

Austin's Downtown Density Bonus Program

A brief overview and Design Commission's Role







Austin Skyline c. 2000



**Austin's development
patterns were changing
via CURE**

Central Urban Redevelopment Combining District (CURE) before DDBP:

Modifies site development
standards



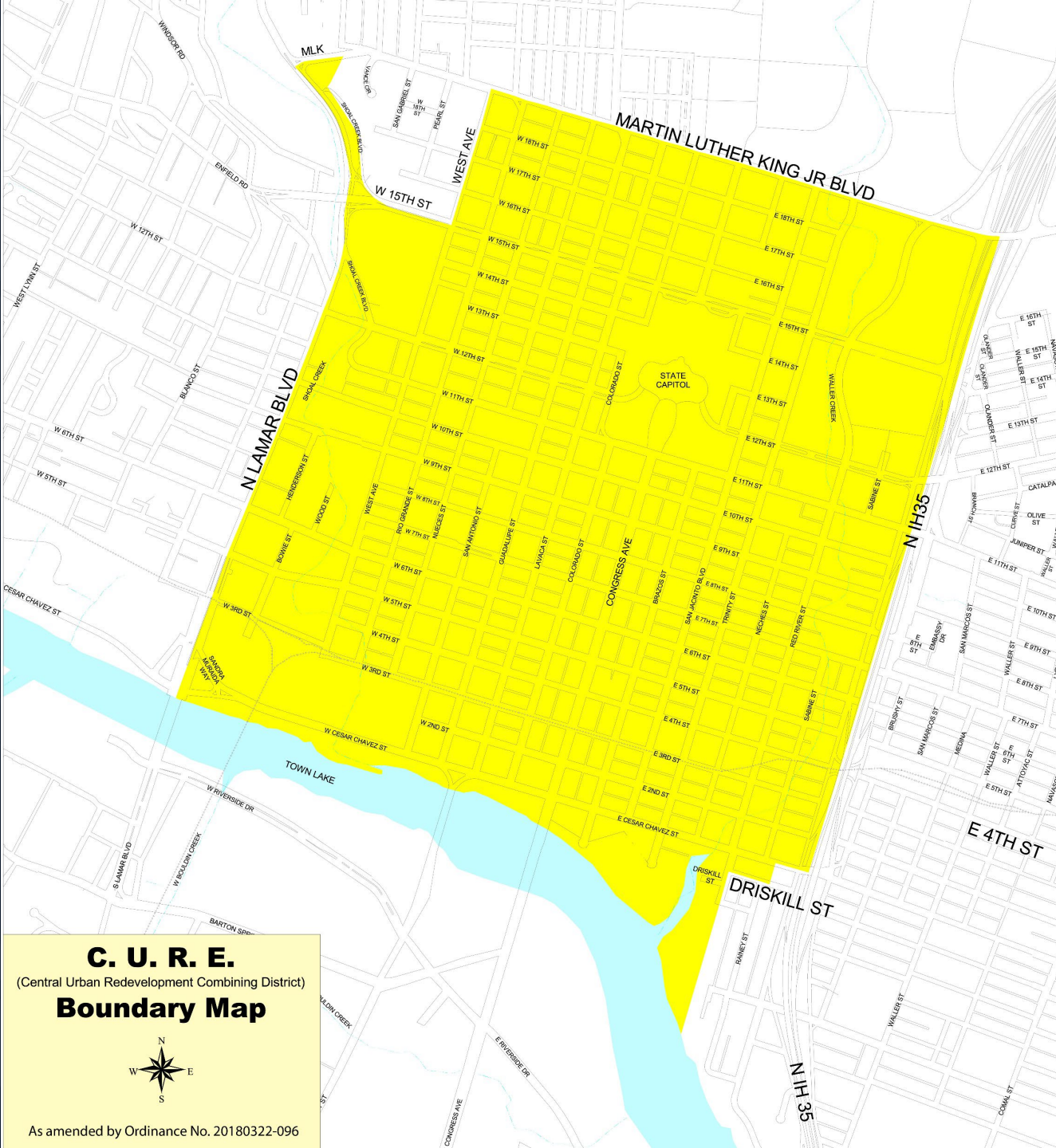
Modifies height and floor-to-
area (FAR) ratios



