

City of Austin Design Commission
Memo Recommending Code Amendments related to Downtown Density Bonus Program
September XX, 2019

Esteemed ~~City of Austin Council Members and Mayor Adler and~~ City of Austin Council Members

Commented [DC1]: Should address to Mayor and Council

Today in Austin, skyscraper projects that apply for and comply with the City's Downtown Density Bonus Program ("Program") are awarded sometimes triple the number of floors, building mass, and parking spaces, in exchange for arguably modest design improvements. We are advocates for downtown density, but we find the City's Program and Urban Design Guidelines to be outdated. We don't think the City or its residents are receiving enough in return for the millions of dollars in 'bonus' development entitlements awarded by this Program.

We are specifically concerned that the City's Program is not well aligned with important adopted policy goals including mobility¹, pedestrian safety², climate and sustainability³, livability and affordability⁴.

We propose Code amendments to ensure new downtown skyscraper construction is proportionally helping the City to achieve these adopted goals. We recommend a resolution directing the City Manager to assign multi-departmental staff⁵ to assist the Design Commission to draft Code amendments to address these shortcomings. Public input from developers and financiers will be important to ensure the Downtown Density Bonus Program remains functional and attractive.

Commented [DC2]: Great comment! make sure this stays in the letter

- For example, a developer may approach the Design Commission with entitlements for an eight story commercial building, and if compliant with the Program, walk away with the ability to construct 24 stories of hotel space (hundreds of housing units), and 8 stories of parking garages (thousands of additional parking spaces), in exchange for modest street level improvements⁶, and a somewhat more energy efficient building design⁷.
- The Downtown Density Program's gatekeeper requirements do not plan for:
 - Design for ride share queuing and associated pedestrian safety
 - Public access to structured parking garages or parking demand management systems
 - Parking structures designed for future re-use as livable space
 - Downtown mobility planning, i.e. support for alternative mobility options through funding, and discouragement of parking structures, especially if not designed to support transit system.

¹ Austin Strategic Mobility Plan

² Vision Zero

³ Austin Community Climate Plan

⁴ Imagine Austin Comprehensive Plan

⁵ Austin Transportation Department, Office of Sustainability, Neighborhood Housing and Community Development with Capital Metro partnership.

⁶ City of Austin Great Streets Program, <http://www.austintexas.gov/department/great-streets-program>.

⁷ Two star rating from Austin Energy Green Building Program.

Priority areas for updates to City of Austin Code related to the Downtown Density Bonus program include:

FUNCTIONALITY

- If a Downtown Density Bonus program applicant receives a recommendation for substantial compliance, but later changes project design, it should be required to return to the DC to be re-evaluated for compliance.
- **If the DC determines that an application is not in substantial compliance with the Design Guidelines, applicants may apply to the Planning Commission (not the Planning Director) for a secondary review. the Planning Director rejects the DCs finding of substantial compliance, the Planning Commission or City Council should review the project.**
- Staff shall maintain a matrix of developer compliance with DC recommendations and provide bi-annual reports
- Consider expanding Community Benefit requirement to all projects opting into the Density Bonus program.

Commented [DC3]: Is this what you meant? This will most likely never happen. I would rather simply say that if the Director's findings differ from the DC, then it goes to PC or Council. Or better yet, just recommend that DC's vote is final and take it out of the Director's hands altogether.

MOBILITY AND SUSTAINABLE DESIGN

- Above-ground parking structures count toward Floor-to-Area Ratio (FAR) while underground structures would remain exempt
- All additional parking awarded through the Program would be publicly accessible, and designed for re-use and demand management. Additionally, parking awarded through the Program would be capped at a 50% increase, unless adjacent to a transit facility.
- Community Benefit options should be expanded to include mobility features to support biking (such as indoor storage) and pedestrian safety/comfort, management of off-street parking and ride-share loading
- **Lower the threshold for triggering Traffic Impact Analyses**
- **Commercial and residential projects pay a fee more than \$0, a portion of which should support pedestrian safety and transit facilities.**

Commented [DC4]: CodeNEXT was already cutting the threshold in half, I assume the new draft will to.

Commented [DC5]: Maybe take out "residential" as these projects do pay a fee. Staff is supposedly working on fees for commercial projects so again, hopefully the new draft will show these.

AFFORDABLE HOUSING

- If applicant will not provide on-site affordable units (and chooses to pay the fee-in-lieu), applicants should also be required to file a restrictive covenant agreeing to provide additional Community Benefits.
- Access to downtown amenities through transit removes barriers to families of all income levels and people of all abilities. Funds collected from Program projects may support downtown area transit supportive facilities (for example, shade structures, public restrooms, drinking fountains, bollards, green space).

We appreciate your valuable time and attention to these issues. As volunteers, we are committed to providing you with professional recommendations to ensure the City of Austin is cultivating a first class downtown environment, accessible to all. With your support to advance these Code amendments, we can incentivize the development community to invest in projects that maximize the attractiveness of the downtown streetscape while designing for mobility innovations.

Commented [DC6]: Need a closing

[Thank you for your work and consideration.](#)

[Chair David Carroll](#)
[Design Commission](#)

