

**Downtown Density Bonus and Rainey Amendments
Staff Recommended Changes
Updated 2/13/2014**

Staff Recommended Change A

Delete PART 1, Section (E) (12) and renumber other portions of the ordinance as necessary:

PART 1, Section (E) (12) On-site Children Play Area Community Benefit:

- ~~(a) A project may achieve one square foot of bonus area for each one square foot of area provided by an applicant for children's play areas, common open space for children, and similar space.~~
- ~~(b) Requirements:~~
 - ~~(i) The requirements that an applicant must meet in order to achieve bonus area for this community benefit are adopted by administrative rule.~~

Staff Comments: Planning Commission recommended that this community benefit be added to the Downtown Density Bonus program. Staff finds the addition of this community benefit to be in contradiction with the fundamental principle of the adopted Downtown Austin Plan, which states that the density bonus program should be focused on the most at-risk elements of Downtown and should not become a catch-all for all public objectives. The menu of community benefits currently included in the program was vetted through an extensive public process and staff believes that the addition of another community benefit will decrease the efficacy of the previously-determined community benefits included in the program.

Staff Recommended Change B

Correction to clarify review process.

Modify PART 1, Section (I) as shown below:

PART 1, Section (I) Director's approval. Once an applicant meets the submission requirements of the downtown density bonus program and executes the necessary restrictive covenants to ensure that the applicant provides all required community benefits, the director will issue a written notice of approval that indicates the project's allowable floor-to-area ratio and height.

Staff Comments: Staff determined that this clarification is needed to determine when requirements must be met based on the review of the first project submitted for participation in the Downtown Density Bonus Program.

Staff Recommended Change C (Modified)

Correction for better match and modification of bonus earned.

Modify PART 10 as shown below:

PART 10. Bonus area equal to ~~20%~~ 25% of the site's primary entitlement shall be granted for 3-star Austin Energy Green Building (AEGB) rating or LEED for New Construction ~~Gold~~ Silver rating as defined in 25-2-586(E)(8).

Staff Comments: The Office of Sustainability and the Austin Energy Green Building Program agree that LEED for New Construction Silver is a closer match to a 3-star Austin Energy Green Building (AEGB) rating than is a LEED Gold rating. This change was recommended after the Planning Commission reviewed the draft ordinance.

Staff Recommended Change D

Correction.

Modify PART 2, Section (C)(4) to add a new section (f) as shown below:

PART 2, Section (C)(4)(f) A unit is affordable for purchase or rental if, in addition to the other requirements of this section, the household is required to spend no more than 30 percent of its gross monthly income on mortgage or rental payments for the unit.

Staff Comments: The lack of this statement in this section was an oversight.