

DOWNTOWN AUSTIN PLAN

Staff-Recommended Amendments **August 25, 2011**

The version of the Downtown Austin Plan that has been subject to public input and review by various boards and commissions is labeled "Draft for Community Review, November 2010." In response to public input and the feedback received from boards and commissions, City of Austin staff has identified amendments to that November 2010 version that Staff recommends be adopted. City staff recommends that these amendments be adopted simultaneous with the City Council's adoption of the Downtown Austin Plan. If the City Council does that, then the Plan will be amended to incorporate these changes, and the resulting version will be considered the final, adopted Downtown Austin Plan.

These staff-recommended amendments are divided into two broad groups: the staff-recommended amendments that were presented to and endorsed by the Planning Commission on April 26, 2011; and the staff-recommended amendments that have arisen subsequent to the Planning Commission's endorsement. This distinction was made in order to make it clear to the City Council which amendments had been subject to Planning Commission review and endorsement, and which had not.

General Note: Wherever a change is made in a heading, which also appears in either the Table of Contents or the "Summary of Goals and Recommendations" (pages 20 through 27), that same change will be made in both of those locations.

Pre-4/26/11 Proposed Amendments:

The pre-4/26/11 amendments are subdivided into two groups – those that are "substantive" in nature and those that are more in the nature of typographical or clerical in nature.

Substantive Amendments:

1. Page 33 ("Summary of District Goals"): Rainey Street district - Revise last bullet to read "Preserve existing tree canopy along Rainey Street to the maximum extent possible".
2. Page 33 (Summary of District Goals): Add Judges Hill and UT/Northwest Districts with note that the DAP proposes no changes to those two districts.
3. Page 37 (Core/Waterfront District): Insert a new final bullet item, stating: "Explore the creation of a '5th Street Mexican American Heritage Corridor' linking Republic Square to Saltillo Plaza."
4. Page 45 (Uptown/Capitol District): Modify the second bullet under "Urban Design Priorities" to "Consistent with both the 1956 and 1989 Capitol Area Plans, concentrate new State of Texas buildings along North Congress Avenue to create a civic mall, with minimum setbacks from North Congress Avenue of 40 feet."
5. Page 57 (Waller Creek District): Insert a new final bullet item, stating: "Explore the creation of a '5th Street Mexican American Heritage Corridor' linking Republic Square to Saltillo

Plaza.”

6. Page 61 (Rainey Street District): Substitute the following language for the 5th bullet in the “Urban Design Priorities” section: “In order to ensure compatibility with the existing low-rise pattern of houses, require mid- and high-rise new development buildings to have a streetwall and stepback that is compatible with the existing low-rise pattern.”
7. Page 79 (“Proposed Downtown Zoning Changes” map) – Modify the map to reflect the latest proposed zoning changes for Capitol Complex, as shown on the map attached to these staff-recommended amendments.
8. Page 80 (AU-1.4):
 - Change heading to read: “Explore ways to mitigate the potential negative effects of an over-concentration of cocktail lounges, which can discourage establishing a more balanced set of uses, particularly daytime uses that add to the vitality of Downtown.”
 - Change the text to read:

“An over-concentration of bars in a single location can cause ill effects. It can cause that location to have a “closed up” feel during non-evening hours; and it can prevent or discourage that location from having a dynamic and pedestrian friendly feel. Public order problems have sometimes arisen due to poor management of some cocktail lounge uses. The City should explore ways of addressing these issues.

“Because the Land Development Code treats ‘cocktail lounge’ as a permitted use in the CBD zoning district, there is no current regulatory tool to prevent over-concentrations of bars. Through additional analysis and community input, the City should seek to identify and implement tools that address this issue. If those tools were to include criteria associated with evaluating cocktail lounge uses, those criteria might include: hours of operation criteria – ensuring both a daytime and nighttime presence; compliance with all codes and regulations; and security and other staffing criteria.

