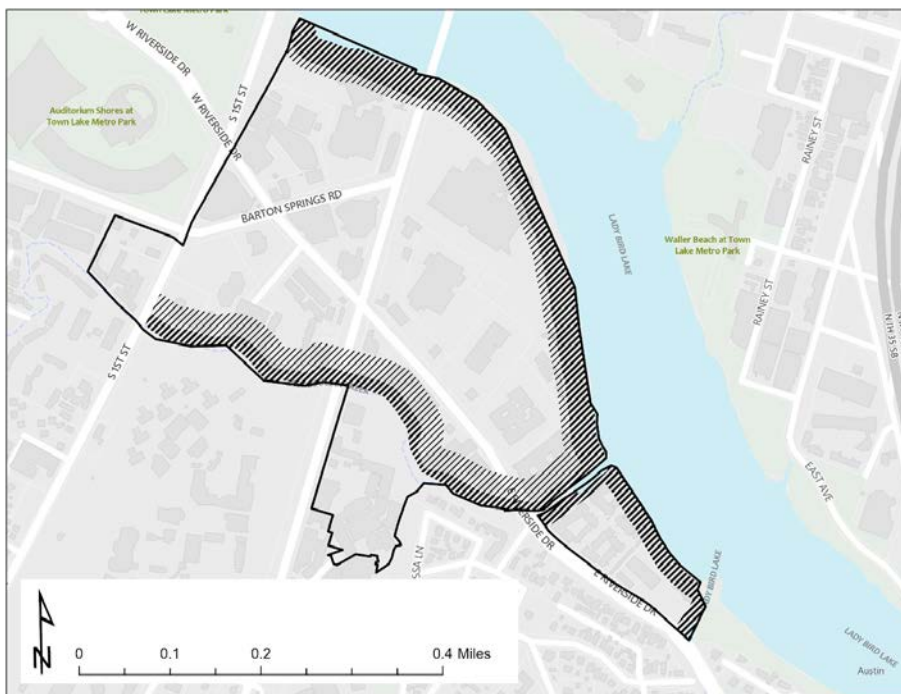


Figure 3.1: Waterfront Overlay Setbacks

3.2.1. Waterfront Overlay (WO) Combining District.

- A. Except as provided in Subsection (B), SCW regulations control over Section 25-2-721 (Waterfront Overlay (WO) [Combining District Regulations](#)).
- B. Subsections (A)(2), D(2), D(3), (E), (F), (G) of Section [25-2-721 \(Waterfront Overlay \(WO\) Combining District Regulations\)](#) shall apply.

3.2.2. South Shore Subdistrict.

- A. Except as provided in Subsection (B), SCW regulations control over Section 25-2-742 (South Shore Central Subdistrict Regulations).
- B. Subsections (A), (B)(1), (B)(2), (C) and (D) of Section [25-2-742 \(South Shore Central Subdistrict Regulations\)](#) shall apply.

3.2.3. Travis Heights Subdistrict.

- A. Except as provided in Subsection (B), SCW regulations control over Section 25-2-743 (Travis Heights Subdistrict Regulations).
- B. Subsections (A) and (B) of Section [25-2-743 \(Travis Heights Subdistrict Regulations\)](#) shall apply.

3.2.4. Auditorium Shores Subdistrict.

- A. Section [25-2-731 \(Auditorium Shores Subdistrict Regulations\)](#) shall apply.

3.3. Allowed Density.

3.3.1. Units per Acre.

There is no maximum units per acre requirement.

3.3.2. Floor-to-Area Ratios by Subdistrict.

- A. The South Central Waterfront Combining District (SCW) has four subdistricts, as illustrated on [Figure 3.2: SCW District Floor-to-Area Ratio and Subdistrict Map](#).
- B. The maximum floor-to-area (FAR) ratio is 2:1 in each subdistrict without participating in the Density Bonus South Central Waterfront (DBSCW) (Bonus Program).
- C. The maximum floor-to-area (FAR) ratio in each subdistrict when participating in the Bonus Program is described in 3.3.2 (E) and illustrated in [Figure 3.2: SCW District Floor-to-Area Ratio and Subdistrict Map](#).
- D. Maximum FAR and Height achievable when participating in the Bonus Program:

- 1. **Subdistrict 1:**

Fronting along the eastern side of South Congress, Subdistrict 1 is characterized by low-medium density. Partial inclusion into Subdistrict 1 occurs for properties that are within 250 feet of the public right-of-way along South Congress Avenue.

- a. The maximum floor-to-area ratio is 6:1.
- b. The maximum building height is 240 feet.

- 2. Subdistrict 2:

Commented [MS1]: Planning Commission Recommendation: Remove Subdistrict 1 and renumber:

Subdistrict 1:

~~The lowest density subdistrict, Subdistrict 1 serves as a transitional buffer between existing low density residential to the east and the subsequent low medium density of Subdistrict~~

~~The boundaries of Subdistrict 1 shall apply to the portions of property no less than 250 feet from the public right of way along South Congress Avenue.~~

- ~~a. The maximum floor to area ratio is 3:1.~~
- ~~b. The maximum building height is 120 feet.~~

Staff recommends this amendment.

Containing the easternmost properties of the South Central Waterfront, Subdistrict 2 is characterized by medium density. This subdistrict is generally located north of Riverside Drive while extensively abutting the shoreline of Ladybird Lake and shall serve as a transitional buffer from higher densities found in Subdistrict 3 and 4.

- a. The maximum floor-to-area ratio is 8:1.
- b. The maximum building height is 300 feet.

3. Subdistrict 3:

Subdistrict 3 shall be characterized by medium-high density that will accommodate a level of density appropriate for its proximity to future transit infrastructure and services.

- a. The maximum floor-to-area ratio is 16:1.
- b. The maximum building height is 600 feet.

4. Subdistrict 4:

Serving as the urban core of the South Central Waterfront, Subdistrict 4 shall be characterized by a high level of density that facilitates a walkable and transit-oriented built form. Subdistrict 4 is generally located north of Riverside Drive and contains the longest unbroken shoreline of all other subdistricts along Ladybird Lake.

- a. The maximum floor-to-area ratio is 24:1.
- b. There is no maximum building height.

