

# DB90



New City of Austin Zoning Classification

CNC March 2024



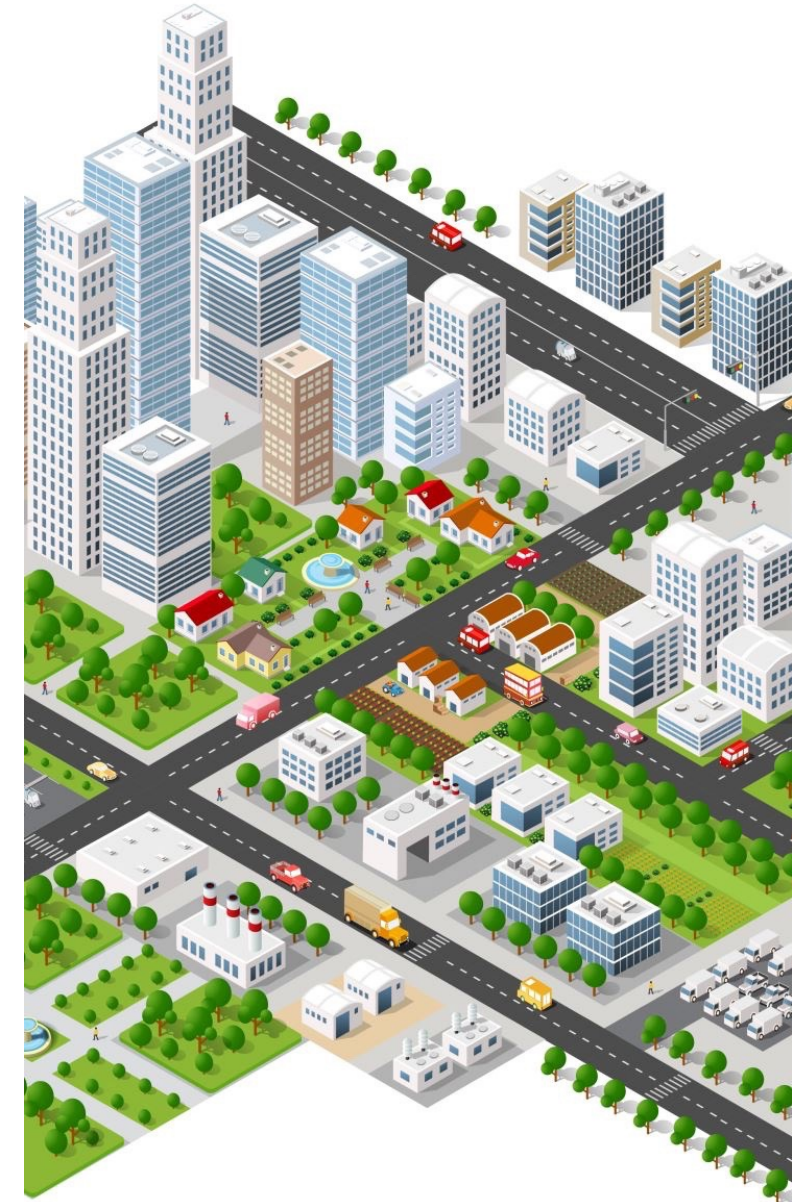
# New COA Density Bonus Program

- On February 29, Austin City Council a new “DB90” ordinance to “replace” three ordinances that were invalidated by the Court due to unlawful City action
- *The first version was released less than a week before the hearing, and the latest 3 days before the hearing. They made amendments on the dais on the day they voted.*



# DB90 Combining District

This is new zoning category is a "combining district" which provides additional regulations to base zoning districts (see Table 2). If a property is part of a combining district, its zoning code will list the base district code, followed by a dash, and then the combining district



# DB90 is not automatic

Developers must apply for the zoning and notices are sent. Hearings on the individual cases will be held before the governing planning commission and City Council will be held. Residents have petition rights to protest the zoning.

**BUT**

City Council will initiate rezoning of property that was impacted when VMU2 (Ordinance No. 20220609-080), Compatibility on Corridors (Ordinance No. 20221201-056), and Residential on Commercial (Ordinance No. 20221201-055) were invalidated. COA have provided no list of what they think those properties are.

