



BOARD/COMMISSION RECOMMENDATION

Downtown Commission

Recommendation Number: 20171115-007A: Downtown Commission CodeNEXT Workinggroup

WHEREAS, Austin's existing Land Development Code was written nearly 30 years ago;

WHEREAS, The Downtown Austin Plan (DAP) serves as guidance for advancing and monitoring downtown development;

WHEREAS, the Downtown Commission has reviewed all CodeNEXT drafts with City staff and consultants;

NOW, THEREFORE, BE IT RESOLVED that the Downtown Commission encourages the Austin City Council to amend the second CodeNEXT draft incorporating;

23-4D-6080 DC Zone:

DC is the new zoning classification for current CBD. The current and proposed FAR is 8:1. Robinson Ranch has an FAR of 12:1 and Domain has an FAR of 8:1 with a 308' height limit. The Imagine Austin Comprehensive Plan calls for a compact and connected city. The CBD should continue to have the highest density in the city. *The CBD should have similar or higher density by right to remain competitive with other areas and recommend that all parcels zoned DC should have a 12:1 FAR by right.* Additional Standards include a one star rating under Austin Energy Green Building program. Energy efficiency effects sustainability, affordability and the environment. Therefore, *we recommend that this Additional Standard be increased to at least a two star rating under Austin Energy Green Building program;*

23-4D-6060 CC-120 SubZone:

When reviewing the proposed maps, many of the CC-120 properties are in the innovation zone or publicly controlled properties and are surrounded by many properties proposed shown as DC. *We feel the other CC categories provide an adequate transition to lower density areas and to encourage further density, we recommend all CC120 properties should be changed to DC;*

23-4D-6030 Allowed Uses:

Transitional and Supportive Housing conditional uses in CC and DC. Live/Work is N/A in CC and DC. *We do not believe any residential uses should be restricted in the CBD and recommend that Transitional housing, Supportive housing and Live/Work housing uses should be allowed in CC and DC zones;*

23-3E-2 Downtown Density Bonus Program:

Fee -in Lieu applications must be reviewed by a designated review group. *We recommend fee-in-lieu be an option by right without review.* Fee-in-lieu is the only designated source for PSH for the chronically

homeless. There are no other designated sources for such funds. Affordability requirements for Owner-occupied units. 35% of household income can vary widely based on changes in interest rates and taxes. When are the requirements set? The long term viability of restricting resales to the same requirements for 99 years will adversely affect the initial owners if there are changes in interest rates, taxes and HOA dues. While making owner occupied units viable for 99 years is a worthy goal, this could easily have a severely negative impact at resale to the owner. *Over a 99 year period, we recommend that the calibration should be reviewed to balance the affordability with the ability to resell the unit.* Why are the following community benefits (Day Care Services, Cultural Uses and Live Music only required to be available for 10 years to qualify for the density bonus? *We recommend that these community benefit options be obligated for a minimum of 20 years.* Gatekeeper requirements include a minimum two star rating under the Austin Energy Green Building program. Many recent projects exceed this minimum, therefore, *we recommend that the Gatekeeper Requirements achieve a minimum three star rating under the Austin Energy Green Building program;*

23-4D-6 Setbacks/Impervious Cover/Ground Floor Frontage:

The CC zoning classification indicates a minimum 5" front and side setback and maximum 95% impervious coverage. While this may be workable on a half block or larger site, there are very few of these available for private development. On small sites, especially those on a corner, this likely renders the site infeasible for any substantial redevelopment. *As we are trying to encourage additional density, we recommend that the setbacks be eliminated in the CC zoning classification and impervious coverage be allowed to 100%;*

23-4D-9070 (C) Downtown Plan Overlay Zone Ground Floor Use Requirements:

According to the current draft, Ground Floor Minimum Use Requirements are 75% Pedestrian Activity (Group A) and Civic Use on Pedestrian Activity Streets and 60% Pedestrian Activity (Group A and B) Civic Uses and Residential Uses on All Other Streets. *We recommend that lobbies and any code required uses are included in the calculations. Additionally, it is further recommended that ground floor use requirements should be based upon a district planning level effort that integrates the principles of the Downtown Austin Plan but revises which streets and blocks are required to comply and enables <1/2 block development*

Traffic Impact Analysis (TIA):

TIA requirements are applied on a citywide basis. In the CBD this can be an expensive process that yields no tangible results due to the inability to modify the limits of existing ROW that may already be at capacity. As we continue to evaluate and adopt alternatives to single occupant vehicles, we are *recommending that instead of a TIA, for DC and CC properties, that a Transportation Demand Management (TDM) study be provided.* A TDM will provide more useful information to the property owner that can be applied to the development than a TIA.

Date of Approval: November 15, 2017

Record of the vote: A motion to approve the CodeNEXT working group's recommendations was made by Commissioner Lehman and second by Commissioner Moore on a vote of 6-0 with Vice Chair Bristol abstaining.

Attest: Mona Sanchez
(Staff or board member can sign)