

**RESOLUTION NO.**

**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**,

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. modifying downtown parking requirements so that a portion of  
84 above-ground structured parking is included as part of the  
85 development's Floor Area Ratio (FAR) calculation;
- 86 2. reducing the maximum motor vehicle parking allowed for a  
87 development downtown from the existing maximums in City Code  
88 Chapter 25-6, Article 7, Division 5; and
- 89 3. requiring developers to decouple parking as part of the gatekeeper  
90 requirements for the Downtown Density Bonus Program.

91 **BE IT FURTHER RESOLVED:**

92 The City Council initiates amendments to City Code Title 25 (*Land*  
93 *Development*) to create a new zoning district for an affordable housing bonus  
94 program that is similar to the requirements and incentives found in Ordinance No.  
95 20220609-080 and:

- 96 1. Is available city-wide; and
- 97 2. Serves the following households and requires a minimum number of  
98 on-site affordable units:
  - 99 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 avoid increased development pressure on 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 commercially zoned and, potentially, multi-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 commercially zoned and, potentially, multi-family zoned properties within the ETOD when the development will provide community benefits that are aligned with recommendations in the ETOD Policy Plan, including

126 affordable housing; and

127 5. Allows developments participating in the density bonus program to:

128 a. include residential uses regardless of the property's base  
129 zoning; and

130 b. exceed:

131 i. the maximum building height in their base zoning  
132 district by up to 60 additional feet for a maximum  
133 height of up to 120 total feet in height, and

134 ii. FAR and minimum site area for dwelling unit  
135 requirement.

136 **BE IT FURTHER RESOLVED:**

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

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