# **DB 90 may be combined with these districts**

Commercial Liquor Sales (CS-1)

General Commercial Services (CS)

Community Commercial (GR)

General Office (GO)

Limited Office (LO)

# DB 90 expands reach

From the [Transcript](#) of the Feb 27 2024 Council Work Session:

- Allison Alter: Can you clarify why, whether the properties that would be eligible to come in and apply for DB 90 are, are the same property that were eligible for vmu 2 or, or is it a wider universe?
- Joy Harden, zoning officer in [9:23:14 AM] >> Joy Harden, zoning officer in the planning department. >> Excuse me, council member alter so the code allows properties to apply by what the code had was core transit corridors and future core transit corridors in the code where you could apply. Now, if you have certain commercial and office zoning districts, ***no matter what street type you're on***, you can apply for, DB 90. So that's the main difference. If you have office, office, low, geo and then commercial district zoning, then you could apply no matter what street.



# Live Map Showing Properties Eligible for DB90

LO and LR are dark pink and get 70 feet of height with DB90  
Orange are GO and GR and get 90 feet of height with DB90  
Dark red are CS and CS-1 and get 90 feet of height with DB90  
Green are residential properties that trigger compatibility (LA – SF-5).

Dark black line are [ASMP](#) Level 5 streets

Level 5 Streets are primarily freeways and expressways

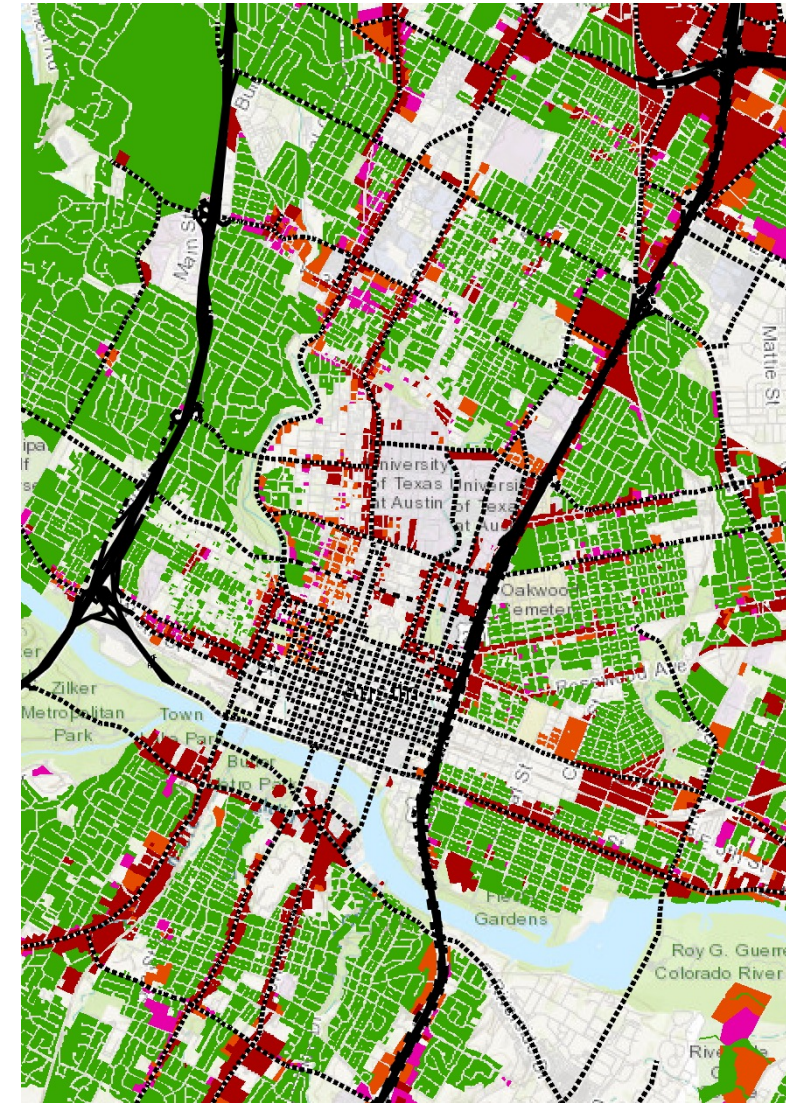
Large dashes are [ASMP](#) Level 4 streets

Level 4 Streets accommodate travel into and out of the city from the surrounding area

Small dashes are [ASMP](#) Level 3 streets

Level 3 Streets balance local land access with moving people and goods.

