



PLANNING
DEPARTMENT

C20-2024-011: DB90 Revisions

Paul Ray Books, Senior Planner

City Council

August 29, 2024



Background

2022

City Council adopted [Ordinance No. 20220609-080](#), creating a second tier of the VMU program, referred to as VMU2, which allowed for increased height in exchange for increased community benefits.

City Council adopted [Ordinance No. 20221201-055](#), creating an incentive program that allows residential uses in commercial zoning districts, referred to as Residential in Commercial, which allowed for the construction of residential uses in exchange for increased community benefits.

2023

[VMU2](#), [Compatibility on Corridors](#), and [Residential in Commercial](#) were invalidated.

2024

City Council adopted [Ordinance No. 20240229-073](#), which created the Density Bonus 90 (DB-90) combining district and density bonus program with requirements and incentives mirroring VMU 2 provisions.



DB90 Requirements and Incentives

■ Affordability

- Rental:
 - 10% of units set-aside affordable to 50% Median Family Income (MFI); OR
 - 12% of units set-aside affordable to 60% MFI
- Ownership:
 - 12% of units set-aside affordable to 80% MFI
 - Requirements for ownership units may be satisfied by a fee-in-lieu of on-site units

■ Mix of Uses

- Requirements for pedestrian-oriented commercial uses
- Floors beyond the second must be residential

■ Subchapter E Design Standards

- Streetscape, building placement, and design standards

■ Site Development Standards

- Exemptions from standards include the following:
 - Minimum site area requirements
 - Maximum floor area ratio
 - Maximum building coverage
 - Minimum street side yard setback and interior yard setback
 - Minimum front yard setback
 - Article 10 Compatibility Standards Subchapter C
 - Compatibility Buffer requirements will apply

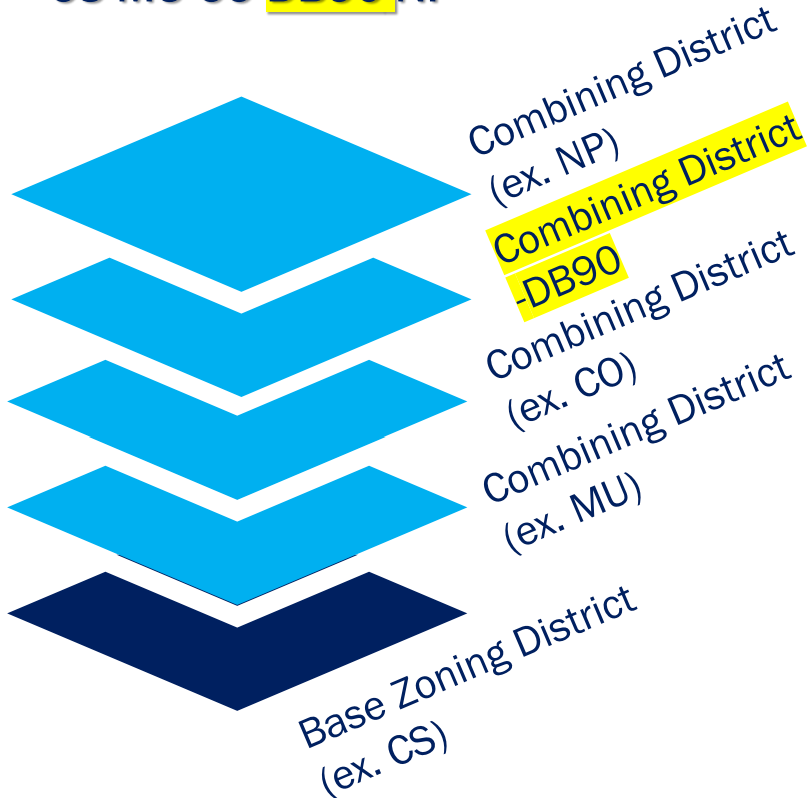
■ Height

- 30 ft in additional height from the base zone up to a maximum of 90 ft



DB90 Combining District

Example Zoning String:
CS-MU-CO-DB90-NP



Eligible Districts:

Base Zoning Districts				
Base Zones	Description	Base Max Height	Max Height with Bonus	Impervious Cover
CS (CS-1)	Commercial Services	60ft	90ft	95%
GR	Community Commercial	60ft	90ft	90%
GO	General Office	60ft	90ft	80%
LR	Neighborhood Commercial	40ft	70ft	80%
LO	Limited Office	40ft	70ft	70%



DB90 Process

- Owners of eligible properties must request a rezoning to add DB90
 - Requires a Commission recommendation and Council action
 - Notice of the rezoning will be provided pursuant to [25-1-132](#), which includes utility account holders and property owners located within 500 feet of the subject property
 - Property owners within 200 feet can protest the rezoning
- Housing Certification
 - Prior to site plan submittal, an applicant is required to receive certification from the Housing Department
 - A Land Use and Restrictions Agreement (LURA) outlines the specific affordability requirements for the property



Summary of Proposed Changes

- Match ground floor commercial requirement with VMU
- Add allowed commercial uses for office base zoning districts from VMU
- Align compatibility screening requirements with amendments made to citywide policy
- Clarify that provisions of the DB90 program govern over a conflicting provision of the Land Development Code or other ordinance



Commercial Requirements

■ Pedestrian-Oriented Commercial Spaces

- Mirror what is in VMU, requiring at least 75% of the building frontage along the principal street and on the ground floor to be designed for commercial or civic uses.
- Currently, the adopted ordinance reads that 75% of the ground floor must contain commercial uses.
 - Change will allow for live/work units or civic uses meeting dimensional standards to count toward this requirement
 - A lobby serving occupants of the building will not count

■ Commercial Uses added to Office Districts

- Add the following commercial uses to office base zoning districts (GO and LO):
 - Consumer convenience services
 - Food sales
 - General retail sales (convenience or general)
 - Restaurant (limited or general) without drive-through service



Compatibility Screening Requirements

- Apply screening, noise, and design regulations to properties across an alleyway from a triggering property
- Clarify that objects must be screened AND not visible from a triggering property and that rooftop equipment may be screened with a parapet



Planning Commission Amendments

- Apply tenant notification and relocation benefits defined in City Code 4-18-32(A)(2) through (A)(5) for properties proposing the redevelopment of existing multifamily structures
- Staff Response:
 - Staff supports the requirements for tenant notification and relocation benefits which will ensure existing tenants are provided the opportunity to secure new housing prior to redevelopment.



Planning Commission Amendments

- Reduce the decibel limit of mechanical equipment from 70 to 45 Db as measured at a property line shared with a triggering property
- Staff Response:
 - Screening requirements are the most proactive measure to mitigate noise rather than a reduced decibel limit. Lowering the decibel limit without time for a full review by staff could lead to unintended consequences. Reducing the decibel limit for DB90 would bring the requirements out of alignment with citywide policies.



Timeline

- Codes and Ordinances Joint Committee – June 18th
- Planning Commission – July 23rd
- City Council – August 29th



Contact Us

- Paul Ray Books, Senior Planner, Paul.Books@austintexas.gov, (512) 974-3173
- Joi Harden, AICP, Zoning Officer, Joi.Harden@austintexas.gov, (512) 974-1617



PLANNING
DEPARTMENT



PLANNING
DEPARTMENT

Thank You



Commercial Requirement Calculation Example

Proposed Calculation		
Commercial Frontage	Total Frontage	%
175 Ft	234 Ft	75%

Previous Calculation		
Ground floor Commercial	Total Ground Floor	%
5,200 SF	47,158 SF	11%

