



City of Austin

Recommendation for Action

File #: 24-4062, **Agenda Item #:** 73.

2/29/2024

Posting Language

Conduct a public hearing and consider an ordinance amending City Code Title 25 to create a new zoning district for a density bonus program that grants 30 feet in height above the base zone, to a maximum of 90 feet, and modifies site development regulations, including compatibility standards; and initiating rezoning of certain properties. Related to item #70.

Lead Department

Planning Department.

Fiscal Note

This item has no fiscal impact.

Prior Council Action:

On February 1, 2024, City Council approved Resolution No. 20240201-026, which directed staff to create a density bonus program that resembles Vertical Mixed Use standards, is available city-wide, and provides on-site affordable housing in exchange for development related incentives, including increased height.

For More Information:

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Council Committee, Boards and Commission Action:

Reviewed by the Planning Commission, on February 13, 2024. Approved as amended on a vote of 8-3. Commissioners Mushtaler, Cox and Haynes nay. Commissioner Phillips abstained. One vacancy on the dais.

Additional Backup Information:

Case Number: C20-2023-044

In 2022, Council adopted Ordinance No. 20220609-080, commonly referred to as VMU2. This ordinance created a second affordability tier for the City's existing Vertical Mixed Use program. In exchange for additional income-restricted housing, a VMU2 building could exceed the height established in the base zoning district by 30 feet. Ordinance No. 20220609-080 was invalidated.

In 2022, Council adopted Ordinance No. 20221201-055, commonly referred to as the Residential In Commercial density bonus program. This ordinance allowed residential units in certain commercial base zones in exchange for income-restricted housing. Ordinance No. 20221201-055 was invalidated.

In 2024, City Council adopted Resolution No. 20240201-026, which directed staff to create a density bonus program resembling the provisions under VMU2. If approved, this ordinance will create a new combining district for a density bonus program that would allow development to exceed the base zoning district height limits by 30 feet, with a maximum of 90 feet of height. This ordinance includes elements from the VMU2

program and the Residential in Commercial program.

This ordinance will also initiate rezoning for properties that were attempting to use the VMU2 program, Residential in Commercial program, or the Compatibility on Corridors overlay.

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