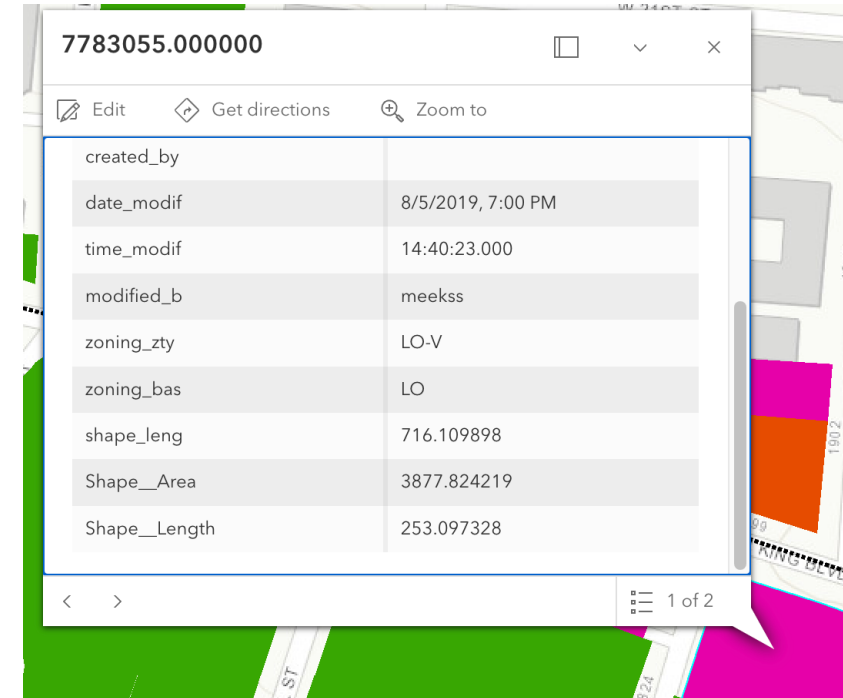
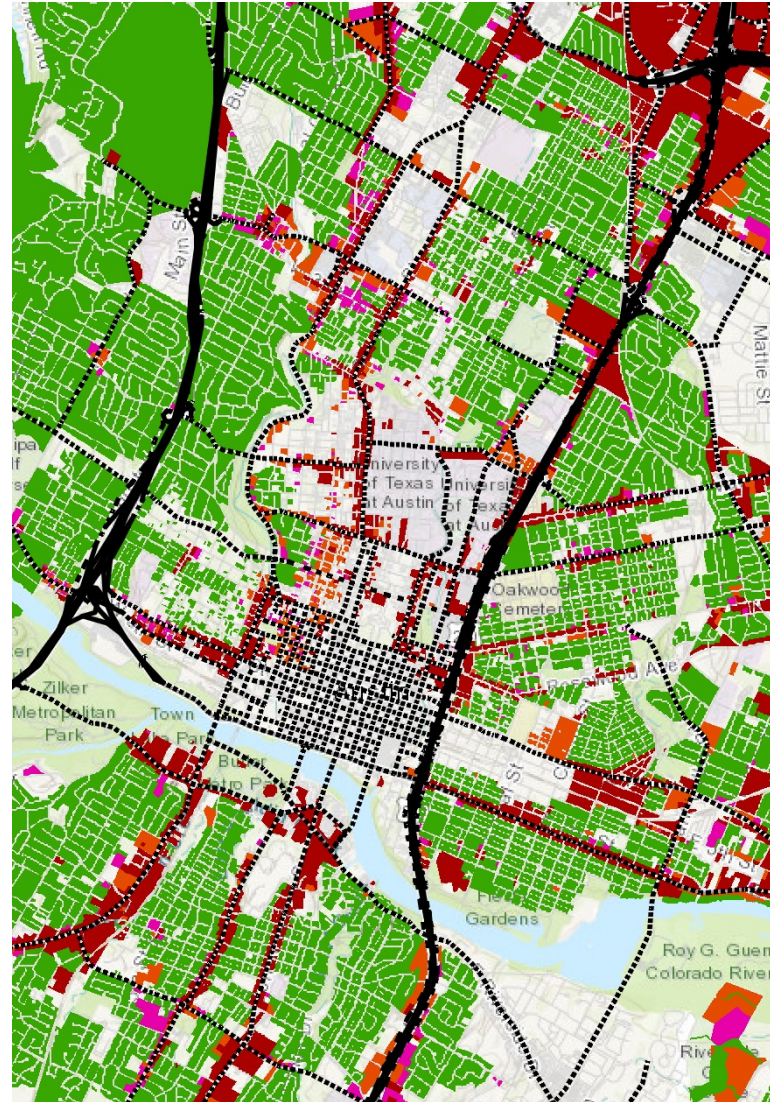
*There are many properties eligible for DB90 on minor streets.*