Modifies offsite parking
and maneuvering



Modifies signage,
landscaping, and screening



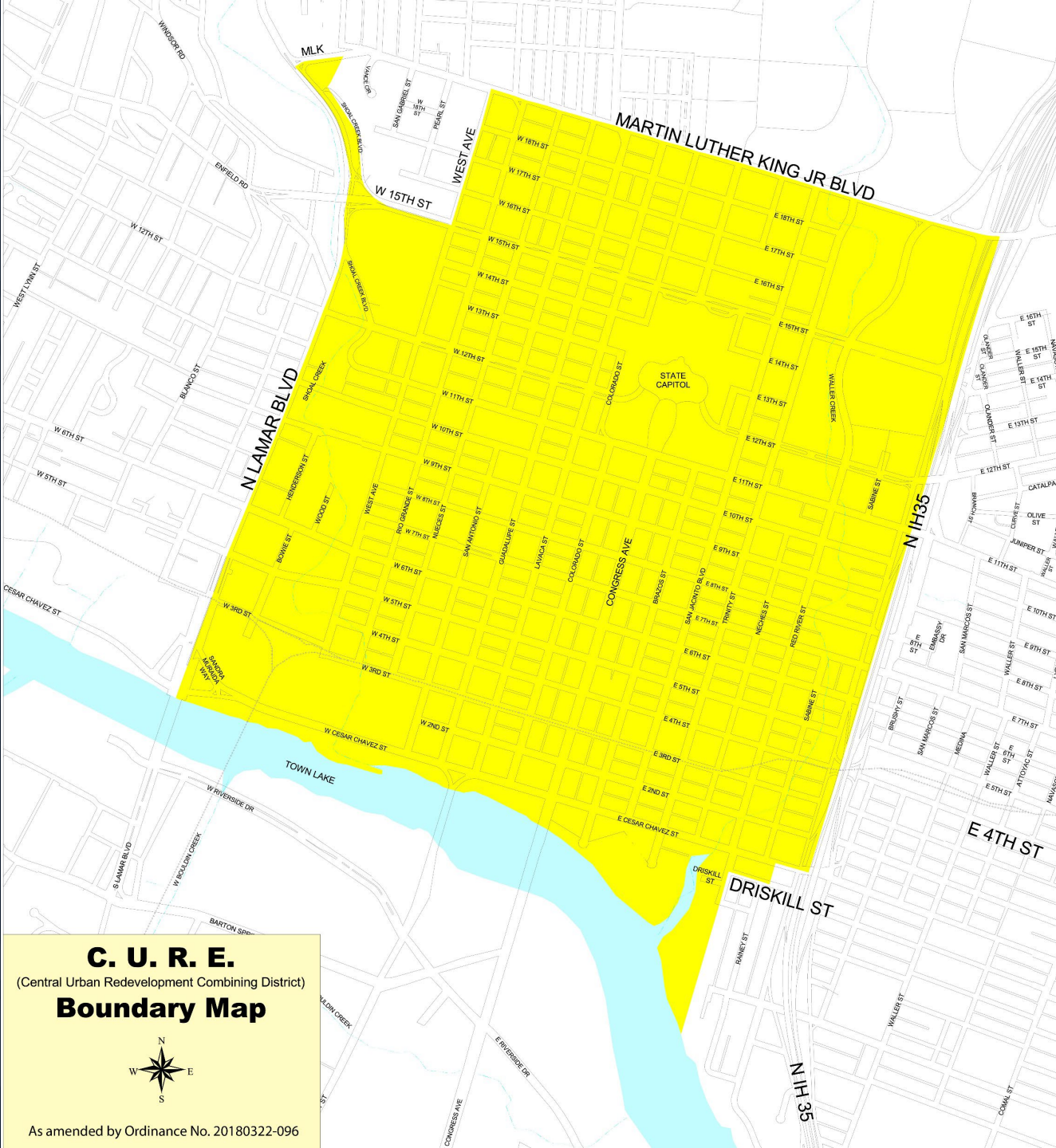
Central Urban Redevelopment Combining District (CURE) after DDBP:

Modifies site development
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Modifies ~~height~~ and floor-to-
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Modifies signage,
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Inclusionary vs. Incentive Zoning



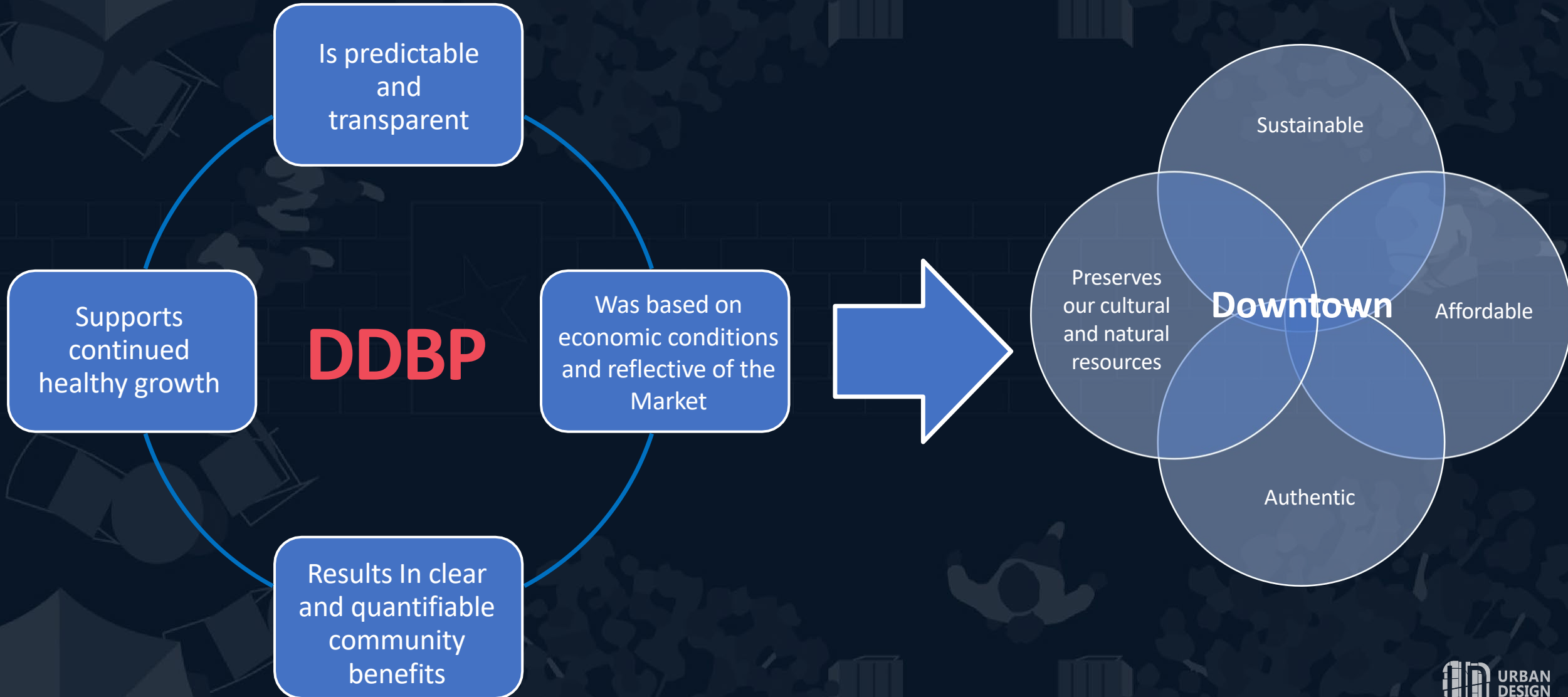
VS.



