



Recommendation for Action

File #: 22-1991, **Agenda Item #:** 94.

5/19/2022

Posting Language

Conduct a public hearing and consider an ordinance amending City Code Title 25 relating to regulation of public mobility projects in the right-of-way; and establishing an optional payment related to water quality controls for public mobility projects in the right-of-way.

Lead Department

Corridor Program Office

Fiscal Note

This item has no fiscal impact.

Prior Council Action:

March 3, 2022 - Council approved Resolution No. 20220303-028 initiating the following amendments to the Land Development Code, Criteria Manuals, and associated administrative procedures, including, but not limited to: a) Allow roadways sufficient maximum impervious cover limits for street cross-sections; b) Clarify that zoning regulations (Chapter 25-2, Subchapter E) do not apply to linear mobility and transit projects located in the right of way; c) Provide a definition of a site area for projects in the right-of-way; d) Establish consistency in determining what construction in the right-of-way is considered maintenance versus redevelopment, and clarify that maintenance of existing roadways does not trigger water quality requirements; e) Develop water quality calculations specific to projects in the right-of-way that cannot provide on-site water quality. Provide water quality credit for the removal of existing impervious cover, and allow payment-in-lieu of water quality treatment if other feasible solutions have been exhausted in all watershed regulation areas except the Barton Springs Zone; f) Clarify that railways should have the same applicable environmental requirements as roadways; and to present any Code amendments necessary to Council no later than May 19, 2022.

October 29, 2021 - City Council approved Resolution No. 20211029-003 that directed the City Manager to review City Code, including, but not limited to, the Land Development Code, Criteria Manuals, and permitting procedures to identify impediments to the design, construction, implementation, and operation of Project Connect, and to present any Code amendments necessary to City Council no later than April 2022.

August 12, 2020 - City Council approved Resolution No. 20200812-011 that expressed Council's intent to contract with the voters for a Mobility Bond election in November 2020 and directed the City Manager to analyze existing capital project delivery systems and processes in order to recommend potential changes and resource requirements to accelerate project delivery and maximize the number of projects to be completed within six years.

August 7, 2020 - City Council approved Resolution No. 20200807-003 that expressed Council's intent to contract with the voters for a citywide rapid transit system (to be known as "Project Connect") that will include four MetroRapid lines to be constructed and operational within five years, and two light rail lines to be constructed and operational within ten years.

March 28, 2019 - City Council approved Resolution No. 20190328-040 that affirmed the City of Austin's desire to construct as many miles of progressive multi-modal mobility infrastructure as quickly as it can to facilitate

congestion relief, safety, and environmental stewardship, and encouraged the City Manager to form a steering committee of representatives from relevant departments to align resources, priorities, and policies that support an accelerated timetable for planned bicycle, scooter, transit, sidewalks, and tier one urban trail infrastructure projects.

August 18, 2016 - City Council approved Resolution No. 20160818-074 that expressed Council's intent to contract with voters for a Mobility Bond election in November 2016 and directed the City Manager to analyze existing capital project delivery systems and processes in order to recommend potential changes and resource requirements to complete the bond program within eight years from initiation.

For More Information:

Mike Trimble, Director, Corridor Program Office, 512-974-3442; Susan Daniels, Deputy Director, Corridor Program Office, 512-974-7916; Kathryn Potenza-Arnold, Project Coordinator, Corridor Program Office, 512-974-7987.

Council Committee, Boards and Commission Action:

To be reviewed by the Environmental Commission on May 18, 2022.

May 10, 2022 - Approved unanimously by the Planning Commission on a 13-0 vote.

May 5, 2022 - Approved by the Codes and Ordinances Joint Committee on a 5-0 vote with Commissioner Barrera-Ramirez absent.

Additional Backup Information:

In response to Resolution No. 20220303-028, the Corridor Program Office, in partnership with the Watershed Protection Department, Austin Transportation Department, Development Services Department, Project Connect Office, Housing and Planning Department, and the Public Works Department, identified common obstacles to public mobility projects in the right-of-way and evaluated options to address them, including amendments to the Land Development Code, Criteria Manuals, and associated administrative procedures.

The code amendments proposed were identified as solutions that would reduce public mobility project timelines and expenses while maintaining appropriate environmental protections. All departments and stakeholders involved are supportive of these amendments, including the Watershed Protection Department. See Appendix A for a plain-language summary of the proposed amendments.

Associated Criteria Manual updates are anticipated via the rules posting process to support the intent of Resolution No. 20220303-028, which directed staff to present any amendments necessary to Council no later than May 19, 2022.

Following council initiation of the code amendments in March 2022, CPO presented the proposed amendments to the Environmental Commission on May 4, 2022, and will return for possible action on May 18, 2022. On May 5, the Codes and Ordinances Joint Committee recommended these amendments on consent, with Chair Barrera-Ramirez absent on a 5-0 vote. On May 10, the Planning Commission recommended these amendments unanimously on a 13-0 vote.

Strategic Outcome(s):

Mobility.