1	RESOLUTION NO.		
2	WHEREAS, in 2014, the City Council updated the Downtown Density		
3	Bonus Program after an extensive planning process including input and review by		
4	the community, as well as by City boards and commissions; and		
5	WHEREAS, this density bonus program was based upon the Council-		
6	approved "Downtown Plan," which recognized that areas of our Downtown have		
7	unique characters, natures, heights, and scales; and		
8	WHEREAS, to this end, the Downtown Plan sets maximum floor-to-area		
9	ratios (FAR) for different parts of Downtown; and		
10	WHEREAS, the Downtown Density Bonus Program was created to provid		
11	certainty for developments through pre-defined rules for participation and		
12	administrative approval; and		
13	WHEREAS, during plan approval, an amendment was brought forward		
14	allowing developments to seek approval from Council on a case-by-case basis		
15	should a developer wish to exceed the maximum allowable FAR; and		
16	WHEREAS, an additional amendment directed staff to convene a		
17	conversation among the Downtown and Planning Commissions and return to		
18	Council with recommendations for community benefits that should be required and		
19	an evaluation process for developer proposals who wish to exceed the maximum		
20	allowable FAR in Downtown; and		
21	WHEREAS, this review and recommendation process was never conducted;		
22	and		
23	WHEREAS, in 2015, Council approved Resolution No. 20151015-038,		
24	which directed the City Manager to update data illustrating the effectiveness of the		

various density bonus programs in generating affordable housing units and in-lieu

fees, present a potential Code amendment for Council consideration, and review

25

26

best practices for using and calibrating fees-in-lieu within density bonus programs; and

WHEREAS, in 2018, Council approved Resolution No. 20180823-077, which reaffirmed the direction provided in Resolution No. 20151015-038 and directed the City Manager to develop recommendations regarding amendments to City Code and regulating plans necessary to recalibrate density bonus program affordability requirements and fee-in-lieu requirements, and to return to Council with recommendations; and

WHEREAS, a March 6, 2019, memo from Neighborhood Housing and Community Development (NHCD) stated, that "given the dynamics of housing submarkets change over time, and many affordability requirements in these policies have not been comprehensively re-evaluated since their adoption, staff recognizes this as an opportunity to not only recalibrate the City's density bonus policies, but also to offer recommendations for policy updates"; and

WHEREAS, one of these recommendations included updating the affordable unit set-asides and affordable housing fee rates in all policies to reflect the results of the new recalibration for all of the density bonus programs, including the Downtown Density Bonus Program; and

WHEREAS, the Planning Commission unanimously approved NHCD's recommendations in summer of 2019; and

WHEREAS, Council has not deliberated on these recommendations due to staff's preference that these changes occur via approval of the Land Development Code rewrite process; and

WHEREAS, the Density Bonus Program's fees have not been updated since 2014, although consultants have evaluated and recommended an increase; and

WHEREAS, non-residential projects can access entitlements through the 53 54 Downtown Density Bonus Program but pay no in-lieu affordable housing fees; and WHEREAS, non-residential projects can access entitlements through the 55 Rainey Density Bonus Program, but only hotel developments pay an in-lieu 56 affordable housing fee; and 57 WHEREAS, the Council lacks critical information on which to base 58 59 appropriate community benefit calculations in return for granting exceptions to the 60 maximum FAR allowed under the Downtown Density Bonus Program; NOW, 61 THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN: 62 City Council initiates an amendment to City Code section 25-2-586 63 (Downtown Density Bonus Program) to repeal or amend subsection (B) (6). 64 Before deliberation on the code changes by the Planning Commission or City 65 Council, the City Manager is directed to present a report on Floor to Area Ratio 66 best practices. 67 The amendment shall be presented to Council for adoption on an emergency 68 basis no later than July 29, 2021. 69 BE IT FURTHER RESOLVED: 70 The City Council directs the City Manager to post an item for action on May 71 6, 2021 that accomplishes the following: 72 (1) implements revisions to the in-lieu affordable housing fees for residential 73 development for the Downtown Density Bonus Program; 74 (2) implements revisions to the in-lieu affordable housing fees for non-75 residential development for the Downtown Density Bonus and Rainey 76 77 Density Bonus Programs; and

78

79	(3) moves the revised fees described above to the City Fee Schedule so the			
80	can be updated more effectively.			
81				
82	ADOPTED:	, 2021 ATTEST:		
83			Jannette S. Goodall	
84			City Clerk	
85				