

# SOUTH CENTRAL WATERFRONT REGULATING PLAN



**DRAFT**  
**March 19, 2018**

## A. Purpose

The purpose of this South Central Waterfront District (SCWD) Regulating Plan is to implement the goals of the South Central Waterfront Vision Framework Plan (the Vision Plan), which was adopted as an amendment to Imagine Austin in June of 2016. This Regulating Plan is incorporated as part of the Vision Plan, and provides applicable procedures and development standards for properties electing to opt into the provisions of the SCWD Overlay Zone, set forth in 23-40-9120 of the Land Development Code (LDC).



*Prior to its adoption in 2016, the South Central Waterfront Vision Framework Plan conducted a robust community outreach effort.*

## B. Application Requirements

1. **Review Authority:** The Planning Director administers the SCWD Regulating Plan and shall review applications in compliance with LDC Chapter 23-2 (Administration Procedures).
2. **Schematic Plan:** The applicant must submit to the Planning Director a schematic level site plan, building elevations, and other drawings, simulations or other documents necessary to fully describe the urban design character of the development and the relationship of the development to the Vision Plan and Regulating Plan.
3. **SCWAB Review:** The South Central Waterfront Advisory Board (SCWAB) shall evaluate and make recommendations regarding whether the development is in substantial compliance with the Vision Plan and the Regulating Plan, and the Planning Director shall consider comments and recommendations of the SCWAB.
4. **Affordable Housing Review:** Following the initial submittal to the Planning Director, the applications for the SCWD affordability component shall be submitted to the Housing Director for the initial review and processing procedures in compliance with LDC Division 23-2B-1 (Application Requirements).
  - a. **Housing Director's Approval.** Following the submittal and approval of an application in compliance with this Division, the Housing Director shall issue an Affordability Certification Letter to the applicant. The Affordability Certification Letter is required prior to the Site Plan approval by the Development Services Director.



- b. **Applicant's Obligation.** Before the Building Official may issue a Certificate of Occupancy in compliance with LDC Section 23-2H-4020 (Certificate of Occupancy), the applicant must fulfill all obligations including but not limited to the payment of all fees and execution of land use restrictions to ensure that the applicant meets all applicable Regulating Plan requirements.
- 5. **On-Site Public Realm Improvements:** The applicant shall execute a restrictive covenant committing to provide all new streets, streetscape, landscape, water quality, open space, block structure, and ground level uses which are mapped on their property, if any, to be consistent with the provisions of this Regulating Plan.
- 6. **Building Design Standards:** A site plan must comply with the building design and development standards prescribed in this Regulating Plan.
- 7. **Green Building:** All development must achieve a minimum Two-Star rating in Austin Energy's Green Building Program.
- 8. **Community Amenity Fee:** Upon approval of the Site Plan, the applicant shall submit payment of a Community Amenity Fee as established by ordinance in the South Central Waterfront Public Improvement District fund dedicated to SCWD community amenities.
- 9. **Public Improvement District:** Properties that are adjacent to the existing Downtown Austin Public Improvement District (DAPID) must petition for inclusion in the DAPID.

- 10. **Changes in Building Design:** If the design of a building changes after a site plan is approved under this Section, the Planning Director shall review the new design for compliance with this Section prior to Building Permit approval. A Building Permit for a final design will not be approved until the design complies with this Section and the restrictive covenants are amended to reflect adherence to the Regulating Plan development standards and required community amenity contributions.



*The 118-acre area is characterized by a fragmented pattern of streets, blocks and development parcels.*