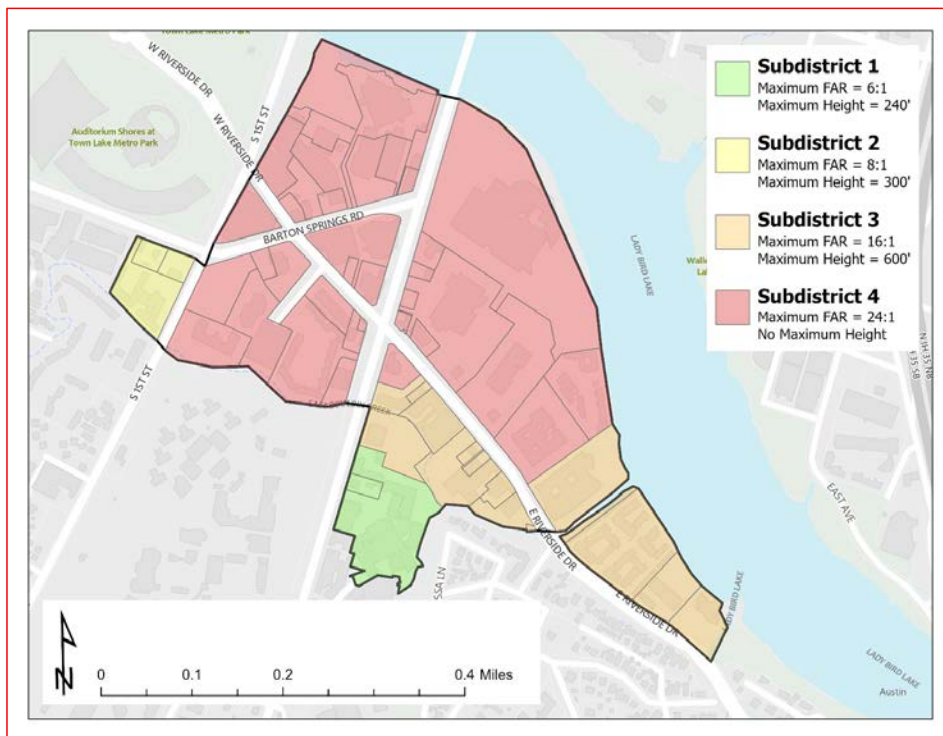


Figure 3.2: SCW Subdistrict and Floor-to-Area Ratio Map

3.3.3. Lot Size.

- A. There is no minimum lot size.
- B. Lots are subject to the Density Distribution Area sizes outlined in [Subsection 3.5.1](#) Density Distribution Areas.

3.3.4. Impervious Cover and Building Coverage.

- A. The maximum impervious cover is 85 percent.
- B. The maximum building coverage is 85 percent.

3.4. Building Setbacks

There is no minimum building setback.

3.5. Floor-to-Area Ratio Calculation.

3.5.1. Density Distribution Areas.

As part of the site plan application, the applicant shall submit a supplemental Density Distribution Plan for the purposes of calculating floor-to-area ratio and distributing Bonus Area to one or more Density Distribution Areas.

The intent of Density Distribution Areas is to distribute density throughout larger sites in order to distribute building massing and density throughout a site and establish pedestrian-scaled internal circulation and pathways. This aims to promote greater pedestrian connectivity, building in a scale envisioned in the SCW Vision Framework Plan (Vision Plan).

A. Density Distribution Area Characteristics.

1. Density Distribution Areas shall not exceed 90,000 square feet of site area.
2. Buildings within a Density Distribution Area are limited to maximum the floor-to-area ratio of the subdistrict in which it is located ([Figure 3.2: SCW Floor-to-Area Ratio and Subdistrict Map](#)).
3. A minimum 15-foot-wide internal circulation route shall follow the boundaries of Density Distribution Areas. See [Subsection 4.2.3](#). (Internal Circulation Routes).
 - a. Vehicular circulation may be provided in addition to a required internal walkway.
 - b. If compliance is infeasible due to site layout or topography, the Director may waive the requirement or approve an alternate circulation route alignment that deviates from the required boundary as necessary to accommodate site features.
4. For the purposes of allocating FAR as described in Subsection 3.5.1. (A)(4) the required community benefits are described in [DBSCW Section 6](#) (Community Benefits).

B. As an attachment to a site plan, a Density Distribution Plan shall include:

1. Defined boundaries for:
 - a. Total site; and
 - b. Density Distribution Areas.
2. Location of:
 - a. Buildings;
 - b. Sidewalks as described in [Subsection 4.2.1](#) (Streetscape);
 - c. Internal circulation routes as described in [Subsection 4.2.3](#) (Internal Circulation Routes);

- d. Streets;
 - e. Rights-of way;
 - f. Location of any on-site community benefits as described in [DBSCW Section 6](#) (Community Benefits);
 - g. Bonus program design features; and
 - h. The allocation of community benefits as described in the Bonus Program to other Density Distribution Areas if the community benefits will be located in other Density Distribution Areas on the same site.
3. A data table indicating:
- a. The types of community benefits provided;
 - b. The specific bonus area generated by each community benefit;
 - c. The distribution of bonus area throughout individual density distribution areas.

3.5.2. Floor-to-Area Ratio Calculation for Structured Parking.

- A. Above-ground structured parking shall be counted towards the overall floor-to-area ratio calculation above the base parking entitlement FAR which is equivalent to the sum of:
- 1. 0.45 times the proportion of the conditioned space that is hotel space;
 - 2. 0.90 times the proportion of the conditioned space that is residential space;
 - 3. 1.80 times the proportion of the conditioned space that is office space; and
 - 4. 3.60 times the proportion of the conditioned space that is retail space.
- B. The base parking entitlement FAR does not supersede the parking maximums identified in [3.6.1 \(Vehicle Parking\)](#) (B).
- C. Underground structured parking shall not be counted towards the total floor-to-ratio calculation.

3.5.3. Floor-to-Area Ratio and Dedication of Land.

If site area is required to be dedicated or is dedicated for a reduction in fees-in-lieu, FAR calculations for the non-dedicated portion of the site shall be made based on the total site area prior to the dedication.

Commented [MS2]: Planning Commission Recommendation: Modify Section A to remove:

~~A. Above-ground structured parking shall be counted towards the overall floor-to-area ratio calculation above the base parking entitlement FAR which is equivalent to the sum of:~~

- ~~1. 0.45 times the proportion of the conditioned space that is hotel space;~~
- ~~2. 0.90 times the proportion of the conditioned space that is residential space;~~
- ~~3. 1.80 times the proportion of the conditioned space that is office space; and~~
- ~~4. 3.60 times the proportion of the conditioned space that is retail space.~~

Staff does not recommend this amendment and recommends retaining the base parking entitlements.

3.6. Parking.

3.6.1. Vehicle Parking

- A. All off-street motor vehicle parking, including parking for persons with disabilities and bicycle parking, shall be in accordance with the requirements of [Chapter 25-6](#) (Transportation).
- B. Off-street parking may not exceed 80 percent of the parking previously required by the [Chapter 25-6 \(Transportation\), Appendix A](#) (Tables of Off-Street Loading Requirements and Former Off-Street Parking Requirements).
- C. Above-ground Structured Parking.
 - 1. A free-standing, above-ground structured parking facility that is not incorporated into the footprint of a building is prohibited.
 - 2. Upper-level parking structures may be exposed to a street front provided that the structure's façade maintains the same materials and treatments as the primary building.
- D. On-street parking shall be subject to the approval of the director of the Transportation and Public Works Department (Transportation and Public Works Director).
- E. Surface parking lots are prohibited.

3.6.2. Bicycle Parking.

- A. All bicycle parking requirements shall be in accordance with Section 25-6-476 (Bicycle Parking for Mixed Use Developments) and Section 25-6-477 (Bicycle Parking). All bicycle parking requirements shall be in accordance with [Section 25-6-476](#) (Bicycle Parking for Mixed Use Developments) and [Section 25-6-477](#) (Bicycle Parking).
- B. For retail uses, a minimum of 75% of all required bicycle parking shall be located within 50 feet of a primary building entrance.
- C. All bicycle parking shall meet the standards outlined in the Transportation Criteria Manual (TCM).

3.7. Required Open Space.

All development subject to this Combining District shall provide a minimum of 5 percent of the gross site area to private common open space use.

