ORDINANCE NO. 20090312-027

AN ORDINANCE REZONING AND AMENDING THE ZONING MAP TO CHANGE THE ZONING DISTRICTS FROM THEIR CURRENT DESIGNATIONS TO TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT ON CERTAIN PROPERTY IN THE CHESTNUT, EAST MLK, UPPER BOGGY CREEK, AND ROSEWOOD NEIGHBORHOOD PLAN COMBINING DISTRICTS; AND ADOPTING THE MARTIN LUTHER KING, JR. BLVD. TOD DISTRICT STATION AREA PLAN AND REGULATING PLAN, INCLUDING MODIFICATIONS TO TITLE 25 OF THE CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base zoning districts to transit oriented development (TOD) district on all those certain tracts of land (*the "Property"*) described in Zoning Case No. C14-2008-0031, on file at the Neighborhood Planning and Zoning Department, as follows:

> Approximately 108 acres of land in the City of Austin, Travis County, Texas, more particularly described and identified in the tract map attached as Exhibit "A";
>
> Save and Except the following properties:
>
> 1701 Alexander Ave. (Lot 1, Blk B, Chestnut Station, 2.6673 ac.);
> 1801 Alexander Ave. (Lot 2, Blk C, Chestnut Station, 1.1496 ac.);
> 2712 E. 13th St. (11.7918 ac. of Olt 28, 30-31, Div B);
> Alexander Ave. (Lot 1C, Blk C, Chestnut Station, 0.0430 ac.); and,
> Alexander Ave. (7.573 ac. of Olt 28-31, Div B),

located in portions of the Chestnut, East MLK, Upper Boggy Creek and Rosewood neighborhood planning areas, locally known as the area generally bounded by Boggy Creek on the north and east, the Northwest and Austin Railroad on the east, East 12th Street on the south , and Ulit Avenue, Miriam Avenue, Alexander Avenue and Randolph Road on the west, including select properties at the intersection of Martin Luther King Jr. Boulevard and Airport Boulevard, and the intersection of Manor Road and Airport Boulevard, in the City of Austin, Travis County, Texas, and identified in the tract table attached as Exhibit "B" and the map attached as Exhibit "C" (*the "Zoning Map"*).

PART 2. The zoning districts for the Property are changed:

(A) from the current base districts to transit oriented development (TOD) district; and

(B) to remove all other current combining district designations, except that each district shall retain its current neighborhood plan (NP) combining district designation.

PART 3. The "MLK TOD Station Area Plan" attached as Exhibit "D" *(*the *"MLK Jr. Blvd. SAP")* and incorporated into this ordinance is adopted as the station area plan for the Property pursuant to Section 25-2-766.22(A) (*Adoption of Station Area Plan*) of the City Code, including the "Regulating Plan for the MLK TOD Station Area Plan" attached as Exhibit "E" *(*the *"Regulating Plan")* and incorporated into this ordinance.

PART 4. Under Section 25-2-766.22 (*Adoption of Station Area Plan*) of the City Code:

(A) the Regulating Plan establishes the zoning, site development, and design regulations applicable to the Property;

(B) the boundaries of the MLK Jr. Blvd. TOD shown in Chapter 25-2 (*Zoning*), Appendix D, Exhibit 3, of the City Code are modified to be the boundaries shown in Exhibit "C;"

(C) amendments to the Regulating Plan are subject to the requirements of Section 25-1-502 (*Amendment; Review*) of the City for amendments of Title 25 of the City Code instead of the requirements for notice of rezoning under Section 25-2-261 (*Notice of Application Filing*) of the City Code; and

(D) the density standards of Article 2 (*Land Use and Building Density*) and the site development standards in Section 4.2 (*General Development Standards*) of the Regulating Plan are the only parts of the Regulating Plan that are requirements of Chapter 25-2 of the City Code for purposes of Section 25-2-472 (*Board of Adjustment Variance Authority)* of the City Code.

PART 5. This ordinance takes effect on March 23, 2009.

PASSED AND APPROVED

March 12, 2009 §
§
§

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk



EXHIBIT A - MLK Station Area Plan
Zoning Tract Map
Case # C14-2008-0031

0 250 500 1,000 Feet

N

Produced by City of Austin
Neighborhood Planning and Zoning Dept.
Updated October 30, 2008

This map has been produced by the City of Austin for the sole purpose of aiding regional planning and is not warranted for any other use. No warranty is made regarding its accuracy or completeness.

Exhibit B

C14-2008-0029 - MLK Station Area Plan Properties to be Rezoned to "TOD-NP"			
Tract # (1)	**TCAD Property ID (2)**	**COA Address (3)**	**Existing Zoning**
1	207515	2808 MANOR RD	GR-CO-NP
	207516	2806 MANOR RD	GR-CO-NP
2	207519	2900 MANOR RD	CS-MU-CO-NP
		2902 MANOR RD	
		2908 MANOR RD	
		2910 MANOR RD	
		2916 1/2 MANOR RD	
		3303 1/2 RANDOLPH RD	
	207558	2928 MANOR RD	LI-CO-NP
	374454	ACR .05 * OF LOT 12-21 BLK 14 OLT 2 DIVISION O	Not zoned
3	207581	3724 AIRPORT BLVD	CS-MU-NP
	207582	3710 AIRPORT BLVD	CS-MU-NP
		3712 AIRPORT BLVD	
		3722 AIRPORT BLVD	
4	207622	1909 E 38TH HALF ST	CS-1-MU-NP; CS-MU-NP
		3737 AIRPORT BLVD	
	207623	3701 AIRPORT BLVD	CS-MU-NP
5	204457	2213 AIRPORT BLVD	CS-MU-NP
		3107 1/2 MANOR RD	
	204458	3107 MANOR RD	CS-MU-NP
		3109 MANOR RD	
	204459	3111 MANOR RD	CS-MU-NP
	204460	LOT 10 OLT 50 DIV B AIRPORT & MANOR RD SUBD NO 3	CS-MU-NP
6	204394	2967 MANOR RD	CS-NP
	Portion of 204395	2204 AIRPORT BLVD	Commercial
	204405	2963 MANOR RD	CS-NP
7	204218	2803 MANOR RD	CS-MU-CO-NP
	204219	2805 MANOR RD	CS-MU-CO-NP
	204220	2819 MANOR RD	CS-MU-CO-NP
	204221	2821 1/2 MANOR RD	CS-MU-CO-NP
	204222	2823 MANOR RD	CS-MU-CO-NP
	204237	2815 MANOR RD	CS-MU-CO-NP

Exhibit B

C14-2008-0029 - MLK Station Area Plan Properties to be Rezoned to "TOD-NP"			
Tract # (1)	**TCAD Property ID (2)**	**COA Address (3)**	**Existing Zoning**
8	204171	2826 REAL ST	LI-CO-NP
	204172	2824 REAL ST	GO-MU-NP
	204173	2808 E MARTIN LUTHER KING JR BLVD	LI-CO-NP
	204174	1906 MIRIAM AVE	LI-CO-NP
	204179	2806 REAL ST	GO-MU-NP
	204180	2008 ALEXANDER AVE	LI-CO-NP
		2830 REAL ST	
9	204246	2810 E MARTIN LUTHER KING JR BLVD	LI-CO-NP
		2831 REAL ST	
	204248	2820 E MARTIN LUTHER KING JR BLVD	GO-MU-NP
	204249	2821 REAL ST	LI-CO-NP
		2830 E MARTIN LUTHER KING JR BLVD	
		2832 E MARTIN LUTHER KING JR BLVD	
		2833 REAL ST	
		2834 E MARTIN LUTHER KING JR BLVD	
		2835 REAL ST	
10	204238	2009 ALEXANDER AVE	CS-MU-CO-NP
		2105 ALEXANDER AVE	
		2201 ALEXANDER AVE	
		2205 ALEXANDER AVE	
		2821 MANOR RD	
		2900 1/2 E MARTIN LUTHER KING JR BLVD	
		2900 E MARTIN LUTHER KING JR BLVD	
		2901 MANOR RD	
		2907 MANOR RD	
	204252	2918 E MARTIN LUTHER KING JR BLVD	CS-MU-CO-NP
	374454	ACR .05 * OF LOT 12-21 BLK 14 OLT 2 DIVISION O	Not zoned
	499648	2906 E MARTIN LUTHER KING JR BLVD	CS-MU-CO-NP
		2931 MANOR RD	
12	204454	1925 AIRPORT BLVD	CS-MU-NP
	204496	3208 E MARTIN LUTHER KING JR BLVD	CS-MU-NP
	204497	TRT A *THE CUSTOM RESUB OF LOT 31B * OF THE RESUB OF LOT 31 OLT 50 DIV B ENCINO TERRACE	CS-MU-NP
	204501	3210 E MARTIN LUTHER KING JR BLVD	CS-MU-NP

Exhibit B

C14-2008-0029 - MLK Station Area Plan Properties to be Rezoned to "TOD-NP"			
Tract # (1)	**TCAD Property ID (2)**	**COA Address (3)**	**Existing Zoning**
13	204465	3223 E MARTIN LUTHER KING JR BLVD	GR-MU-NP
		3231 E MARTIN LUTHER KING JR BLVD	
	204466	1823 AIRPORT BLVD	GR-MU-NP
	204467	1815 AIRPORT BLVD	GR-MU-NP
14	714111	1809 CLIFFORD AVE	CS-MU-CO-NP
	714112	1811 CLIFFORD AVE	CS-MU-CO-NP
	714113	1813 CLIFFORD AVE	CS-MU-CO-NP
	714114	1815 CLIFFORD AVE	CS-MU-CO-NP
15	200508	2712 E 12TH ST	P-NP
	Portion of 200571	Portion of .9 AC OF OLT 28 DIVISION B	LI-NP
	Portion of 200579	Portion of ACR 7.573 OLT 28-31 DIVISION B	LI-NP
	200510	1701 MIRIAM AVE	CS-MU-CO-NP
		1707 MIRIAM AVE	
		1709 MIRIAM AVE	
		1719 ALEXANDER AVE	
		1803 1/2 MIRIAM AVE	
		2901 1/2 E MARTIN LUTHER KING JR BLVD	
	204216	OLT 28 DIVISION B ACR .49	LI-NP
	204239	.29 AC OF OLT 28 DIVISION B	LI-NP
	204240	2915 E MARTIN LUTHER KING JR BLVD	CS-MU-CO-NP
	204244	159X75FT LOT 21 OLT 28 DIVISION B	CS-MU-CO-NP; LI-NP
	374454	ACR .05 * OF LOT 12-21 BLK 14 OLT 2 DIVISION O	Not zoned
	731771	1601 1/2 MIRIAM AVE	CS-MU-CO-NP
		1601 MIRIAM AVE	

(1) The tract number refers to the numbered tracts on the MLK Station Area Plan Zoning Tract Map.

(2) Each TCAD Property ID number represents a separate property, as recorded by the Travis Central Appraisal District.

(3) The COA Addresses listed for each property are those addresses on file with the city pertaining to that property. If a COA address was not available for a property the TCAD address and/or legal description was used.



This map has been produced by G.I.S. Services for the sole purpose of geographic reference.
No warranty is made by the City of Austin regarding specific accuracy or completeness.

Exhibit D

MARTIN LUTHER KING (MLK) BOULEVARD
TOD STATION AREA PLAN









Transit - Oriented Development

City of Austin
Neighborhood Planning and Zoning Department

ACKNOWLEDGEMENTS

The City of Austin would like to thank the following for their contribution to the MLK Transit-Oriented Development (TOD) Station Area Plan:

All participants in the planning process who live, work, and own or rent property in and around the MLK TOD District.

Other interested individuals who came to learn about transit-oriented development and give feedback on this citywide initiative.

Individuals and groups who are dedicated to promoting affordable housing throughout Austin.

The members of the technical advisory group who dedicated time to learning about TOD concepts, attended public meetings, and reviewed and gave feedback on the Station Area Plan throughout the planning process.

Other City staff members who made themselves available to answer technical questions and provide information on specific topics related to the Plan.

Thanks to the Thompson Conference Center, David Chapel, Conley-Guerrero Senior Center, and the Parque Zaragoza Recreation Center for providing meeting space.

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EXECUTIVE SUMMARY

MLK JR. BOULEVARD TOD STATION AREA PLAN









MLK JR. BOULEVARD TOD STATION AREA PLAN
EXECUTIVE SUMMARY

INTRODUCTION

The first Capital MetroRail line is under construction with passenger service to begin at the end of 2008. The 32-mile Red Line will connect downtown Austin to Leander on existing rail tracks with nine initial stations planned. The City, in support of the Capital Metro "All Systems Go!" Long Range Transit Plan, initiated a broad public engagement effort to develop station area plans around several of these future MetroRail stops. The first station areas to undergo the station area planning process were Plaza Saltillo, Martin Luther King Jr. Boulevard (MLK), and N. Lamar Boulevard/Justin Lane (a.k.a. Crestview Station).

New development that takes advantage of its location near transit is often referred to as "Transit-Oriented Development" (or TOD), and it is an important part of the City's goal to manage growth in ways that reduce reliance on automobile use, promote transit use, walking and biking, and create lively and safe areas around transit stations. The City of Austin developed the TOD station area plans to leverage this significant public transit investment to achieve these broad community goals.

To realize these benefits, the City first adopted a TOD Ordinance, which identified specific station area boundaries, interim land use and design requirements, and a commitment to develop station area plans. Planning for the MLK TOD was begun in February 2007 by a team of consultants led by PB Americas. Public education and involvement meetings were held over the course of the next ten months to draft a plan that incorporated TOD principles and best practices and was shaped by the community input gathered throughout the planning process. The planning work was integrated with a professional assessment of market conditions and finance, affordable housing, and basic public infrastructure and facility needs. The plan includes recommendations for open space, street and other infrastructure improvements, and affordable housing and is intended to guide future development and the provision of public improvements.

The implementation strategy describes a variety of key actions that will contribute to the successful redevelopment of the station area. The responsibilities for implementation not only rest with the City, but its agency partners, development community, and citizens. A primary element of the implementation program is the MLK TOD Station Area Regulating Plan. It is based on *Subchapter E: Design Standards and Mixed Use* of the Austin Code, which applies citywide. The Regulating Plan provides development standards with a specific focus on the context of the MLK Station Area and the vision articulated in this plan.

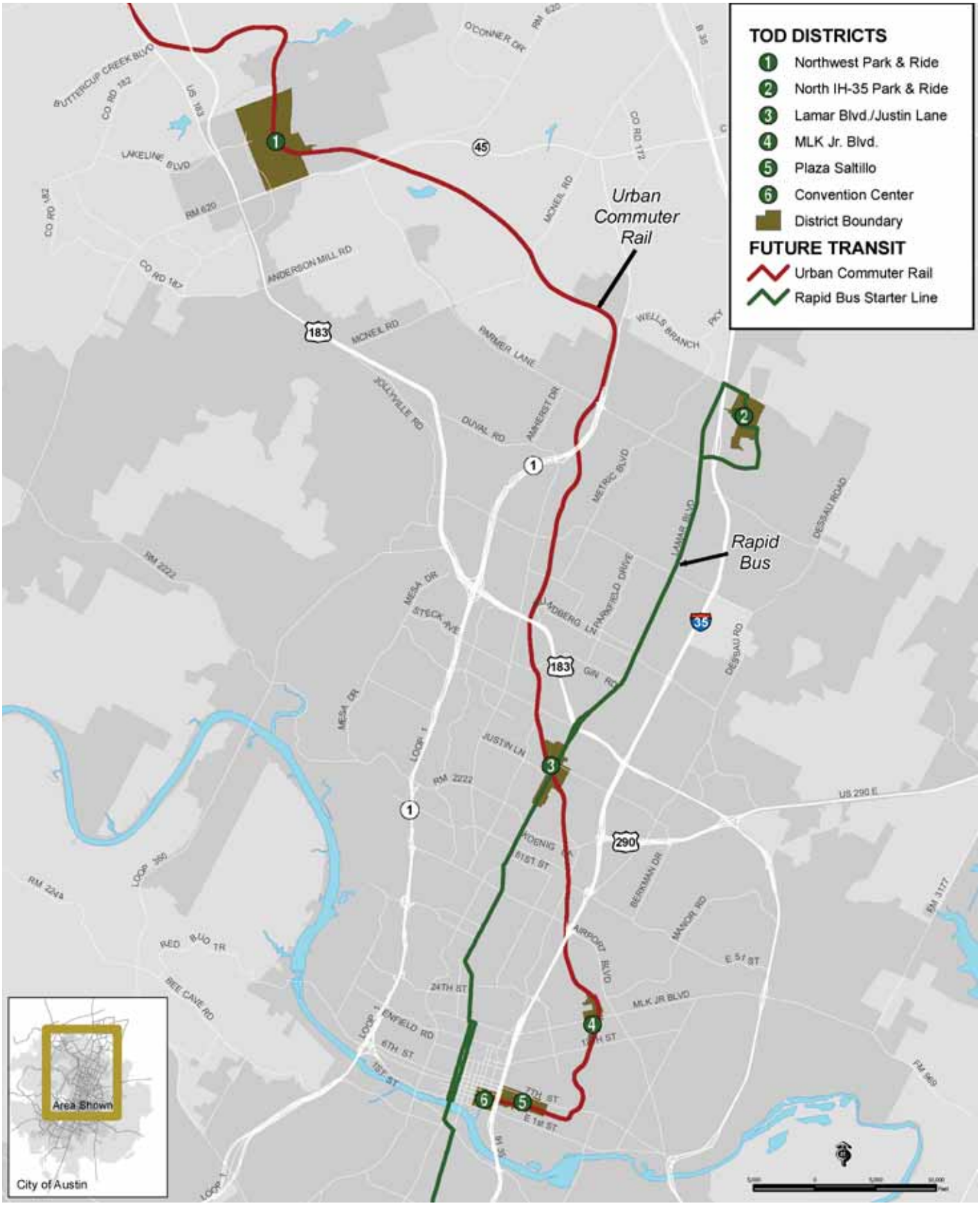


FIGURE ES.1: TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICTS

Martin Luther King Jr. Boulevard (MLK) station planning area was identified in the TOD Ordinance to include the Boggy Creek flood plain and the area to the west along Manor Road and MLK Jr. Boulevard. During the development of this plan, the planning area was expanded to include land around the Airport Boulevard intersections with Manor Road and MLK Jr. Boulevard. It includes portions of four neighborhood planning areas - Chestnut, MLK, Rosewood, and Upper Boggy Creek, and several neighborhoods within these.