## C. Affordable Housing

1. **Benefit Contribution:** The applicant shall provide an affordable housing community benefit by using one or more of the following:
  - a. **On-site Affordable Housing for Residential Development.** For residential developments, an applicant may satisfy the affordable housing gatekeeper requirement by providing a percentage of residential units as on-site affordable housing within the development.
    - i. Affordable units must be delivered and maintained such that the mix of the number of bedrooms in the affordable units is the same as the mix of the number of bedrooms in the market-rate units, except that the provision of dedicated two- or three-bedroom affordable units may count toward the affordability requirement as two or three one-bedroom/efficiency units at the discretion of the Housing Director.
  - b. **On-site Affordable-Housing for Mixed-Use Development.** For mixed-use developments, an applicant may satisfy the affordable housing gatekeeper requirement by providing a percentage of residential units as on-site affordable housing within the development and paying a fee into the Housing Trust Fund for the proportion of the area in the development that is applied to non-residential uses.
  - c. **Alternatives to On-site Production of Affordable Housing for Residential and Mixed-Use Developments.** Any request to meet the affordable housing gatekeeper requirements through an alternative other than production of on-site affordable units under this section requires review by the designated review group in compliance with LDC Section 23-3E-1080 (B).
    - i. **Housing Fee in Lieu of Affordable Units.** An applicant may pay a fee in lieu of providing the affordable units. The total fee-in-lieu amount required for a residential development, or the residential portion of a mixed-use development, is determined by multiplying the bonus square feet by the corresponding per square foot fee or multiplying the affordable units required by the corresponding per unit fee, as published in the City's fee schedule at the time the project's site plan is submitted.
      - 1) The fee payment shall be reserved for use in the South Central Waterfront District. If the funds are not allocated to an affordable housing activity in the South Central Waterfront District within five years following the payment of the fee, the Housing Director may use the funds outside of the district.
    - ii. **Off-site Production.** Off-site production of affordable units may be proposed if the off-site production of affordable units produces more affordable units or a greater community benefit, as determined by the Housing Director. Off-site affordable units:
      - 1) Must be deed-restricted to achieve at least the same affordability period and income restrictions as the project accessing the SCWD Overlay, in accordance with Subsection 3 below, and may include any combination of new units or units in an existing structure;





*This rendering from the Vision Framework Plan illustrates how the South Central Waterfront Plan may appear in twenty years. A key objective of the plan is to provide a significant component of affordable housing through development incentives. Illustration by Stephanie Bower.*



- 2) Must include at least the same number of units and same bedroom count mix as would be required of the on-site affordable units, except that the provision of dedicated two- or three-bedroom affordable units may count as two or three one-bedroom/efficiency affordable units at the discretion of the Housing Director;
  - 3) Must be within the SCWD or in a location approved by the Housing Director, such as a high opportunity area;
    - a) If located outside the SCWD, income restrictions on affordable units must comply with the citywide Affordable Housing Bonus Program (LDC Section 23-3E-1040).
  - 4) Must include the payment of a fee equal to the total fee-in-lieu amount due for the development accessing the SCWD Overlay, which is held in escrow, until a final Certificate of Occupancy is issued for the off-site units; and
  - 5) Must receive Certificate of Occupancy for the off-site units within 36 months of the date that the final Certificate of Occupancy is issued for the property seeking the bonus.
- iii. Land Dedications. Land dedication may be proposed as an alternative to on-site production of affordable units. The applicant may donate to the City land that is within the SCWD, within one mile of the property seeking the bonus, within a high opportunity area, or that the Housing Director determines is suitable for the construction of affordable units and is of equivalent or greater value than is produced by applying the fee-in-lieu for affordable units. Any dedicated land must be within the full purpose jurisdiction of the City of Austin.
- d. Non-Residential Fee for Affordable Housing. If a property includes only non-residential uses, the applicant shall pay a fee-in-lieu as established by ordinance into the Housing Trust Fund.
    - i. The fee applied shall be the fee amount published in the City's fee schedule at the time the project's site plan is submitted. The fee shall be updated in compliance with LDC Section 23-3E-1070.
    - ii. The fee payment shall be reserved for use in the South Central Waterfront District. If the funds are not allocated to an affordable housing activity in the South Central Waterfront District within five years following the payment of the fee, the Housing Director may use the funds outside of the district.
  - e. Subject to funding availability, the City of Austin may fund the provision of additional affordable units to achieve affordability for twenty percent of the units in the development. The City may elect to subsidize residential units in the development for rental or ownership purposes in any amount and at any level of affordability pursuant to criteria and procedures established by the Housing Director.

