

C20-2022-013

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2022-013 Alternative Option for Great Streets

Summary of proposed code amendment

Discuss and consider a recommendation for adoption of an ordinance amending City Code Title 25 Section 25-2-586 (Downtown Density Bonus Program) to provide an alternative option for properties located along TxDOT frontages that cannot comply with Great Street Standards.

The proposed amendment to Title 25-2-586 will provide an alternative option for compliance with Great Streets Standards when there is extra jurisdictional control of the right-of-way.

Background:

Initiated by City Council [Resolution No. 20220728-093](#)

On July 28, 2022, the City Council initiated a Code amendment to Title 25-2-586 (Downtown Density Bonus Program) based on Staff recommendations from a [Fee-in-Lieu Memorandum](#) to Council dated July 7, 2022.

Specifically, the Code amendment will:

1. allow a fee-in-lieu for properties located along Texas Department of Transportation (TxDOT) frontages that cannot comply with Great Streets standards;
2. require a fee-in-lieu and one-time fee for maintenance of Great Streets improvements for properties that utilize the fee-in-lieu option; and
3. create a specific fund for the design, construction, and maintenance of Great Street capital improvement projects within the Downtown area. The fund, FDU: 8402-6207-8900, will be in Public Works and will capture the collected fee-in-lieu fees.

Certain properties in Downtown are eligible to participate in the Downtown Density Bonus Program (the Program) as outlined in [25-2-586](#). In accordance with Program requirements, the applicant is required to execute a restrictive covenant committing to provide streetscape improvements along all public street frontages, consistent with the Great Streets Standards (the Standards).

In addition, properties in the Rainey Street Subdistrict of the Waterfront Overlay (WO) are eligible to participate in the Program per [25-2-739](#). Some of these properties have frontage on TxDOT right-of-way (ROW). Where these properties have frontage along TxDOT ROW, the City of Austin has no jurisdiction to require streetscape improvements. Any proposed improvements outside private property on said frontage are to be coordinated with TxDOT.

On March 12, 2020, the City Council executed [Resolution No. 20200312-040](#) directing the City Manager to “bring forward a recommendation for creating a fee-in-lieu option for the Great Streets requirement of the Downtown Density Bonus Program for projects unable to provide such streetscapes due to other jurisdictional opposition to their construction.”

Review of cost analysis for implementation of Great Streets was conducted and confirmed at a 6% increase per year at a \$70 per square foot average cost to construct Great Streets infrastructure. (See Exhibit “A” – Updated Great Streets Costs). Exhibit B shows a comparison of the Great Streets and TxDOT standards with sections, plan views and renderings. The TxDOT standards are from the TxDOT Roadway Design Manual. The Great Streets Standards provide an enhanced pedestrian experience while

the TxDOT standards do not allow vertical improvements in the right-of-way.

Staff Recommendation

Staff recommends **APPROVAL** of the proposed Code amendment to allow for an alternative option for properties located along TxDOT frontages that cannot comply with Great Street Standards.

Board and Commission Actions

- Codes and Ordinances Joint Committee (COJC): October 19, 2022: Forwarded to the Planning Commission without a recommendation. The COJC requested a review of the proposed cost analysis to ensure alignment with industry trends.
- Planning Commission public hearing: March 28, 2023
- Set Council public hearing: April 13, 2023
- Conduct Council public hearing: April 20, 2023