- A. The private common open space must be indicated on a site plan.
 - 1. Approval of design and location of on-site private common area open space shall be required from the Director.
- B. Covering of open space.
 - 1. Trees shall be the dominant mechanism used for on-site shading features.

- 2. Shade trees, at maximum maturity, shall not conflict with any artificial shade structures affixed to building facades, such as, but not limited to;
 - a. Overhangs;
 - b. Building cantilevers;
 - c. Porticos;
 - d. Balconies; or
 - e. Any other building projections.

3.8. Compatibility Standards.

Properties developed under SCW regulations are not subject to Chapter [25-2 \(Zoning\), Subchapter C \(Use and Development Regulations\), Article 10 \(Compatibility Standards\)](#).

ARTICLE 4: DESIGN STANDARDS

4.1. Intent.

Establish quality design standards within the South Central Waterfront Combining District (SCW) to promote human-scale, visually interesting, and walkable streetscapes that emphasize a balance between natural and built elements.

4.2. Streetscape & Built Environment Requirements.

All components of site development, building design, and streetscapes shall meet the minimum requirements as outlined in [Subchapter E: Design Standards and Mixed Use](#).

4.3. Right of Way Standards.

All pedestrian, bicycle, and vehicular right of way shall adhere, at a minimum, to the standards outlined in the [Transportation Criteria Manual](#) (TCM) and [Austin Strategic Mobility Plan](#) (ASMP).

4.4. Internal Circulation Routes.

All internal circulation routes described in [Section 3.5.1](#) (Density Distribution Areas) shall have a minimum 20 foot width with either:

4.4.1. Internal Circulation Route Option 1:

- A. A minimum 15-foot clear zone; and
 - B. A minimum of 5 feet of planting zone(s).
1. Trees are not required for compliance with Internal Circulation Route Option 1.

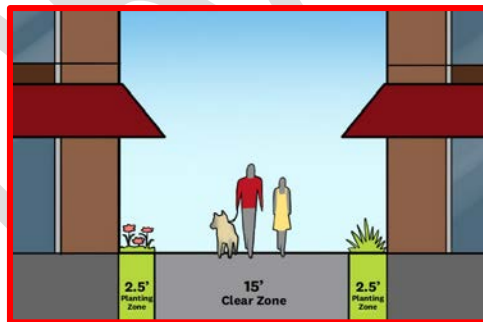


Figure 4.1: Internal Circulation Route Option 1 Cross Section

4.4.2. Internal Circulation Route Option 2:

- A. A minimum of two 8-foot clear zones; and
- B. A minimum 8-foot planting zone between clear zones.

Commented [MS3]: Planning Commission Recommendation: REMOVE- "All internal circulation routes as described in [Section 3.5.1](#) (Density Distribution Areas) must have a minimum 15-foot width with either:"

Staff does not recommend this amendment.

Commented [MS4]: Staff recommends the expansion of internal circulations routes to have a minimum 20 foot width.

Commented [MS5]: Planning Commission Recommendation: Increase from 10-foot to 15-foot.

Staff recommends this amendment.

Commented [MS6]: Planning Commission Recommendation: Expand the clear zone from 5 to 7.5 feet on each side. This recommendation was increased to 8 feet to comply with the Americans with Disabilities Act.

- C. All new trees shall be shade trees (non-utility compatible), unless conflict with utilities exist. Refer to the [Environmental Criteria Manual \(ECM\) Appendix 'F'](#) for approved street trees species.

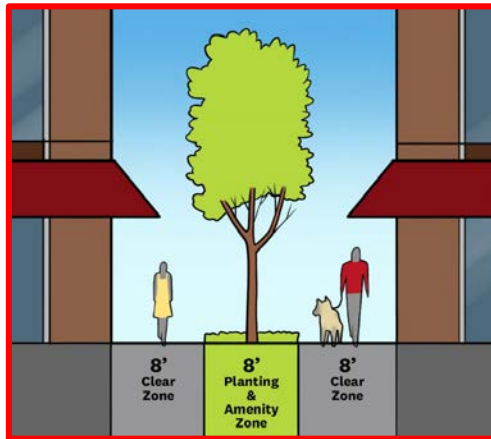


Figure 4.2: Internal Circulation Route Option 2 Cross Section

4.4.3. Internal Circulation Route Option 3:

If a bicycle or scooter lane is desired, the internal circulation route shall include:

- A. A minimum of two 8-foot clear zones or one 16-foot clear zone; and
- B. A minimum of 5 feet of rain garden(s).
 - 1. Trees are not required for compliance with Internal Circulation Route Option 3.
- C. One 10-foot two-way bicycle lane.
 - 1. Bicycle lane(s) shall not abut a building façade at entrances or exits.

Commented [MS7]: Staff recommendation for shade trees.

Commented [MS8]: Planning Commission Recommendation: Expand the clear zone from 5 to 7.5 feet on each side. This recommendation was increased to 8 feet to comply with the Americans with Disabilities Act.

Commented [MS9]: Staff recommends change to rain garden(s) from planting zone(s).

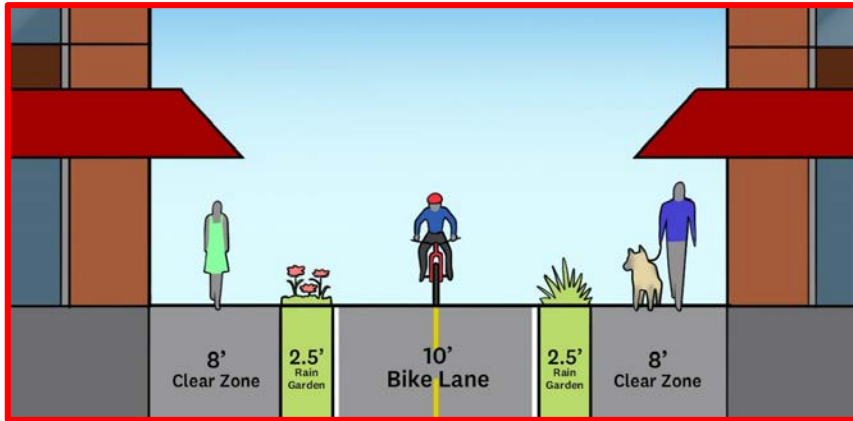


Figure 4.3: Internal Circulation Route Option 3 Cross Section

4.4.4. Internal Circulation Route Option 4:

If an internal circulation route includes a vehicle circulation route not identified in the ASMP, it shall include:

- A. The minimums identified in 4.4.1 (Internal Circulation Route Option 1); or
- B. A minimum of two 8-foot clear zones; and
- C. A minimum of 16 feet of planting zone(s), or a combination of both between the vehicle circulation route and the pedestrian zones.
- D. Meet the minimum standards in the [Transportation Criteria Manual Section 3.8.0 – Shared Streets](#).
- E. All new trees shall be shade trees (non-utility compatible), unless conflict with utilities exists. Refer to the [Environmental Criteria Manual \(ECM\) Appendix 'F'](#) for approved street trees species.

Commented [MS10]: Staff recommendation for shade trees.