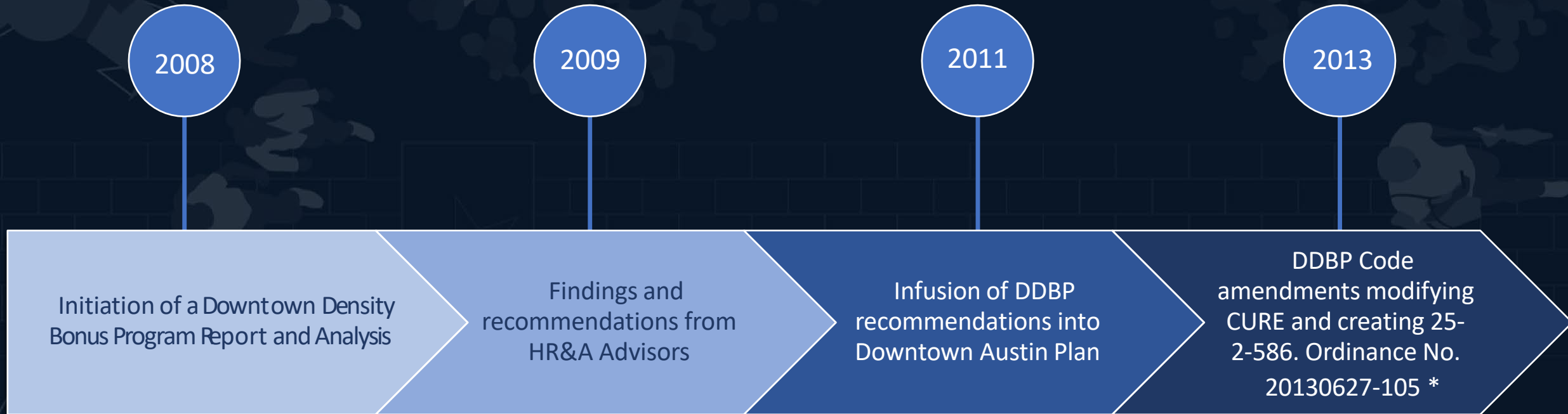
Mandatory zoning regulations requiring that a certain number of affordable units are included in developments as a condition of development approval

A voluntary zoning regulation (or program) in which, an incentive such as a relaxation in zoning restrictions are offered to a developer in exchange for providing public benefits

2008 City Council direction

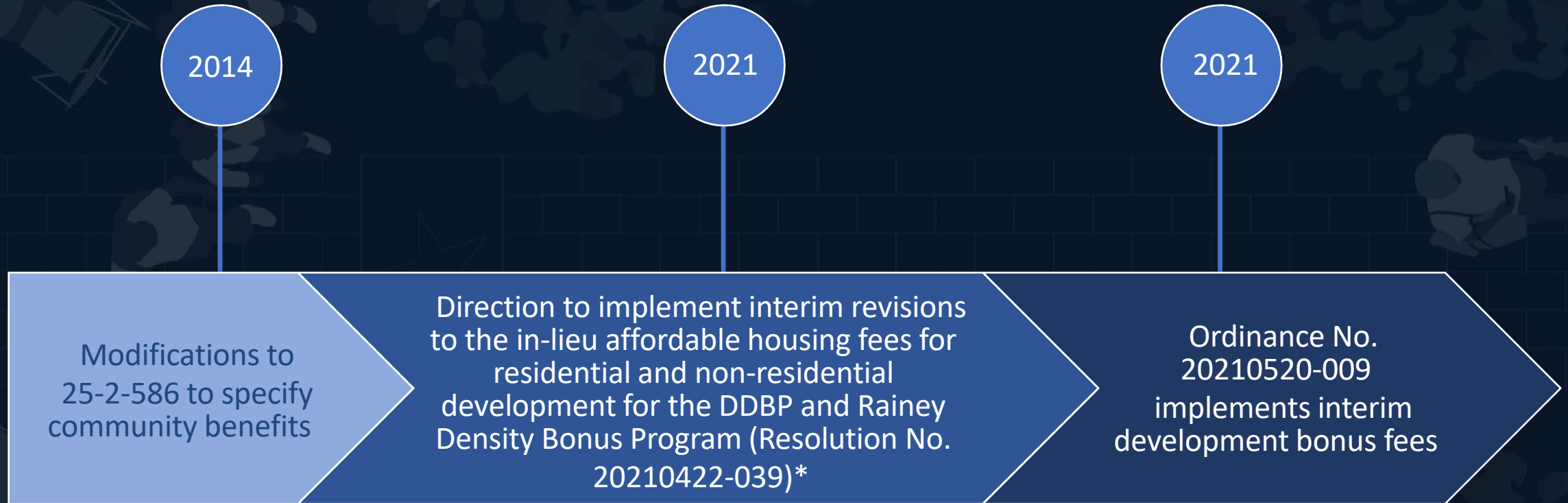


City Council direction



* 2013 Ordinance established initial development conus fees that were in use until May 2021

City Council direction



Downtown Density Bonus in-lieu fees

2023-24 Proposed Budget, Austin, TX

FY 2023-2024 Fee Schedule

Planning - General Fund	Fee	Note
Downtown Density Bonus in-lieu fees		
Commercial Properties with CBD zoning - All Districts	\$9.00	per sq. ft. bonus area
Commercial Properties with zoning other than CBD - All Districts	\$6.00	per sq. ft. bonus area
Core/Waterfront Subdistrict (Residential Use)	\$10.00	per gross bonus square foot
Lower Shoal Creek & Rainey Subdistricts (Residential Use)	\$5.00	per gross bonus square foot
Other Subdistricts (Residential Use)	\$3.00	per gross bonus square foot
Residential - Rainey Street District	\$5.00	per sq. ft. bonus area
Residential Properties with zoning other than CBD - All Districts other than Rainey Street District	\$10.00	per sq. ft. bonus area
Residential properties with CBD Zoning - All Districts other than Rainey Street District	\$12.00	per sq. ft. bonus area

The background is a dark blue, stylized illustration of a park or urban landscape. It features silhouettes of trees, a winding path, and several figures of people walking or sitting. The style is minimalist and modern, using geometric shapes and flat colors.

Overview of 25-2-586 and role of Design Commission

Downtown Density Bonus Program - Key Definitions

BONUS AREA means the greater of:

- (a) The gross floor area that exceeds the maximum allowable floor-to-area ratio allowed with the site's primary entitlements; or
- (b) The gross floor area contained within the portion of a structure that exceeds the maximum height allowed under the site's primary entitlements.

