

RESOLUTION NO. 20240201-054

WHEREAS, Resolution No. 20230309-016 accepted the Equitable Transit-Oriented Development (ETOD) Policy Plan, provided direction to the City Manager on ETOD implementation, and initiated amendments to the Imagine Austin Comprehensive Plan and to City Code Title 25 (*Land Development*) to implement the ETOD Policy Plan; and

WHEREAS, Resolution No. 20230309-016 states “rail will be the most intensive transit service provided under the Project Connect transit vision and the success of these future transit investments is highly dependent on creating equitable transit-oriented development along the routes”; and

WHEREAS, Resolution No. 20230601-072 approved and modified the Light Rail Vision for Project Connect and Associated Implementation Sequence Plan by adopting the Austin Light Rail Implementation Plan; and

WHEREAS, the Austin Transit Partnership’s (ATP) Austin Light Rail Implementation Plan recommended an on-street alignment from 38th Street on Guadalupe Street to Oltorf Street on South Congress Avenue to Yellow Jacket Lane on East Riverside Drive as Phase 1 of Austin Light Rail; and

WHEREAS, the Austin Light Rail Implementation Plan also identified Priority Extensions for light rail transit from 38th Street to Crestview Station on Guadalupe Street and from Yellow Jacket Lane to the Austin-Bergstrom International Airport to be pursued as funding is identified; and

WHEREAS, federal funding is necessary to construct Austin Light Rail, and the project will be evaluated by the Federal Transit Administration (FTA) for funding under the FTA’s Capital Investment Grant (CIG) New Starts program, and

ATP is seeking approximately 50 percent of project capital costs from the federal government through the CIG program; and

WHEREAS, the FTA evaluates and rates projects based on multiple criteria, including criteria in Land Use and Economic Development categories where ETOD implementation efforts are most directly related to improving a project's competitiveness for this federal grant; and

WHEREAS, coordination between the City, Capital Metropolitan Transportation Authority, and the ATP since acceptance of the ETOD Policy Plan in March 2023 has further highlighted the need to address equitable transit-supportive development regulations along the Phase 1 Austin Light Rail project and its Priority Extensions; and

WHEREAS, any potential regulatory changes along the Phase 1 Austin Light Rail project or Priority Extensions could be considered as part of preliminary New Starts ratings packages to be submitted to FTA in summer 2024 in support of future Austin Light Rail project funding; and

WHEREAS, the City is the land use authority and therefore has the ability to amend regulations along the Phase 1 Austin Light Rail project and the Priority Extensions to implement the ETOD Policy Plan; and

WHEREAS, there is an urgent need to continue to address the highest priority transit-supportive land development code amendments in planned light rail corridors while infrastructure projects are still in development, while managing staff capacity, community capacity, and the capacity of Boards and Commissions; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council initiates amendments to elements of the Imagine Austin Comprehensive Plan that are necessary to implement the code amendments initiated in this resolution.

BE IT FURTHER RESOLVED:

The City Council initiates amendments to City Code Title 25 (*Land Development*) to amend the ERC Regulating Plan to:

1. Include regulations that support transit within ETOD station areas, as described in the ETOD Policy Plan, and encourage, to the extent feasible, new development that creates more affordable units at the same or greater level of affordability than the existing income-restricted and market-rate affordable housing within the ERC boundaries;
2. Recalibrate the development bonus program so that the program responds to market conditions within the corridor by incorporating recommendations from the ETOD Policy Plan and by analyzing projects developed in the ERC since adoption of the ERC Regulating Plan;
3. Consider adjustments to the density bonus program that will generate increased uptake of the program within the ERC and provide transit-supportive density and community benefits that are aligned with recommendations in the ETOD Policy Plan;
4. Reflect other recent Council policy objectives related to parking, compatibility, and other similar objectives;
5. Align with Project Connect design; and

6. Incorporate the ETOD Policy Plan and Project Connect design into the ERC Regulating Plan.

BE IT FURTHER RESOLVED:

The City Council initiates amendments to City Code Title 25 (*Land Development*) to modify downtown parking regulations so that the regulations meet parking needs more efficiently and help achieve the goals of reducing the overall number of new parking spaces built within downtown Austin to meet parking needs more efficiently and creating a more walkable, pedestrian-oriented built environment with fewer large above-ground parking structures. These modifications could include:

1. modifying downtown parking requirements so that a portion of above-ground structured parking is included as part of the development's Floor Area Ratio (FAR) calculation while considering increases in FAR and other development entitlements to address the impact of including above-ground structured parking in a development's FAR calculation;
2. implementing parking soft caps and requiring a fee for parking built above soft caps;
3. reducing the maximum motor vehicle parking allowed for a development downtown from the existing maximums in City Code Chapter 25-6, Article 7, Division 5; and
4. requiring developers to decouple parking as part of the gatekeeper requirements for the Downtown Density Bonus Program.

BE IT FURTHER RESOLVED:

The City Council initiates amendments to City Code Title 25 (*Land Development*) to create a new zoning district for an affordable housing bonus program that is similar to the requirements and incentives found in Ordinance No. 20220609-080 and:

1. Is available city-wide; and
2. Serves the following households and requires a minimum number of on-site affordable units:
 - a. For rental units:
 - i. 10 percent of units set-aside affordable to 50 percent Median Family Income (MFI); or
 - ii. 12 percent of units set-aside affordable to 60 percent MFI; and
 - b. For ownership units: 12 percent of units set-aside affordable to 80 percent MFI; and
3. Allows a development that provides on-site affordable units to be eligible for an additional 30 feet in height, up to a maximum of 90 feet in total height.

BE IT FURTHER RESOLVED:

The City Council initiates amendments to City Code Title 25 (*Land Development*) to create an ETOD Overlay that includes regulations that support transit within the ETOD station areas while attempting to create more new affordable units at the same or greater level of affordability than the existing income-restricted and market-rate affordable housing within the ETOD Overlay and:

1. Prohibits uses that are non-transit-supportive on all properties within the ETOD Overlay;
2. Addresses conflicting regulations, including Neighborhood Conservation Combining Districts, that apply to non single family zoned properties when those regulations are more restrictive;
3. Achieves the goals of the ETOD Policy Plan;
4. Creates a density bonus program that applies to non single family zoned properties within the ETOD when the development will provide community benefits that are aligned with recommendations in the ETOD Policy Plan, including affordable housing; and
5. Allows developments participating in the density bonus program to:
 - a. include residential uses regardless of the property's base zoning; and
 - b. exceed:
 - i. the maximum building height in their base zoning district by up to 60 additional feet for a maximum height of up to 120 total feet in height, and
 - ii. FAR and minimum site area for dwelling unit requirement.
6. Consider a bonus option above 120 feet in total height, where appropriate.
7. Explore, and, if feasible, include incentives and additional entitlements for providing affordable ground floor commercial and/or community spaces.
8. Consider including additional incentives for adding transit supportive features and infrastructure.

BE IT FURTHER RESOLVED:

The City Council initiates rezoning of properties into the ETOD Overlay that are located within generally a 1/2 mile of the Project Connect Phase 1 Austin Light Rail project alignment and the Priority Extensions for Light Rail Transit and are not within


1. a specific regulating plan boundary (including the ERC, South Central Waterfront, existing Transit-Oriented Development regulating plans);
2. the boundary of the Downtown Density Bonus program; and
3. within the boundary of the University Neighborhood Overlay, and
4. within the boundary of the Airport Overlay.

BE IT FURTHER RESOLVED:

The City Manager is not required to bring these proposed code amendments and comprehensive plan amendments to the Imagine Austin Comprehensive Plan to the Comprehensive Plan Joint Committee, the Small Area Planning Joint Committee, or Codes and Ordinances Joint Committee.

ADOPTED: February 1, 2024

ATTEST:


Myrna Rios
City Clerk