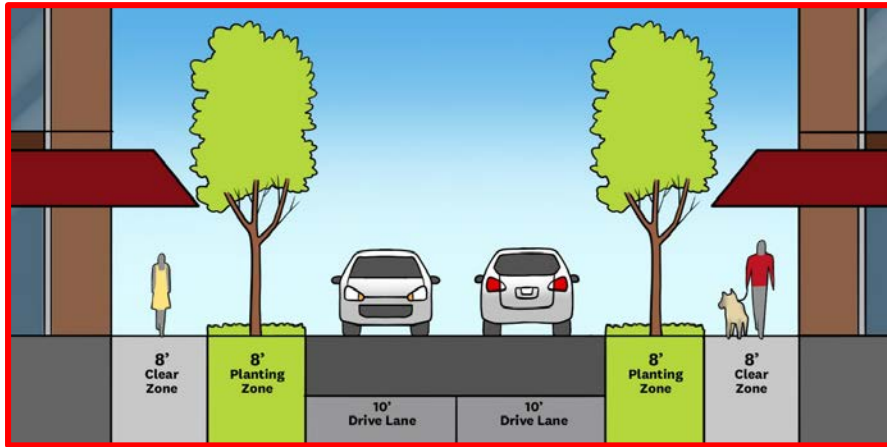


Figure 4.4: Internal Circulation Route Option 4 Cross Section

4.5. Supplemental Zones.

A supplemental zone as defined in [Article 5](#) (Definitions) may be a design option for the space between the street-facing façade line and the required sidewalk clear zone. This zone is available so that a development may provide active public uses such as a plaza, outdoor café, or patio.

4.5.1. Supplemental Zone Standards.

- A. If a supplemental zone is provided, up to 30 percent of the linear frontage of the supplemental zone may be a maximum of 30 feet deep, and the remainder of the supplemental zone shall be a maximum of 12 feet deep.
- B. If a supplemental zone is provided, then no more or less than 60 to 80 percent of the building's frontage may be dedicated to supplemental zone.
- C. The following elements may be located within the supplemental zone:
 1. Accessory outdoor dining, provided that the dining area is separated from the sidewalk only with planters, shrubs, or fencing with a maximum height of 42 inches;
 2. Balconies, pedestrian walkways, porches, handicap ramps, and stoops; provided that no such feature shall extend beyond the supplemental zone without obtaining a license or encroachment agreement that adheres to Land Development Code (LDC) Chapter [14-11-205 \(Use of Right-of-Way\)](#);
 3. Terraces, if they have a maximum finished floor height of 24 inches above the sidewalk elevation and are surrounded by a guardrail that meets City specifications;
 4. Landscape, water, and public art features;
 5. Plazas; or

6. Incidental display and sales.

- D. Any features in the supplemental zone must not obstruct the open pedestrian connection between the building's primary entrance and the clear zone.

DRAFT

ARTICLE 5: DEFINITIONS

Except as provided in this article within the South Central Waterfront Combining District (SCW), all other terms have the meaning provided in City Code Title 25. In the event of a conflict with City Code Title 25, this document shall control.

Conditioned Space– An area, room or space that is enclosed within the *building thermal envelope* and is directly or indirectly heated or cooled. Spaces are indirectly heated or cooled where they communicate through openings with conditioned spaces, where they are separated from conditioned spaces by uninsulated walls, floors or ceilings, or where they contain uninsulated ducts, piping or other sources of heating or cooling.

Lower Level – Consists of both the ground floor and second floor.

Commented [MS11]: Added the definition provided for Conditioned Space.

Commented [MS12]: Added definition of Conditioned Space for clarification.

SOUTH CENTRAL WATERFRONT DENSITY BONUS PROGRAM

1. Intent.

This density bonus program (Bonus Program) will be implemented through the rezoning of a property to include Density Bonus South Central Waterfront Combining District (DBSCW). DBSCW is designed to foster the development of a new vibrant destination-worthy district in the heart of Austin. DBSCW promotes new affordable housing and on-site community benefits in exchange for additional height and density in the district. The DBSCW shall be incorporated as part of Title 25 allowing for additional density in exchange for implementing certain design criteria and providing community benefits.

2. Applicability.

Density Bonus South Central Waterfront Combining District (DBSCW) may only be combined with South Central Waterfront Combining District (SCW).

To utilize the regulations described in Section 4 (South Central Waterfront Subdistricts and Floor-to-Area Ratios), the site's zoning must include DBSCW and applicant must comply with Section 5 (*Program Requirements*) and Section 6 (*Community Benefits*).

3. Program Overview.

The DBSCW offers development bonuses to all developments within in the South Central Waterfront Combining District (SCW) to allow for increased density in exchange for implementing certain design criteria and providing community benefits.

4. South Central Waterfront Subdistricts and Floor-to-Area Ratios

4.1. Floor-to-Area Ratio and Height Maximum Exceptions

- A. The default maximum floor-to-area ratios and heights are described in [SCW Combining District Subsection 3.3.2](#) (Floor-to-Area Ratios by Subdistrict).
- B. Notwithstanding the limitation provided in this section, the City Council may grant an applicant additional floor-to-area ratio (FAR) and height that exceeds the maximum FAR and height beyond that described in [SCW Combining District Subsection 3.3.2](#) (Floor-to-Area Ratios by Subdistrict). If the applicant has already achieved the maximum FAR or height permitted by participating in DBSCW, the applicant may request additional FAR and height through the following process:
 1. The applicant submits a written request and rationale for the additional FAR or height to the director of the Planning Department (Planning Director).
 2. Based on the written request, the Planning Director makes a written recommendation to the Land Use Commission for its review and recommendation.
 3. The Land Use Commission reviews and submits a written recommendation to the City Council.

Commented [MS13]: Planning Commission Recommendation: Replace proposed Density Bonus South Central Waterfront with Part 1 of Section 25-2-586 (Downtown Density Bonus Program) except for references pertinent only to Rainey Street and live music provisions. Staff Recommends the proposed Density Bonus South Central Waterfront Combining District (DBSCW).

Staff does not recommend this amendment.

4. The City Council determines if additional floor-to-area ratio or height beyond those allowable in [Figure 3.1: South Central Waterfront Subdistrict and Floor-to-Area Ratio Map](#) should be granted based on the following considerations:

- a. A recommendation by the Land Use Commission based on the following criteria:
 - i. The applicant is providing additional community benefits, described in [Section 6 \(Community Benefits\)](#), beyond those necessary to achieve the floor-to-area ratio in [Figure 3.1: South Central Waterfront Subdistrict and Floor-to-Area Ratio Map](#);
 - ii. The additional FAR is consistent with the bonus rates for community benefits in excess of the existing maximum FAR.
 - iii. Awarding the additional FAR or height substantially furthers the goals and objectives of the South Central Waterfront Vision Framework Plan (Vision Plan) and the [Imagine Austin Comprehensive Plan](#).

4.2. Achievable Bonus Area.

- A. An FAR greater than 2:1 may be achieved through the DBSCW subject to the limitations outlined in [SCW Combining District Subsection 3.3.2 \(Floor-to-Area Ratio by Subdistrict\)](#).
 - 1. An FAR of 3:1 may be achieved by fulfilling the requirements outlined in Subsections 6.1, 6.2, and 6.3 of the DBSCW.
 - a. An FAR greater than 3:1 may be achieved by meeting the requirements outlined in Subsections 6.4 and 6.5 of the DBSCW.