“With regard to public order issues, the City and the community should explore whether current enforcement efforts and mechanisms are adequate, and if not, identify and implement improvements.”
9. Page 104 (“Proposed Density Bonus Program” map): Revise this map to show the boundaries of the Waterfront Overlay District (WO) and to indicate that Density Bonus recommendations within the WO will be developed by the Waterfront Planning Advisory Board (WPAB).
10. Page 104 (“Proposed Density Bonus Program” map): Modify the map to reflect the latest proposed changes for Capitol Complex, as shown on the map attached to these staff-recommended amendments.
11. Page 105 (DD-1.2): In the last bullet item on page 105, change the opening sentence to read: “The existing CURE re-zoning process has proven to be a convenient alternative to the existing interim Density Bonus Program; so convenient in fact that it has rendered the interim Program ineffective. No developer has . . . “

12. Pages 105-106 (DD-1.2, Density Bonus): Green Roofs.

- This item is not actually a proposed amendment to the DAP, but is included here in order to confirm City staff's response to Council Resolution No. 201011-04-023, which called for Green Roofs to be included within the Downtown Density Bonus Program.
- DD-1.2 contains a recommendation to "Finalize and adopt a Downtown Density Bonus Program that allows developers and the community to equitably share the benefits of additional height and density above the existing regulations." The DAP does not contain details of the recommended program, but instead refers to the specifics as contained within the July 2009 "Downtown Density Bonus Program" report. Consequently no modifications need to be made to the DAP itself in order to incorporate Green Roofs. But, if City Council directs the City Manager develop code amendments that will effectuate a Downtown Density Bonus Program, Green Roofs will be added to the list of Public Benefits, joining Affordable Housing, Family-Friendly Housing, Child Care/Elder Care, Live Music/Cultural Uses, Historic Preservation, Sustainability, and Publicly Accessible Open Space. Green Roofs will be one of the now seven Public Benefits available to both residential and non-residential projects that participate in the Program.

13. Page 106 (DD-1.2): Add a second bullet (just before DD-1.3) stating: "The Waterfront Planning Advisory Board has been charged with developing recommended density bonus provisions for the portions of the Waterfront Overlay District within Downtown. Those provisions should be incorporated into the proposed Downtown Density Bonus Program upon adoption."

14. Page 109 ("Streetfront Setback Requirements Map"): Modify the map to reflect the latest proposed changes for Capitol Complex, as shown on the map attached to these staff-recommended amendments.

15. Page 110 (DD-2.3, second bullet): Modify this sentence to read: "In the Core/Waterfront District, off-street drop-offs and porte-cocheres should be allowed only for hotel developments on Downtown Mixed Use Streets (see map page 81) and only where curbside drop-off areas are not practical or feasible. In no event should a drop-off or porte-cochere interfere with the provision of a generous and continuous pedestrian path."

16. Pages 133 and 134 (PR-3.4):

- Change the heading for PR-3.4 to read: "The design and construction of Great Streets improvements should accompany and be closely coordinated with transit improvements, including urban rail."
- Combine the two bulleted paragraphs to read as follows:

"Streetscape and pedestrian design and facilities are critical to the success of public transit because: they provide the first or last element of any transit trip; they ensure that transit trips occur in a pleasant, accommodating, and human-scaled environment; and they ensure that transit facilities are carefully integrated into the fabric of Downtown. Therefore, it is critically important that streetscape improvements – consistent with the Great Streets Program and the DAP Transportation Framework Plan – be budgeted, designed, and constructed in coordination with transit improvements and investments.

This will be especially true for the corridors where urban rail and Capital Metro's rapid bus service are provided."

17. Page 136 (PR-3.6):

- Remove the illustration that shows one of the possible Congress Avenue configurations.
- Change the language in the second bullet to read as follows: "the long-term physical improvements to the right-of-way that support the location of urban rail and the accommodation -- to the greatest extent practical -- of all other means of mobility on the Avenue."

18. Page 139: Create a new PR-3.8, worded as follows, and change the existing PR-3.8 to PR-3.9. The wording of the new PR-3.8 should be:

"PR-3.8: Explore the creation of a '5th Street Mexican American Heritage Corridor' linking Republic Square to Saltillo Plaza."

"The area around what is now called Republic Square was, in the early 20th century, a hub of the Mexican American community in Austin. Located within this area were the Walker Chili Company, Nuestra Senora de Guadalupe Catholic Church, and numerous other Mexican American businesses and residences. Nicknames for what is now called Republic Square included "Chili Park" and "Mexican Park." The 1920s witnessed the migration (instigated by the 1928 City Plan) of most of those businesses, residences, and institutions to East Austin, where Saltillo Plaza is located. The idea of creating a cultural/historical corridor along 5th Street -- linking these two public squares -- has been suggested as far back as the 1999 "Republic Square Task Force Final Recommendations."

19. Page 142: Substitute an updated map showing the latest (as of date of DAP adoption) Urban Rail route information.

20. Page 142 ("Transportation Framework Plan" map): Consistent with the proposed revisions on page 136, revise this map to show Congress Avenue as having its own special status, not being prioritized for any particular modes of transportation.

