

1 **RESOLUTION NO.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54 **BE IT FURTHER RESOLVED:**

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

- 57 1. Include regulations that support transit within ETOD station areas, as
58 described in the ETOD Policy Plan, and avoid, to the extent feasible,
59 increasing development pressure on existing income-restricted and
60 market-rate affordable housing within the ERC boundaries;
- 61 2. Recalibrate the development bonus program so that the program
62 responds to market conditions within the corridor by incorporating
63 recommendations from the ETOD Policy Plan and by analyzing
64 projects developed in the ERC since adoption of the ERC Regulating
65 Plan;
- 66 3. Consider adjustments to the density bonus program that will generate
67 increased uptake of the program within the ERC and provide transit-
68 supportive density and community benefits that are aligned with
69 recommendations in the ETOD Policy Plan;
- 70 4. Reflect other recent Council policy objectives related to parking,
71 compatibility, and other similar objectives;
- 72 5. Align with Project Connect design; and
- 73 6. Incorporate the ETOD Policy Plan and Project Connect design into
74 the ERC Regulating Plan.

75 **BE IT FURTHER RESOLVED:**

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

- 83 1. reducing the maximum motor vehicle parking allowed for a
84 development downtown from the existing maximums in City Code
85 Chapter 25-6, Article 7, Division 5; and
- 86 2. requiring developers to decouple parking as part of the gatekeeper
87 requirements for the Downtown Density Bonus Program.

88 **BE IT FURTHER RESOLVED:**

89 The City Council initiates amendments to City Code Title 25 (*Land*
90 *Development*) to create a new zoning district for an affordable housing bonus
91 program that is similar to the requirements and incentives found in Ordinance No.
92 20220609-080 and:

- 93 1. Is available city-wide; and
- 94 2. Serves the following households and requires a minimum number of
95 on-site affordable units:
 - 96 a. For rental units:
 - 97 i. 10 percent of units set-aside affordable to 50 percent
98 Median Family Income (MFI); or
 - 99 ii. 12 percent of units set-aside affordable to 60 percent
100 MFI; and

101 b. For ownership units: 12 percent of units set-aside affordable to
102 80 percent MFI; and

103 3. Allows a development that provides on-site affordable units to be
104 eligible for an additional 30 feet in height, up to a maximum of 90
105 feet in total height.

106 **BE IT FURTHER RESOLVED:**

107 The City Council initiates amendments to City Code Title 25 (*Land*
108 *Development*) to create an ETOD Overlay that includes regulations that support
109 transit within the ETOD station areas while attempting to avoid increased
110 development pressure on existing income-restricted and market-rate affordable
111 housing within the ETOD Overlay and:

- 112 1. Prohibits uses that are non-transit-supportive on all properties within
113 the ETOD Overlay;
- 114 2. Addresses conflicting regulations, including Neighborhood
115 Conservation Combining Districts, that apply to commercially zoned
116 and, potentially, multi-family-zoned properties when those regulations
117 are more restrictive;
- 118 3. Achieves the goals of the ETOD Policy Plan;
- 119 4. Creates a density bonus program that applies to commercially zoned
120 and, potentially, multi-family zoned properties within the ETOD
121 when the development will provide community benefits that are
122 aligned with recommendations in the ETOD Policy Plan, including
123 affordable housing; and
- 124 5. Allows developments participating in the density bonus program to:
 - 125 a. include residential uses regardless of the property's base
126 zoning; and

- 127 b. exceed:
- 128 i. the maximum building height in their base zoning
- 129 district by up to 60 additional feet for a maximum
- 130 height of up to 120 total feet in height, and
- 131 ii. FAR and minimum site area for dwelling unit
- 132 requirement.

133 **BE IT FURTHER RESOLVED:**

134 The City Council initiates rezoning of properties into the ETOD Overlay

135 that are located within generally a 1/2 mile of the Project Connect Phase 1 Austin

136 Light Rail project alignment and the Priority Extensions for Light Rail Transit

137 and are not within

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

144 **BE IT FURTHER RESOLVED:**

145 The City Manager is not required to bring these proposed code amendments

146 and comprehensive plan amendments to the Imagine Austin Comprehensive Plan

147 to the Comprehensive Plan Joint Committee, the Small Area Planning Joint

148 Committee, or Codes and Ordinances Joint Committee.

149

150 **ADOPTED:** _____, 2024 **ATTEST:** _____

151 Myrna Rios

152 City Clerk