COMMUNITY BENEFIT is a public amenity that exceeds the Gatekeeper Requirements of the Downtown Density Bonus Program that is provided by an applicant in order to obtain bonus area.

DEVELOPMENT BONUS FEE means the dollar amount an applicant pays to the City per square foot of bonus area.

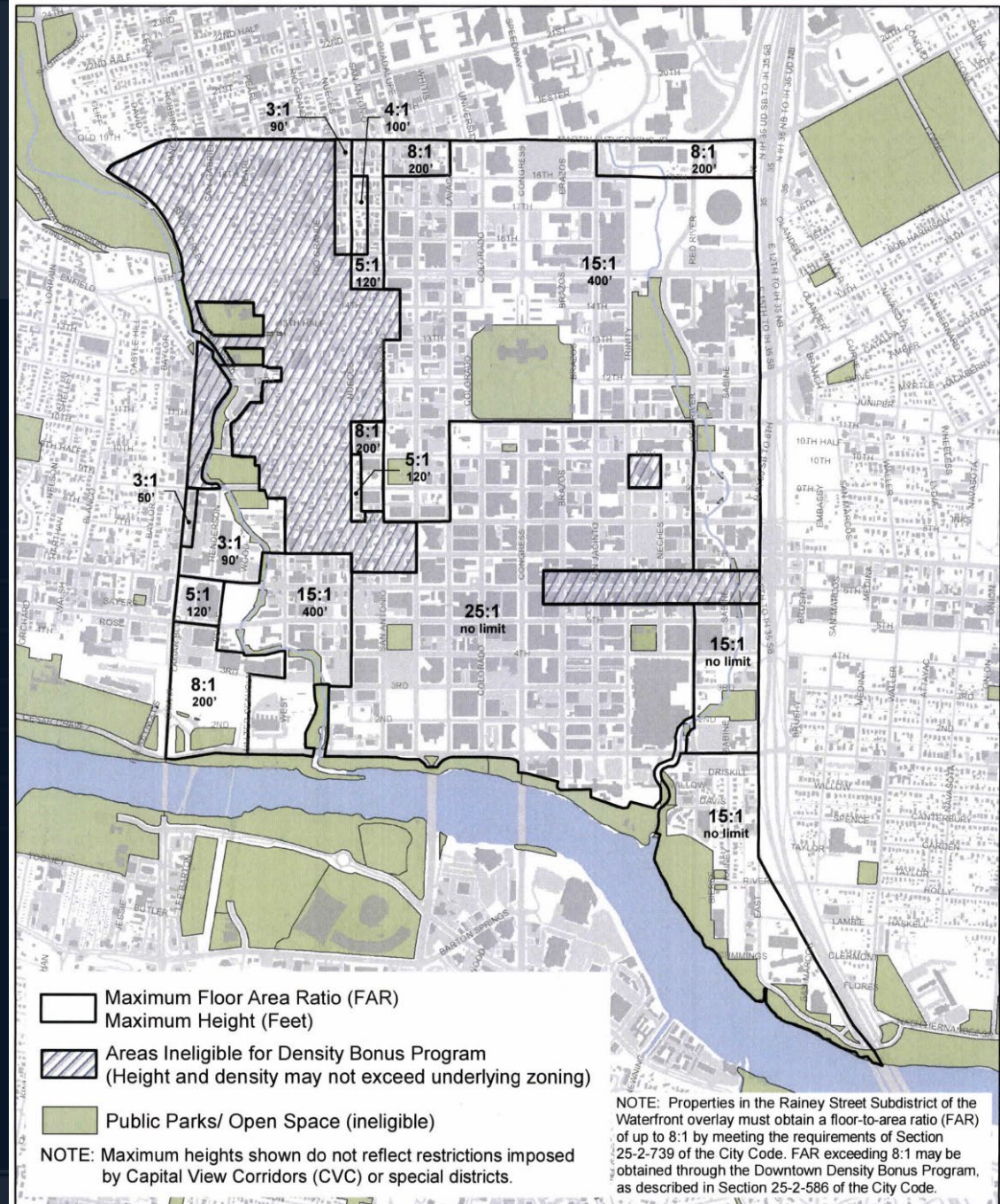
MIXED-USE PROJECT means a project that has 25 percent or more of its floor area in a use different from a predominant use.

PRIMARY ENTITLEMENT means the height and floor-to-area ratio entitlement that a site derives from its current zoning. That entitlement may be derived from the base zoning or from a previous modification to the base zoning.