City Staff: Jill Amezcua

Phone: (512) 978-1702

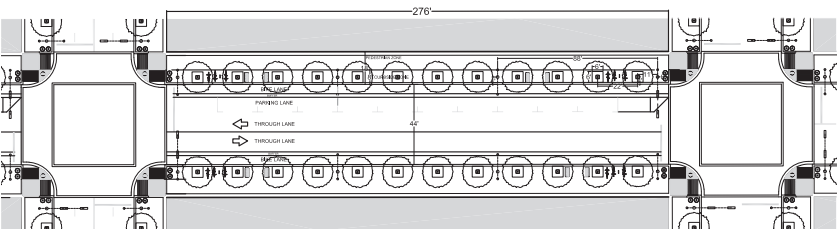
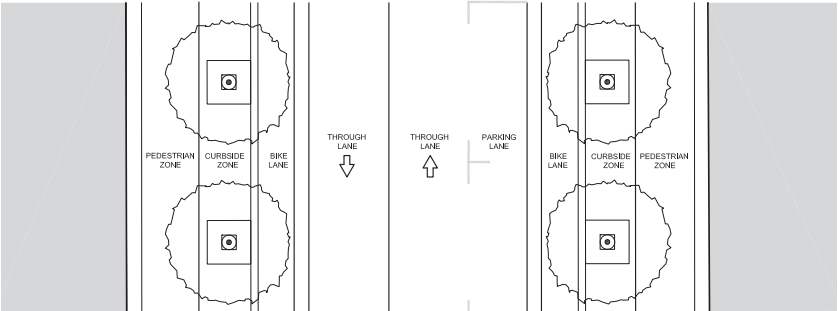
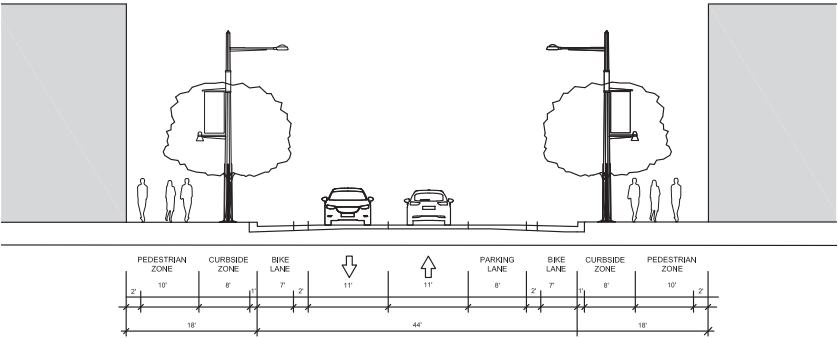
Email: jill.amezcua@austintexas.gov

Exhibit A: Updated Great Streets Costs

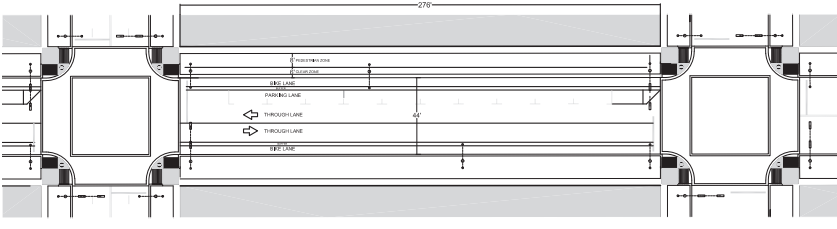
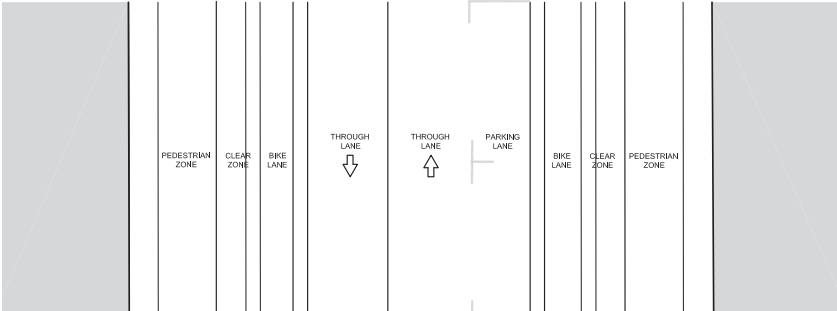
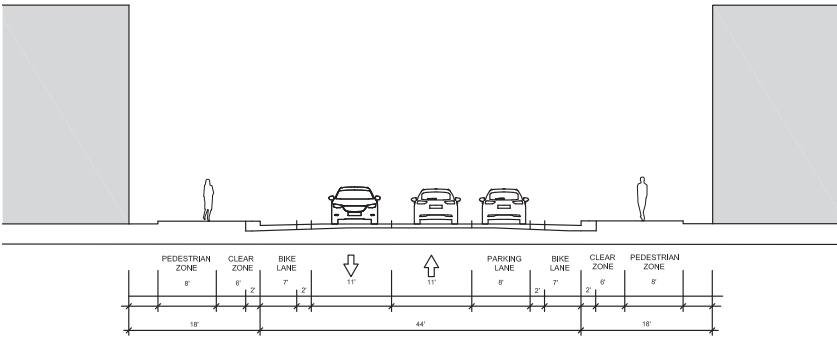
Great Streets Updated Cost Per SF		
Project	Bid Date	Price per SF
3rd St. Brazos to Trinity	2012	\$ 53.85
3rd St. Congress/Brazos/Trinity	2013	\$ 43.87
3rd St. Guadalupe to Congress	2014	\$ 48.97
3rd St. Guadalupe to Nueces	2015	\$ 65.22
Colorado 7th - 10th	2015	\$ 64.59
Average cost per SF 2012-2015	2019	\$ 55.30
6% cost increase per year since 2019	2023	\$ 70
Source: Public Works and HPD		