PLAN ORGANIZATION

The consultant team, informed by community input throughout the planning process, developed the MLK TOD Station Area Plan, which

- Followed transit-oriented design principles and Austin planning policy as described in Chapter 1;
- Is summarized below and described in more detail in Chapter 2;
- Includes an implementation strategy described in Chapter 3;
- Featured an inclusive public involvement process as described in the Appendix; and
- Utilized background information and studies presented in a series of appendices.

PLAN SUMMARY

The MLK TOD Station Area Plan includes three primary elements:

- **Land Use and Design Concept Plan**, which describes the desired land uses and development characteristics in the TOD.
- **Circulation Concept Plan**, which identifies the functional and design elements for streets and walkways.
- **Open Space and Trails Concept Plan**, which describes the important open space components of the TOD.

The concept plan maps and summary of the key elements are presented on the following pages.

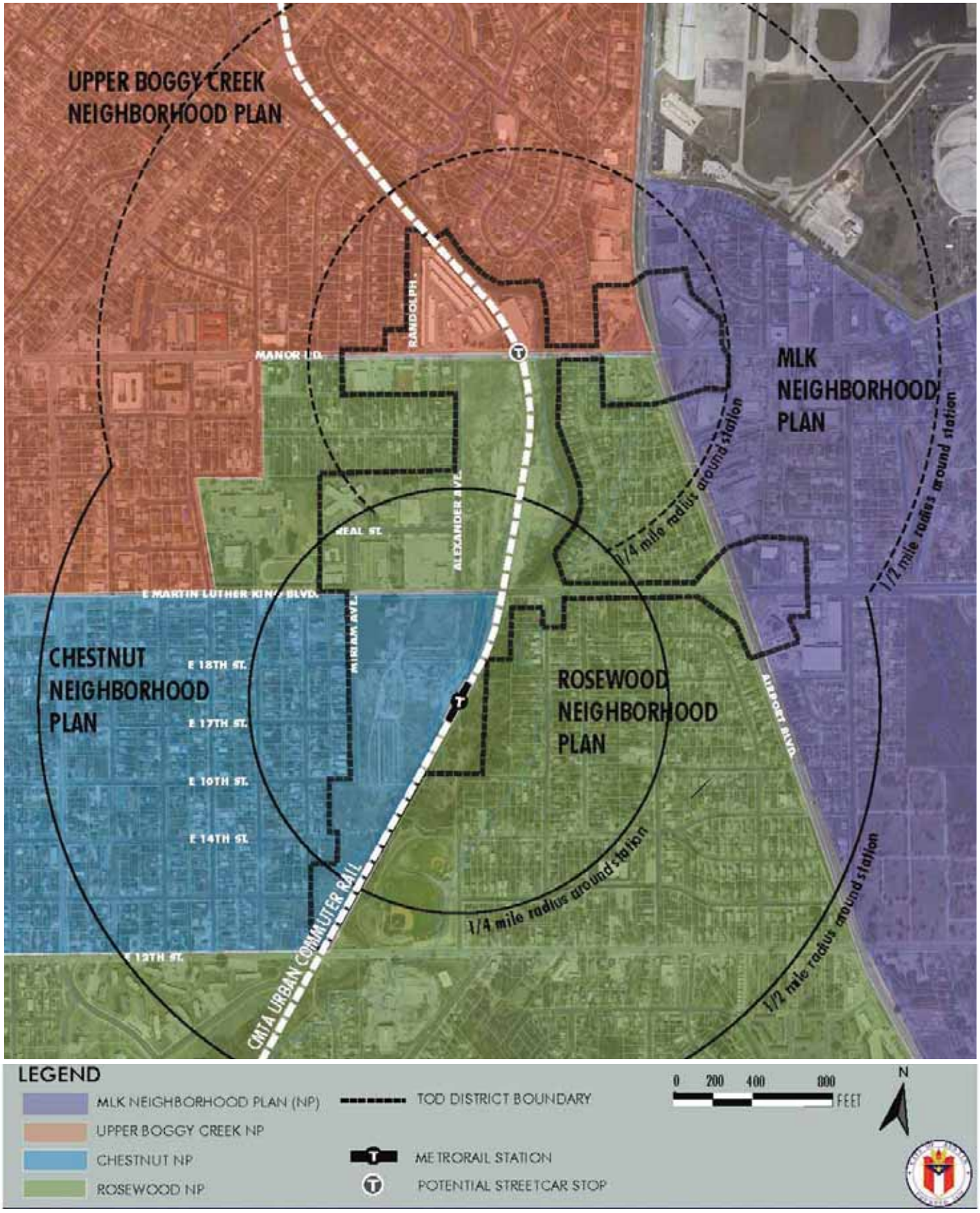
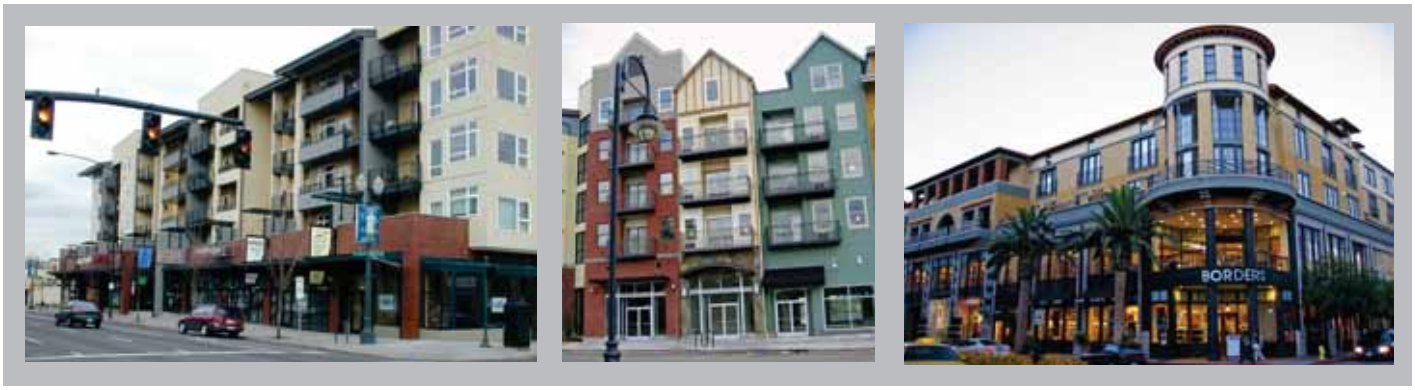


FIGURE ES.2: LOCATION MAP OF MLK TOD WITH NEIGHBORHOOD PLANNNING AREAS

LAND USE AND DESIGN CONCEPT PLAN

The Land Use and Design Concept for the MLK TOD Station Area Plan includes five land use designations:

- **TOD Mixed-Use.** This is the highest density designation, which encourages urban-style development including active ground floor uses with commercial, office, or residential uses on the upper floors. Residential densities may exceed 45 units per acre if a specific level of affordable housing is provided. Moderate height bonuses allowing a total building height of 60ft may also be granted with additional affordable housing. These areas are located in the closest proximity to transit and are intended to become neighborhood centers.



- **Corridor Mixed-Use.** This allows a slightly more liberal mix of uses compared to TOD Mixed-Use. These properties are farther from the transit station and have less of an urban character compared to TOD Mixed-Use. Normal residential densities may reach 45 units per acre, and additional density may be permitted when affordable housing is provided.



- **Live/Work Flex.** This encourages ground floor business activity with residential units on the upper floors. Residential uses are required and a ground floor business is optional. Residential densities range from 17 to 45 units per acre, and additional density may be permitted when affordable housing is provided.






- **Medium Density Residential.** This designation is found outside of the mixed-use areas and is intended to provide a transition into the surrounding neighborhoods. Residential densities range from 17 to 45 units per acre.





- **Low Density Residential.** This designation also provides a transition between the higher density center of the station area and surrounding neighborhoods. Residential densities range from 9 to 16 units per acre.



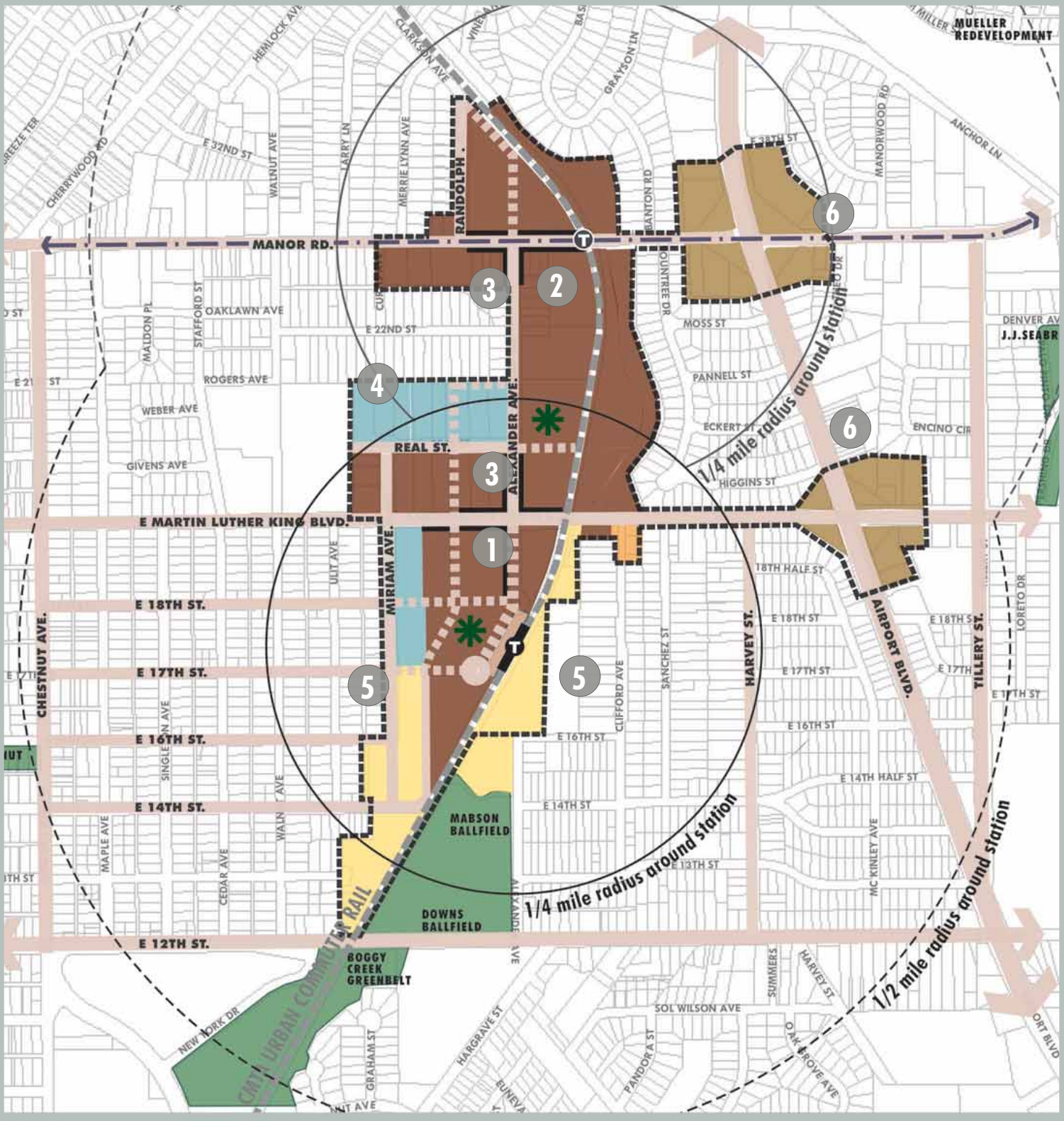


LAND USE AND DESIGN CONCEPT PLAN

The Land Use and Design Concept Plan includes the following primary elements:

1. **High density mixed-use development** concentrated near the Capitol Metro station on Alexander Avenue, south of MLK Jr. Boulevard. This would be the primary activity area in the station area.
2. **A secondary concentration of high density mixed-use development** is located along Manor Road and Alexander Avenue to take advantage of the planned streetcar line on Manor Road, and the potential additional Capitol Metro stop on Manor.
3. **Active edges,** which create a more lively and pleasant pedestrian environment by requiring buildings along specific street frontages to be built up to the sidewalk with the ground floor designed to accommodate active business uses. The active edge designation is only used with the TOD Mixed-Use designation.
4. **Live/work uses** where small businesses would be allowed with residential units above. This is in response to neighborhood support for this type of use and for creating a transition between the higher density core and the lower density neighborhoods surrounding it.
5. **Low and Medium Density Residentia**l uses in selected transition areas adjacent to existing neighborhoods.
6. **Gateways** at the intersections of Airport Boulevard with Manor Road and MLK Jr. Boulevard, which feature improved pedestrian facilities and amenities as well as a more urban character to signify entry into the MLK station area.

LAND USE AND DESIGN CONCEPT PLAN



LEGEND

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- TOD MIXED USE (showing active edges)
- CORRIDOR MIXED USE
- LIVE/WORK FLEX
- EXISTING CITY PARKLAND
- POTENTIAL PARKLAND
- EXISTING STREETS
- POTENTIAL NEW STREETS
- TOD DISTRICT BOUNDARY
- POTENTIAL STREETCAR ROUTE
- METRORAIL STATION
- POTENTIAL STREETCAR STOP
- TRANSIT PLAZA

0 200 400 800 FEET

N

CIRCULATION CONCEPT PLAN

The Circulation Concept for the MLK TOD Station Area Plan includes the following primary elements:

1. **An integrated street and pathway network** to provide safe and convenient travel for all modes of transportation.
2. **TOD Core Transit Corridor** design standards for Manor Road and MLK Jr. Boulevard, which require wider sidewalks and enhanced pedestrian facilities to support the existing and planned transit service.
3. **TOD Pedestrian Priority Streets**, which are also required to have enhanced pedestrian facilities because they will serve as the primary pedestrian routes in the station area. Alexander Avenue and portions of E. 17th Street and Real Street are so designated.
4. **New pedestrian connections** from Pannell Place and E. 16th Street to provide easier access between the station and these neighborhoods.
5. **New local streets** as properties redevelop to provide smaller, more walkable blocks.
6. **A trail system along Boggy Creek** and/or the rail line with possible on-street connections to provide enhanced pedestrian and bicycle access and recreational opportunities through the station area. There are different trail proposals that could be realized and they are not mutually exclusive of each other. The community expressed a desire for both a natural trail system along the creek for mainly recreational purposes and also a multi-use "Rails with Trails" pathway generally along the rail line that could serve both recreational and functional transportation needs.
7. **On-street bicycle facilities** to encourage bike riding and make it safe and efficient to ride around and through the TOD.