21. Page 143 (TP-1.1): Add the following language at the end of the introductory paragraph: "The Council-adopted 2008 'Sidewalk Master Plan' provides a guide for identifying, prioritizing, and improving the Downtown sidewalk system." And provide a footnote for that sentence, the note for which will read:

http://www.ci.austin.tx.us/publicworks/downloads/sidewalk_mp_resolution.pdf

22. Page 150 ("DAP Bicycle Framework Plan"): Modify the map to characterize the one-block long street (Wood Street) east of Henderson Street as a Bicycle Priority Street.

23. Page 167 (LI-1): In the first paragraph, change "five" to "seven," and add Public Works Department and Watershed Protection Department to the list.

24. Pages 169-170 (LI-1.1): Modify the "Public Infrastructure" paragraph to read as follows: "The Development Corporation should be tasked with developing -- and supporting the development of -- key public infrastructure improvements that stimulate desirable private sector investment in strategic locations or that provide strategic public benefits. This will

entail prioritizing . . . and construction. Public infrastructure projects of this nature could include improvements . . . streetscape enhancements. Working in this fashion the Development Corporation would not supplant the role of the City's Public Works Department, but would have the ability to act in an opportunistic and strategic manner, especially in situations where the City would not be able to do so."

Typographical and Other Small Corrections:

1. Page 4: Change "Transformation" to "Transformative."
2. Page 13 ("There is still significant potential for growth."): Add the following language at the end of this paragraph: "This estimate of the potential for Downtown growth is purely a 'capacity' analysis (i.e., how many additional square feet of development could be accommodated) and is not an estimate of whether, when, or how much square footage the market will produce."
3. Page 14 (first paragraph): Change "Since there are few effective options for increasing" to "Since there are few reasonable and sustainable ways to increase."
4. Page 15: Change "More specific form-based regulations, with increased levels of transit and shared parking, will be needed to achieve the full potential of a high-density downtown that is livable" to "More specific form-based regulations, with increased levels of transit, bicycle, and pedestrian access and shared parking, will be needed to achieve the full potential of a high-density downtown that is livable."
5. Page 25 (TP-2.1): Add "and regional" after "planned commuter."
6. Page 33 (Summary of District Goals): Lower Shoal Creek District – Correct typo at 2nd bullet ("flood").
7. Page 35: For the block south of Republic Square: remove the "AMOA" label; replace with "Travis County;" remove the color lines representing "Retail/Restaurant/Bar Frontage" and "Cultural Frontage." Also remove the "AMOA" label from the parcel at corner of 9th and Congress.
8. Page 48 (Development Opportunity Sites): 2nd bullet - change "creeks-level" to "creek-level."
9. Page 69 (HP-1.1): In the title text, eliminate the word "updated."
10. Page 78 (AU-1.2): add the following to the beginning of the first bullet, "The support documentation developed in the District Plans...."
11. Page 84: Change map to indicate County ownership of block south of Republic Square.
12. Page 95: The chart ("Total leased office area, sq ft") should be moved to page 96.
13. Page 106 (DD-1.3): Delete the second sentence, which reads: "These should be developed as part of detailed district plans."

14. Page 101 (second full paragraph): Prior to the sentence that begins “Additional density . . .” add the following: “This estimate of the potential for Downtown growth is purely a ‘capacity’ analysis (i.e., how many additional square feet of development could be accommodated) and is not an estimate of whether, when, or how much square footage the market will produce.”
15. Page 117: In the first sentence of the fourth full paragraph, eliminate the words “Development Program,” so that the sentence reads, “The City’s Great Streets Program, established . . .”
16. Page 177 (Parks & Open Space): The second line should read: “Design and construction of Waller Creek Greenway, Palm Park, Waterloo Park, and Brush Square”
17. Page 134: Change “Capital Metro ‘rapid transit’ bus” to “Capital Metro rapid bus.” Also, change “corridors” to “corridor.”
18. Page 141 (TP-1): Change “vehicular circulation” to “vehicular mobility.”
19. Page 143: Substitute updated sidewalk scoring map (from “Sidewalk Master Plan”). And provide citation to “Sidewalk Master Plan.”
20. Page 147 (TP-2, first paragraph): Change “planned ‘rapid transit’ bus routes” to “planned rapid bus routes.”
21. Page 147 (TP-2.1): Change the heading for TP-2.1 so that it reads: “Establish an urban rail system to connect Downtown with other Central Austin destinations and passenger rail systems.” In the paragraph that follows the heading, change “Austin Bergstrom” to “Austin-Bergstrom.”
22. Page 147 (Item TP-2.1, second bullet): Modify that paragraph to read: “The urban rail system should link to commuter and regional rail assets, including: MetroRail on East 4th Street, which is planned to be double-tracked and extended to Brazos Street; and the future Lone Star Rail (“LSTAR”) intercity regional rail line, which is expected to stop near Seaholm on West 3rd Street.”
23. Page 147 (TP-2.2): Change “Service Plan” to “ServicePlan.” Also, change “Guadalupe/Lavaca” to “Lavaca/Guadalupe.” In the second bullet, change “Guadalupe and Lavaca” to “Lavaca and Guadalupe.”
24. Page 153 (TP-4.1, first bullet): Change the first sentence to read as follows: “The City, through its newly-created Parking Enterprise, is taking and should continue to take a more proactive role than it has in the past in coordinating the supply of Downtown parking . . . “
25. Page 177 (“Ten-Year Implementation Plan”): In the “Parks and Open Space” section, change the second item so that it reads as follows: “Design and construction of Waller Creek Greenway, Palm Park, Waterloo Park, and Brush Square.”
26. Appendix K: Reprint pages K-28 through K-36, and K-47 so that entire sheet shows.

