



## Recommendation for Action

**File #: 23-1578, Agenda Item #: 49.**

**4/13/2023**

### **Posting Language**

Set a public hearing to consider an ordinance amending City Code Section 25-2-586 (Downtown Density Bonus Program) to provide an alternative option for properties located along Texas Department of Transportation (TxDOT) frontages that cannot comply with the City's Great Streets standards. (Suggested date and location: Thursday, May 4, 2023, at Austin City Hall, 301 West 2nd Street, Austin, Texas 78701).

### **Lead Department**

Housing and Planning.

### **Fiscal Note**

This item has no fiscal impact.

### **Prior Council Action:**

Initiated by City Council Resolution No. 20220728-093

Council Sponsors: Council Member Kathie Tovo, Mayor Steve Adler, Council Member Natasha Harper-Madison, Council Member Ann Kitchen.

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

### **For More Information:**

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### **Council Committee, Boards and Commission Action:**

Codes and Ordinances Joint Committee (COJC) reviewed on October 19, 2022: The COJC forwarded the amendment to the Planning Commission without a recommendation. The committee requested Staff reevaluate the fee per square foot so that it aligns with industry trends.

Planning Commission: March 28, 2023. Approved, Vote 12-0. Commissioner Anderson voted nay.

### **Additional Backup Information:**

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.

The proposed 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.

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Staff has reviewed the request to provide an alternative option for properties located along TxDOT frontages that cannot comply with the City's Great Streets standards and recommends approval of the proposed code amendment.

**Strategic Outcome(s):**

Government that Works for All.