CIRCULATION CONCEPT PLAN



LEGEND

- STREETS
- TOD CORE TRANSIT STREETS
- TOD PEDESTRIAN PRIORITY STREETS
- TOD LOCAL STREETS
- POTENTIAL NEW STREETS
- POTENTIAL TOD LOCAL STREETS
- DESIGN STANDARDS CORE TRANSIT/ FUTURE CORE TRANSIT CORRIDORS
- BOGGY CREEK TRAIL
- POTENTIAL TRAIL EXTENSION
- EXISTING BIKE LANES
- RECOMMENDED BIKE FACILITY IN AUSTIN BIKE PLAN
- POTENTIAL 'RAILS WITH TRAILS' ROUTE
- PEDESTRIAN CONNECTIONS
- POTENTIAL STREETCAR ROUTE
- TOD DISTRICT BOUNDARY
- METRORAIL STATION
- POTENTIAL STREETCAR STOP

0 200 400 800 FEET

N

OPEN SPACE AND TRAILS CONCEPT PLAN

The Open Space and Trails Concept Plan for the MLK TOD Station Area Plan includes the following primary elements:

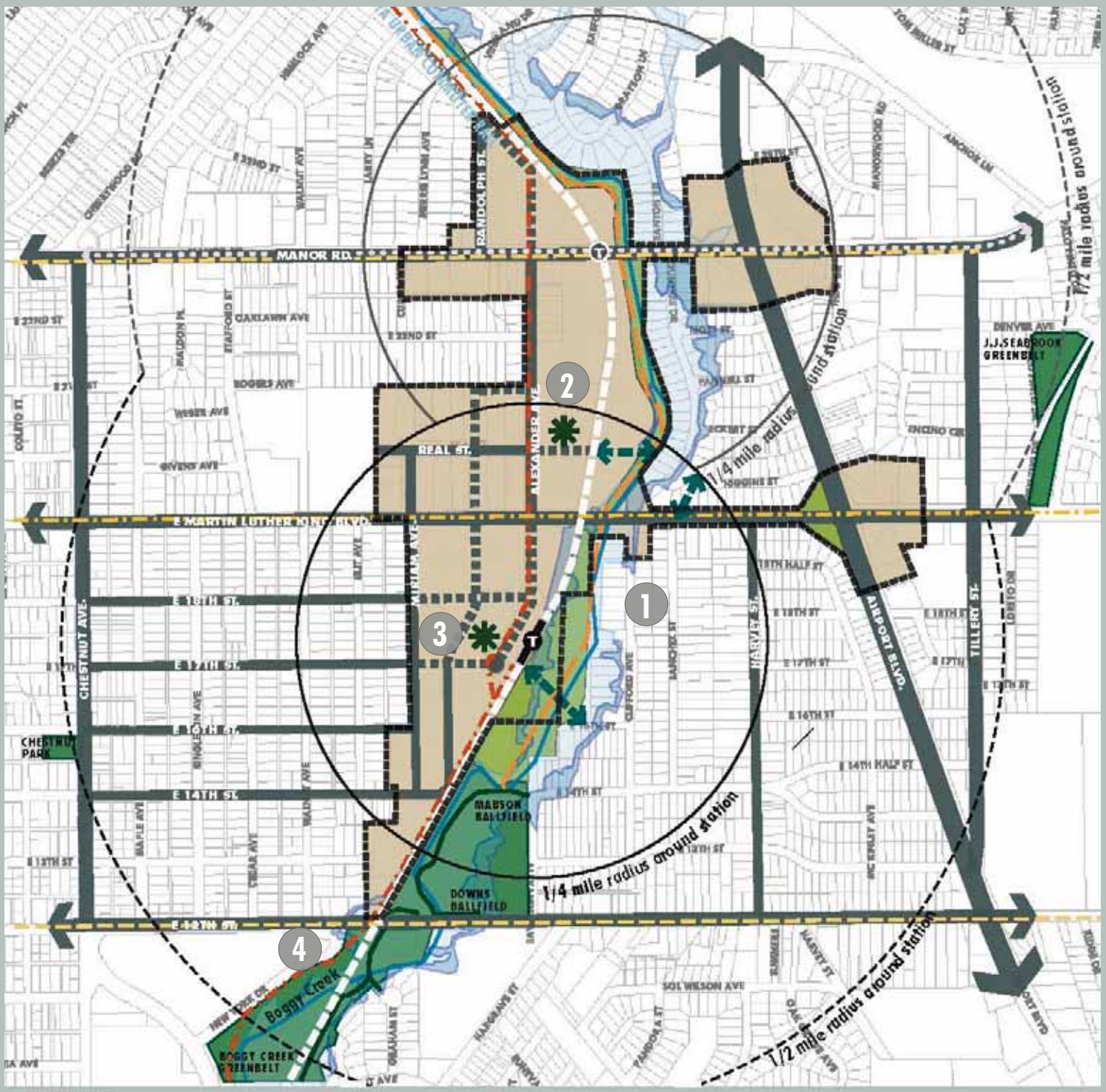
1. **Boggy Creek** and the area along its course are restored providing a natural open space area for local residents that could include space for community gardens. The pedestrian connections and potential trail extension in the Circulation Concept Plan will improve access to this area.
2. **Pocket park between Manor Road and MLK Jr. Boulevard** to provide convenient recreation opportunities for local residents. The park is recommended to be a minimum of one-half acre.
3. **Pocket park south of MLK Jr. Boulevard** to provide convenient recreation opportunities for local residents. The park is recommended to be a minimum of one-half acre.
4. **A trail system along Boggy Creek** and/or the rail line with possible on-street connections to provide enhanced pedestrian and bicycle access and recreational opportunities through the station area. There are different trail proposals that could be realized, and they are not mutually exclusive of each other. The community expressed a desire for both a natural trail system along the creek for mainly recreational purposes and also a multi-use "Rails with Trails" pathway generally along the rail line that could serve both recreational and functional transportation needs.

IMPLEMENTATION

Chapter 3 Implementation describes a variety of important steps the City, its agency partners, and development community should take to realize the full potential of the station area:

- **Planning and Administration.** The critical element is the formation of an inter-agency working group and designated staff to oversee all implementation activities.
- **Transit-Oriented Development Catalyst Projects.** Catalyst projects, both public infrastructure and private development, will be necessary to stimulate market and development interest in the station area.
- **Circulation and Streets.** Street improvements, including pedestrian facilities and amenities, can have a dramatic positive impact upon a place's identity and can create the framework for creating a truly transit-oriented development that is less auto-dependent.
- **Open Space and Trails.** Building upon the natural resources in the area, integration of the Parks and Recreation Department in planning and development review decisions, and creation of usable open spaces are essential.
- **Supporting Infrastructure.** Key public-private investments will need to be made to support the development proposed.

OPEN SPACE AND TRAILS CONCEPT PLAN



LEGEND

- EXISTING STREETS
- POTENTIAL STREETS
- EXISTING CITY PARKLAND
- POTENTIAL PARK / OPEN SPACE
- 100 YEAR FLOODPLAIN
- 500 YEAR FLOODPLAIN
- BOGGY CREEK TRAIL
- POTENTIAL BOGGY CREEK TRAIL EXTENSION
- EXISTING BIKE LANES
- RECOMMENDED BIKE FACILITY IN AUSTIN BIKE PLAN
- POTENTIAL 'RAILS WITH TRAILS' ROUTE
- PEDESTRIAN CONNECTIONS
- TOD DISTRICT BOUNDARY
- METRORAIL STATION
- POTENTIAL STREETCAR STOP
- POTENTIAL STREETCAR ROUTE

0 200 400 800 FEET

N



CHAPTER 1
TOD PRINCIPLES AND PLANNING POLICY









WHAT IS TRANSIT ORIENTED DEVELOPMENT (TOD)?

TOD is a strategy available to help manage growth and improve the quality of life in Central Texas. TOD provides communities with an alternative to low-density suburban sprawl and automobile-dependent land use patterns.

TOD seeks to align transit investments with a community's vision for how it wants to grow, creating "livable" mixed-use, denser, walkable "transit villages." A successful TOD will reinforce both the community and the transit system.

In general, people living and working in TODs are more likely to walk, use transit, and own fewer cars. TOD households are twice as likely to not own a car and own roughly half as many cars as the "average" household. At an individual station, TOD can increase ridership by 20 to 40 percent and even cause significant change at a regional level. People who live in a TOD are five times more likely to commute by transit than other residents. Locations next to transit can enjoy increases in land values over 50 percent in comparison to locations away from transit stops.

"Transit Oriented Development (TOD) is moderate to higher density development, located within an easy walk of a major transit stop, generally with a mix of residential, employment and shopping opportunities designed for pedestrians without excluding the auto. TOD can be new construction or redevelopment of one or more buildings whose design and orientation facilitate transit use."

California Department of Transportation TOD Study Technical Advisory Committee, January 2002.

TOD DESIGN PRINCIPLES

The City of Austin Neighborhood Planning and Zoning Department prepared a TOD Guidebook to create a shared understanding of TOD and also to identify the major design principles and factors for success. Transit-oriented development may be summarized by using four key principles, which define the essential characteristics of all successful TODs:

1. **Greater density than community average**
2. **A mix of uses**
3. **Quality pedestrian environment**
4. **A defined center**

These four principles directly influence the land use, circulation, and design concepts of the Austin station area planning as well as the Regulating Plan elements that support it.

A common thread running through the TOD principles is the importance of establishing a unique neighborhood identity that is memorable. Improvements in public spaces, ranging from civic buildings, plazas, and streets to street signs, light fixtures and standards, specific street tree species, and pedestrian area paving materials can be used to create a unique sense of place for different city neighborhoods. Austin has many historic and emerging areas that are known for their physical character and design sensibilities. The TOD is intended to enhance the character of the overall area and the neighborhood plans that the MLK Station Area is a part of will be very informative in this regard.

1. Orenco Station. Hillsboro, OR
2. Miami, FL
3. Biscayne Blvd. Miami, FL

1. Greater Density than the Community Average

A key ingredient for walkable communities and support for transit is having sufficient residential densities to reduce walking distances between residences and other destinations, including commercial services, schools, parks, and transit. The following elements contribute to appropriate density for transit supportive land uses:

- Densities that are higher than the community norm are located within ¼ to ½ mile of transit.
- Structured parking is used rather than surface lots in higher density areas.
- Site design for major projects allows for the intensification of densities over time.

Although one may read about desired density numbers based on ridership levels needed to support certain types of transit service, there is not one-standard density level appropriate and suitable for TOD. What is critical is that the development and transit are linked and that it is convenient and safe for pedestrians to move throughout the TOD. A very dense yet poorly designed development is not a successful TOD.



1



2



3

1. Vancouver, B.C.
2. Santana Row. San Jose, CA

2. A Mix of Uses

1



2



One of the most visually distinguishable features of a TOD is the active streetscape, which is oriented towards pedestrians. A mix of uses is required to create multiple destinations around the transit station, which helps to generate pedestrian traffic. An active, lively environment can change the perception of distances, making destinations seem shorter and more walkable. A transit-supportive environment includes a mixture of residential, commercial, service, employment, and public uses making many trips between destinations shorter and more walkable. In addition:

- First floor uses are "active" and oriented to serve pedestrians.
- Multiple compatible uses are permitted within buildings near transit.
- A mix of uses generating pedestrian traffic is concentrated within walking distance (¼ to ½ mile) of transit.
- Auto-oriented uses, such as service stations and drive-through facilities, are limited or prohibited near transit.



1. New York City, NY
2. City Place. West Palm, FL
3. Ft. Lauderdale, FL
4. Orenco Station. Hillsboro, OR

3. Quality Pedestrian Environment

Vibrant communities, with or without transit, are always convenient and comfortable places for pedestrians. There are a number of components that contribute to a quality pedestrian environment:

- Buildings and primary entrances are sited and oriented to be easily accessible from the street.
- Buildings incorporate architectural features that convey a sense of place and relate to the street and the pedestrian environment.
- Amenities, such as storefront windows, awnings, architectural features, lighting, and landscaping, are provided to help create a comfortable pedestrian environment along and between buildings.
- The site layout and building design allow direct pedestrian movements between transit, mixed land uses, and surrounding areas.
- Most of the parking is located to the side or to the rear of the buildings.
- Sidewalks are present along site frontages, which connect to sidewalks and streets on adjacent and nearby properties.
- Street patterns are based on an interconnected grid system that simplifies access for all modes.
- Pedestrian routes are buffered from fast-moving traffic and expanses of parking.
- Trees sheltering streets and sidewalks are provided along with pedestrian-scale lighting.
- Buildings and parks are used to provide a focal point or anchor for key areas or intersections.
- Secure and convenient bicycle parking is available.



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1. Birkdale Village, Charolette, NC
2. Clarendon. Arlington, VA
3. Addison Circle. Dallas, TX
4. Core Center Edge Diagram - Illustrates development patterns in a TOD

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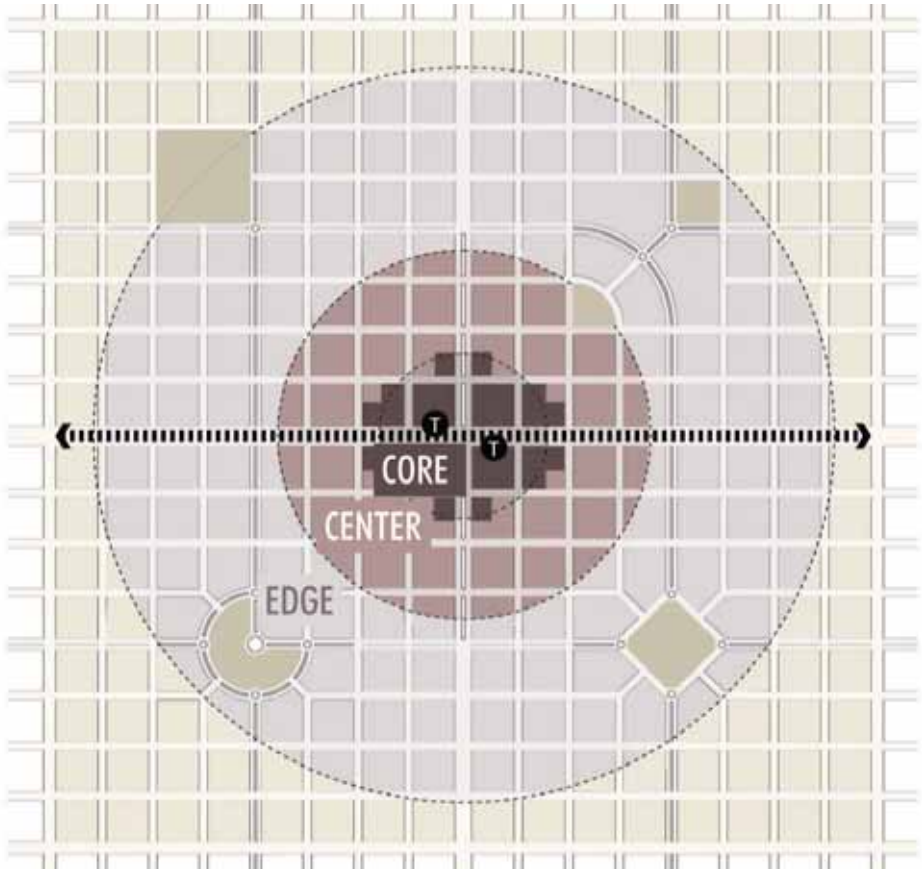


4. A Defined Center

Transit is particularly successful in communities and neighborhoods that have defined centers, offering multiple attractions and reasons for pedestrians to frequent the area. Having different zones with distinct characteristics also helps to create a sense of place. This sense of place may be created by including at least several of the following attributes:

- The density and buildings are highest in the core near the transit station, moderating somewhat in the center that is within ¼ mile of the transit station, and ultimately transitioning in the edge to match the character of surrounding development approximately ½ mile from the station.
- Buildings are located closer to the street and are typically taller than the surrounding area.
- Buildings are primarily oriented to the street with windows and main entrances.
- Parking is less predominant, being located to the rear and in parking structures. Parking requirements are reduced in close proximity to transit, compared to the norm.
- Sidewalks are wider than in lower density areas, and offer pedestrian amenities, such as street trees, benches, kiosks, and plazas.

4



BENEFITS OF TOD

By implementing TOD and coordinating investment in transportation and land use projects, communities can make significant progress toward improving their quality of life. The extent to which this progress is made depends largely on the type and quality of transit service available as well as the primary characteristics of the TOD. Ten major benefits from TOD are:

1. Providing mobility choices. By creating "activity nodes" linked by transit, TOD provides much needed mobility, including options for young people, the elderly and people who do not own cars or prefer not to drive.

2. Increasing public safety. By creating active places, which are busy through the day and evening and providing "eyes on the street", TOD helps increase safety for pedestrians, transit users, and many others.

3. Increasing transit ridership. TOD improves the efficiency and effectiveness of transit service investments by increasing the use of transit near stations by 20 to 40 percent, and up to five percent overall at the regional level.

4. Reducing rates of vehicle miles traveled (VMT). Vehicle travel has been increasing faster than population growth. TOD can lower annual household rates of driving by 20 to 40 percent for those living, working, and/or shopping within transit station areas. Recent research shows that automobile ownership in TOD is approximately one-half the national average.