Post-4/26/11 Proposed Amendments

The following staff-recommended amendments arose after the Planning Commission took its action on April 26, 2011.

1. Page 6: The first sentence of the first bullet item should be modified to read as follows:
“Downtown’s land area is 0.6% of the total land area of the City, yet it constitutes approximately 5% of the City’s property tax base, about 3.4 billion dollars.” The second sentence can remain unchanged.

2. Page 72 (HP-2.2): Amend the first bullet item on page 72 as follows:

~~“In consideration of reduced height limits, and~~ To provide an incentive for preservation, the Plan recommends that the City adopt a ~~corresponding~~ Transfer of Development Rights (TDR) program . . .”

3. Page 78 (AU-1.2):

At the end of the first bullet, add the sentence: “See DD-1.3.”

Add another bullet item after the first bullet item, which reads as follows:

Provide incentives for neighborhood-serving commercial uses in certain activity areas of the Northwest District. A concentration of neighborhood serving retail businesses should be encouraged along MLK Boulevard, 12th Street west of West Avenue, and 15th Street east of Rio Grande Street. To encourage retail shops and restaurants along these designated frontages, the floor area of these particular uses should be exempted from the FAR density calculation.

4. Page 85 (AU-2.3) Modify the section to read as follows:

The City of Austin and other providers have strived to address the immediate needs of sheltering the homeless; however, progress is needed to provide permanent supportive housing that can help people transition to more stable and independent lives. To this end, the City Council in March 2010 passed a resolution prioritizing local and federal resources administered by the City’s Health and Human Services and Neighborhood Housing and Community Development departments in order to create 350 units of permanent supportive housing in the next four years.

Permanent supportive housing is a cost-effective way of addressing the needs of those who face the most complex challenges: individuals and families confronted with homelessness who also have very low incomes and significant barriers to obtaining housing, including criminal histories, substance abuse addictions, mental illness, or other mental and physical challenges. Such housing combines a place to live with social services, such as job and life skills training, alcohol and drug abuse programs and counseling. Permanent supportive housing is intended to help people recover and succeed while reducing the public’s overall cost of care. Goals of the City of Austin’s Permanent Supportive Housing Strategy include geographically dispersing a diverse housing stock; creating units with high quality design; establishing effective property management; developing partnerships with non-profit and private developers and agencies; and supporting tenant’s choice and fair housing principles.

The City should commit to the creation of approximately 225 units of housing in Downtown to address the needs of very low-income persons, some of which may be single-room occupancy (SRO) or other appropriate permanent supportive housing, in conjunction with non-profit partners that can provide needed services. The location of these units should be carefully considered; sites near the already-burdened area surrounding the Austin Resource Center for the Homeless should be avoided.

5. Page 95: Move “Total leased office area” chart to the same page as AU-5.
6. Page 99 (AU-7.3, first bullet): Modify the language of this bullet item to read as follows:

“Fire Station #1, which occupies most of the western half of Brush Square, should be relocated to another downtown site that meets the response time needs of AFD and can also accommodate AFD Headquarters and other City departments. The Art Deco building constructed in 1939 should be repurposed as a visitor-oriented facility, such as a museum and provide an outdoor dining terrace overlooking the open space. A public process should be initiated to determine how best to reuse the building, and a public-private partnership should be established to implement the re-use vision.”