## 2. Affordability Requirements for Owner-occupied Units

- a. The landowner must enter into a restrictive covenant, as amended at the time of the receipt of the Affordability Certification Letter, unless the landowner is required to comply with Subsection (C). The restrictive covenant must include, but is not limited to the following:
  - i. The affordability period;
  - ii. The agreement that the unit must be sold to an income eligible household at or below 120 percent of the Median Family Income (MFI) HOME Limits, as amended per household size, and as defined by the U.S. Department of Housing and Urban Development for the Austin-Round Rock Metropolitan Statistical Area. The income determination is conducted by the Housing Director; and
  - iii. The agreement that the maximum sales price for an affordable ownership unit must not exceed three times the annual income for a household at 120 percent MFI, adjusted for unit size where one bedroom equals one person. Up to 3.5 times the annual income for a household at 120 percent MFI can be spent on housing costs if a household member has completed a City-approved homebuyer counseling or education class.

## 3. Affordability Requirements for Rental Units

- a. The landowner must enter into a restrictive covenant prior to the release of the final building permit. The restrictive covenant must include, but is not limited to the following:

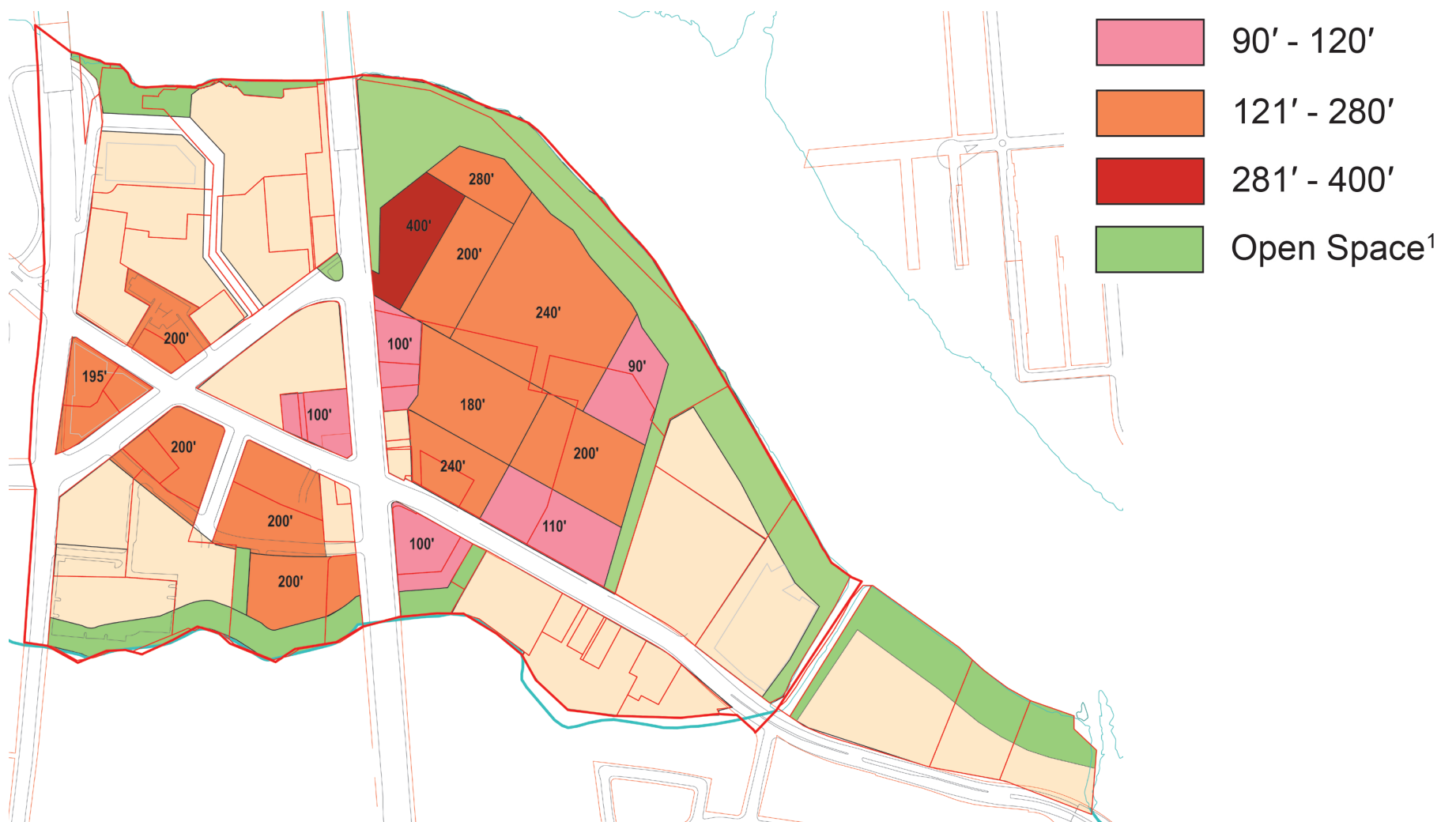
- i. The affordability period;
  - ii. The units must be rented to an income eligible household at or below 80 percent of the Median Family Income (MFI) HOME Limits, as amended per household size, and as defined by the U.S. Department of Housing and Urban Development for the Austin-Round Rock Metropolitan Statistical Area;
  - iii. The maximum monthly rental rate for an affordable rental unit shall not exceed 30 percent of the average gross monthly income for a household at 80 percent MFI, adjusted for unit size where one bedroom equals one person; and
  - iv. The set aside requirements for ownership units applicable in the event of occupancy conversion to ownership units.
- b. An applicant may not deny a prospective tenant affordable rental housing based solely on the prospective tenant's participation in the Housing Choice Voucher Program or in any other housing voucher program that provides rental assistance.