5. Increasing disposable household income. Housing and transportation are the first and second largest household expenses, respectively. TOD can effectively increase disposable income by reducing the need for more than one car and reducing driving costs, saving households $3,000-4,000 per year.

6. Reducing air pollution and energy consumption rates. By providing safe and easy pedestrian access to transit, TOD can lower rates of air pollution and energy consumption. TOD can also reduce rates of greenhouse gas emissions by 2.5 to 3.7 tons per year per household.

7. Helping protect existing single-family neighborhoods. TOD directs higher density development to appropriate areas near transit, thereby reducing pressure to build higher density development adjacent to existing single-family neighborhoods.

8. Playing a role in economic development. TOD is increasingly used as a tool to help revitalize aging downtowns and declining urban neighborhoods and to enhance tax revenues for local jurisdictions.

9. Contributing to more affordable housing. TOD can add to the supply of affordable housing by providing lower-cost and accessible housing, and by reducing household transportation expenditures. It was recently estimated that housing costs for land and structures can be significantly reduced through more compact growth patterns.

10. Decreasing local infrastructure costs. Depending on local circumstances, TOD can help reduce infrastructure costs (such as for water, sewage, and roads) to local governments and property owners by up to 25 percent through more compact and infill development.





AUSTIN'S TOD POLICY CONTEXT

The Transit-Oriented Development Ordinance

Station area plans are influenced by existing plans and policies adopted by the Austin City Council. Most important is the Transit-Oriented Development Ordinance adopted by the City Council in May 2005. The ordinance established a two-phased implementation process for TOD districts. The first phase, now completed, accomplished the following:

- Created four TOD types and designated a TOD type for each of the stations;
- Developed TOD districts around the stations to delineate between areas appropriate for redevelopment and established neighborhoods that would be protected;
- Created a TOD overlay zoning district for each station area;
- Adopted interim development regulations relating to use, site development standards, and parking as part of the TOD overlay zone; and
- Established a station area planning process.

The second phase involves the creation of station area plans that, when adopted, will replace the interim TOD Ordinance regulations. The MLK Jr. Boulevard station area is designated as a Neighborhood Center TOD. This type of TOD is located at the commercial center of a neighborhood(s).

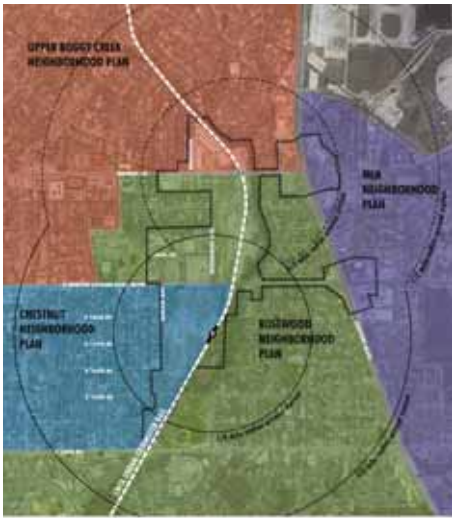
The TOD Ordinance requires a housing affordability analysis and feasibility review as part of all station area plans, which describes potential strategies for achieving specified affordable housing goals. A housing affordability analysis was undertaken concurrent with the station area planning, and it is summarized in Chapter 2.

City of Austin Design Standards

In addition to the TOD Ordinance, the Austin City Council amended the City's *Land Development Code* in 2006 to add *Subchapter E: Design Standards and Mixed Use*. This portion of the *Land Development Code*, which applies city-wide, includes design standards, which "aim to strengthen Austin's unique character and help buildings to better function in Austin's environment." The majority of the design standards are based upon several defined roadway types to help ensure a cohesive development pattern along city streets, and reduce the inconsistent development form that can be the product of various zoning districts, which abut them. Subchapter E includes standards for site development, building design, and mixed-use.

1. Neighborhood Plans around the MLK TOD district.
2. Chestnut Neighborhood Plan.
3. East MLK Neighborhood Plan.

As a first step towards implementing the MLK TOD Station Area Plan, a Regulating Plan was developed with a specific set of land use and urban design standards. Because the current Design Standards share many of the land use and design objectives of the TOD station area plans, such as creating a more enriching pedestrian environment and ensuring that buildings relate better to the street, it provided the foundation for the MLK TOD Regulating Plan. The MLK TOD standards in the Regulating Plan are tailored to help implement the land use, circulation, and urban design elements of the station area plan and replace the citywide Subchapter E standards within the TOD planning area.



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Neighborhood Plans

Surrounding the MLK TOD are several neighborhoods that form four separate neighborhood planning areas. The four neighborhood plans that intersect the MLK TOD and specific goals of each plan that relate to transit-oriented development are highlighted below:



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Chestnut Neighborhood Plan has four goals, which relate to this plan:

- Goal 1 – Revitalize the historic, residential and pedestrian-friendly character of Chestnut.
- Goal 2 – Environment and Parks: Improve the environmental quality of the neighborhood.
- Goal 3 – Housing: Promote the rehab of existing housing and new, infill housing compatible with the old style of the neighborhood.
- Goal 4 – Economic development: Improve the business climate of Chestnut.



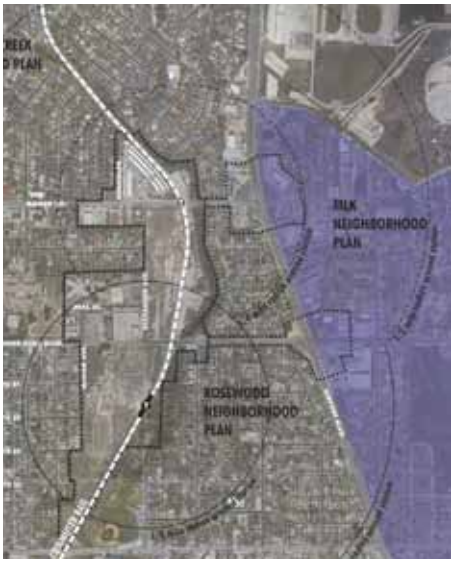
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East MLK Combined Neighborhood Plan (MLK Planning Area) has ten goals, which relate to this plan:

- Goal 1 – Preserve established residential areas and improve opportunities for home ownership by promoting the rehabilitation of existing housing and new, infill housing compatible with the existing style of this neighborhood.
- Goal 2 – Promote a mix of land uses that respect and enhance the existing neighborhood and address compatibility between residential, commercial, and industrial uses.
- Goal 3 – Preserve existing small businesses and encourage new neighborhood-serving commercial services in appropriate locations.
- Goal 4 – Promote the development and enhancement of the neighborhood's major corridors.
- Goal 5 – Provide housing that helps maintain the social and economic diversity of residents.

1. East MLK Neighborhood Plan.
2. Rosewood Neighborhood Plan.

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- Goal 6 – Protect and enhance historic resources and structures and preserve the area's historic and cultural character.
- Goal 7 – Create a transportation network that allows all residents to travel safely throughout the neighborhood by improving safety on major arterials and neighborhood streets.
- Goal 8 – Provide access to, from, and through the neighborhood for all residents by promoting a neighborhood-friendly system of transportation.
- Goal 9 – Improve bicycle and pedestrian traffic safety on neighborhood streets.
- Goal 13 – Create more public open space, including parks and green spaces, improve existing parks and increase recreational amenities in the neighborhood.

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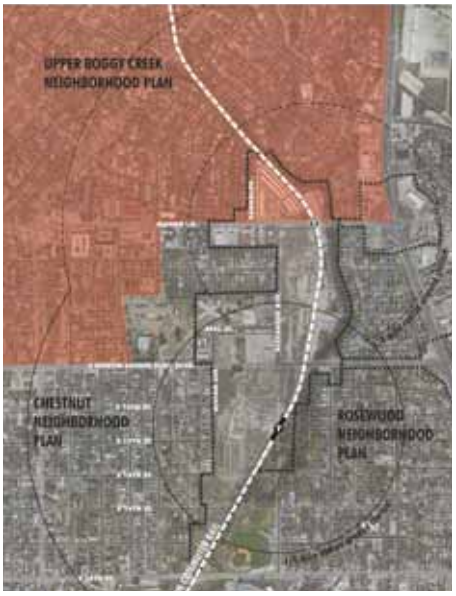
Rosewood Neighborhood Plan has five goals, which relate to this plan:

- Goal 1 – Make the Rosewood Neighborhood Planning Area a more attractive, cleaner and safe place to live.
- Goal 2 – Promote affordable housing options while reducing the number of vacant lots.
- Goal 3 – Create a transportation network that allows all residents to travel safely throughout the neighborhood.
- Goal 4 – Promote commercial uses that serve the needs of residents (e.g., a grocery store).
- Goal 5 – Preserve and enhance the character of the Rosewood Neighborhood.

1.Upper Boggy Neighborhood Plan.

Upper Boggy Creek Neighborhood Plan has five goals, which relate to this plan:

- Goal 1 – Preserve the character of each neighborhood in the UBC Planning Area.
- Goal 2 – Ensure that new business and commercial development is neighborhood-appropriate, neighborhood-scaled, neighborhood-friendly, and serves the nearby neighborhoods.
- Goal 3 – Promote the rehab of existing housing and construction of new housing to be compatible with the surrounding neighborhood and architecture for a variety of income levels.
- Goal 4 – Improve the quality of residential streets and commercial corridors to make them safe, accessible, and attractive to all forms of transportation. Residential and commercial streets and transit should:
  - Emphasize pedestrian and bicycle safety
  - Serve pedestrian and bicycle convenience
  - Encourage public transit use
  - Allow residents ready ingress and egress from the neighborhood
  - Limit through-traffic to roads designated for the purpose
  - Be compatible with the residential/mixed-use character of the neighborhoods
- Goal 5 – Achieve and maintain a healthy, sustainable, robust, functional, and aesthetically beautiful parks and green space system that provides active and passive recreational opportunities for all residents.



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The above neighborhood plans will be amended when the MLK TOD Station Area Plan is adopted by the City Council to reflect the most recent planning effort that has occurred for the properties within the MLK TOD District.



CHAPTER 2
MLK JR. BOULEVARD TOD STATION AREA PLAN









The Vision for the MLK Jr. Blvd. TOD Station Area in 2020..

The commercial area and neighborhoods surrounding the MLK Jr. Blvd. Station are vibrant, green, and attractive. The area derives its unique character from the juxtaposition of three distinct elements: an enhanced and green Boggy Creek corridor, historic and stable single-family neighborhoods, and a vibrant and attractive center with an active streetscape, local-serving retail, and quality mixed-use development.





MetroRail provides frequent all-day service between downtown Austin and Leander. A streetcar on Manor Road serves the neighborhood and provides direct connections to the University of Texas and the Mueller redevelopment. The transportation system is well integrated and provides easy transfer between commuter rail, streetcar, buses, and bicycles. Direct and safe walking routes along streets and multi-use paths are provided. New development is oriented to the pedestrian.









Buildings closest to the station reach heights of six stories and gracefully step down towards the older single-family neighborhoods. The buildings are made of quality materials and are visually interesting with balconies, generous windows, and a diversity of styles. Along major streets, the buildings include active uses on the ground floor such as restaurants, coffee shops, stores, and offices. Parking is screened from view behind buildings and in parking structures.



MLK Jr. Boulevard and Manor Road are attractive and safe streets with sidewalks wide enough for outdoor seating, new lighting fixtures, streets trees, marked crosswalks, and on-street parking to serve the retail. Ecologically-friendly approaches to storm water management such as landscaped swales are used throughout the area.

Finally, the natural environment is seamlessly integrated into the district. Boggy Creek is restored, healthy, and accessible to the public, providing a green spine running north and south through the district. Street trees and pocket parks continue the green character of Boggy Creek into the neighborhoods.









CREATING THE MLK JR. BOULEVARD TOD STATION AREA PLAN

THE DESIGN CHALLENGE

During a public meeting, one participant described the MLK TOD district as "the hole in the donut." This was in reference to the large undeveloped portion of the site at the center of the district, which was formerly occupied by the Featherlite concrete plant and other industrial uses. Indeed, this former industrial land provides a huge opportunity as it is essentially a blank slate for redevelopment adjacent to the future rail platform. The design challenge for this station area is to create a vital and active center near the station while protecting and enhancing the single family neighborhoods and the natural resources surrounding the site.

THE VISION

The MLK Jr. Boulevard TOD Station Area Plan will lay the foundation for achieving the MLK Station Area vision and realize the mixed-use environment and atmosphere desired by the Chestnut, Rosewood, Upper Boggy Creek, and East MLK Neighborhood Plans. The Vision Statement on the previous pages was crafted from the major themes discussed during the public workshops.

Images showing the existing area around the MLK TOD Station







EXISTING LAND USE AND ZONING

Currently, the majority of the MLK TOD is comprised of undeveloped or vacant property. A significant amount of land was part of the former Featherlite Corporation, which operated a concrete operation, hence the multiple concrete slabs left on some of the parcels. The northern part of the TOD is largely occupied by a vacant commercial parking lot that used to serve the former Robert Mueller Municipal Airport. The central part of the TOD is primarily undeveloped with the majority of existing businesses located off of Real Street and MLK Jr. Boulevard. The eastern portion of the TOD is bordered predominantly by Boggy Creek and its floodplain. The southwestern most corner of the TOD is currently being developed as a single-family residential development called Chestnut Commons, at approximately 16 units per acre.

As a result of the various neighborhood planning processes that have occurred in the recent past, the vast majority of the properties within the MLK TOD have either commercial mixed-use or industrial zoning. The majority of the land was also designated as mixed-use during neighborhood planning. Single-family residential is the predominant land use surrounding the TOD with some City of Austin parkland at the southeastern edge as well as to the south.

STATION AREA PLAN SUMMARY

The MLK TOD Land Use Concept Plan encourages the creation of a bi-nodal mixed-use district to capitalize on the proximity to future transit services. A variety of mixed-use options are proposed throughout much of the TOD with residential designations in less visible and accessible locations.

Using the TOD principles and the public comments and ideas, land use subdistricts were developed to define the basic land use and urban design character of the station area. To complement the land uses within the TOD, circulation and open space elements were also developed. These three basic components for this station area plan are summarized on the following pages.



1. LAND USE AND DESIGN CONCEPT PLAN

Land Use Subdistricts

The Land Use and Design Concept plan consists of two types of zones – mixed-use and residential. Much of the land in the TOD district is designated mixed-use. The plan includes two commercial nodes: a primary mixed-use area along MLK Jr. Boulevard at Alexander Avenue and a secondary node along Manor Road to serve a potential future streetcar line. The plan envisions these mixed-use nodes and the Alexander Avenue corridor, which connects them, as being the most intensely developed with the highest density in the station area. The remaining portion of the station area is devoted to transitional uses of varying densities.
The land use districts are summarized below:

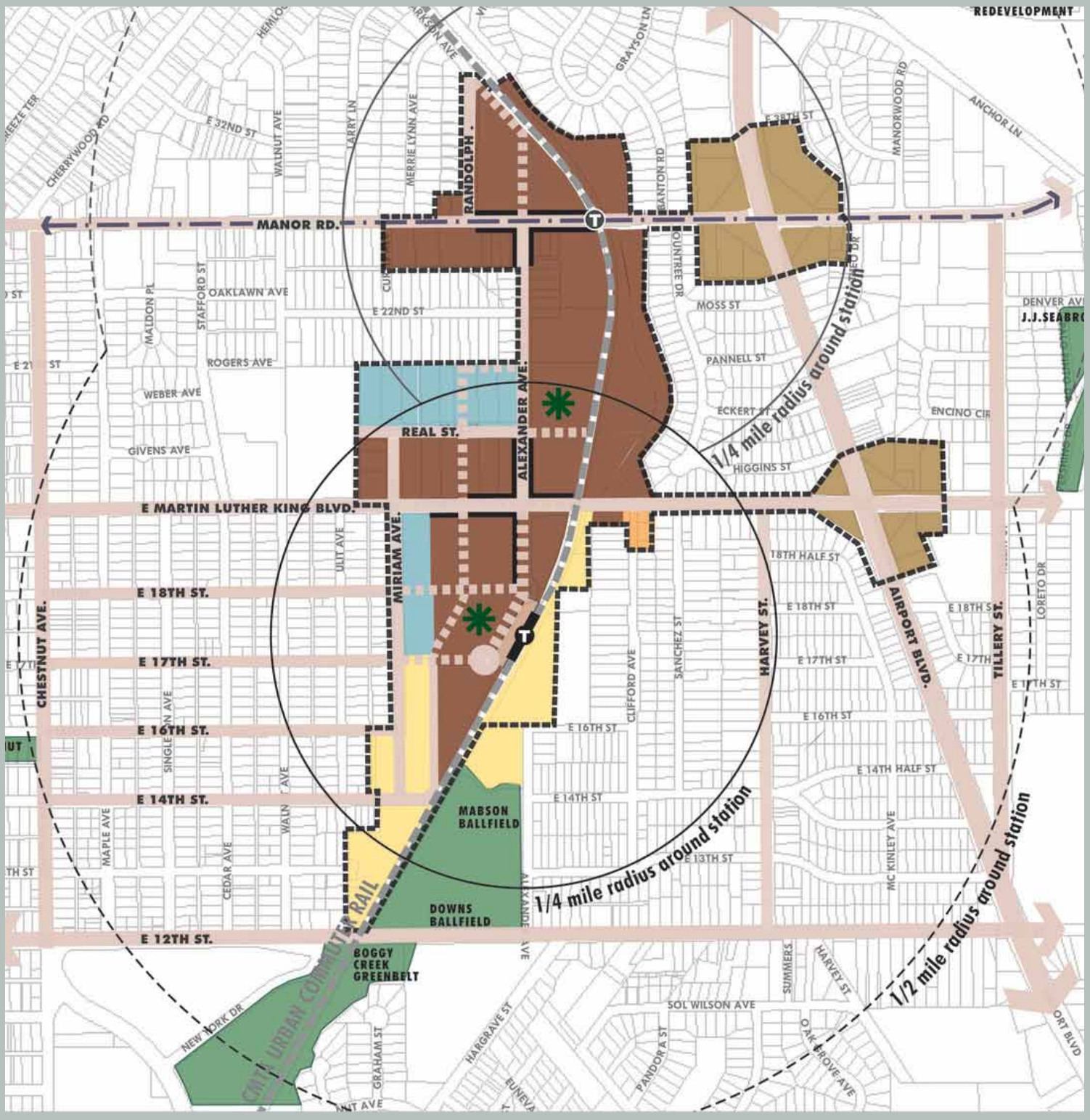
Mixed-Use Designations

There are three types of mixed-use designations in the plan:
- TOD Mixed-Use
- Corridor Mixed-Use
- Live/Work Flex