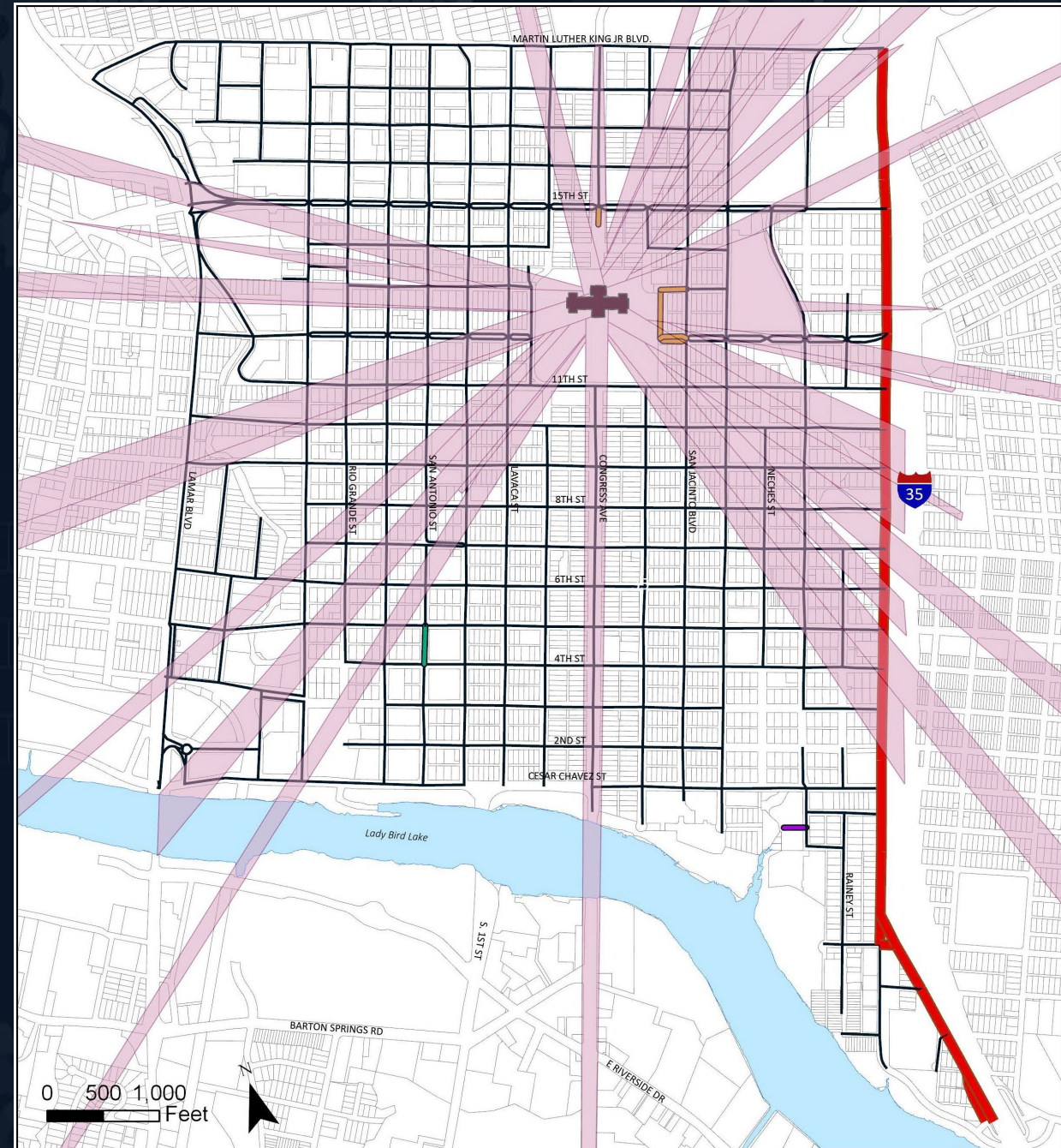
Most properties eligible for density bonuses 25-2-586 (B)(3)

- Not all properties can take advantage of density bonuses.
- Certain districts limit height for non-CBD properties.
- Other factors can limit height:
 - Capital View Corridors
 - Capital Dominance
 - Compatibility Standards



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 - Capital Dominance
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Program Requirements 25-2-586 (C)(1)(a)(i)-(ii)

(1) Gatekeeper Requirements.

(a) To receive bonus area, the director must determine that the project substantially complies with the Urban Design Guidelines.

(i) The applicant must submit to the 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 project and relationship of the project to its surroundings.

(ii) The Design Commission shall evaluate and make recommendations regarding whether the project complies with the Urban Design Guidelines and the director shall consider comments and recommendations of the Design Commission.

Program Requirements 25-2-586 (C)(1)(a)(i)-(ii)

(1) Gatekeeper Requirements.

Administrative process

(a) To receive bonus area, the **director must determine** that the project **substantially complies** with the **Urban Design Guidelines**.

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Role of
DC

Program Requirements 25-2-586 (C)(1)(a)(ii)

(ii) The Design Commission shall evaluate and make recommendations regarding whether the project complies with the Urban Design Guidelines and the director shall consider comments and recommendations of the Design Commission.

A few things to note and consider:

1. The Code does not grant the Commission the ability to **approve/disapprove projects**.
2. *Compliance* and *substantial compliance* are **not defined** in the Code.
3. The Code requires the Commission to **evaluate and make recommendations**.
4. A recommendation of compliance/non-compliance with the UDG is **forwarded to Staff**.
5. Staff is required to **consider the Commission's comments and recommendations**.
6. When a finding of non-compliance is rendered, Staff relies on the following from the Commission:
 - a) Identification of specific guidelines where the project is lacking
 - b) A recommendation on what the Commission feels would constitute compliance

Program Requirements 25-2-586 (C)(1)(a)(ii)

(ii) The Design Commission shall evaluate and make recommendations regarding whether the project complies with the Urban Design Guidelines and the director shall consider comments and recommendations of the Design Commission.

A few things to note and consider:

7. The Commission may discuss items/issues outside of the UDG, however, to assist Staff to evaluate the project for substantial compliance, the Commission is required to formulate their recommendation on the UDG.
8. Future updates to the UDG, and therefore guidelines, cannot supersede Code.
9. When a recommendation is not reached by the Commission, staff cannot consider the recommendation.

Program Requirements 25-2-586 (C)(2)(a)-(d)

- (2) After the director determines the applicant meets the gatekeeper requirements, the applicant shall provide sufficient written information so that the director can determine:
- (a) the site's primary entitlement;
 - (b) the amount of bonus area that the applicant is requesting;
 - (c) the total dollar amount the applicant will pay if the applicant chooses to obtain the entire bonus area exclusively by paying a development bonus fee, and the amount of the fee to be dedicated to each community benefit; and,
 - (d) the community benefits the applicant proposes to provide to obtain bonus area if the bonus area will not be obtained exclusively by paying a development bonus fee.