4. **Reporting, Compliance, and Enforcement:** The affordable housing gatekeeper requirements of this Division shall be subject to the reporting, monitoring, and compliance requirements of LDC Subsection 23-3E-1100 (Reporting, Compliance, and Enforcement).



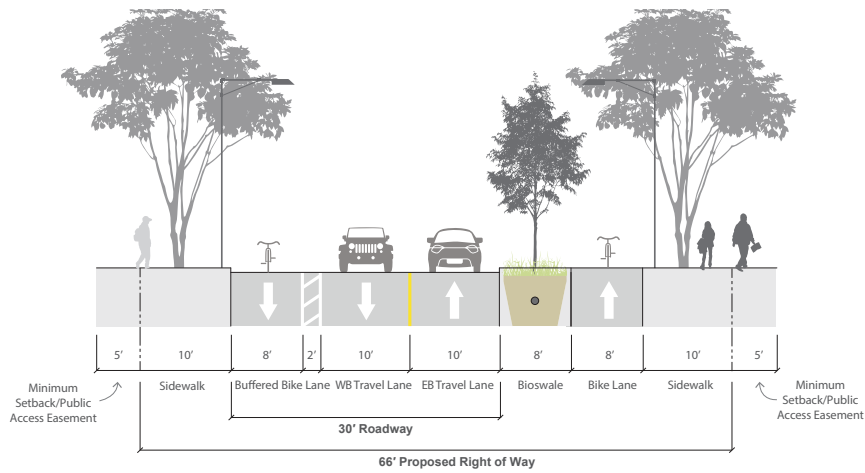
## D. Development Standards

1. **Eligibility:** An Applicant may supersede the standards of the base zone, the Combined Waterfront Overlay, the Parkland Dedication Ordinance and Commercial Design Standards by opting to follow the provisions of the SCWD Overlay and this Regulating Plan. In addition to the development standards of the Regulating Plan described herein, eligible properties will comply with the development standards and land uses set forth in the Urban Center (UC-Unlimited) zoning district described in the Land Development Code (Chapter 23-4D-6070). The following development standards shall supplement those of the Code; where there are inconsistencies, these standards shall apply.
2. **The Regulating Plan Height Map** (Figure 1) describes properties within the SCWD Overlay that are eligible for additional height. Future amendments to the Vision Plan may allow for other properties within the SCWD to be considered for additional entitlements, subject to the standards set forth in this Regulating Plan.
3. **Required Streets:** Because the SCWD lacks the necessary infrastructure to support the intensity of anticipated development, the Regulating Plan sets forth two new streets to break up the large superblocks that exist in the area. These include:
  - a. The Eastern Extension of Barton Springs Road: Properties seeking redevelopment along the eastern frontage of South Congress Avenue between East Riverside Drive and Lady Bird Lake or along the northern frontage of East Riverside Drive between South Congress Avenue and Bouldin Creek shall provide right-of-way for the eastern extension of Barton Springs Road from South Congress Avenue to East Riverside Drive. The alignment of the roadway shall follow eastward from the intersection of Barton Springs Road and South Congress Avenue generally along the joint property line of existing parcels and southward to East Riverside Drive. The right-of-way of the east-west segment of the roadway shall be no less than 66 feet in width, with minimum 5-foot setbacks along each side, consistent with the configuration of the street section set forth in the Vision Plan (Figure 2a). The north-south segment of the roadway, including the adjacent greenway, shall have a right-of-way width no less than 95 feet, with a minimum 5-foot setback along the west side, consistent with the configuration of the roadway and trail sections set forth in the Vision Plan (Figure 2b). The setbacks along these street segments shall be designated as public access and utility easements. Figure 3 illustrates two possible alignments for this extension of Barton Springs Road. Final alignment and configuration of the roadway shall be negotiated with the affected property owners and approved by the Director of the Austin Transportation Department.