Residential Districts

The MLK station area includes residential zones in several locations. The rationale for residential development is to provide a better transition in specific locations with bordering single family residential areas and promote less development intensity in environmentally sensitive areas. In addition, the market will only support a relatively modest amount of commercial, and these areas do not have good street access or visibility. There are two types of residential designations in the plan:
- Medium Density Residential
- Low Density Residential

LAND USE AND DESIGN CONCEPT PLAN



LEGEND

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- TOD MIXED USE (showing active edges)
- CORRIDOR MIXED USE
- LIVE/WORK FLEX
- EXISTING CITY PARKLAND
- POTENTIAL PARKLAND
- EXISTING STREETS
- POTENTIAL NEW STREETS
- TOD DISTRICT BOUNDARY
- POTENTIAL STREETCAR ROUTE
- METRORAIL STATION
- POTENTIAL STREETCAR STOP
- TRANSIT PLAZA

0 200 400 800 FEET

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1. TOD Mixed Use Zones
2. Corridor Mixed Use Zones
3. Live/Work Flex Zones

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TOD Mixed-Use

TOD Mixed-Use is the most intensively developed land use zone and will typically be expressed as high density residential over active ground floor uses, such as retail or office. This land use designation is concentrated near transit stations and along major streets, generally located near the center of a TOD and along major 'spines' that lead to it. In this plan two commercial nodes are designated TOD Mixed-Use, and due to their high visibility and proximity to transit, they are the two most critical areas to the success of the station area. This land use designation is concentrated near the commuter rail stop south of MLK Jr. Boulevard and near the potential commuter rail/streetcar stop on Manor Road.

Corridor Mixed-Use

Corridor Mixed-Use allows a similar, but slightly more liberal, mix of uses as the TOD Mixed-Use district. Active ground floor uses or a mix of uses in one development are encouraged, but not required. Retail, office, and higher density residential development are all permitted. This zone is located on major streets farther away from the transit station.

Corridor Mixed-Use is located on Airport Blvd. at the intersection with both Manor Road and MLK Jr. Boulevard. This responds directly to the expressed public interest in pedestrian crossing safety improvements on Airport Boulevard. These intersections are also regarded as distinct "Gateway" locations for the TOD district, which should indicate that visitors and/or passers by are entering a special place.

Live/Work Flex

Live/work units are a type of mixed-use development, combining commercial, office, or light manufacturing space within the same structure as a residential living space for the business owner. They have similar benefits to mixed-use development and can eliminate the need to commute to work. In addition, they can provide affordable work and housing space, meet the needs of special groups, such as artists, and serve new incubator businesses. This district may serve as a transition zone between the higher density core uses and lower density neighborhoods. Depending upon the context, Live/Work Flex may be designed to either be primarily residential or commercial in character.

Live/work zones are located along the north side of Real Street and along a portion of Miriam Ave. In the context of this plan, this district acts as a transition zone between the higher density core and the surrounding low density residential neighborhoods, and as such, it should primarily be residential in character. Limited non-residential uses are allowed.

TOD Mixed-Use





Example: Three or four stories of residential units (condos or apartments) above ground floor retail (cafes, coffee shops, boutiques).

Corridor Mixed-Use





Example: A small-format grocery store that is built up to the sidewalk with parking located behind the building.

Live/Work Flex






Example: A three story rowhouse with the ground floor used as an artist studio and retail space.

1. Medium Density Residential Zone
2. Low Density Residential Zones

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Medium Density Residential

Medium Density Residential lies outside of the mixed-use areas (which are typically high residential atop retail), and the medium density designation provides a wide range for many housing types including attached row houses and apartment buildings. Commercial uses are not permitted in this zone.

A small Medium Density Residential zone is located on the south side of MLK Jr. Boulevard on the east side of Boggy Creek. It provides a transition between the higher density uses in the central portion of the station area and the low density neighborhoods nearby.

Low Density Residential

Low Density Residential is considered 'low' in the context of a TOD station area, although it is 'higher' density compared to surrounding detached single family neighborhoods, which are typically around 7 units per acre in older Austin neighborhoods with detached single-family residences (assuming 6,000 square-foot lots). Commercial uses are not permitted in this zone.

A Low Density Residential zone is located south of E.17th Street and east of Miriam Avenue below the live/work zone where the Chestnut Commons residential development is being built. This area is removed from both activity nodes, and it is near existing single family neighborhoods. This low density residential zone provides an appropriate transition between the activity areas and the Chestnut neighborhood to the west.

Another Low Density Residential zone is located south of MLK Jr. Boulevard and east of the railroad tracks. This property was envisioned as open space in the Rosewood Neighborhood Plan and may be a concept supported by the property owner. Given the private ownership status of the land, an appropriate land use designation needs to be applied. This land is largely in 100-year floodplain and has access to a small residential street, E.16th Street, which makes Low Density Residential an appropriate category.



Planning for Families and Seniors

A desire was expressed by some charrette participants to provide senior and family housing within the MLK TOD. Future development can accommodate the needs of the elderly and households with children by thinking carefully about their space and recreational needs. Projects that provide a variety of unit types and sizes are more likely to attract a range of households from families to seniors wishing to live in a more urban environment. Open space should be provided to meet the needs of these different user groups. Projects that include day care services will potentially enable parents to walk to drop their children off or to use a day care close to work. The integration of residences, daily community services, and employment in a TOD, in addition to creating safe routes for pedestrians and cyclists, is essential to its success.

Medium Density Residential





Example: A three story apartment building with surface parking.

Low Density Residential





Example: Cottage-style detached homes with rear lot alley garages.



DENSITY AND BUILDING HEIGHTS

An important characteristic of transit-oriented development is a residential density that is greater than the community average. The residential density of the existing single family neighborhoods around the MLK TOD district is approximately seven units per acre and somewhat higher densities in areas with multi-family housing. This Station Area Plan assumes a higher density than the surrounding average with the highest intensity proposed in the TOD Mixed Use Subdistrict.

The housing density of each of the land use zones includes a range with both minimum and maximum densities. The following table lists the density by land use zone.

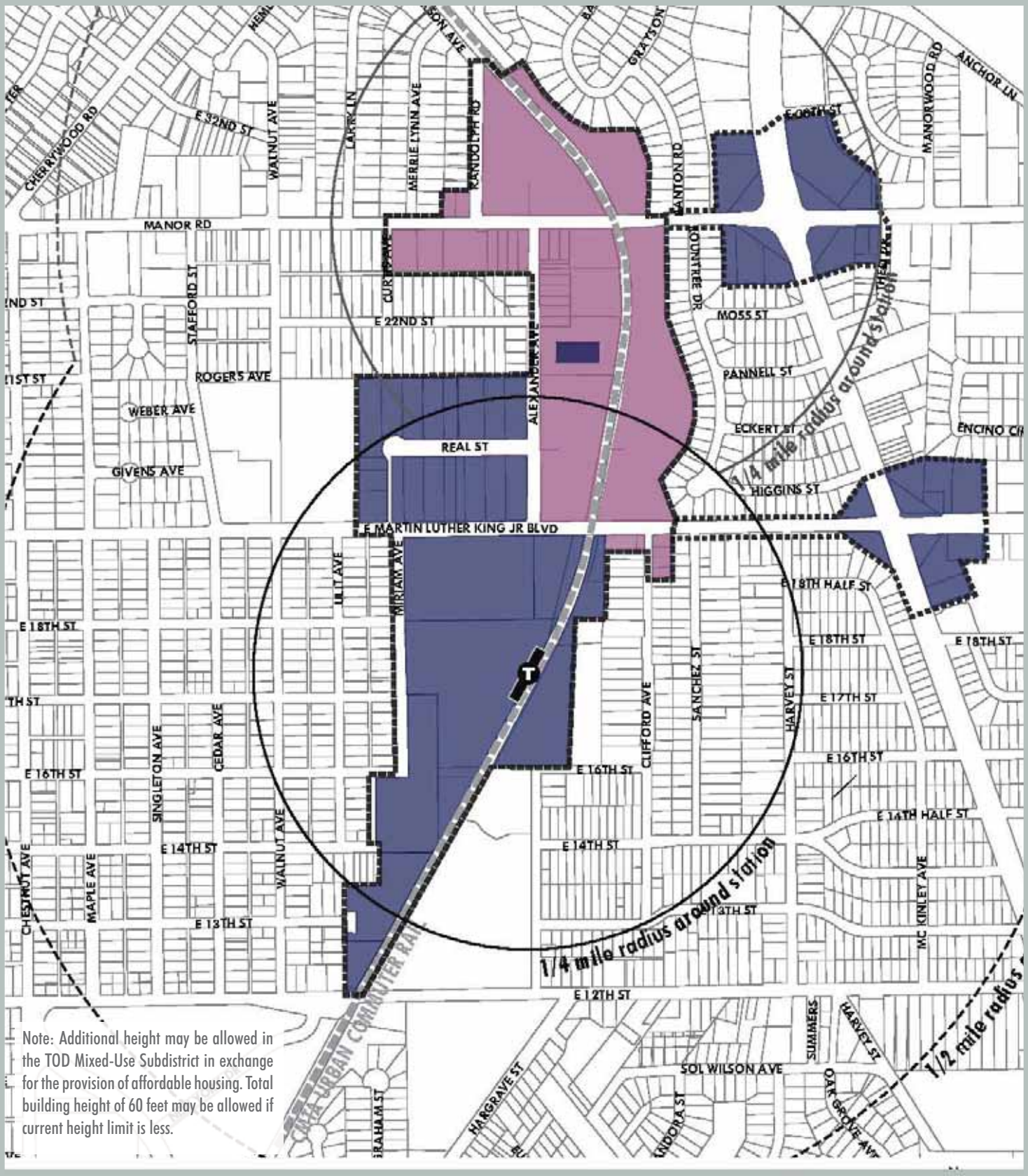
HOUSING DENSITY BY LAND USE TYPE		
LAND USE ZONE	MINIMUM DENSITY	MAXIMUM DENSITY
TOD Mixed-Use	2 stories	45 units per acre*
Corridor Mixed-Use	none	45 units per acre*
Live/Work Flex	17 units per acre	45 units per acre*
Medium Density Residential	17 units per acre	45 units per acre
Low Density Residential	9 units per acre	16 units per acre

* Density limit may be removed in exchange for the provision of affordable housing

As a general rule, a 40-foot height limit permits a three-story building and a 60-foot building permits a five-story building. As a base height entitlement, the MLK Jr. TOD Station Area Plan assumes the existing height restrictions of 40 and 60 feet will continue throughout the district. The 40-foot limit generally applies to areas north of MLK Jr. Boulevard and the 60-foot limit generally to areas south of MLK Jr. Boulevard. There was a range of public opinion expressed with respect to appropriate allowable building heights. Generally speaking, three-to-five story buildings were supported throughout the TOD District. Input from the development community indicated that there was little interest in building heights greater than 60 feet as the cost of developing above that (e.g. steel-frame construction) is not financially feasible in this area today.

Minimum densities or building heights have been established in this Plan for certain land use subdistricts. This is an effort to respond to a key TOD principle - to create higher density within the Station Area than the surrounding community average to encourage a concentration of activity (residential and commercial) around transit to promote its use. As a result, minimum densities are included in the primary residential categories: Low Density Residential, Medium Density Residential, and Live/Work Flex. The TOD Mixed-Use Subdistrict contains a minimum height instead of a minimum residential density to enable a certain amount of flexibility in the type of activity that goes on in these locations, but at the same time, development must adhere to a certain level. A minimum height not only accommodates a traditional mixed-use development that includes both a residential and non-residential component, but also pure commercial and/or office development to support and stimulate employment opportunities and the provision of services within the TOD. Ultimately, the real estate market will determine what developers build within the Station Area as any project must have a market to support it and be financially feasible. The flexibility inherent in the TOD Mixed-Use Subdistrict is designed to respond to a variety of market conditions. The Corridor Mixed-Use Subdistrict contains neither a minimum density nor a minimum height as these areas are further removed from the core of the Station Area where the highest level of residential and commercial activity is intended.

BASE MAXIMUM BUILDING HEIGHTS



Note: Additional height may be allowed in the TOD Mixed-Use Subdistrict in exchange for the provision of affordable housing. Total building height of 60 feet may be allowed if current height limit is less.

LEGEND

- 40 FEET
- 60 FEET
- TOD DISTRICT BOUNDARY
- METRORAIL STATION

0 200 400 800 FEET

N

1. Chestnut Commons. Austin, TX
2. Mixed-Use with affordable housing. Milwaukie, OR
3. Mixed-Use retail and residential. Fort Lauderdale, FL

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This Station Area Plan recommends that in specific areas of the MLK TOD a density bonus, and in more select locations of the TOD a height bonus, be allowed in exchange for the provision of affordable housing. The intent is to promote denser, mixed income projects to locate in the land use subdistricts designated for higher density development and to encourage the highest levels of activity in areas with good access to transit. As a first step, the density bonus would remove density restrictions, without changing the allowable height, in exchange for a certain level of affordable housing. This type of bonus is allowed in the TOD Mixed-Use, Corridor Mixed-Use, and Live/Work Flex Subdistricts. In addition, a height bonus allowing total building height up to 60 feet is available within the TOD Mixed-Use Subdistrict for those properties that currently have a height limit less than 60 feet. The details of these bonuses and the required levels of affordable housing are established in the MLK TOD Regulating Plan.

AFFORDABLE HOUSING

Affordable housing is an important component of transit-oriented development. Inclusion of affordable housing in TOD areas can provide lower-income households with improved transportation access to employment and services. Reduced transportation costs can improve the ability of low-income families to afford housing payments. In addition, economic diversity among TOD residents will benefit transit ridership.

However, due to land prices and construction costs, new market-rate developments in the TOD areas are not likely to be affordable to low-income households. Citywide, the median home price of $180,000 is well above what is considered affordable for a low-income family. The average rent in Austin is $831, which is not affordable to households at or below 50% of Austin's median family income[1].

Housing Goals

To promote the development of affordable units in TOD areas, the TOD Ordinance and TOD Housing Resolution include a goal that 25% of the new housing units in each TOD area should be affordable. The overall affordability goal is as follows:

- Affordable owner-occupied units should be occupied by households with incomes at or below 80% of Median Family Income (MFI) as defined by the U.S. Department of Housing and Urban Development, and
- Affordable rental units should be occupied by households at or below 60% MFI.
- In addition, the Ordinance provides a specific breakdown of these targets.[2]

The TOD Ordinance establishes more ambitious goals for the two TOD areas located in the Community Preservation and Revitalization Zone (CP&R Zone) - the MLK and Plaza Saltillo TOD Districts. In these two TOD areas, the median income level of surrounding residents is typically lower than the citywide median. The affordability goals for these two districts are as follows:

- Affordable owner-occupied units in the CP&R Zone should be occupied by households at or below 60% MFI; and
- For rental units in the CP&R Zone, the following goals apply:
  - 10% of the units should be occupied by households between 40-50% MFI;
  - 10% of the units should be occupied by households between 30-40% MFI; and
  - 5% of the units should be occupied by households below 30% MFI.

