

1 **RESOLUTION NO.**

2 **WHEREAS**, the Imagine Austin comprehensive plan states that creativity is  
3 a cornerstone of Austin’s identity and economic prosperity, and arts, culture, and  
4 creativity are essential keys to the City’s unique and distinctive identity, and  
5 further are valued as vital contributors to our community’s character, quality of life  
6 and economy, and collectively, the Austin music and creative ecosystem generates  
7 rich, social, cultural, and economic benefits; and

8 **WHEREAS**, on May 2, 2019, Council issued “Direction in Response to  
9 City Manager’s March 15, 2019 Memo re: Land Development Code Revision  
10 Policy Guidance”; and

11 **WHEREAS**, that May 2, 2019, direction outlined for the City’s land  
12 development code, ten policies to support “all kinds of people in all parts of town  
13 and a development pattern that supports 50/50 Transportation Mode Share by  
14 2039”, and included direction for creative spaces as a priority; and

15 **WHEREAS**, the City Manager was directed to propose options for  
16 provisions in the land development code to preserve creative space, including but  
17 not limited to zoning categories specific to cultural spaces and incentives to create  
18 dedicated, below market rate creative spaces in developments along corridors and  
19 centers; and

20 **WHEREAS**, Resolution No. 20200521-095 acknowledged multiple steps  
21 taken by Council through time recognizing the essential nature and need to protect,  
22 preserve, and cultivate creative spaces with long and short-term relief as well as  
23 through creation of the Austin Economic Development Corporation (AEDC),

24 review of City-owned assets and regional partnering, as well as bond funding  
25 mechanisms; and

26 **WHEREAS**, many of Austin’s creative spaces continue to be lost or  
27 displaced due to Austin’s continuing real estate boom, resulting in the loss of some  
28 of Austin’s most significant creative cultural incubators and unique Austin  
29 character; and

30 **WHEREAS**, recently approved Resolution No. 20220728-94 initiated  
31 amendments to City Code, including Title 25 (*Land Development Code*), to create  
32 a bonus and incentive program for live music venues establishing certain criteria  
33 and outlining potential incentives to be considered; and

34 **WHEREAS**, similar consideration is needed to broadly define creative  
35 spaces to include the visual arts, production studios, theater and dance, creative arts  
36 education, as well as for gallery and art retail spaces and to reinforce the relevance  
37 of this creative sector in our community, economy, and the work being undertaken  
38 by AEDC; and

39 **WHEREAS**, the City’s CreateAustin Cultural Master Plan was created with  
40 community engagement to chart a course for Austin’s cultural development to  
41 invigorate and sustain the City as a magnet for arts, culture, and creativity and  
42 provides a strong foundation to continue and evolve the work that is necessary as  
43 the City continues to grow; and

44 **WHEREAS**, the CodeNEXT Advisory Group, the Arts Commission, and  
45 the Music Commission formally recommended the creation of a new article in City  
46 Code to enact city-wide regulations to promote arts, music, and culture with the  
47 goals of protecting existing assets and promoting new ones in areas inequitably

48 deficient of art, music, and cultural assets; supporting housing and jobs for  
49 musicians and artists; and sustaining these important elements of Austin’s  
50 economy; and

51 **WHEREAS**, Urban Land Institute Austin’s Creative Culture Strategic  
52 Council has provided a June 2022 report on “Creative Space in Developments”  
53 that examines the effects of real estate on Austin’s unique culture and development  
54 and identifies what is needed; **NOW, THEREFORE**,

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

56 The City Council initiates amendments to City Code, including Title 25  
57 (*Land Development Code*), to create a bonus and incentive program for broadly  
58 defined creative spaces that include, but are not limited to the visual arts such as  
59 sculpture, crafting, painting, print, and photography, associated production studios,  
60 theater and dance, creative educational opportunities, as well as gallery and art  
61 retail spaces.

