

Date: October 18, 2017
To: Mayor Adler, Council Members, City of Austin Planning Commission and Zoning and Platting, CodeNEXT Consultants, CodeNEXT Staff
From: Design Commission
Subject: Recommendations regarding the second draft of CodeNEXT code and map

Per LDC §25-2-586, the Design Commission evaluates and makes recommendations to the Planning and Zoning Director regarding whether density bonus projects substantially comply with the Urban Design Guidelines, one of the three Gatekeeper Requirements for the Density Bonus Program. The Design Commission proposes the following recommendations to the second draft of the CodeNEXT text and maps:

- The Commission supports the proposal to add a Downtown Development Bonus Fee for non-residential projects.
- The Commission proposes that all downtown have a two-tiered Density Bonus program, like the current program in the Rainey Street District. The first FAR tier could have a properly calibrated affordable housing requirement, without a fee-in-lieu option. The second FAR tier could have a fee-in-lieu option.
- The Commission recommends that the Community Benefit requirements be expanded to all uses opting into the Downtown Density Bonus Program.
- The Commission suggests Community Benefits include mobility alternatives that support biking & pedestrian transit and manages off street parking and ride-share loading availability to reduce street traffic and support Vision Zero's mission to reduce pedestrian fatalities.
- 23-3E 2040: Changes to Design of Proposed Building. If the design of a building substantially changes after the Downtown Density Bonus is approved then the applicant should be required to return to the Design Commission to present these changes.
- The Commission strongly encourages that the fee-in-lieu be properly calibrated annually so that onsite affordable housing becomes a viable option for developers.
- The Commission supports lowering the threshold for requiring a Traffic Impact Analysis.
- The Commission believes MS2B Zoning should be included in the Citywide Affordable Housing Bonus Program. It has been mapped on many of the Imagine Austin Activity Corridors where affordable housing should be directed.
- The Commission suggests that the proposed Density Bonus of Max Dwelling Units per Acre should be more equitable and mapped in more areas of the city. There is a vast area of west Austin where it has not been applied. Density should not be the burden of one neighborhood.
- The Commission requests that a rationale be provided for determining map boundaries to establish form-based versus use-based zoning for all areas of the city, but especially in central Austin and within one mile of Core Transit Corridors.

Thank you for this opportunity to participate in the CodeNEXT process.

Respectfully Submitted on behalf of the City of Austin Design Commission

David Carroll, AIA
Chair, Design Commission

MG CODE NEXT COMMENTS

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:

Off site affordable units must be in areas of "high opportunity" close to public transportation, business districts, parks. Define high opportunity areas explicitly. How do we ensure dedicated land would provide a similar/equivalent housing opportunity

Housing Director has discretionary action in what defines "high opportunity" locations for affordable housing. Is there a set of criteria by which the decisions are rendered. Can we have a presentation by the housing director. Design Commission only required for Density Bonus Program. We should enforce review process for city wide affordable housing bonus

(B) To determine the total fee, the bonus square footage of the non-residential development is multiplied by the Housing Fee-in-Lieu (dollar amount per square foot as published in the City's fee schedule at the time the project's site plan is submitted), using the following formula:

Bonus Square Feet x Housing Fee-In-Lieu per Square Foot = Total Fee

The code does not reference any kind of approximate fee in lieu schedule for different areas of the city that can be adjusted at the time of site plan. A reference fee matrix will be very helpful.

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23-3E-1070

Non Residential Fee Adjustment and Update

The Housing fee-in-lieu may be adjusted annually as determined by the Housing Director and adopted by the Council to the City's fee schedule. The designated review group may provide recommendations to the Housing Director on adjustments to the fee-in-lieu rate.

Who is the designated review group that aids in determining fee in lieu schedule. Should Design Commission have input? Assigning a public service task force to help determine adequate market adjustment per year.

City's fee schedule published at time of the project's site plan submittal. Is there a current fee schedule to reference approximate fee in lieu?

Downtown Density Bonus

The development includes community benefits described in Section 23-3E- 2050 (Community Benefits) in addition to those required to achieve the floor area ratio in Figure 1 (Downtown Density Bonus Program Map);

Predictable outcome of ON SITE community benefits. If development will provide affordability completely off site either by fee in lieu or dedicated land, or nearby property, something tangible and physical must still be

provided on site. It can be a small pocket plaza, publically accessible green roof or terrace, small cultural center etc.

The applicant should execute a restrictive covenant committing to specific community benefit beyond the gate keeper requirements if not providing ON SITE affordable housing and paying exclusively fee in lieu
Such as:

Day Care Services Community Benefit
Cultural Uses Community Benefit
Live Music Community Benefit
On-Site Improvements for Historic Preservation Community Benefit
Green Building Community Benefit
Publicly Accessible On Site Plaza Community Benefit
Green Roof Community Benefit

The application shall include a vicinity plan locating the project in context and showing a minimum 9 block area around the project, the location and nature of nearby transit facilities, and a landscape plan

I appreciate the addition of contextual information for the traffic impact and consequence of additional density. Can these parameters be applied to the off-site affordable housing to determine it's an area of high opportunity.

- (1) The Planning Director will consider the following to make a determination:
- (a) If members of the general public will be able to enjoy the proposed other community benefit without paying for its access, use or enjoyment;
 - (b) If the proposed other community benefit will connect to and be accessible from public right-of-way or other publicly-accessible space;
 - (c) If the proposed other community benefit will provide a public amenity that is particularly lacking in the proposed location;
 - (d) If the proposed other community benefit will not impose a significant burden on public resources for maintenance, management, policing, or other reasons; and,
 - (e) Any other information provided by the applicant that shows the other community benefit serves a public and municipal purpose and furthers the City's comprehensive planning goals