# Live Map Showing Properties Eligible for DB90

Click on this [link](#) to see the live map.



Clicking on a property or street will give you detailed information

You can search for an address with the



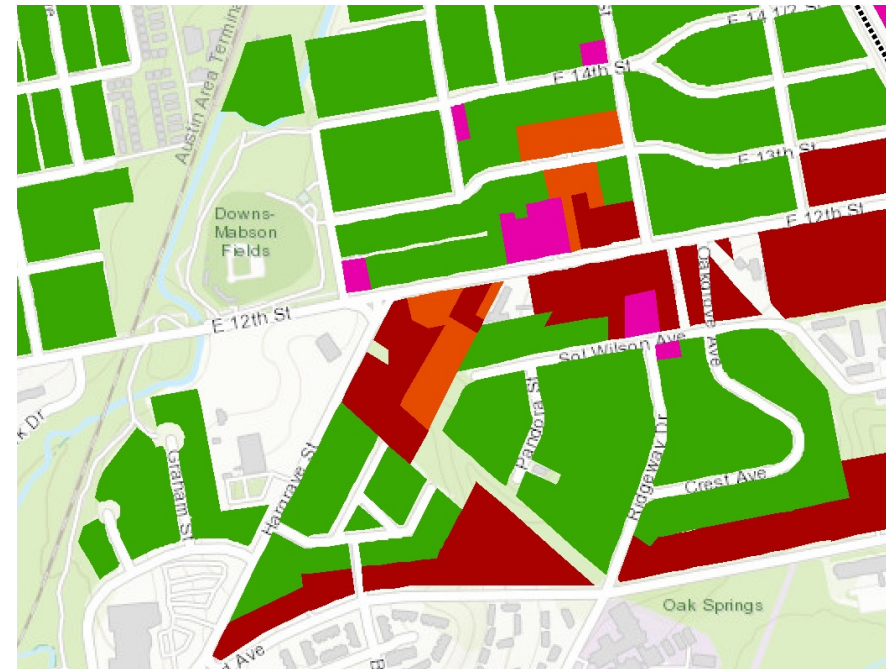


# DB 90 expands reach of VMU

WHAT IS THE VERTICAL MIXED USE (VMU) OVERLAY DISTRICT? In an effort to encourage vertical mixed use buildings, the City Council established a vertical mixed use (VMU) overlay district. The district includes most commercially zoned and used properties along Core Transit Corridors and Future Core Transit Corridors as defined in the Commercial Design Standards. Core Transit Corridors include roadways that have or will have a sufficient population density, mix of uses, and transit facilities to encourage and support transit use.