5. Program Requirements

5.1. General Requirements

- A. An applicant must comply with Section 5 (*Program Requirements*) and Section 6 (*Community Benefits*) and Article 2 (*Density Bonus and Incentive Programs*) of LDC Chapter 4-18 before applying for a building permit or site plan that relies on the regulations described in Section 4 (*South Central Waterfront Subdistricts and Floor-to-Area Ratios*).
- B. An applicant must submit to the director of Development Services a schematic level site plan, building elevations, supplementary drawings, simulations, and other documentation necessary to fully describe the urban design character of the project and its relationship to the adjacent built and natural environment.
- C. Unless otherwise specified, the applicant shall provide community benefits described in Section 6 (*Community Benefits*) for a period of at least 10 years from date of issuance of first certificate of occupancy for the building or structure in which the community benefit is located.

5.2. Planning Director's Determination

After the director of the Planning Department (Planning Director) determines that the applicant meets the requirements in [Subsection 5.1](#) (Program Requirements), the applicant shall provide sufficient written information so that the Planning Director can determine the total development bonus area obtainable through a combination of on-site affordable housing, development bonus fees, and community benefits as described in [Section 6](#) (Community Benefits).

5.3. Housing Director's Determination

A. Compliance Application.

1. An applicant must comply with Article 2 (Density Bonus and Incentive Programs) of Chapter 4-18 before applying for a building permit or site plan that relies on increased floor-to-area ratio or other development incentives in the DBSCW.

6. Community Benefits

6.1. Affordable Housing.

A. Affordable Housing Requirements.

1. Residential elements of projects must meet either the requirements of Subsection 6.1 (Affordable Housing) (B) for for-lease units developed or Subsection 6.1 (Affordable Housing) (C) for condominium units developed.
2. Non-residential elements of projects must meet the requirements as set forth in Subsection 6.3. In-Lieu Fees and Dedications (C) (Fees Applicable Under 3:1 Floor-to-Area Ratio).
3. At minimum, on-site affordable units must be provided within the development equivalent to the total number of residential units, multiplied by the proportion of 3:1 FAR to the total project FAR, multiplied by 5 percent.

B. On-Site Production of For-Lease Affordable Units.

1. Units in a for-lease building shall be made available to households earning an average of 60 percent or less of the current Austin-Round Rock Metropolitan Statistical Area (MSA) Median Family Income (MFI) as determined by the **director of the Housing Department (Housing Director)**.

Commented [MS14]: Clarification of Housing Director.

C. On-Site Production of Affordable Ownership Units.

1. An affordable owner-occupied unit shall be made available to a household earning 80 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income (MFI) as determined by the **Housing Director**.

Commented [MS15]: Clarification of Housing Director.

D. On-Site Equivalency Fee for Ownership Units.

1. To provide an Affordable Housing Community Benefit, owner-occupied housing developments may opt to pay a development bonus fee to the Housing Trust Fund equivalent to the on-site requirement at the rate established by the [City of Austin Annual Budget Fee Schedule](#) at the time of formal site plan submittal.
2. Owner-occupied housing developments may provide a combination of on-site units and fee-in-lieu equivalent at the rate established by the City of Austin as long as the combination satisfies the requirement of 5 percent of the residential units for the 3:1 floor-to-area ratio.

6.2. Environmental Protection.

A. Critical Water Quality Zones.

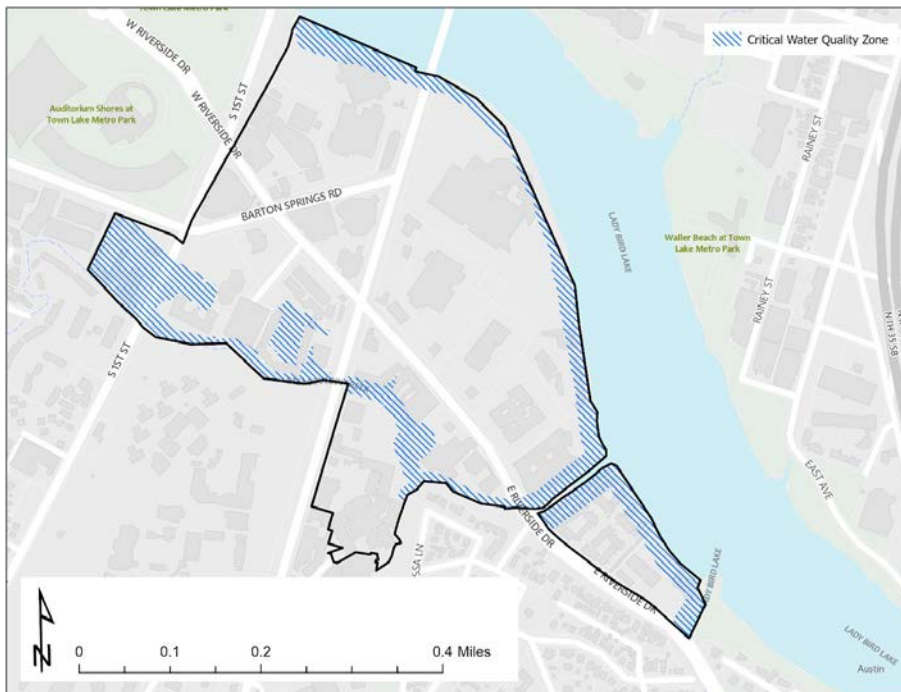


Figure 6.1: Critical Water Quality Zones

1. Ladybird Lake Critical Water Quality Zone.
 - a. Projects on sites within the SCW that contain or are adjacent to the Ann and Roy Butler Hike-and-Bike Trail may maintain the existing location of the trail while

demonstrating that the square footage area of new or existing trail located in the inner half of the Critical Water Quality Zone shall be provided elsewhere on site, adjacent, if possible, to existing Critical Water Quality Zone with a 2:1 ratio of new Critical Water Quality Zone kept at, or restored to, a score of “Good” per the Environmental Criteria Manual ([ECM Appendix X \(Functional Assessment of Floodplain Health\), Zone 4 - Lake Shoreline](#)), with an agreed-upon maintenance plan approved by the Watershed Protection Department and the Parks and Recreation Department.

- i. Where the trail extends closer than 50 feet from the shoreline, vegetation between the shoreline and the trail will be kept at, or restored to, a score of “Excellent” per the ECM Appendix X (Functional Assessment of Floodplain Health), Zone 4 - Lake Shoreline.
 - ii. Where the trail is further than 50 feet from the shoreline, vegetation between the shoreline and the trail will be kept at, or restored to, a score of “Good” per the [ECM Appendix X \(Functional Assessment of Floodplain Health\), Zone 4-Lake Shoreline](#), with an agreed-upon maintenance plan approved by the Watershed Protection Department and the Parks and Recreation Department.
 - iii. If the trail is paved, it shall be constructed in a manner ensuring runoff is routed to the upland side of the trail to minimize erosion of the shoreline.
- b. To encourage creative and original design and to accommodate projects where the particular site conditions or the proposed structure or use prevent strict compliance with the requirements contained in Subsection 6.2. (C) (1) (Ladybird Lake Critical Water Quality Zone), alternative compliance may be proposed and may allow a design that does not strictly adhere to the standards above if the design meets the intent of the Vision Plan and the SCW.
- i. Alternative compliance must meet or exceed the ecological outcomes of water quality, riparian habitat restoration or preservation, erosion control and prevention, vegetation diversity, and the recreation goals of shade and dynamic and meandering views of the lake, and multi-use.
 - ii. Requests for alternative compliance may be considered for approval by the directors of the Parks and Recreation Department (Parks and Recreation Director) and the Watershed Protection Department (Watershed Protection Director).
- c. If the trail is reestablished, it may be reestablished as a dual track with a minimum width established by the Urban Trails Master Plan adopted as an element of the Image Austin Comprehensive Plan ([Ordinance No. 20140925-143](#)) or a subsequently adopted trails master plan. Unless located on dedicated parkland, the owner of the property shall dedicate a new or revised multi-use trail easement to the City of Austin to reflect the realignment of the trail.