Application of community benefits to DDBP projects

Downtown Density Bonus Program

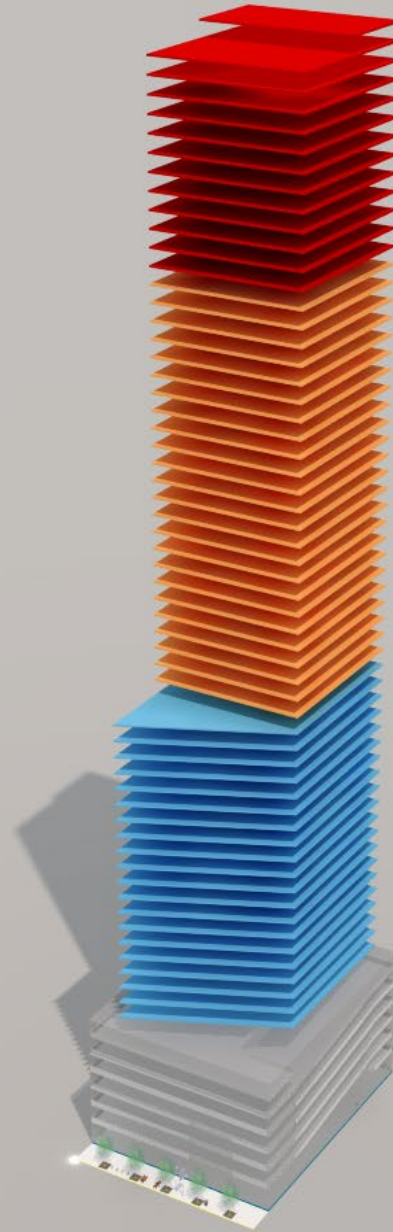
25-2-586

Project assumptions:

- Zoned CBD
- Mixed-use building
- Located within the 25:1 FAR DDBP District
- Unlimited height*

* Specific overlays/standards can limit height:

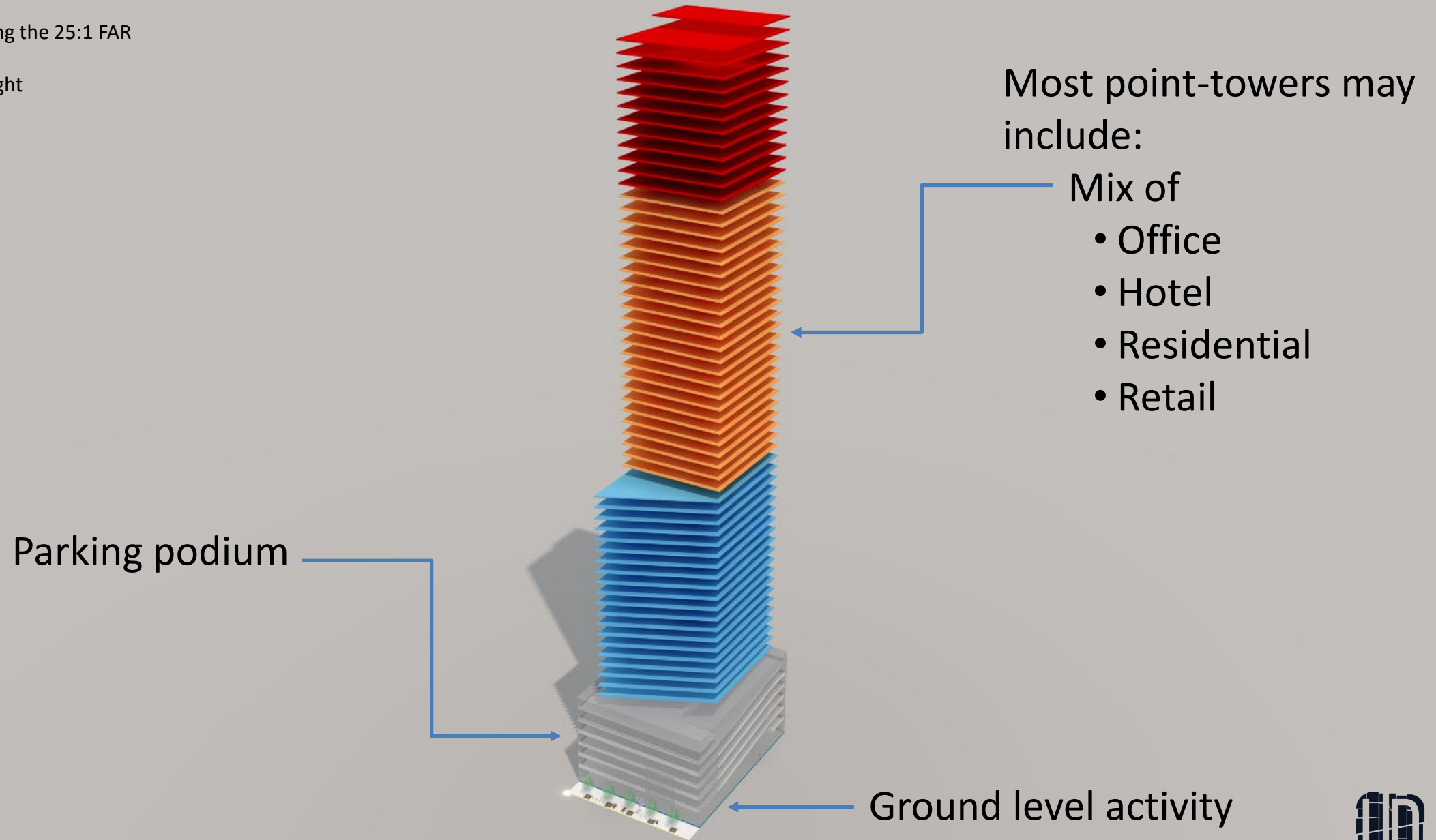
- Capital View Corridors
- Capital Dominance
- Compatibility Standards
- Rainey District Mixed-use Building



NOTE: IMAGE NOT TO SCALE – FOR ILLUSTRATION PURPOSES ONLY

Project assumptions:

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Project assumptions:

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- Mixed-use
- Located within the 25:1 FAR DDBP District
- Unlimited height

Additional Bonus Area (BA)

- Granted by City Council
- Beyond 25:1 FAR

Administrative Bonus Area (BA)

DDBP administrative entitlements 25-2-586:

- Up to 25:1 FAR
- Unlimited height

Primary entitlement

- 8:1 FAR*
- Unlimited height

*Parking garage does not count towards FAR



Project assumptions:

- Zoned CBD
- Mixed-use
- Located within the 25:1 FAR DDBP District
- Unlimited height

Base Zoning Entitlements:

- Mix of uses
- No height limit*
- Up to 8:1 FAR



* Specific overlays/standards can limit height:

- Capital View Corridors
- Capital Dominance
- Compatibility Standards
- Rainey District Mixed-use Building

Project assumptions:

- Zoned CBD
- Mixed-use
- Located within the 25:1 FAR DDBP District
- Unlimited height

Primary entitlement:

- Mix of uses
- No height limit*
- Up to 8:1 FAR



Administrative Bonus Area (BA)

DDBP administrative entitlements 25-2-586:

- Up to 25:1 FAR
- Unlimited height
- **Meet *Gatekeeper*** requirements listed in 25-2-586 (C)
- Apply ***Community Benefits*** listed in 25-2-586 (E)(1)-(12)
- All community benefits incorporated grant bonus area beyond the primary entitlement.
- “Formulas” for granting bonus area can be found in **Ordinance No. 20140227-054**.
- Staff uses these formulas to determine how much bonus area can be granted by community benefit.