7. Page 105 (DD-1.2, Density Bonus Program)
 - The first bullet under DD-1.2) recommends that the City “should finalize and adopt the Downtown Density Bonus Program as an integral part of the DAP and proceed with the preparation of the necessary code amendments . . .” The July 2009 draft “Downtown Density Bonus Program” report would serve as the starting framework for developing code amendments, but the process would also include further public engagement and input. The 2009 report is not actually part of the Downtown Austin Plan (it appears as Appendix H), but staff wishes to note the following recommended modifications to that report. These modifications were presented to Council in January 2010. Page references are to the July 6, 2009, draft “Downtown Density Bonus Program” document.

With regard to the Sustainability option (page 23):

- Move 1-Star Austin Energy Green Building (AEGB) rating from the list of Sustainability options to a “Gatekeeper” requirement. In other words, a 1-Star rating would be required for all projects that seek to participate in the Density Bonus Program.
- 15% bonus for a 2-star rating (previously, no bonus for 2-star rating).
- 20% bonus for a 3-star rating (previously bonus for 2-star was 25%).
- 4- and 5-star ratings would not be included in the Density Bonus Program.

After adoption of the DAP, as the Density Bonus code amendments are developed, these recommended ratings and percentages will continue to be evaluated in light of work flowing from the updated Comprehensive Plan, and the City of Austin’s evolving sustainability goals, standards and initiatives.

With regard to the Publicly Accessible Open Space option (page 23), the bonus amount would remain the same (five square feet of bonus area for each one square foot of “eligible” open space), but the requirements for eligible opens spaces would be modified as follows:

- Change the minimum size of a qualifying Publicly Accessible Open Space from 600 sf to 1,200 sf.
 - Change the required minimum percent of the Publicly Accessible Open Space that must be open to the sky from 75% to 50%.
 - Add a minimum vertical clear dimension for any portion of the Publicly Accessible Open Space that is not open to the sky.
 - An additional sentence should be added at the end of the bullet item that begins, “The density bonus system should ensure. . . .” That new sentence should read as follows: “In light of the economic events of the past several years, the economic analysis that formed the basis for the Density Bonus provisions regarding fee in lieu, community benefits, etc. should be re-calibrated prior to the adoption of a Density Bonus code amendment, so as to ensure that those provisions reflect current economic conditions.”
 - The final sentence in the last bullet item in Page 105 should be amended to read as follows: “While CURE re-zoning should be retained as a means to obtain additional density and/or height, the CURE zoning provision should be amended so as to require an applicant to demonstrate that the proposed project has achieved the provisions of the Density Bonus Program to the maximum amount feasible. I.e., an applicant must describe which community benefits can be achieved and which cannot.”
7. Page 115 (DD-3.8): Based on recent discussions with the City’s Chief Sustainability Officer and the Austin Energy Green Building Program, staff recommends that DD-3.8 (and the accompanying text) be modified to read as follows:

DD-3.8: Establish an acceptable level of green building consistent with overall city goals to be established in the updated Comprehensive Plan, and consistent with City of Austin’s evolving goals, standards and initiatives.

Currently buildings with CBD and DMU zoning designations are required by code to achieve a 1-star Austin Energy Green Building (AEGB) rating. The City should establish an appropriate level of green building reflective of the community’s commitment to sustainability and climate protection.

- The City should develop Downtown standards for green building, based on the goals and policies established city-wide by the Comprehensive Plan and other initiatives, to ensure that Downtown plays an appropriate and equitable role in meeting local and regional sustainability targets.
- The City should evaluate other accepted green building rating tools in addition to AEGB. One such rating tool is the Leadership in Energy and Environmental Design (LEED) rating system, which has become a nationally recognized benchmark. Some developers, especially those with a presence outside of Austin, may desire the option to use such tools. Further analysis is needed to develop specific recommendations, including determining an appropriate process and level of certification that would provide equivalency to AEGB ratings. If LEED, or another rating tool, is included as an option, processes should be put in place that will ensure an equivalent level of verification and

reporting.

- The City should consider adopting the International Green Code, once it is finalized.

8. Page 143 (TP-1.2): Modify the first bullet to read as follows (in order to match the map to the right of the page):

“The City should pursue the phased conversion of several Downtown streets (map to right) from one-way to two-way operation. These include: 3rd, 7th, 8th, 9th, 10th, 16th, 17th, and 18th in the east-west direction; and Colorado, Brazos, San Jacinto, Trinity (north of 7th Street), and Sabine Street (between 3rd and 7th Streets) in the north-south direction.”

9. Page 167 (LI-1): Insert “and” between “Planning” and “Development.”
10. Page 172: In picture caption, change “3DCD” to 3CDC.”