1 Sources: Austin Board of Realtors; ALN Apartment Data.

2 For homeownership units, a goal of providing 10% of the units to households with income from 70-80% MFI; 10% of the units to households with income of 60-70% MFI; and 5% of the units to households with income of not more than 60% MFI. For rental units, a goal of providing 10% of the units to households with income from 40-60% MFI, 10% of the units to households with income of 30-40% MFI; and 5% of the units to households with income of less than 30% MFI.

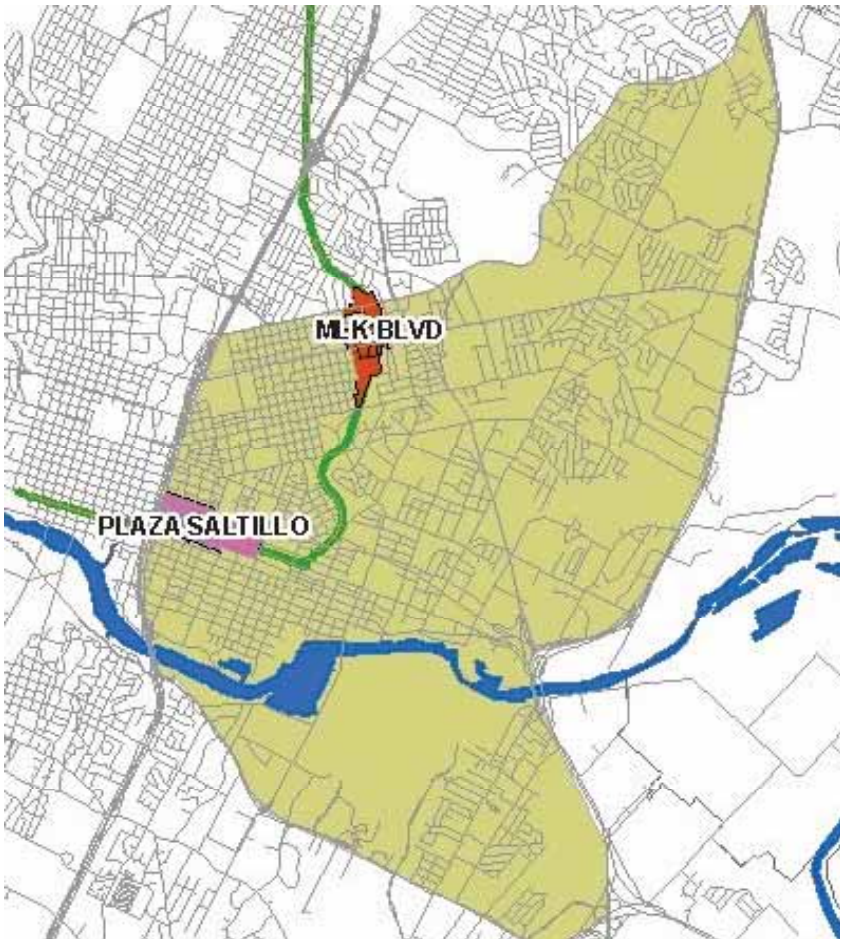
1. Community Preservation and Revitalization Zone (CP&R)

Affordable Housing Analysis

The TOD Ordinance includes a requirement that a Station Area Plan include a housing affordability analysis and feasibility review that describes potential strategies for achieving these goals. The Austin City Council selected the consulting firm Diana McIver and Associates (DMA) to conduct this analysis. DMA has provided several financial models for the achievement of the TOD goals, and has evaluated potential incentives and financing tools for creating housing affordability within the TOD areas; an executive summary of their report can be found in Chapter 3: Implementation.

DMA's financial scenarios demonstrate that the achievement of the TOD affordability goals will be challenging and will require a substantial commitment of incentives and subsidies. While DMA has indicated that there is not one single solution to housing affordability in TOD areas, their analysis shows that a combination of tools can be used to achieve affordability in TOD districts.

1



1. Public gathering space
2. Retail activity on street

URBAN DESIGN

In addition to the land use districts, there are several important urban design treatments that should accompany land development in the station area. It is particularly important for development to be oriented to the street and pedestrians.



1



2

Roadway Types

Urban design elements are largely guided by three TOD street types – TOD Core Transit Corridor, TOD Pedestrian Priority Street, and TOD Local Street. This is modeled after the approach used in *Subchapter E: Design Standards and Mixed Use*, which categorizes all existing and future streets in the City, and then uses these designations as a basis for regulating streetscape, site, and building design. These three TOD street designations trigger specific streetscape and building design requirements within the Regulating Plan. The TOD Core Transit Corridors correspond to the existing and future Core Transit Corridors in Subchapter E. To address the unique issues related to the TOD station planning areas, two additional street designations apply. The three TOD street designations are described below and located in the Circulation Concept Plan:

TOD Core Transit Corridors. Citywide Core Transit Corridors are defined and listed in *Subchapter E: Design Standards and Mixed Use* of the Land Development Code. They correspond with many of the major city streets. A Core Transit Corridor within the boundary of the MLK TOD is labeled a TOD Core Transit Corridor, whose designation in this Plan was informed by the original Core Transit Corridors established in Subchapter E. In both this Station Area Plan and in Subchapter E, these Corridors indicate a roadway that has, or will have, sufficient population density and mix of uses to encourage and support transit use. TOD Core Transit Corridors are of primary importance as transit and pedestrian places, and therefore, it is essential to create vibrant, pedestrian-friendly places. In addition, design features must include buildings located adjacent to or near the street, parking to the rear or side of buildings, building facades and entrances that are oriented to the street, and amenities, such as shelter, plazas, and seating to create a pleasant environment. The TOD Core Transit Corridor Streets are Manor Road and MLK Jr. Boulevard.

1. Urban residential street
2. Quieter neighborhood street

1



2



TOD Pedestrian Priority Streets. This designation applies to specific existing or future streets within a TOD, which are especially significant as pedestrian routes. Pedestrian Priority Street designations are applied to critical pedestrian connections through the TOD and can provide direct access to transit. These streets complement the TOD Core Transit Corridors to form an interconnected pedestrian network. Because of their significance for pedestrian circulation, TOD Pedestrian Priority Streets are intended to have similar pedestrian facilities and amenities to the TOD Core Transit Corridors. Land uses are often less intense than those adjacent to TOD Core Transit Corridors, and requirements for locating buildings near the street are more flexible. However, proper building orientation to the street and parking lot screening continue to be important. Alexander Avenue and a portion of E. 17th Street are designated as TOD Pedestrian Priority streets because they provide direct connections to the mixed-use nodes and transit services at MLK Jr. Boulevard and Manor Road.

TOD Local Streets. These include all other existing or future streets within the TOD. While they are intended to provide comfortable, accessible, and pleasant accommodation for pedestrians, they do not represent the primary walking routes or pedestrian areas. Land uses are often less intense than those adjacent to TOD Core Transit Corridors and Pedestrian Priority Streets, and requirements for locating buildings near the street are more flexible. The remaining streets in the MLK TOD Station Area Plan are TOD Local Streets.

Active Edges

Having a good pedestrian environment is a key element for important pedestrian and transit streets within the station area. Specific properties along these streets, which have a TOD Mixed-Use land use designation, are required to have active edges. This means that buildings must be next to the street and designed to accommodate retail, entertainment, and similarly active ground floor uses, which are directly accessible to the people walking by. Off-street surface parking may not abut active edge frontages, and driveways are only allowed when no other reasonable and sufficient access alternative is available. This activates the pedestrian zone, and it also improves safety by increasing the potential number of "eyes on the street" to deter crime and vandalism.

Two central locations surrounding the MLK/Alexander and Manor/Alexander intersections are the primary centers for the station area. As such, they are planned to have the highest density, greatest mix of uses, and a vibrant, urban character. While the design requirements summarized above will help shape such an environment, additional urban design standards are essential to establish them as urban centers.

Active edges apply to critical street frontages for properties within these two centers that are designated TOD Mixed-Use. Active edges are along portions of MLK Jr. Boulevard, the new extension of Alexander Avenue leading south to the station platform, and Manor Road. The active edge designation applies only to property design and development, and it does not affect adjoining public street and sidewalk design, which is determined by roadway type.

1. Mix of uses - office and retail
2. Active street
3. Mix of uses - residential and retail



1



2



3

GREEN BUILDING AND GREEN INFRASTRUCTURE









Green Building

A primary goal of Transit-Oriented Development within the City of Austin is the promotion of development and re-development in a manner that will help absorb some of the region's expected population growth in areas well-supported by transit. It is important that the development of the built environment involve goals favorable to achieving long-term sustainability. Achieving a sustainable future means meeting the needs of the present without compromising the needs of the future, and in doing so helping to make more live-able communities. Sustainability in Austin's TOD areas involves taking active measures to protect against negative environmental impacts.

Recognizing the City of Austin has set specific goals in an effort to be a leader in green building, renewable energy, and sustainable technologies, this station area plan includes the following recommendations:

Recommendations

1. Improve air quality and public health by providing alternative transportation choices. Provide clear alternatives to auto-centric development patterns by providing an environment that is pedestrian, bicycle, and transit-friendly.
2. Encourage all new buildings to meet the goals of the Austin Climate Protection Plan in effect at the time they begin the permit process. Current goals are to make all new single-family homes zero net-energy capable by 2015 and increase energy efficiency in all other new construction by 75% by 2015. Zero net-energy capable means that a building provides enough energy efficiency that all of its energy needs could be accommodated by on-site energy sources such as roof-top solar panels.
   a. Reduce energy use of buildings through better design and choice of materials and systems. Green buildings can achieve significant energy savings.
      - Buildings should have their longer sides oriented south as much as possible, and should minimize exposure to the west. As much as possible, minimize unshaded glazing on east and west exposures to reduce heat gain. Encourage glazing systems on northern and southern facades that reduce glare and provide opportunities for daylight harvesting (utilizing daylight to provide quality light indoors to minimize electric lighting). Overhangs, balconies, porches etc. should be utilized to provide shading of windows.
      - Buildings should be well insulated and use high efficiency heating and cooling systems. Systems should be sized and installed properly.

b. Encourage distributed energy generation (solar/thermal, wind power, etc.) within TODs and promote use of alternative energy sources through the Austin Energy Green Choices program.

3. Encourage roofing and paving design and materials that reduce the urban heat island effect (the tendency of urban areas to be several degrees warmer than the surrounding countryside). This includes using light colored roofing, siding and paving materials to reflect, rather than absorb the sun's heat and by maximizing planted areas and shading paved areas and dark surfaces. Green roofs (planted vegetation on roofs) are a good option to help reduce the heat island effect and also provide air quality benefits.
4. Encourage protection of existing trees and plant new trees where possible. Trees should be considered part of the neighborhood's infrastructure. Trees improve air quality by absorbing carbon dioxide and other harmful pollutants and to help reduce the urban heat island effect.
   a. Redevelopment should include a "street tree zone" to provide shade between the street and sidewalk.
      Near powerlines, smaller trees which do not grow more than 25 feet should be planted. Trees can cool neighborhoods by three to six degrees if planted to shade areas that absorb heat such as streets, sidewalks and parking lots.
   b. Trees should be planted in all parks and street medians.
5. Reduce solid waste production. Divert construction and demolition waste from the landfill to the fullest extent achievable and utilize existing infrastructure through adaptive reuse of buildings and building materials (developments in Austin have documented that more than 50% waste diversion is achievable). Design buildings to incorporate recycling collection areas and encourage tenants to recycle.
6. Promote the use of environmentally compatible building materials by selecting regional materials that are non-toxic, recycled and harvested in a sustainable manner.
7. Conserve water by installing low water use plumbing fixtures and appliances, using low water use native plants in landscaping, and utilizing rainwater harvesting, air conditioning condensate, or other recycled or non-potable water sources for irrigation.

















Green Infrastructure

Green Infrastructure, when used in the context of stormwater management, uses smaller-scale decentralized treatment devices to mitigate the effects of urban development. Green Infrastructure often incorporates vegetation and landscaped areas into the treatment process, thereby allowing space to be used more effectively and aesthetically. Since they are individually smaller in scale, Green Infrastructure projects can be dispersed and integrated into the site and used to help meet landscaping requirements, allowing flexibility for water quality compliance for dense, urban projects. This contrasts with conventional "end-of-pipe" centralized controls which typically occupy a larger contiguous space and treat the entire developed area in one larger pond.

Recognizing that there are a limited number of TOD districts in Austin and that a central goal of TOD is to achieve dense, compact development, this plan supports the utilization of Green Infrastructure methods as a way to achieve both TOD and water quality goals. This plan encourages multiple uses of landscaped areas to maximize on-site storm water treatment, reduce needs for potable water irrigation of the landscape, and reduce reliance on traditional Best Management Practices (like storm water ponds) that decrease usable space. In order to reach these goals, development will comply with the regulatory strategy outlined in the Station Area Regulating Plan that combines newly adopted practices in the City of Austin Environmental Criteria Manual (ECM) with the Urban Watersheds Water Quality Fee-in-Lieu program and the Urban Watersheds Cost Recovery/Cost Participation Program.

Recently adopted criteria in ECM 1.6.7 provide direction on how to design vegetative filter strips, biofiltration ponds, rain gardens, porous pavement, rainwater harvesting and additional landscaping to meet Code-required water quality requirements per Section 25-8-213 of the Austin Land Development Code (LDC). These innovative controls rely on vegetative and landscape elements to treat storm water. The criteria specifically outline the standards for maintaining these native landscaped storm water controls in a sustainable manner (Refer to the Appendix for more information on specific Green Infrastructure methods).

Optimally, these controls will be integrated with landscaping areas already required of new development according to LDC Section 25-2-514 and Section 25-2 Divisions 2 and 3. This would reduce the need to construct a separate water quality facility; land that would have been used for separate water quality controls and landscaping is then available for other types of development. In addition, irrigation needs are minimized by having the ability to use storm water run-off to water plants and vegetation versus using potable City water. Specific Green Infrastructure requirements have been established in the Regulating Plan.

INFRASTRUCTURE

As part of the Station Area planning process, the conditions of the water, wastewater, and storm water systems in and around the MLK TOD were evaluated. Consultant Raymond Chan and Associates examined the water and wastewater systems and potential impacts to this system from future TOD development. The full report is provided in the Appendix. The water service for the MLK SAP is provided by a 24-inch water main in the north end of the Station Area, which supplies water to the remainder of the system. The overall capacity of the system is sufficient to serve additional development in the area, however, some improvement to distribution lines may be necessary to provide adequate water supply for both domestic use and fire protection.

The wastewater system also has sufficient overall capacity, which is provided by an interceptor system running parallel to, and east of, Boggy Creek. Some upgrading and improvement of secondary wastewater lines may be necessary to support specific redevelopment projects in the area.

The Watershed Protection and Development Review Department documented existing conditions of the storm water drainage system and identified potential future needs and methods for addressing flood, water quality, and erosion issues. This information is detailed in the Appendix.









FINANCIAL ANALYSIS

Timing of Projects & Financing Public Improvements

Bay Area Economics (BAE) was retained by the City to evaluate the financial feasibility of TOD and to provide a recommended financing strategy to help support this type of development in station areas. A summary of the BAE findings is presented in the following paragraphs, and the full reports are presented in the Appendix. In addition, several of the implementation techniques addressed in Chapter 3 reflect the BAE recommendations.

The timing of new development projects in the MLK SAP will be determined by the interaction of private sector market-based decisions with City decisions on public improvements and investments (along with zoning requirements) to set the stage for change. The factors shaping this interaction include:

- **Market Demand** – The level of market demand for various types of TOD, as well as the sale prices and lease rates for new development.
- **Project Financial Feasibility** – Whether the cost of new TOD, including land, construction, parking, and financing allow developers to make a profit based on market sales prices and level of demand.
- **Public Investment** – The timing and amount of public investments in new infrastructure, streetscape and open space improvements, as well as support for affordable housing and new TOD catalyst projects to attract and support widespread new private investment in TOD.

These factors are dynamic, meaning that they evolve over time, and the SAP needs to be flexible to respond to continuing change. Market conditions go through cycles, affecting the feasibility of uses and projects at any particular time. Success with new TOD in an unproven area can greatly increase other developers' interest in building TOD. Public investment, while essential, is always a challenge because of limited resources, and its timing is not necessarily tied to market cycles.

BAE evaluated the financial feasibility of various TOD projects to identify those that are feasible today, versus those that will likely await improvement in market conditions. The estimates also identified the financing needs for catalyst projects that have the potential to shift market conditions and attract other new development.

Based on the public investment needs for infrastructure, streetscape and open space improvements, affordable housing, as well as funding assistance for potential catalyst projects, BAE reviewed existing public finance tools and formulated new approaches to create a TOD financing strategy for making the necessary public investments.