Project assumptions:

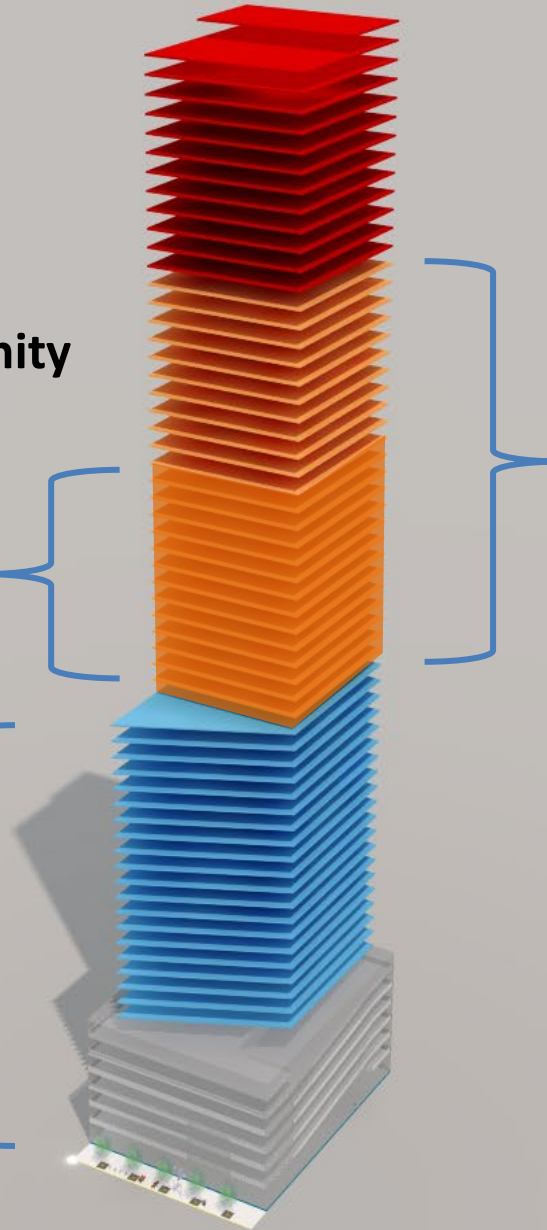
- Zoned CBD
- Mixed-use
- Located within the 25:1 FAR DDBP District
- Unlimited height

50% of bonus area community benefits are required to go toward affordable housing per 25-2-586 (E)(1)(b)(i):

- On-site units
- Fee-in-lieu

Primary entitlement:

- Mix of uses
- No height limit*
- Up to 8:1 FAR



Administrative Bonus Area

DDBP administrative entitlements 25-2-586

Project assumptions:

- Zoned CBD
- Mixed-use
- Located within the 25:1 FAR DDBP District
- Unlimited height

50% of bonus area community benefits are required to go toward affordable housing per 25-2-586 (E)(1)(b)(i):

- On-site units
- Fee-in-lieu

Primary entitlement:

- Mix of uses
- No height limit*
- Up to 8:1 FAR



**Community Benefits
25-2-586 (E)(1)-(12):**

1. Affordable Housing
2. Rainey Street Subdistrict Historic Preservation
3. Day Care Services
4. Cultural Uses
5. Live Music
6. On-Site Improvements for Historic Preservation
7. Development Bonus Fee for Off-Site Historic Preservation
8. Green Building
9. Publicly Accessible On-Site Plaza
10. Off-Site Open Space Development Bonus Fee
11. Green Roof
12. Other Community Benefits

Project assumptions:

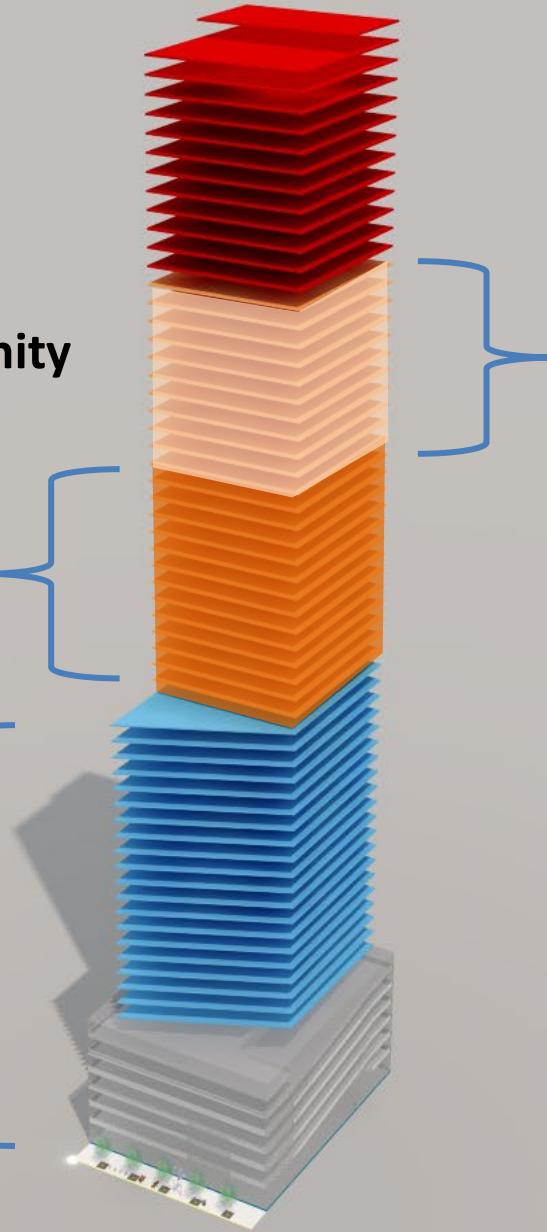
- Zoned CBD
- Mixed-use
- Located within the 25:1 FAR DDBP District
- Unlimited height