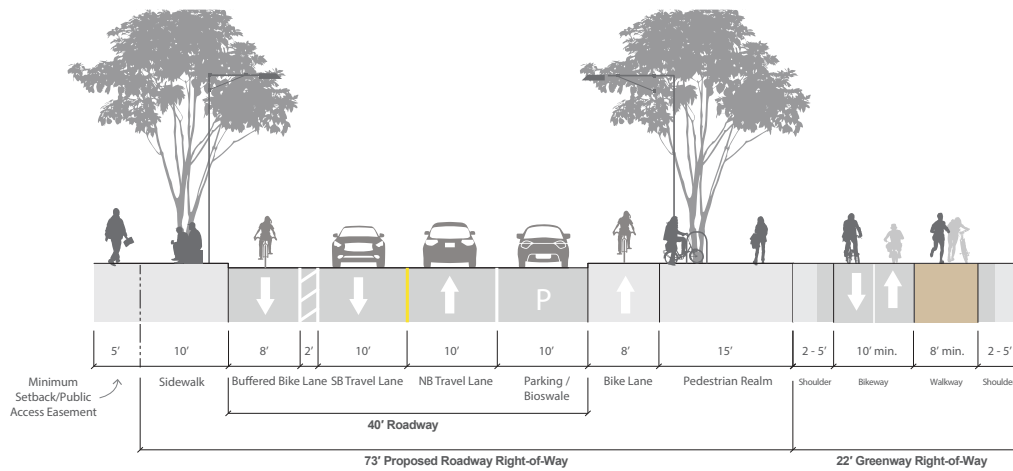


**Figure 1: Regulating Plan Height Map**

<sup>1</sup> Open space includes required setbacks from existing and proposed regulations and PUDs.



2a. East-West Segment of Barton Springs Road Extension



2b. North-South Segment of Barton Springs Road Extension

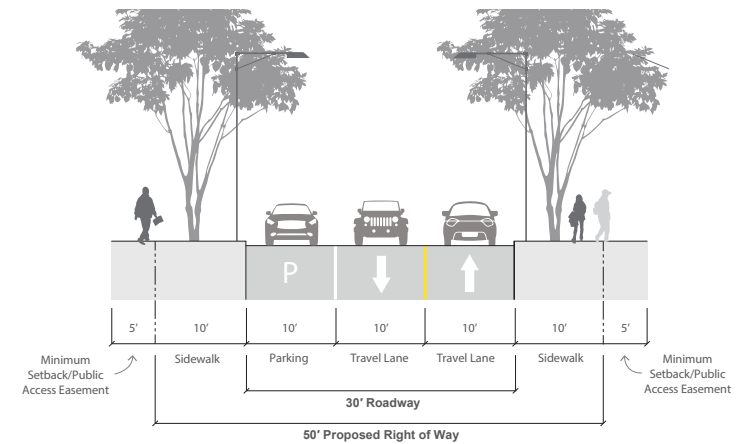
**Figure 2: Barton Springs Road Extension Cross Sections**