Feasibility of MLK TOD Projects

Market prices, as identified by ERA a market research firm, are lower than in other station areas, and BAE's estimates show that TOD is likely not financially feasible in the MLK station area at present. This is consistent with current market activity that is focused on various types of single-family development. At the same time, there are major land owners in the area whose cost of land may be considerably lower than what developers buying sites today would have to pay. This lower cost could make TOD projects viable on these sites. Investment in one or more catalyst projects could demonstrate market potential, and stimulate developer interest in other TOD, particularly as sales prices and rents rise in this area, and the Mueller redevelopment progresses.

Enhancing the Feasibility of TOD Projects

TOD projects have higher construction costs than less dense projects, and a planning objective to create them in locations with moderate market conditions may require support to offset these higher costs. There are various public actions that can be taken to enhance the feasibility of TOD projects, including:

- Create Parking Districts or other solutions to more efficiently share high-cost structured parking.
- Assemble development sites and sell or lease them at a discount to developers.
- Assist catalyst TOD projects, including those to create more affordable housing, through support for infrastructure costs, parking, or modifications of planning requirements to enhance project revenues.
- Build denser TODs, which provide affordable housing, in order to stimulate developer interest in creating other mixed-income and market-rate residential TOD projects.

Public Financing Strategy

Depending on the extent of new TOD, the value of various types of public investment in the MLK TOD Station Area along with Plaza Saltillo and Lamar Station Areas could range from $900 million to $1.6 billion or more. This level of new development would primarily be financed by private investment and would create substantial economic benefits, including new employment and property tax and other revenue for the City. However, public investment will be needed for infrastructure, streetscape and open space improvements, affordable housing, and catalyst projects to attract and support substantial levels of new private investment and realize the goals of the SAP.

The recommended financing strategy for public investment is a multi-layered one that uses new financing sources to capture the value of new development, new grant and fee funding sources, along with existing City programs and incentives. Key objectives for the public financing strategy include:

- Phased implementation of the SAP to match public investment to market interest and targeted opportunities;
- Minimal use of City General Fund or Capital Improvement Program funds to reduce competition with other priority projects;
- Shift public improvement costs, to the greatest extent possible, to new development projects; and
- Use all existing public finance tools authorized by law.

The largest potential source of funds would be through use of Tax Increment Finance (TIF), which uses the increase in property taxes resulting from new development to cover the costs of public improvements. TIF does not increase taxes for existing property owners. For the SAP, it is recommended that only a portion of available tax increment be used, with the remainder available for new public services and schools to support residents and businesses occupying new TOD.

Other potential public finance sources include use of a combination of: Homestead Preservation Districts; Developer Impact Fees; Austin Housing Finance Corporation programs for affordable housing; Federal and State grants; and Public Improvement Districts.

There is a range of issues that must be addressed in a future Financing Implementation Plan. The Plan would be created as more detailed development plans are prepared and total public financing needs can be estimated and matched with potential sources. The Plan should provide for a wide range of creative public/private partnerships to stimulate TOD projects, utilizing existing City departments as well as new staff resources.



2. CIRCULATION CONCEPT PLAN

Successful and functional community centers and transit service both rely on pedestrian environments that are safe, convenient with short walking distances, and have comfortable and stimulating surroundings. In addition to the design of development adjacent to the street (as noted above), this environment is also shaped by the design of the public realm, including public streets, sidewalks, and gathering places.

TOD streetscapes serve as walkable corridors that concurrently facilitate multi-modal transportation, including rail and bus travel, private auto traffic, walking, and bicycling. Where existing street design often regards roadways as simple conduits for the efficient movement of cars, station area streets are refocused on the need to provide a sense of place and pleasant environments for people. The Circulation Concept Plan is intended to complement the Land Use and Design Concept Plan by providing pleasant and convenient walking facilities, appropriate on-street parking, and amenities within the public street right-of-way and public places, such as street trees, landscaping, and plazas.

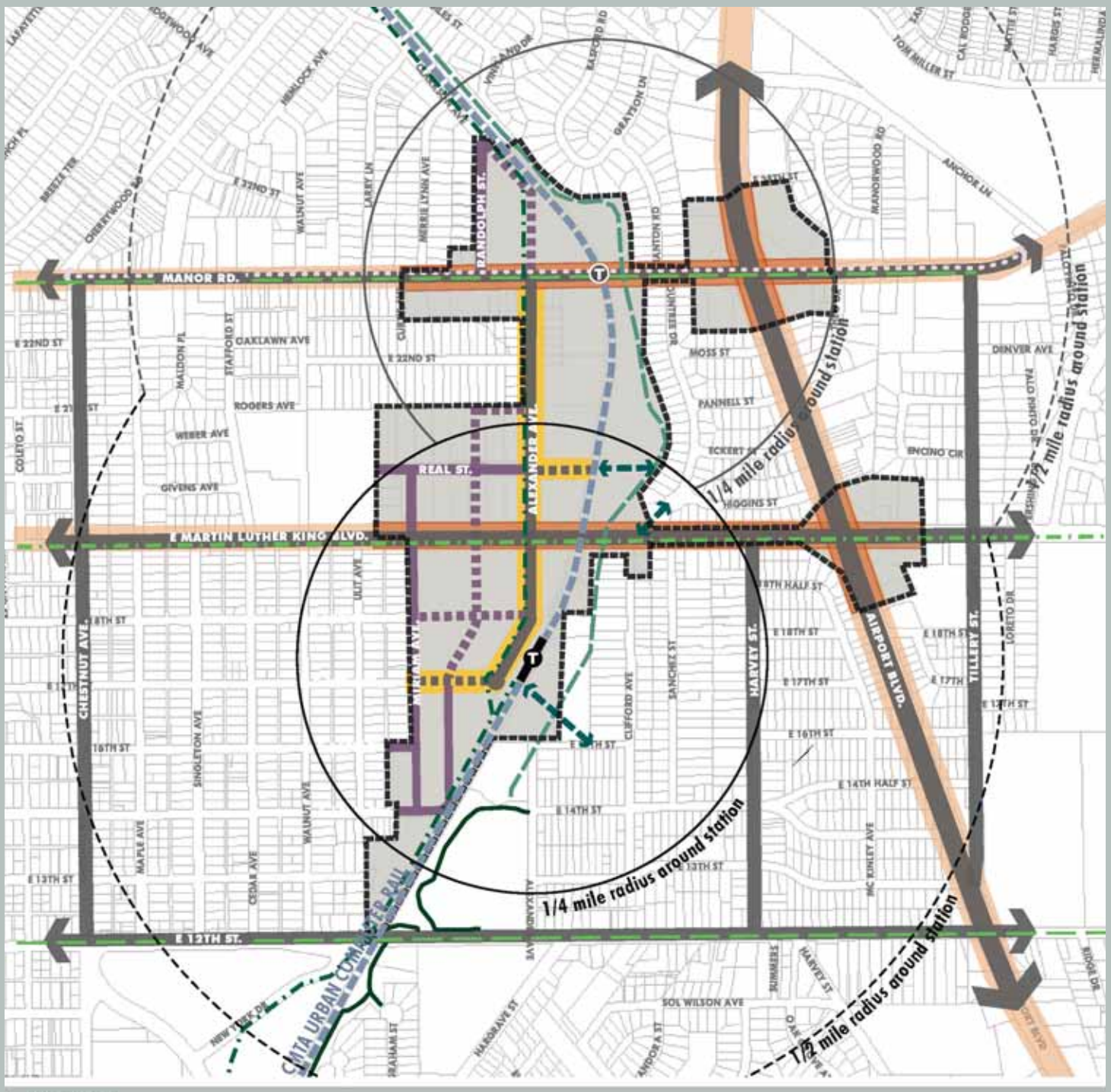
Multi-modal Connectivity

An important objective of the station area plan is to create an integrated circulation system, which connects the "hole in the donut" with the surrounding neighborhoods by extending the street grid through the site where possible or by creating pedestrian connections when public street extensions are not feasible. The Circulation Concept Plan illustrates how these connections could be made and where to direct public and private resources to implement streetscape improvements and designate priority bicycle and pedestrian routes.

Walking rates are always higher when block sizes are smaller and connections between destinations are more numerous. The circulation concept indicates the types of new connections that should be made to enhance vehicle, transit, pedestrian, and bicycle circulation throughout the area, but there are undoubtedly several alternatives by which this goal could be achieved. Potential new streets, trails, and pedestrian connections shown on the Circulation Concept Plan do not indicate that they must be built in that exact location or alignment. While new streets must be integrated with the existing street network, blocks are generally intended to be less than 660 feet per side, and where possible smaller block sizes are encouraged.

For large sites, an interconnected street network must be created, but depending on individual site conditions and constraints, the street alignment may deviate from what is depicted, as long as the block standards in the Regulating Plan are met. Similarly, the exact location of trails and pedestrian connections will not be known until development begins to occur and/or public projects are initiated. Some of the potential improvements in the Circulation Concept Plan represent projects that would most likely need to be implemented by the City as they may not be part of any particular private development project. This plan does not imply that proposed streets will be publicly built and maintained. Certainly, public access must be protected to the transit station, and the City should strive for direct and convenient pedestrian connections, but this could be done with a private street network and public easements.

CIRCULATION CONCEPT PLAN


MANOR RD.
E MARTIN LUTHER KING BLVD.
E 12TH ST.
CHESTNUT AVE.
RANDOLPH ST.
ALEXANDER AVE.
GRAYSON LN
HARVEY ST.
AIRPORT BLVD.
TILLERY ST.
REAL ST.
CLIFFORD AVE
SANCHEZ ST
SINGLETON AVE
WALNUT AVE
MAPLE AVE
CEDAR AVE
ULIT AVE
MALDON PL
STAFFORD ST
OAKLAWN AVE
ROGERS AVE
WEBER AVE
GIVENS AVE
COLETO ST
MOSS ST
PANNELL ST
ECKERT DR
HIGGINS ST
DENVER AVE
ENCINO CIR
LORETO DR
E 22ND ST
E 21ST ST
E 18TH HALF ST
E 18TH ST
E 17TH ST
E 16TH ST
E 14TH HALF ST
E 14TH ST
E 13TH ST
E 8TH ST
1/4 mile radius around station
1/2 mile radius around station
CAPITAL METRO RAIL
CAPITAL METRO RAIL
CAPITAL METRO RAIL

Pedestrian and Bicycle Access

The MLK TOD is divided by the rail line and Boggy Creek, creating two significant obstacles for residents east of the station and south of MLK, Jr. Boulevard to reach the western portion of the MLK TOD, including the MetroRail station. In addition, a row of single family lots abuts the creek, which presents a significant obstacle to improve pedestrian and cyclist connections through the area. To address this issue, Circulation Concept Plan identifies a number of important improvements to create safe and convenient connections for walkers and cyclists. In addition, the adopted *Austin Bicycle Plan* recommends bicycle facilities on MLK Jr. Boulevard, and bike lanes have been provided on Manor Road. Consistent with the *Austin Bicycle Plan* and the special needs throughout the station area, the following improvements are identified:

- A multi-use path link at the southwest corner of Pannell Place to provide direct access for neighborhood residents to the rail station and MLK Jr. Boulevard. One option for providing this access would involve City purchase of one property in the southwest corner of the neighborhood, removal of the home, and creation of a pedestrian path and possibly a pocket park for residents.
- An east-west multi-use crossing is proposed south of MLK Jr. Boulevard. This connection would cross the tracks and span the creek with a pedestrian and bicycle bridge connecting the station with E. 16th Street. This access was a very popular idea at the charrette. Note: In order for such an extension to occur, an at-grade crossing of the rail line would need to be approved by Capital Metro. This would necessitate a study to determine the feasibility of this project.
- East-west bike lanes are currently present on Manor Road and E. 12th Street, and the plan recommends that these be maintained. In addition, the plan recommends a bike facility along MLK Jr. Boulevard consistent with the *Austin Bike Plan*. This road is currently very inhospitable to cyclists, but provides a direct connection to the downtown area.
- A bike facility is recommended along Alexander Avenue to provide a very important connection between Manor Road, MLK Jr. Boulevard, and the MetroRail station.
- Better, safer pedestrian connections need to be made along both MLK Jr. Boulevard and Manor Road, which are consistent with the TOD Core Transit Corridor designation. The substandard or absent pedestrian facilities on these two streets was a major concern among participants at the charrettes. If the TOD is to be accessible throughout, improvements need to be made, such as raised crosswalks and pedestrian priority signals, to make it safe to traverse the TOD from north to south. Logical locations to begin these improvements are near the intersections of MLK Jr. Boulevard and Manor Road with Alexander Avenue.
- Residents voiced support for a non-motorized connection somewhere between Manor Road and MLK, Jr. Boulevard and across the tracks to the multi-use path along Boggy Creek. A conceptual connection is







shown on the Redeemer Church property on the same axis as Real Street.

- On some streets recommended for a bicycle facility in this Plan, the street right-of-way will not be adequate to accommodate a separate bike lane. In such cases, bike route signage and street markings, such as sharrows are recommended to indicate and reinforce that cars and bikes share the road.
- Pedestrian and bicyclist improvements across Airport Boulevard at the intersections with MLK Jr. Boulevard and Manor Road were also highly desired by some charrette participants, which is why these corners are proposed to be added to the MLK TOD district. The intersections are unsafe and difficult to navigate because of minimal, or lacking, accommodation for walkers and bicyclists.

Finally, one additional pedestrian element is to improve overall access from the surrounding neighborhood to the TOD district. Charrette attendees stressed that improvements should not be limited to the TOD district and that sidewalk improvements should be made on local streets in the surrounding neighborhoods so that safe access to the TOD and MetroRail station is provided. As a starting point, the transportation section of the relevant neighborhood plan should be consulted as sidewalk priorities were designated at the time the neighborhood plan was created.

Sidewalk Standards Based on Roadway Type

As described previously, there are three roadway types within the station area – TOD Core Transit Corridors, TOD Pedestrian Priority Streets, and TOD Local Streets. This Station Area Plan applies many of the street design standards (sidewalk widths, clear zones, parking zones, etc.) from *Subchapter E: Design Standards and Mixed Use* and tailors them to the TOD Core Transit Corridors, TOD Pedestrian Priority Streets, and TOD Local Streets designated in this Plan. These requirements call for sidewalk widths of 5 to 15 feet, street trees, and a certain level of building frontage brought up to the sidewalk. Specific requirements for each roadway type are provided in the Regulating Plan.

Streetscape Prototypes

The project team focused on providing street cross section prototypes for three streets, MLK Jr. Boulevard, Manor Road, and Alexander Avenue as examples of redesigned streets with enhanced streetscape improvements that are consistent with their designation as either a TOD Core Transit Corridor or TOD Pedestrian Priority street. The curb-to-curb widths vary according to the existing and anticipated traffic volumes, but they all share wide sidewalks and bicycle lanes. These are further described in Chapter 3.





3. OPEN SPACE AND TRAILS CONCEPT PLAN

Well designed, accessible, and integrated open space and urban landscape systems are critical to the success of the station area plans. The higher density and compact character inherent of TOD calls for an open space approach that recognizes the importance of open space to TOD inhabitants, employees, and visitors and surrounding residents alike. TOD mixed-use and commercial uses should include: plazas and private open space, storm water gardens and landscapes, landscape methods to reduce urban heat island effects, water efficient landscapes, and on-site renewable energy systems, all conveniently accessible to pedestrians and bicyclists. Likewise, residential districts should be in close proximity to open space with pocket parks to serve the various open space needs at a local level. Depending on the TOD context and environmental conditions, a more significant, broader reaching open space element such as a community park, garden or trail network could be very appropriate.

The open spaces designated on the Open Space Concept Plan do not indicate the exact location, type or amount of open space that must be provided as part of a private development. Until development begins to occur and/or public projects are initiated, the exact details on type, location, and amount of open space cannot be defined. Depending on individual site conditions and constraints, open space may deviate from what is depicted in the Concept Plan. The City of Austin Parkland Dedication Ordinance ensures that all private residential projects required to submit a site plan contribute to park needs either on-site or by paying a fee into a parks fund. Some of the potential open space elements in the Concept Plan represent projects that would most likely need to be implemented by the City as they may not be part of any particular private development project.

Existing and Planned Facilities

Boggy Creek represents the primary open space area in the MLK TOD. The flood plain provides good potential for a greenbelt connecting with the existing trail that runs alongside the ball fields near the southern edge of the planning area. Chestnut Park is located on the western edge of the planning area on Chestnut Avenue, and the Boggy Creek Trail and Greenbelt extend just south of the TOD. A 'Rails with Trails' route is under discussion, but its alignment has not yet been determined.