From [COA document](#)

*There are many properties eligible for DB90 on minor streets.*



# Affordability Requirements

## Ownership:

12% for 80% MFI or less of  
current Austin-Round Rock  
Metropolitan Statistical Area  
Median Family Income

*Or Fee-in-lieu*



## Rental:

12% for 60% MFI or less 10% for  
50% or less of current Austin-  
Round Rock Metropolitan  
Statistical Area Median Family  
Income      2024:

2023 [Median Family Income](#) in the **Austin** metropolitan statistical area is \$122,300  
80% MFI = \$97,840                      60%MFI = \$73,380                      50% MFI = \$61,150

# Entitlements Given (Bonuses)

30 feet of extra height (capped at 90 feet)

No site area requirements (removes unit limits)

No maximum Floor Area Ratio (FAR)

No minimum street side yard or interior yard setback

No minimum front yard setback (unless ROW of street is < 60 feet)

No compliance with Compatibility



# Additional Entitlements with DB90

	LO	LO-DB90	LR	LR-DB90	GO	GO-DB90	GR	GR-DB90	CS & CS-1	CS & CS-1-DB90
<b>Lot</b>										
<b>Building Size Limit</b>										
FAR (Floor Area Ratio):1 limit	0.7	no limit	0.5	no limit	1	no limit	1	no limit	2	no limit
Maximum Building Coverage	50%	no limit	50%	no limit	60%	no limit	75%	no limit	95%	no limit
Maximum Impervious Cover	70%	?	80%	?	80%	?	90%	?	95%	?
<b>Massing</b>										
Maximum Height	40	70	40	70	60	90	60	90	60	90
Maximum Stories	3		3							
<b>Minimum Setbacks</b>										
•Front yard	25	0	25	0	15	0	10	0	10	0
•Street side yard	15	0	15	0	15	0	10	0	10	0
•Interior side yard	5	0	n/a	0	5	0	n/a	0	n/a	0
•Rear yard	5	0	n/a	0	5	0	n/a	0	n/a	0
1 bedroom units allowed on 1 acre (mixed use site area requirments)	21	no limit	21	no limit	43	no limit	43	no limit	43	no limit

# DB Cost/Benefit

## COST:

10-12% affordable housing

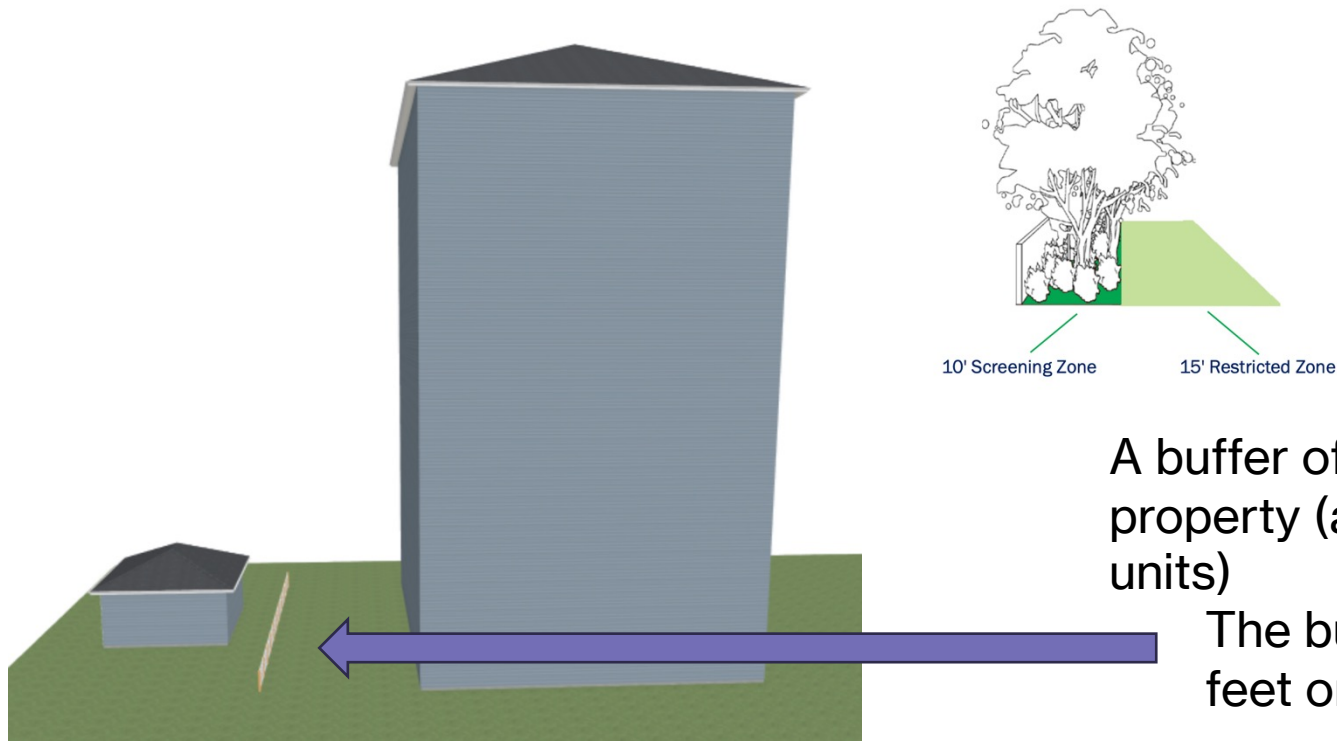
## BENEFIT:

