

## **RESOLUTION NO. 20130328-031**

**WHEREAS**, the City Council adopted the Downtown Austin Plan on December 8, 2011; and

**WHEREAS**, the Downtown Austin Plan establishes the intent 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 existing regulations; and

**WHEREAS**, the Affordable Housing Incentives Task Force — comprised of developers and affordable housing advocates— recommended and Council adopted the 2008 interim Downtown Density Bonus Program, which provides for density incentives in exchange for community benefits, including affordable housing (City Code Section 25-2-586); and

**WHEREAS**, for years prior to adoption of the Downtown Austin Plan and in the more than one year since its passage, developers have sought and received Central Urban Redevelopment (C.U.R.E.) Combining District zoning as a means of increasing development entitlements and increasing flexibility for site specific needs while the interim Downtown Density Bonus program remains unutilized; and

**WHEREAS**, under the Land Development Code, C.U.R.E. zoning allows flexibility in exchange for benefits, including the following:

- development of affordable housing;
- development of small businesses along principal transportation routes serving a neighborhood;

- sustainable redevelopment of residential and commercial properties;
- improvement of natural environment;
- encouragement of high-quality development compatible in design and proportion with neighborhood; and

**WHEREAS**, the Downtown Density Bonus Program that was included in the final Downtown Plan was intended to continue to provide flexibility to developers while also providing clear priorities for community benefits; and

**WHEREAS**, the Density Bonus Program that was adopted as Appendix H of the Downtown Austin Plan has yet to be codified; and

**WHEREAS**, three cases have come before Council for consideration in the time since the Downtown Austin Plan was adopted, with different outcomes related to community benefits provisions; and

**WHEREAS**, City staff has outlined a “streamlined” and simplified version of the DAP’s Downtown Density Bonus Program, which could be put in place more readily while the full DAP Density Bonus Program is being codified; and

**WHEREAS**, that streamlined Density Bonus Program would consist of the following basic components: Gatekeeper Requirements; a fee-in-lieu per square foot as identified in the Downtown Plan or as updated; the concept of a “floor,” derived from multiplying the desired “bonus” square footage times the appropriate fee-in-lieu; a requirement that a minimum of 50% of the bonus space must be achieved through paying a fee-in-lieu to a city-administered affordable housing fund; and a mechanism by which other community benefits proffered by the project could be considered to achieve

any portion of the bonus space that is not achieved by providing affordable housing fee-in-lieu benefits; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**


The City Council initiates Code amendments to codify the "streamlined" Downtown Density Bonus Program identified above that will replace C.U.R.E. zoning, as referenced in the approved Downtown Austin Plan, and directs the City Manager to (1) prepare the necessary amendments; (2) present the amendments to the Community Development Commission, Downtown Commission, and Planning Commission; and (3) present the amendments to Council for consideration no later than June 6, 2013.

**BE IT FURTHER RESOLVED:**

The City Council will use the adopted Downtown Austin Plan density bonus program as a guiding principle in reviewing future C.U.R.E. zoning requests when exercising its discretionary zoning authority.

**APPROVED:** March 28, 2013

**ATTEST:**

 For  
Jannette S. Goodall  
City Clerk