62 Criteria and requirements to participate in the program may include, but are  
63 not limited to the following:

- 64 1. the space will support the creation and/or display of local art by local  
65 artists;
- 66 2. may include and encourage an educational component;
- 67 3. establishes permanently dedicated and defined amounts of space for  
68 purposes that support the creative visual arts community as defined  
69 through the development of the program and include opportunities for  
70 long-term leases, rent cost offsets, and other general needs as identified,

71 as well as providing a variety of types of spaces to better serve the  
72 spectrum of creative space need;

- 73 4. may include office space for non-profits and other creative organizations;
- 74 5. encourages creative hubs in developments as an extension of Austin's  
75 creative brand with a goal to have at least one for each council district;  
76 and
- 77 6. encourages promotion of these spaces city-wide.

78 **BE IT FURTHER RESOLVED,**

79 The bonus and incentive program should provide regulatory incentives for  
80 new and existing creative spaces that meet the criteria and that could help leverage  
81 public and private investment in the creative infrastructure of Austin. Regulatory  
82 incentives to be considered may include, but are not limited to:

- 83 1. fee waivers;
- 84 2. modified parking requirements;
- 85 3. expedited permitting process;
- 86 4. increase in floor to area ratio (FAR) in square footage equal to what is  
87 provided for the dedicated creative space;
- 88 5. expanded facilitation of affordable commercial space restrictive  
89 covenants in new construction and incentivize lower cost/long term  
90 leases that do not pass on tax or utilities to the cultural venue; the  
91 strategy should consider potential property tax relief for owners;
- 92 6. Chapter 380 Agreement Placemaking Collective Space to promote  
93 economic development and stimulate business and commercial  
94 activity by providing financial incentives; and

- 95 7. prioritization of creative space as a city-wide community benefit as it  
96 relates to density bonus programs, Planned Unit Development (PUD)  
97 zoning, or within other regulatory plans.

98 **BE IT FURTHER RESOLVED,**

99 The City Council initiates amendments to City Code, including Title 25  
100 (*Land Development Code*) if appropriate, for creation of a new code component  
101 addressing Arts, Music, and Culture with a described “Purpose” that includes,  
102 “Diversify, sustain, and cultivate the city’s culture, music, and arts communities  
103 and industries,” as recommended by the CodeNEXT Advisory Group, the Arts  
104 Commission, and the Music Commission.

105 Provisions in the Arts, Music, and Culture code component may include,  
106 but are not limited to, the following:

- 107 1. establishment of general requirements and procedures to diversify,  
108 sustain, and cultivate the local arts, music, and culture communities  
109 and industries and to guarantee that arts, music, and cultural land uses  
110 are distributed across the City in an equitable manner within  
111 neighborhoods, along activity corridors, and within neighborhood,  
112 town, and regional centers;
- 113 2. creation of Artist Live/Work and Live/Work/Sell categories to allow  
114 artists to sell finished goods from their live/work home studios and  
115 with distinctions as to within which districts a live/work artist may  
116 sell”, including performance art. This is identified as an important  
117 distinction as multidisciplinary spaces are becoming increasingly  
118 common where both object-based art and experience-based art are

119 being created and offered to the public within a single building  
120 envelope;

- 121 3. designation of Art Districts in neighborhood plans, neighborhood  
122 centers, town centers, and regional centers, and target one or more arts  
123 districts per council district;
- 124 4. establish a theater and art venue scale and accessory use providing  
125 capacity ratings for theater and arts venues based on how the venue is  
126 used and overall size;
- 127 5. permit accessory use as a theater, art gallery, or art workshop in all  
128 commercial and industrial/warehousing zoning districts and
- 129 6. provide explicit definitions that clearly distinguish types of arts/music  
130 spaces for flexible and hybrid uses in City ordinances and other  
131 regulation.

132 Additional community engagement and feedback will be included during the  
133 code amendment process to vet and identify other potential amendments for  
134 consideration as part of the newly created Arts, Music, and Culture code  
135 component.

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138 **ADOPTED:** \_\_\_\_\_, 2022      **ATTEST:** \_\_\_\_\_  
139 Myrna Rios  
140 City Clerk  
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