**Figure 3: Possible Alignments of Barton Springs Road Extension**

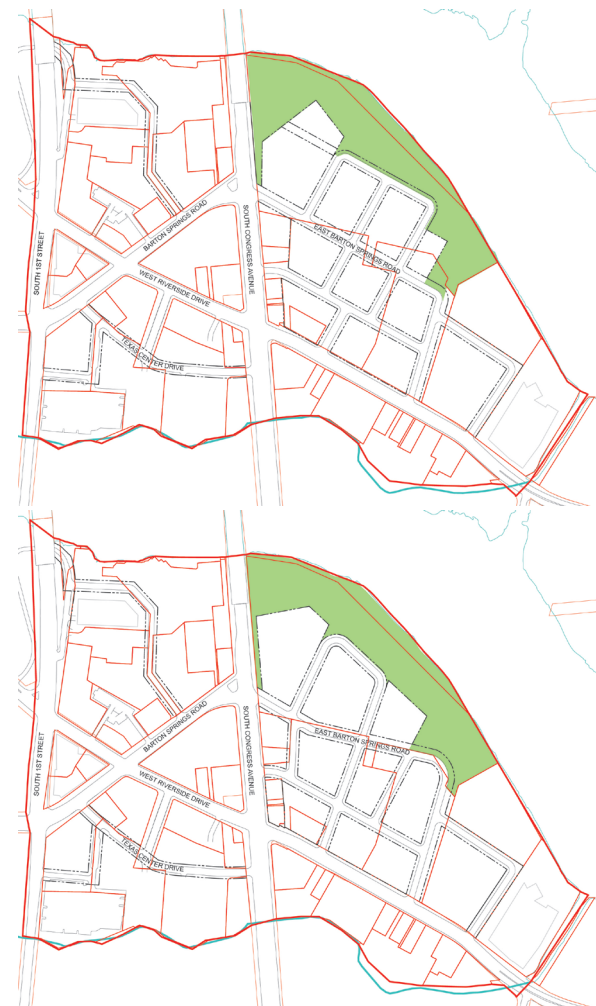


- b. Texas Center Drive: Properties seeking redevelopment along the western frontage of South Congress Avenue, south of East Riverside Drive and west of Barton Springs Road, shall provide right-of-way for the creation of a new street – Texas Center Drive - connecting South Congress Avenue with Barton Springs Road. The alignment of the road shall generally follow westward from South Congress Avenue along existing property lines to Barton Springs Road. The right-of-way of the roadway shall be no less than 50 feet in width, with minimum 5-foot setbacks along each side, consistent with the configuration of the street section set forth in the Vision Plan (Figure 4). The setbacks along the street shall be designated as public access and utility easements. Figure 5 illustrates one possible alignment for Texas Center Drive. Final alignment and configuration of the roadway shall be negotiated with the affected property owners and approved by the Director of the Austin Transportation Department.



4. **Required Open Space:** The SCWD will include a network of public open spaces that provide generous access to and along Lady Bird Lake, Bouldin Creek and between the various activity centers within the district. Properties seeking redevelopment as part of the SCWD Overlay shall provide the following open spaces at a level of improvement consistent with the cost estimates described in Appendix II of the Vision Plan, escalated to current dollars. More specifically:

- a. **Statesman Waterfront Park:** Redevelopment of the Statesman site as part of the SCWD Overlay will include development of a publicly accessible waterfront park of no less than 9.6 acres along Lady Bird Lake. Figure 6 illustrates two possible configurations for the Statesman Waterfront Park. The final boundaries and configuration of the park shall be negotiated with the property owner, subject to the following criteria:
  - i. No development shall be located within 150 feet of the shoreline;
  - ii. The park shall be bounded by at least 350 lineal feet of local public streets; the remainder of the perimeter shall be provided in publicly-accessible trails, walkways or promenades.
- b. **Crocket Square:** Redevelopment of the Crockett property east of South Congress Avenue and north of East Riverside Drive will include an open space – Crocket Square, along the extension of Barton Springs Road East with an area no less than one acre and no dimension less than 150 feet; the square shall be bounded on all four sites by public streets. Figure 7 illustrates two possible configurations for this open space, the final boundaries and configuration of which shall be negotiated with the affected property owner(s).