Commented [MS16]: Clarification of PARD Director and WPD Director.

2. East Bouldin Creek Critical Water Quality Zone.

- a. Any proposed public trails along East Bouldin Creek shall be located at least 50 feet from the creek centerline and outside of the Erosion Hazard Zone unless protective works are provided as required by the [Drainage Criteria Manual \(DCM\)](#).

3. Variance Requests.

- a. For variance requests, refer to: LDC Section [25-8-41 \(Land Use Commission Variances\)](#) and LDC Section [25-8-42 \(Administrative Variances\)](#).

C. Landscaping.

- 1. All landscape areas shall be irrigated with a non-potable water reuse system, which may include:
 - a. Collection and distribution of rainwater;
 - b. Graywater;
 - c. Condensate water;
 - d. Reclaimed water; or,
 - e. Any other approved alternate water source per the adopted Uniform Plumbing Code (UPC) with the exception of water drawn from the Lady Bird Lake.
- 2. Potable water shall only be used as a backup supply if the on-site non-potable water reuse system sources are depleted or unavailable.
- 3. Reclaimed water may not be used for irrigation within a Critical Water Quality Zone, 100-year floodplain, critical environmental feature setback, or water quality control.
- 4. Projects must provide and follow an Integrated Pest Management Plan for all landscape areas.
- 5. Turf may be allowed within the Critical Water Quality Zone in compliance with the requirements for open space.
 - a. Turf shall be located no closer than 25 feet from the centerline of a creek; or,
 - b. 50 feet from the shoreline of Lady Bird Lake, unless approved by the Watershed Protection Department Director.
- 6. Rain gardens shall be planted with native plant species in accordance with the ECM [Subsections 1.6.7 \(Green Storm Water Quality Infrastructure\)](#) and [1.6.7.4 \(H\) \(Rain Garden\)](#).

Commented [MS17]: Clarification of WPD Director.

D. Resource Efficiency.

- 1. Reclaimed Water.

- a. Development project applicants shall make provisions to connect to the City's reclaimed water distribution system in the following manner:
 - i. The applicant shall design and build 16", 24", or other diameter public reclaimed water mains (as determined by Austin Water) along a project's property boundary and up to 250 feet from the project's property right-of-way (public or private) frontage as identified in the reclaimed water service plan for the District, as may be revised over time to reflect updated reclaimed water demands for the area.
 - ii. The reclaimed water mains must either be extended from an adjacent reclaimed water main at the time of construction or capped at each end for future connection to a reclaimed water main by others.
 - iii. The applicant shall install separate dedicated non-potable water distribution plumbing within the property to supply reclaimed water to irrigation systems, cooling tower make up systems, and all toilets/urinals within buildings.
 - iv. The applicant shall install reclaimed water meters to connect to the separate non-potable water distribution plumbing within the property.
 - v. The City's potable water may only be used to supply the non-potable water distribution plumbing, irrigation systems, cooling tower make up systems, and all toilets/urinals if reclaimed water is unavailable to a project or where use of the reclaimed water is prohibited.
 - vi. The applicant shall connect the reclaimed water meters to the reclaimed water main installed by the applicant. Unless a serviceable reclaimed water main is available to the project to connect to, the applicant will connect the reclaimed water main to the potable water main in a manner approved by Austin Water so that potable water may be used to serve the reclaimed water meters until reclaimed water service becomes available to the property. Austin Water will be responsible for connecting reclaimed water service to the reclaimed water main(s) when reclaimed water service becomes available to the property and/or district. Austin Water will also be responsible for disconnecting the reclaimed water main(s) from the potable water mains.
- 2. Green Building Standards.
 - a. The applicant shall execute a restrictive covenant committing to achieve a minimum two-star rating under the [Austin Energy Green Building](#) program or LEED Certified using the ratings in effect at the time the project is registered with the Austin Energy Green Building program or LEED.

- b. The applicant shall provide the Director of Development Services Department (DSD 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.
- c. Projects shall adopt bird friendly design criteria by complying with ST7 Light Pollution Reduction and STEL5 Bird Collision Deterrence standards as a part of achieving a 2-star Austin Energy Green Building rating.

Commented [MS18]: Clarification of DSD Director.

6.3. Improved Streetscape and Built Environment.

A. Improved Streetscape.

Projects shall provide a streetscape that meets the following elements of the [Great Streets Program](#) Requirements:

- 1. Sidewalk Width
- 2. Street Furnishings
- 3. Shade Trees

B. Improved Built Environment.

To receive bonus area, projects shall adhere to:

- 1. Subsection 25-2-586 (C)(1)(A); and
- 2. Subsection 25-2-586 (D).

C. Public Access to Open Space and Internal Circulation Routes.

- 1. Public Access Easements shall be required for all private common open spaces described [SCW Section 3.7](#) (Required Open Space) and [DBSCW Section 6.5](#) (On-Site Community Benefits) (B) (Private Common Open Space), and all Internal Circulation Routes as described in SCW Section 4.4 (Internal Circulation Routes).
 - a. Approval of Public Access Easement locations shall be required from the DSD Director.

Commented [MS19]: Clarification of DSD Director.

6.4. In-Lieu Fees and Dedications.

- A. South Central Waterfront residential and non-residential fee rates are established in the City of Austin Annual Budget Fee Schedule.
- B. Non-Residential Fee.

The non-residential fee shall apply to the proportion of the project that is non-residential development, including the amount of above-grade parking indicated in [SCW Combining District Subsection 3.5.2](#) (FAR Calculation for Structured Parking).
- C. Fees for Development over 3:1 FAR

1. 70 percent of the total bonus area, excluding the 3:1 floor-to-area ratio for residential uses, must be achieved through the payment of fees-in-lieu.
 2. A project may achieve bonus area by paying the non-residential fee equivalent to the proportion of the project that is non-residential development and the residential fee equivalent to the proportion of the project that is residential for each square foot of bonus area.
- D. The total fee amount associated with this Bonus Program will be divided into Fees-in-Lieu for different amenities or infrastructure at the following rates:
1. One-third of the fee will be allocated to the Housing Trust Fund Fee-in-Lieu.
 - a. Additional on-site units may be credited to the amount of the Housing Trust Fund Fee-in-Lieu at the rate outlined in the City of Austin Annual Budget Fee Schedule.
 2. One-third of the fee will be allocated to the Parks Fee-in-Lieu.
 - a. The Parks Fee-in-Lieu associated with this Density Bonus Program shall be added to the standard fee-in-lieu for parkland dedication as described in LDC Section [25-1-605 \(Fee In-Lieu of Parkland Dedication\)](#).
 - i. Dedication of parkland by deed or parkland easement may be credited to the amount of Parks Fee required for the desired bonus area.
 - (a) Dedication of parkland is subject to approval by the Parks and Recreation Director.
 - (b) Refer to LDC 25-1-604 (Standards for Dedicated Parkland), regarding the determination of how the applicant will satisfy parkland dedication, by land, fee, or a combination. This determination is made by the Parks and Recreation Director.
 - b. Dedication Criteria.
 - i. The minimum dedication to achieve a reduction of the Parks Fee-in-Lieu area shall be 10% of the site area;
 - ii. Public parkland shall be identified on initial site plan;
 - iii. A deed or easement shall be in a form as approved by the City Attorney.
 - iv. Parkland shall be visible from a right-of-way or provide a connection to a trail system;
 - v. Signage shall be provided and visible from a right-of-way and approved by the Parks and Recreation Director, which:
 - (a) States that the area, including any recreational amenities, is open and available for public use;