Great Streets Cost Breakdown by Element		
Great Streets Element	Cost	Unit
Trees	\$1,500	EA
Steel tree grates	\$1,500	EA
Structural soil	\$200	CY
Tree irrigation	\$15,000	per block face
Benches	\$3,500	EA
Bicycle racks	\$600	EA
Curbs	\$40	LF
Curb ramps	\$2,500	EA
Source: Public Works and HPD		

City of Austin Great Streets Design



TxDOT Street Design



Affordability Impact Statement

*Proposed Amendments to City Code Section 25-2-586
(Downtown Density Bonus Program)*

Submitting department: Urban Design

Initiated by: Resolution No. 20220728-093

3/21/2023



**HOUSING &
PLANNING**

<p>Proposed Regulation</p>	<ul style="list-style-type: none"> - <i>Participants in Austin’s Downtown Density Bonus Program (DDBP) must provide Great Streets elements in their streetscapes.</i> - <i>Properties that front Texas Department of Transportation (TxDOT) right-of-way cannot build Great Streets elements, which are inconsistent with TxDOT’s specifications.</i> - <i>The proposed amendment would let these properties meet the DDBP Great Streets requirement with a fee-in-lieu (FIL).</i>
<p>Impact on Housing Affordability</p>	<p>Housing and Planning staff find that the proposed regulation will have a positive impact to housing affordability.</p>
<p>Other Housing Policy Considerations</p>	<p>The proposal would allow DDBP-eligible properties to build more housing adjacent to TxDOT roadways within the DDBP eligibility</p>

area. This will increase payments into the city's Housing Trust Fund and/or on-site income-restricted housing.

The DDBP eligibility area includes Interstate Highway-35, which borders the DDBP eligibility area to the east. The U.S. Centers for Disease Control and Prevention (CDC) recommends limiting development alongside highways and heavily trafficked roads¹. A growing body of research indicates a link between residential proximity to highways and childhood asthma, cardiovascular disease, and premature death^{2,3,4}. Many of these diseases have more pronounced negative effects in communities of color, particularly Black communities^{5,6}.

The proposed amendments do not enable this risk on a large scale; they simply add code language that allows a density program to function as intended. However, since the normal operation of this density bonus program may allow increased residential density within a high-risk area, staff feels that it is important to highlight the issue.

Manager's Signature



Division Manager
Inclusive Planning, 3/21/2023

¹ Residential Proximity to Major Highways — United States, 2010 (cdc.gov),

<https://www.cdc.gov/mmwr/preview/mmwrhtml/su6203a8.htm>

² Near Roadway Air Pollution and Health: Frequently Asked Questions

https://www.epa.gov/sites/default/files/2015-11/documents/420f14044_0.pdf

³ Living Near Highways and Air Pollution | American Lung Association

<https://www.lung.org/clean-air/outdoors/who-is-at-risk/highways>

⁴ Potential health effects associated with residential proximity to freeways and primary roads: review of scientific literature, 1999-2006

<https://pubmed.ncbi.nlm.nih.gov/18468221/>

⁵ Disparities in the Impact of Air Pollution | American Lung Association,

<https://www.lung.org/clean-air/outdoors/who-is-at-risk/disparities>

⁶ There are clear, race-based inequalities in health insurance and health outcomes,

<https://www.brookings.edu/blog/usc-brookings-schaeffer-on-health-policy/2020/02/19/there-are-clear-race-based-inequalities-in-health-insurance-and-health-outcomes/>