

SUMMARY OF DENSITY BONUS PROGRAM RECOMMENDATIONS:

The following paragraphs summarize the recommendations of the Downtown Density Bonus Program as presented to City Council in a briefing on July 23, 2009. Following that is a summary of staff recommended amendments based on public input and additional analysis since the July 23, 2009 City Council briefing.

The proposed Downtown Density Bonus Program is intended to be a clear, predictable, and administrative process to permit additional density (beyond baseline zoning entitlements) in Downtown for projects that provide defined community benefits. The Downtown Density Bonus Program applies only to the specific areas of Downtown identified as suitable for additional density. Areas where additional density is deemed to be inappropriate are ineligible for the Program.

The Density Bonus program establishes certain minimum or “gatekeeper” requirements for all projects seeking a density bonus, specifies minimum affordable housing requirements for residential projects and defines a number of options for residential and non-residential projects to realize additional density.

Gatekeeper Requirements: The gatekeeper requirements include the following:

- Site location within an area of Downtown eligible for the density bonus program
- Submittal of design plans that include schematic-level building elevations and three-dimensional simulations showing the existing context.
- Substantial compliance with the Design Commission’s Urban Design Guidelines (ultimately to be replaced by form-based standards to be developed by the Downtown Austin Plan).
- Commitment to construct Great Streets Streetscape improvements

City staff will review a project for compliance with the gatekeeper requirements and will present its recommendation to the Design Commission for any further input or comment. Once a project is deemed to be eligible to participate in the program, the following provisions will apply:

For Non-residential Uses: In order to encourage and support office and hotel development vital to the sustainability and competitive success of Downtown Austin, additional density up to 50% of the FAR currently permitted by the underlying zoning is granted for these uses, with no additional provisions beyond those required under existing zoning and the gatekeeper requirements described above. For example, office and hotel development on properties with CBD zoning will be granted increased density from 8:1 FAR to 12:1. This recommendation is based on the economic analysis which found that bonuses provided to commercial developments do not consistently produce sufficiently high incremental returns or revenues to justify charging a public benefit fee.

For Residential Uses: At least 50% of a residential development’s bonused floor area shall be obtained through the provision of on-site affordable housing, *or* through the payment of an in-lieu fee to the Housing Assistance Fund. The fee shall be \$5 per square foot of bonused floor area within the Northwest, Uptown, and Waller Creek districts of Downtown, and \$10 per square foot of bonused floor area for the remaining districts of Downtown. This recommendation is based on the economic analysis which found

that residential developments receiving a bonus do consistently gain sufficient value to support a public benefit fee.

All Uses: Additional density for both residential and non-residential development, beyond that described above, can be obtained by one or more of the following:

a) **Green Building:** Projects achieving a three-star Austin Energy Green Building Program (AEGBP) rating will be allowed additional density up to 25% of the FAR currently permitted by the underlying zoning . Projects achieving a four-star AEGBP rating will be allowed additional density up to 40% of the FAR FAR currently permitted by the underlying zoning, and those with a five-star AEGBP rating will be allowed a bonus equivalent to 50% of the FAR currently permitted by the underlying zoning .

b) **Historic Preservation of the Warehouse District:** All developments that enter into an agreement to purchase and transfer development rights from the Warehouse District will be awarded one square foot for each square foot transferred. (Transfer of Development Rights [TDR] provisions are described in the report.)

c) **Live Music and Cultural Uses:** All developments that enter into an agreement with the City of Austin to provide the following uses will be awarded two square feet of additional floor area for each square foot provided:

- **Cultural Uses** (e.g., theater, performance space, gallery space, museum, etc.) leased for at least 10 years to a non-profit approved by the Director of the Economic Growth and Redevelopment Services Office (EGRSO); or
- **Live Music Venue** of at least 2,500 square feet, leased to an operator approved by the Director of the EGRSO for at least 10 years, and which meets the City’s to-be-determined sound-proofing specifications.

d) **Family-Friendly Housing:** For every residential dwelling unit, 150 square feet of bonused floor area will be allowed for each additional bedroom over two bedrooms.

e) **Child or Elder Care Facilities:** All developments that provide child care or elder care facilities will be awarded two square feet of additional floor area for each square foot provided. This bonus will be subject to the facility’s adherence to applicable State codes, and to the City of Austin’s approval of the operator and the lease terms.

f) **On-Site Publicly Accessible Open Space:** Developments which provide on-site publicly accessible open space contributing to the quality of the Downtown pedestrian experience will be awarded five square feet of bonused floor area for each square foot of eligible open space area provided.

Staff-Recommended Amendments to the Downtown Austin Plan Density Bonus Program:

Map showing areas of eligibility – slightly modified (see amended maximum densities and heights map)

Modifications to some bonus provisions (see below and amended pathways graphic)

- Sustainability:
 - 1□Star AEGB rating required as Gatekeeper
 - Modified magnitude of bonus available for AEGB ratings
- Open Space:
 - Changed minimum size from 600 sf to 1200 sf
 - Added minimum vertical clear dimension
 - Modified degree to which space must be open to sky