Commented [MS20]: Planning Commission Recommendation. Increase allocation for Housing Trust Fund from one-third to 60%.

Staff supports one-third allocation.

Commented [MS21]: Planning Commission Recommendation. Reduce allocation for Parks Fee-in-Lieu from one-third to 20%.

Staff supports one-third allocation.

Commented [MS22]: Clarification of PARD Director.

Commented [MS23]: Clarification of PARD Director.

- (b) Is posted at the park entrance or in a location visible to the public; and
 - (c) States the park hours and contact for park manager if it is not the Parks and Recreation Department.
- vi. Acreage of ponds and drainage facilities shall be excluded from area eligible for reduction in the Parks Fee-in-Lieu.
- c. Location Criteria.
 - i. To the maximum extent feasible, where significant natural and scenic resource assets exist, the applicant shall give priority to their preservation as parkland.
 - ii. In reviewing the proposed location of parkland, the Parks and Recreation Director shall use all applicable plans, maps, and reports to determine whether significant resources exist on a proposed site that should be protected, with priority being given to the following areas, which are not listed in a particular order:
 - (a) Wetlands, native prairies, or meadows;
 - (b) Flood hazard areas;
 - (c) Lakes, rivers, stream, or riparian corridors; and
 - (d) Tree preservation areas.
 - iii. Where parkland, trails, parks, or other public spaces exist or in the [City of Austin Trails Master Plan](#), [Austin Parks and Recreation Long-Range Plan](#), [City of Austin Sidewalks, Crossings, and Shared Street Plan](#), or [Austin Bicycle Plan](#) within or adjacent to the tract to be subdivided or developed, the publicly accessible private common open space or pedestrian amenity shall, to the maximum extent feasible, be located to adjoin, extend, and enlarge the presently existing or proposed trail, park, or other open area land.
 - (a) Public access easements may be required to guarantee public access to these facilities.
- d. Design Criteria.
 - i. Land set aside for parkland or pedestrian amenities pursuant to this section shall meet the following design criteria, as relevant:
 - (a) Parkland shall be located to be readily accessible and usable by residents or visitors in various locations of the development unless the lands are sensitive natural resources and access should be restricted.
 - (b) Parkland areas shall be compact and contiguous unless a different configuration is required due to its use as a continuation of an existing

trail or adjacency of specific or unique topographic features, such as a riparian corridor.

e. Maintenance.

- i. All parkland areas shall be permanently maintained by the owners of the property.
- ii. An Agreement of the Applicant (on behalf of their heirs and assigns) to maintain the parkland through a Parkland Improvement and Maintenance Agreement shall be required at the time of site plan.

3. One-third of the fee will be allocated to the Infrastructure and Community Impact Benefits Fee-in-Lieu.

- a. The Infrastructure and Community Impact Benefits Fee-in-Lieu may be used to provide public infrastructure within SCW area at the City's discretion including, yet not limited to, new arterial roadways, upgrades to water, wastewater, reclaimed water, stormwater, and watershed improvements to achieve the goals of the SCW Vision Plan Framework.
- b. The Infrastructure and Community Impact Benefits Fee-in-Lieu may be used to fund City Council approved incentive agreements that secure additional Location Enhancement Program community benefits as authorized in [Ordinance 20180830-058](#) and related actions.

Commented [MS24]: Planning Commission Recommendation. Reduce allocation for Infrastructure and Community Impact Benefits fee from one-third to 20%.

Staff supports one-third allocation.

6.5. On-Site Community Benefits.

A. A project may achieve bonus area by providing the on-site community benefits described in this section. Bonus area shall only be granted for on-site community benefits that exceed the baseline requirements outlined in the SCW and DBSCW.

1. 30 percent of the total bonus area above 3:1 floor-to-area ratio must be achieved through Community Benefits outlined in this Subsection.
 - a. Up to an additional 5 percent of the bonus may be achieved through Community Benefits outlined in this Section to be removed from the 70-percent fee-in-lieu obligation in [Subsection 6.4](#) (In-Lieu Fees and Dedications) should the bonus from the proposed community benefits exceed 30 percent of the bonus being sought.
2. Bonus area is granted at the rates established by the SCW Bonus Schedule Ordinance.
3. The requirements for community benefits available for bonus area are described in this Subsection. These community benefits include:
 - a. Private Common Open Space;
 - b. Child Care and Adult Care Services;

- c. Affordable Creative Space;
- d. Live Music Venues;
- e. Grocery Uses;
- f. Public Parkland Buildout;
- g. Transit Supportive Infrastructure Buildout;
- h. Public Art; and
- i. Alternative Community Benefits Not Described.

B. Private Common Open Space.

1. Requirements:

- a. The minimum 5 percent requirement for private common open space in [SCW Subsection 3.7](#) (Required Open Space) shall not serve as credit towards this bonus calculation.
- b. Lands within the following areas shall not be counted towards private common open space:
 - i. Supplemental zones;
 - ii. Public or private streets or rights-of-way;
 - iii. Internal circulation routes required in [SCW Combining District Subsection 3.5.1](#) (Density Distribution Areas);
 - iv. Off-street parking, loading areas, driveways, and service areas;
 - v. Water quality and stormwater detention ponds, unless designed as an accessible amenity and approved by the Planning Director; and
 - vi. A required sidewalk planting zone.

C. Child Care and Adult Care Services.

1. Requirements:

- a. The City of Austin must approve of the operator and the lease terms, which shall be at least 10 years;
- b. The facility must comply with applicable state and local codes;
- c. The facility must be open for at least eight hours a day, at least 5 days each week and fifty weeks each calendar year;

2. Requirements for Affordable Childcare Services.

- a. The applicant shall provide a portion of the structure of at least 5,000 square feet as shell to the City of Austin for a period of at least 20 years.
- b. Prior to site plan review, the Financial Services Department and Austin Public Health must conduct a feasibility study for the subject site to determine the viability of affordable childcare.
- c. The applicant is provided the option of identifying a childcare provider. If no provider is identified, the City shall select a provider.

D. Affordable Creative Space.

1. Requirements:

- a. An Affordable Creative Space must consist of one or more of the following occupancies:
 - i. gallery;
 - ii. performance venue;
 - iii. theater;
 - iv. art, dance, or studios for performing art, music, or visual art;
 - v. art workshop; or
 - vi. other related uses as approved by the director of the Economic Development Department (Economic Development Director).
- b. Affordable Creative Space is defined as 50% of retail commercial real estate market rate; or stabilized lease to revenue ratio based on industry average 5% annual rent escalation cap.

