



## ARTS COMMISSION RECOMMENDATION 20170330-4.c.

Date: March 30, 2017

Subject: Recommendation to Add “Music, Culture and Arts” to Section 23.3, General Planning Standards for All to codeNEXT

Motioned By: Music Commissioner McQueen      Seconded By: Arts Commissioner Castillo

### **Recommendation**

*The Arts Commission recommends the addition of Music, Culture and Arts to Section 23.3, General Planning Standards for All to codeNEXT*

### **Description of Recommendation to Council**

*The Arts Commission recommends the addition of “Music, Culture and Arts” to Section 23.3, General Planning Standards for All in codeNEXT with changes listed below in red*

#### **23-3A-1010 Purpose**

*This Chapter provides standards and regulations for the following purposes: to provide parkland; to provide for the protection and replenishment of urban forest resources; to provide for the protection of water quality and protection from flooding; to encourage the creation and preservation of affordable housing; **and to sustain the local arts, music and culture communities and industries.** These aspects are all essential to the development of a healthy, sustainable and desirable city environment. The interests of the community and the goals of the Comprehensive Plan and Zoning Code are further ensured through the application of this Chapter.*

#### **23-3A-1020 Applicability**

*This Chapter applies to all development within the City of Austin and the ETJ.*

### **Rationale:**

#### **Justification for an Article 23-3F: Art, Music, and Culture**

*Priority Program 5 (among 8 Priority Programs) in the Imagine Austin Comprehensive Plan is “Grow and invest in Austin’s creative economy.” A short term (1 to 3 years) work program item is: “Explore and re-imagine existing City development tools, such as incentives, regulations, and financing options, with a focus on creative industries’ facility needs. Expand access to affordable and functional studio, exhibition, performance space, museums, libraries, music venues, and office space.” Among the policies and priority actions listed in the Imagine Austin Comprehensive Plan are the following:*

- *Develop regulations to mitigate the sound from live music venues through a collaborative process that includes the City of Austin, musicians, venue operators, property owners, and residents.*

- *Create incentives and programs to preserve iconic and established music venues and performance spaces throughout Austin and its extraterritorial jurisdiction (ETJ).*
- *Expand access to affordable and functional studio, exhibition, performance, and office space for arts organizations, artists, and creative industry businesses.*
- *Explore existing City policies, processes, and regulations regarding the arts to determine what changes can be made to coordinate these with other goals, such as historic preservation, affordable housing, and high-density development.*
- *Incorporate the arts and cultural preservation themes and elements into small area plans, such as neighborhood and corridor plans.*
- *Create incentives, and programs to promote the inclusion of public art into new development.*
- *Encourage artists and other creative individuals by promoting the creation of live/work spaces and creative industry hubs, districts, and clusters as retail, community, or neighborhood anchors and activity generators to attract and support other economic and community enterprises.*
- *Establish incentives and regulations to promote the creation of artists' live/work space in residential areas that allow for limited gallery space.*

*The Code Prescription on Household Affordability addressed affordability impacts to small businesses and the cultural arts. Specifically the Code Prescription on Household Affordability stated the following three prescriptions:*

1. *Allow for compatible retail and commercial uses by right including arts, culture and creative uses such as rehearsal, gallery, studio, performance or exhibit spaces and offices in areas where form-based zones have been applied and a diversity of uses is desired. This includes adequate commercial space allowances in corridors, centers, and in between these areas and neighborhoods.*
2. *Revise the density bonus program in targeted areas such as cultural districts by adding the preservation or creation of an existing creative venue or business as a Community Benefit. Density bonus fee-in-lieu requirements will be evaluated for 501(c)(3)s to promote emerging small non-profits. The existing density bonus provisions will be evaluated to determine if they can incorporate preservation or development of a music or creative venue that will be used for rehearsal, gallery, studio, performance, or exhibit spaces and offices.*
3. *The opportunity to expand live/work units will be found in all form-based code districts in order to promote the opportunity for the small businesses, including artists to be able to work where they live. The allowance of live/work units will be both within the uses regulated by the different form-based code districts but also in the regulation of building types to ensure the proper form to allow for live-work units.*

*Both the Imagine Austin Comprehensive Plan and the Code Prescription on Household Affordability make reference to the need for regulations to sustain and boost the music and arts industries and communities. It is thus justified to suggest that in a section of the Code that addresses city-wide development regulations, there be city-wide regulations to promote arts and music districts that protect existing resources and promotes new ones in areas deficient of art, music, and cultural assets, and the supports housing and job for musicians and artists.*

**Vote 8-0**

For:

Arts Commission: Lulu Flores – Chair, Michelle Polgar–Vice Chair, Brett Barnes, Jaime Castillo, Alissa McCain, Amy Mok, Krissi Reeves, Bruce Willenzik

Against: none

Abstain: none

Absent:

Arts Commission: Chris Bryan, Bears Fonte, Felipe Garza

Attest: *[Staff or board member can sign]*



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