**Figure 6: Possible Configurations for Statesman Waterfront Park**



**Figure 7: Possible Configurations for Crockett Square**

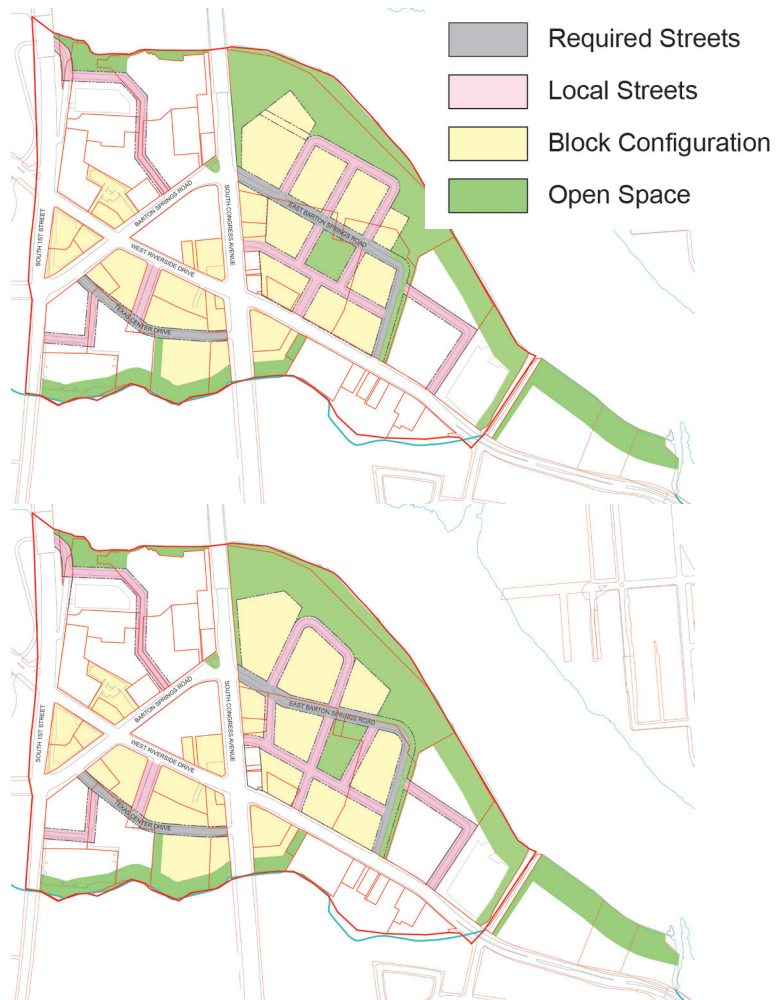
- c. Bouldin Creekfront: Redevelopment of properties along the northern banks of Bouldin Creek shall be required to improve the creekfront as a publicly accessible trail and open space that will ultimately link South Congress Avenue with South First Street. Buildings shall be set back from the centerline of the creek by at least 100 feet to provide for this open space. Low impact green infrastructure shall be incorporated to capture and filter run-off. Pedestrian access to the creekfront shall be provided from Texas Center Drive and from East Riverside Drive within public access easements no less than 40 feet in width (Figure 8).



**Figure 8: Bouldin Creekfront & Access**



5. **Local Streets and Blocks:** Redevelopment sites shall include a network of local streets and blocks with no block face (measured at the lot line) greater than 400 feet in length and no block perimeter greater than 1400 linear feet. The perimeter of each block shall be bounded by at least two public streets, with the remaining block faces bounded by publicly accessible open space with a minimum depth of 100 feet and/or by a pedestrian way with a minimum width of 50 feet. Figure 9 illustrates two possible block patterns that would meet this standard. The right-of-way of local roadways shall be no less than 50 feet in width, with minimum 5-foot setbacks along each side, consistent with the configuration of the street sections set forth in the Vision Plan (Figure 4). Setbacks shall be designated as public access and utility easements.
6. **Streetscape:** All streets within the SCWD shall be improved, consistent with the streetscape requirements of the City of Austin Great Streets program (cite). Green infrastructure elements (e.g., rain gardens) are encouraged to enhance the ecological performance of the streetscape.
7. **Building Placement:** Buildings shall be constructed to within 10 feet of the property line of all new streets within the SCWD, provided that those streets are designed consistent with the cross sections depicted in Figure 2. Greater setbacks will be permitted if such setbacks provide useable and active public space.
8. **Ground Level Uses:** The ground floor of buildings in the SCWD Overlay are required to meet minimum frontage requirements as follows:
  - a. **Pedestrian Priority Frontages:** At least 75% of block frontages designated as Pedestrian Priority (Figure 10) shall be in Civic uses or in uses classified as Commercial Group A as provided in Table 23-4D-9070(B) of the Land Development Code. Parking garage access and loading areas are not permitted along Pedestrian-Priority frontages.
  - b. **Other Street Frontages:** All other street frontages shall have at least 60% of the block frontage in uses classified as Civic, Residential or as Commercial Group B as provided in Table 23-4D-9070(B) of the Land Development Code.
9. **Parking:** Parking structures at the ground level must be set back from Pedestrian Priority Frontages by at least 50 feet. Upper level parking structures may be exposed to a street front provided that the structure façade maintains a high quality pattern of fenestration, consistent and/or complementary with the primary building.