Commented [MS25]: Clarification of EDD Director.

Commented [MS26]: Staff recommends this definition as consistent with pending Creative Space code amendment.

E. Live Music Venue.

1. Requirements:

- a. The operator of the facility must maintain proper permitting and documentation to play amplified music in said space.
- b. The space must meet the City of Austin's sound-proofing specifications.

F. Grocery Uses.

1. Requirements:

- a. Grocery stores must have pedestrian access on the ground floor of the building.
- b. Grocery stores must have a gross area of no less than 8,000 square feet.

G. Public Parkland Buildout.

1. Requirements:

- a. Construction of any parkland amenity shall require approval from the Parks and Recreation Director.
- b. Parkland buildout shall include the applicant completing the necessary site plan review requirements for the proposed amenities.
- c. Buildout may include:
 - i. Active recreational amenities including, but not limited to, playscapes, sport courts, table game recreation, climbing or exercise structures, or trails;
 - ii. Group gathering spaces, such as open lawns, picnic areas, plazas, or pavilions;
 - iii. Landscaping that enhances the park recreation features by providing shade, educational opportunities, fruit and nut trees, or wildlife habitat;
 - iv. A multi-use trail proposed in the [City of Austin Trails Master Plan](#), [Austin Parks and Recreation Long-Range Plan](#), [City of Austin Sidewalks, Crossings, and Shared Street Plan](#), or [Austin Bicycle Plan](#); or
 - v. Other amenities as approved by the Parks and Recreation Director.
- d. The surface of built parkland must be suitable for outdoor activities.
 - i. The surface must consist of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free material.
 - ii. Asphalt or similar surfacing may be used for designated recreation areas such as multi-purpose trails.
 - iii. Decomposed granite may only be used for Bocce Ball, Pétanque, similar ball game court, or trails.
 - iv. A combination of different materials is required.

Commented [MS27]: Clarification of PARD Director.

H. Transit Supportive Infrastructure Buildout.

- 1. Requirements:
 - a. Buildout may include appurtenances, facilities, and amenities related to a Transit System Project, as defined in [Ordinance No. 20221115-048](#) for Project Connect.
 - b. The applicant must provide sufficient information about the proposed Transit System Project appurtenances, facilities, and/or amenities for the Project Connect Mobility Officer to determine whether these benefits serve a public and municipal purpose.
 - c. Provision of any Transit System Project facilities, amenities, or appurtenances are subject to approval from the Mobility Officer for Project Connect.

I. Public Art.

1. Requirements:

- a. Prior to site plan review, proposed public art is subject to review by the Art in Public Places Panel and approval by the Arts Commission.
- b. Provision of a Maintenance Plan inclusive of vandalism mitigation recommendations.
- c. Public Art opportunities budgeted under \$100,000 shall commission local Austin-based artists.
- d. Public art project scopes invite artists to consider thematic contexts and artistic concepts that draw inspiration from Austin's rich multi-layered and diverse historical heritages, multicultural traditions of under-represented communities as well as artistic excellence dedicated to ideals of creativity, originality, and authenticity.
- e. Proposed artwork should embody universal concepts rather than commercial, partisan, or personal interests.
- f. Opportunities should be identified for artists who have varying levels of experience in creating 2-dimensional, 3-dimensional, multimedia, and digital art forms.
- g. The process of choosing artists, integrated artwork designs, development of artwork or purchase of artwork should have site-specific or site-responsive considerations, must be unique to Austin and must consider guidelines provided by the City of Austin's Art in Public Places Program Administrator.
- h. To support and facilitate the successful integration of public artwork, contractors should consider working collaboratively with selected artists during the design and construction phases of the building program or project implementation.

J. Alternative Community Benefits Not Described.

1. An applicant may offer to provide alternative community benefits not described in Subsection 6.5 (On-Site Community Benefits) (B)-(J). The applicant must provide sufficient information about the alternative community benefits for the Planning Director to determine whether the alternative community benefits serve a public and municipal purpose considering the following criteria:
 - a. If members of the general public will be able to enjoy the proposed alternative community benefit without paying for its access, use, or enjoyment;
 - b. If the proposed alternative community benefit will connect to and be accessible from public right-of-way or other publicly-accessible space;

- c. If the proposed alternative community benefit will provide a public amenity that is particularly lacking in the proposed location;
 - d. If the proposed alternative community benefit will not impose a significant burden on public resources for maintenance, management, policing, or other reasons;
 - e. If the alternative community benefit is consistent with the goals or intent of the SCW Vision Framework Plan; and
 - f. Any other information provided by the applicant that shows the alternative community benefit serves a public and municipal purpose and furthers the city's comprehensive planning goals.
2. If the Planning Director determines that the proposed alternative benefit qualifies as a community benefit, the Planning Director shall quantify the monetary cost for the proposed alternative community benefit by using standard industry sources as well as locally based data on development costs to quantify the monetary cost, without mark-up, for the proposed alternative community benefit.
- a. The amount determined by the Planning Director may be applied to achieve bonus area on the same basis as the non-residential fee applicable to the type and location of the project.
 - b. If a proposed alternative community benefit provides a partial benefit to a project, it will not be disqualified; the [Planning](#) Director will allocate only the cost of the public portion of the benefit to the other community benefits.
3. The Planning Director's recommendation concerning the proposed alternative community benefit and the monetary value that is applied to achieve the bonus area shall be presented to the Land Use Commission for recommendation and the City Council for approval.
4. If the applicant proposes to achieve bonus area by providing alternative community benefits, the value of the public portion of the proposed alternative community benefits must be equal to or greater than the total dollar amount the applicant would pay if the payment were based on the applicable development bonus fee required to earn that requested bonus area.

DBSCW FEE SCHEDULE.

South Central Waterfront Development Fee Table.

Development Type	Development Bonus Fee
Residential	\$5/ Sq. Ft. Bonus Area
Non-Residential	\$9/ Sq. Ft. Bonus Area

On-Site Equivalency Fee for Ownership Units.

Calculated by subtracting the [Development Incentive Programs' Maximum Sale Price](#) set annually by the Director of the Housing Department and the Median Condominium Sales Price by Bedroom Count for Downtown by the Austin Board of Realtors.

Unit Type	Development Bonus Fee
Studio/One Bedroom	<i>\$ Pending Data</i>
Two Bedroom	<i>\$ Pending Data</i>
Three Bedroom	<i>\$ Pending Data</i>
Four Bedroom	<i>\$ Pending Data</i>

DBSCW BONUS SCHEDULE.

Community Benefit	Bonus Rate
Private Common Open Space	15 bonus SF per 1 SF
Childcare and Adult Care Services	0 bonus SF per 1 SF
Affordable Childcare	67 bonus SF per 1 SF
Affordable Creative Space	0 bonus SF per 1 SF
Live Music Venues	0 bonus SF per 1 SF
Grocery Uses	0 bonus SF per 1 SF
Public Parkland Buildout	11 bonus SF per \$100
Transit Supportive Infrastructure Buildout	11 bonus SF per \$100
Public Art	11 bonus SF per \$100