50% of bonus area community benefits are required to go toward affordable housing per 25-2-586 (E)(1)(b)(i):

- On-site units
- Fee-in-lieu

Primary entitlement:

- Mix of uses
- No height limit*
- Up to 8:1 FAR



Remaining 50% of bonus area can be met with any of the community benefits under:

25-2-586 (E)(1)-(12) including on-site AH units or AH FIL

Project assumptions:

- Zoned CBD
- Mixed-use
- Located within the 25:1 FAR DDBP District
- Unlimited height

**Additional
Bonus Area by
Council action**

**No limitation on what Council
can approve via 25-2-586 (B)(6)**

Additional Bonus Area

Under 25-2-586 (B)(6):

- Applicant participates in administrative program first [25-2-586 (C)-(H)]
- Applicant provides Staff rationale for additional FAR
- Staff issues a recommendation
- Planning Commission review and recommendation – **public hearing**
- Council determines that FAR should be granted – **public hearing**
- An Ordinance is executed granting additional FAR

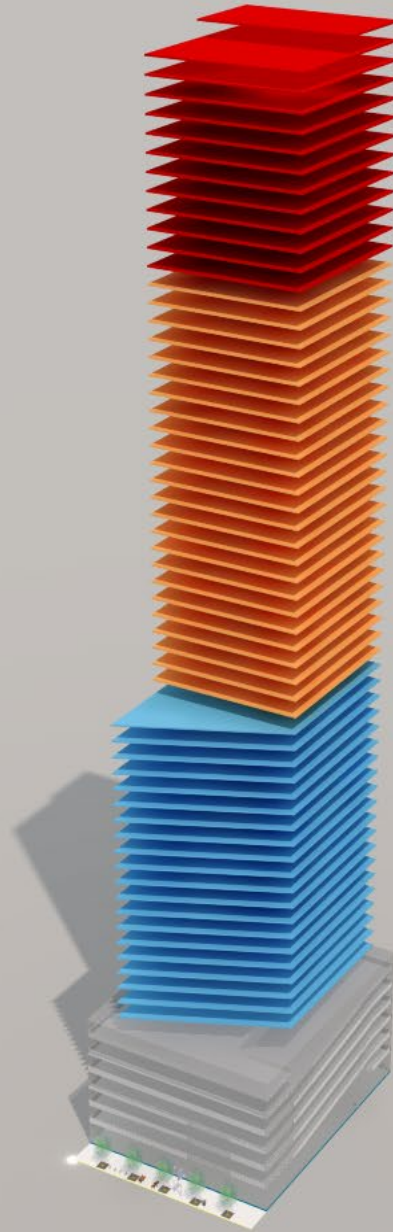


Rainey/Downtown Density Bonus Program 25-2-739 and 25-2-586

Project assumptions:

- Zoned CBD
- Mixed-use building
 - 25% a different use
- Located in the Rainey District
- Located withing the 15:1 FAR DDBP District
- 40' height limit*

*For mixed-use or residential buildings only per 25-2-739 (C)(3)



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Project assumptions:

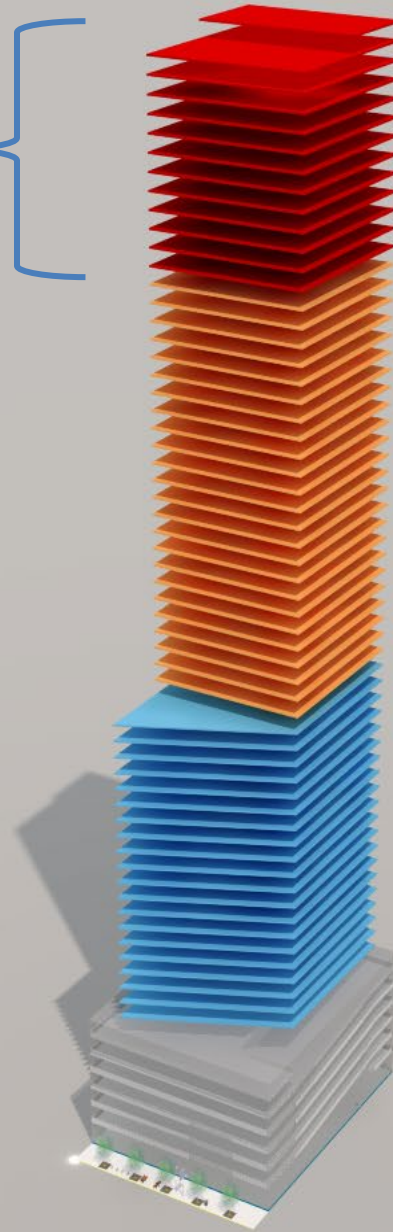
- Zoned CBD
- **Mixed-use building/Residential**
- Located in Rainey District
- Located within the 15:1 FAR DDBP District
- 40' height limit by right

Additional Bonus Area

- Granted by City Council

Primary entitlement

- Mixed-use bldg.
- 40' limit



Downtown Density Bonus Program

- Up to 15:1 FAR
- Unlimited height

Rainey DBP 25-2-739 (4)

- Up to 8:1 FAR
- Unlimited height
- 5% on-site AH units required
- AH units in proportion to FAR in residential units
- Units at 80% MFI
- Proportional bedroom mix

Process



Process



Great Streets certification letter issued



Design Commission (DC) recommendation complete



Staff review of DC recommendation



Applicant meets all Program requirements



Staff issues administrative memo granting entitlements under the Program





Staff relies on the Commission's evaluation and recommendation to consider a DDBP request and provide a recommendation.



Questions?