

SOUTH CENTRAL WATERFRONT REGULATING PLAN



DRAFT
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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).