**Figure 9: Possible Local Streets & Block Configurations**



**Figure 10: Pedestrian Priority Frontages Under Possible Block Configuration**

## E. Environmental Standards

In addition to applicable regulations of the Land Development Code, the following environmental regulations apply to developments opting into the SCWD Overlay District:

### 1. Tree Protection:

- a. 100 percent of heritage trees shall be preserved in place, unless a tree is dead, diseased, or an imminent hazard. Heritage trees may be transplanted, if approved by the City Arborist. Transplanting is not considered removal.
- b. Protected size trees shall be preserved in place or transplanted if approved by the City Arborist.

### 2. Street Trees:

- a. At least 1,000 cubic feet of soil volume shall be provided per tree. Alternatively, the Arborist may allow alternative compliance if there is a utility conflict or 1,000 cubic feet is otherwise not feasible.
- b. Overhead utilities shall be relocated underground to avoid any conflicts with the planting of shade trees.
  - i. All new utilities shall be located under the street, and with sufficient clearances to allow for the tree planting zone. Lateral lines may cross the planting zone.
  - ii. Existing overhead utilities shall be relocated underground.
  - iii. Root barriers shall be introduced and located solely on the utility side, rather than creating boxes around the tree.

### 3. Lake and Creek Protection:

- a. All projects must comply with the critical water quality zone (CWQZ) requirements; development shall not use the redevelopment exception or receive an administrative variance under 25-8-42(B)(2) to keep existing noncompliant development in the CWQZ.
- b. The hike-and-bike trail should be realigned so that it is at least 50 feet away from the lake shore, unless a lesser distance is required for a connection to an existing off-site trail or designated lake access point.
- c. New development shall provide for the restoration of the CWQZ between the lake and the trail.
  - i. Area shall be restored to "good" or "excellent" condition pursuant to ECM Appendix X
  - ii. The restored area shall be managed as a Grow Zone.
  - iii. Designated access points may be created for views to the lake to avoid trampling of the Grow Zone.
- d. The trail along East Bouldin Creek shall be located at least 50 feet from the centerline of the creek.

### 4. Water Quality Controls:

- a. All new public and private roads shall be treated with green stormwater infrastructure (GSI)
- b. Development shall treat existing, adjacent roads with GSI to the extent feasible (considering utility conflicts, etc.)



- c. All other private projects must provide on-site controls that meet CodeNEXT requirements for water quality treatment; payment in lieu shall not be allowed.
- d. Rain gardens shall be planted with native and adapted plants.

#### 5. Landscaping:

- a. All properties along East Bouldin Creek shall be required to include a green wall on the creek side of the development.
- b. All landscape areas (including landscape areas within CWQZ) shall be irrigated with nonpotable water.
  - i. Reclaimed water may not be used for irrigation in a CWQZ, floodplain, or water quality control
- c. Projects must provide and follow an Integrated Pest Management Plan for all landscape areas.
- d. All large turf areas (both inside and outside of the CWQZ) must comply with the maintenance plan requirements for athletic fields in Section 1.5.3.B of the Environmental Criteria Manual.
- e. Turf may be allowed within the CWQZ in compliance with the requirements for open space, but the amount of turf should be minimal and located on the outer half.

#### 6. Reclaimed Water - To Be Finalized by Austin Water:

- a. All projects must extend the reclaimed water system as required by Austin Water and utilize reclaimed water for all interior and exterior nonpotable uses, except for irrigation in a CWQZ, floodplain, or water quality control.