75% more height in LO and LR and  
50% more height in GO, GR, CS and  
CS-1, with no unit or FAR limits



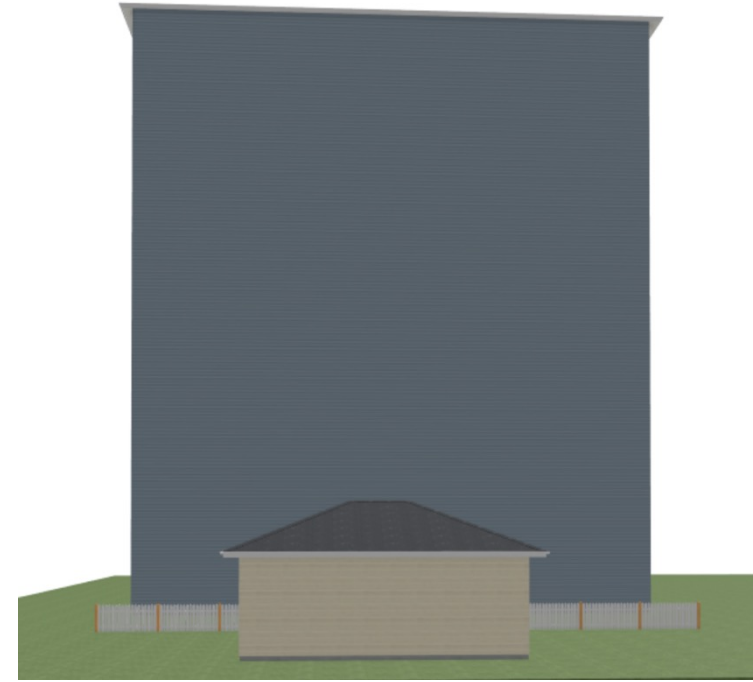
*This is equivalent to the height granted  
by affordability unlocked which requires  
50% affordable housing*

# Compatibility Buffer



A buffer of 25 must be provided next to triggering property (a property with 1 to less than 4 dwelling units)

The buffer should have 1 tree of any size every 25 feet or 10 large shrubs





# Redevelop Existing Multi-Family

This version does not require compliance with redeveloping existing multi-family structures.

Removed references to Section 4-18-32 on pages 5 and 8.

Removes protection for any existing affordable housing

## § 4-18-32 EXISTING MULTI-FAMILY STRUCTURE.

(A) For redevelopment with an existing multi-family structure, an applicant must:

(1) establish that:

- (a) the existing multi-family structure requires extensive repairs for which costs will exceed 50 percent of the market value, as determined by the building official;

2/22/2024 8:25 AM  
Density Bonus and Incentive Prog. Framework

Page 6 of 8

COA Law Department

- (b) the average rents for all units that were affordable to a household earning 80 percent MFI or below were not raised by more than 10 percent within the previous 24 months;

(2) replace all existing units that were affordable to a household earning 80 percent MFI or below in the previous 12 months and have at least as many bedrooms as those units;

(3) provide current tenants with:

- (a) notice and information about the proposed development on a form approved by the Housing director;
- (b) relocation benefits that are consistent with Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601, et seq.; and

(4) grant current tenants the option to lease a unit of comparable affordability and size following completion of redevelopment.