OPEN SPACE AND TRAILS CONCEPT PLAN





Open Space and Trails Concept

Overall Strategy

It is important to include parks and open space to compliment higher density development. In addition, green corridors and pedestrian-friendly streets should provide pleasant, convenient, and safe connections between neighborhoods, parks and open spaces, and transit. The MLK TOD Open Space and Trails Concept Plan supports the provision of pocket and linear parks and greenbelts to provide recreational amenities to existing and future residents. Those that are depicted on the Open Space and Trails Concept Plan are conceptual and are shown to illustrate the potential placement of green elements to soften the edges of the built environment, and in some cases, provide a visual connection to transit. Actual open space may be built in a different location, configuration, or size than depicted on the open space concept map. The open space concept is primarily intended to portray the approximate amount and location of open space with the understanding that the final location and design will be determined as redevelopment occurs. Because the amount of parks and open space is linked to the density of new residential development, the amount of required parkland dedication will vary, and the location will depend upon site conditions and constraints.

Boggy Creek Open Space and Trails

The plan vision statement identifies the integration of the natural and the built environments as a key guiding principle of the MLK TOD Station Area Plan. This will be accomplished though an ambitious plan for the restoration and improvement of Boggy Creek and the flood plain. Boggy Creek is a potentially valuable resource for the MLK TOD area, which has not previously been realized as such. Currently, a source of flooding and other concerns, the creek is proposed to be an essential part of a plan that binds together neighborhoods and creates a significant armature for the transit line and development along its axis. The proposed improvements should be bound together with any future plans for flood control or other infrastructure development by the City of Austin.

Trails are desired along Boggy Creek as a local recreational amenity and as a connection to a broader trail network to complement the existing trail on the western edge of the Mabson-Downs Ballfields and south of E. 12th Street. The trail system should incorporate connections to the surrounding neighborhoods and to future development. Pedestrian and bicycle connections to Boggy Creek are included in the Station Area Plan. Manor Road and E. 12th Street currently have bicycle lanes that should be preserved, and they will also serve as connections to the trail system. There are many possibilities for trails in this area; the Open Space and Trails Concept Plan illustrates possible routes that they might take. The final location and design will be determined as trail projects are initiated and/or redevelopment occurs.

In concert with City of Austin efforts to reduce flooding in the area, the TOD plan for Boggy Creek includes regrading and creating "soft armored" banks that would be designed as a native landscape with riparian plantings. Additionally, a significant opportunity exists to create public gardens at the proposed transit station area for use by the surrounding neighborhoods. Such gardens could include space for production, creek storm water reclamation, and a possible point of sale for produce grown in the gardens. Other opportunities may also exist for transit connections between these gardens and schools or other neighborhoods on the rail line.
As there are not many active recreational uses in the immediate area, there was also a desire expressed by some neighboring residents to see more active uses within this flood plain area like a volleyball park or perhaps a Frisbee golf course. During the development process, any proposed recreational use would be reviewed by the Parks and Recreation Department for consideration in the floodplain area.

Recently, Capital Metro hired a consultant to conduct a feasibility study for 'Rails with Trails' along its 32-mile commuter rail line from Leander to downtown Austin. The consultant produced a document that outlined where Capital Metro has substantial right-of-way for such a trail within its rail right-of-way, identified environmental

1. Boggy Creek Concept
2. Active recreation for children
3. Passive space in neighborhood park

and other constraints to a trail in certain locations, and proposed potential alignments (both within rail right-of-way and on-street connections) that could be the focus of future 'Rails with Trails' implementation efforts. The trail would provide connections to all rail stations and adjacent and intersecting trails. The total cost without the purchase of rights-of-way or property easements is estimated to be $50-$60 million. Capital Metro is and will be looking for funding partners to help pay for the overall project, which could take up to 15 years to complete.

The 'Rails with Trails' concept was enthusiastically supported by charrette participants. The feasibility study indicates that Capital Metro does not own substantial right-of-way for a trail through much of the MLK TOD and in addition, there are constraints due to the presence of steep slopes adjacent to the rail line. As such, the MLK TOD Open Space and Trails Concept Plan identifies an on-street trail alignment along Alexander Avenue as proposed in the Capital Metro study. However, if trail easements were granted by private property owners along the rail line, it is possible that a trail adjacent to the rail line could be realized. It is important to note that the Boggy Creek Trail idea and the 'Rails with Trails' concept could are not mutually exclusive of each other. The community expressed a desire for both a natural trail system along the creek for mainly recreational purposes and also a multi-use "Rails with Trails" pathway generally along the rail line that could serve both recreational and functional transportation needs.

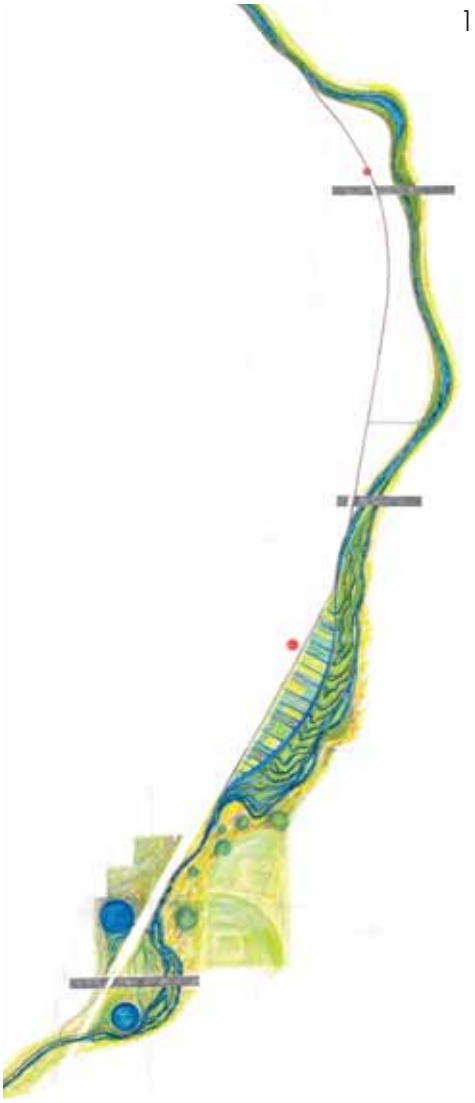
Pocket Parks

A pocket park, with a minimum size of 0.5 acre should be located between Manor Road and MLK Jr. Boulevard. Ideally, it should be located along Alexander Avenue and west of the MetroRail tracks. This park location would provide safe and convenient access to the neighborhood north of MLK Jr. Boulevard, and it should be linked with the proposed "Rails with Trails" facility. This park is very important for the overall livability of this portion of the TOD because the MetroRail tracks and MLK Jr. Boulevard are barriers to the other recreation opportunities in the area.

A second pocket park should be provided on the south side of MLK Jr. Boulevard and west of Alexander Avenue. Such a facility would provide active recreation space to complement the largely passive open space anticipated in the Boggy Creek flood plain.

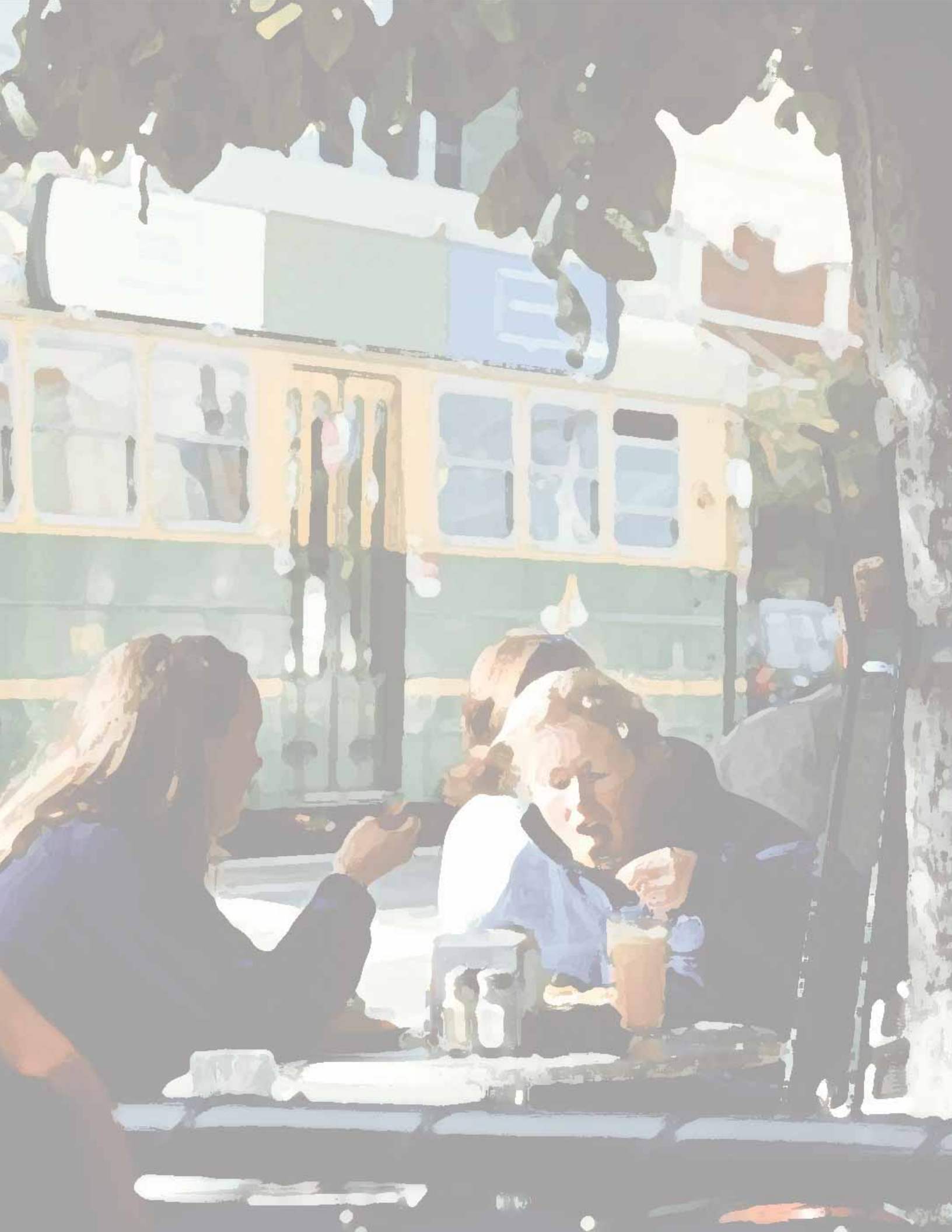
The location of the pocket parks may change as the development programs for individual properties are more specifically defined. However, these two parks should have the following attributes:

- A minimum size of 0.5 acre;
- Configuration and design for active recreation, especially for children; and
- Good visual and walking connections with other public spaces.


1


2


3



CHAPTER 3
IMPLEMENTATION









IMPLEMENTING THE MLK JR. BOULEVARD TOD STATION AREA PLAN

MAKING THE PLAN REAL

The adoption of the MLK TOD Station Area Plan (SAP) will not automatically implement the Vision articulated in Chapter 2. It is the first of many coordinated steps, which will need to be made over several years. The implementation of this plan along with other transit-oriented developments surrounding the proposed Capital MetroRail stations is expected to support ridership on Capital MetroRail and take full advantage of this public transit investment and the development potential of the station area. Successful implementation of the plan will require a strong partnership between Capital Metro, the City, other government agencies, the private sector, and the community.

UNDERSTANDING THE MARKET

Assessment

To better understand market trends, Capital Metro retained Economics Research Associates (ERA) to conduct an assessment of economic trends, land values, and real estate markets in the Austin area. This assessment also considered the transit-oriented development potential of three transit station locations including MLK, North Lamar/Justin, and Plaza Saltillo. An initial evaluation was completed in 2006, and an updated analysis was completed in 2007 to respond more fully to station area planning activities. Conducting a market assessment was an important step in creating the station area plan because it helped frame the planning discussion by focusing on possible development scenarios, which were plausible for the station area. It helps the public and the City understand how to focus their collective planning energies to create the positive change envisioned in the plan.

The assessment indicated that the regional economy was strong and was expected to remain so. A diverse employment base, talented labor pool, and quality of life in the region received much of the credit for the city's prosperity and popularity.

Development Potential in the MLK Station Area

The MLK station is located in a neighborhood consisting predominantly of single-family homes, small retail stores, a few industrial buildings, and open space areas. As part of its analysis, ERA identified the MLK station area's strengths and opportunities along with challenges and constraints for transit-oriented development, which include:

Strengths & Opportunities

- **Location –** The station will be only two stops away from Downtown Austin on the commuter rail line. It is located within one mile of the University of Texas, providing an opportunity to capture much of the real estate demand generated from the university's students, faculty and staff.
- **Support from Developer Community –** Landowners of both of the large sites adjacent to the future rail station have expressed interest in transit-oriented development, including linkages to transit facilities, a mix of land uses, pedestrian-friendly design, and higher densities.
- **Community support –** Adjacent neighborhoods are generally supportive of mixed-use zoning for the areas near the transit station.

- **Size of sites –** The combined acreage of two primary development sites (41 acres) is large enough to create a functional transit-oriented community.
- **Recent development activity** – New housing projects and housing rehabilitation activity in the neighborhood indicate that there is a lot of interest from young professionals, artists and entrepreneurs.
- **Amenities** – Improvements to the creek and creating open space opportunities could greatly improve neighborhood quality.
- **Ability to attract Austin's "creative class"** – According to Richard Florida, who coined this term to describe a category of innovative and creative professionals in the New Economy, Austin has the second highest number of "creative class" workers in the country. These "creative" workers are demanding high-quality, urban-style housing throughout Austin, and prefer neighborhoods with nearby cultural and performing arts venues. The proximity of popular venues like Arts on Real and the Dobie Theater give the Martin Luther King, Jr. station an advantage in attracting these types of residents.

Challenges & Constraints

- Due to the high number of retired seniors and college students in the area, the neighborhood's median household income is 50 percent of the metropolitan area median.
- There is currently a lack of amenities and nearby services.
- Historically, the area has not had a positive image for development.
- There is a lack of connectivity from neighborhoods to the northeast. Potential residents in those areas must drive onto Airport Boulevard and MLK Jr.Boulevard in order to use the retail around the transit stationPotential for opposition from existing residents fearing gentrification or high-density development.
- Certain areas around Boggy Creek flood during periods of high rain. Development must be situated in such a way to assure future homeowners and businesses that their property will not experience extensive damage during the rainy season.

Development Program

Based upon the regional economy and the characteristics of the MLK station area, the ERA analysis yielded a summary of its development potential.

MLK STATION AREA DEVELOPMENT POTENTIAL SUMMARY 2007 TO 2025

LAND USE	LOW	HIGH
Residential		
Condominiums, Flats & Live/Work Lofts	434	537
Apartments	193	401
Townhomes & Duplexes	287	500
Total Units	914	1,438
Office Space (sq.ft.)	30,300	93,500
Retail Space (sq.ft.)	52,630	93,500
Hotel (units)	0	96

IMPLEMENTING THE PLAN ELEMENTS

Creating a TOD plan for the MLK station area is the starting point for realizing the Vision expressed by the public. Experience from successful planning programs consistently demonstrates the importance of strong partnerships between all levels of government, the transit agency, the private sector, and the community. Working together helps bring about quality development and strong neighborhoods. In addition, the ERA findings and other market information will be important to acknowledge as the implementation work moves forward.

I. Form a TOD Working Group

The City of Austin should consider forming a "Working Group" including various city departments, Capital Metro, neighborhood representatives, and key members of the private sector. The working group's primary focus should be to span jurisdictional and agency boundaries to facilitate collaboration and guide the implementation of transit-oriented development in the MLK TOD and other station areas along the Capital MetroRail line. Ideally, the members of the committee should have the authority to speak on behalf of their respective organizations and make decisions.

This group should meet regularly, with support from a technical committee of agency staff responsible for day-to-day management of the implementation strategy and individual tasks and projects. Other interests or subcommittees for individual station areas could also be included depending upon the desires of the participants. What is of the utmost importance is to have a focused and organized framework for implementing the plans for the station areas.

II. Prioritize and Implement Action Items

The first order of business for the working group should be to evaluate and identify specific action items for implementation, which are based upon the recommended projects and activities in this section. The recommended lists and descriptions represent the major activities and projects to undertake pertaining to:

- Planning and Administration
- Transit-Oriented Development Catalyst Projects
- Circulation and Streets
- Open Space and Trails
- Supporting Infrastructure

Recommended activities and projects are presented for each of the five facets of the implementation program noted above followed by a description of what should be done along with the lead party responsible for accomplishing the identified task. The recommendations are intended to provide a "checklist" of a series of tasks that will move the station area plan from concept to reality.


TOD catalyst project Beaverton,OR


Mixed use boulevard street


Open space with water feature

ACTION ITEMS

Planning and Administration

PA1 Adopt the MLK Jr. TOD Station Area Plan and MLK TOD Regulating Plan. Chapter 2 of this report constitutes the MLK Station Area Plan. The Vision and the key plan elements are all described and depicted on the plan maps for land use and design, circulation, and open space. These should be adopted along with the MLK TOD Station Area Regulating Plan. The Regulating Plan, which is an element of the overall Station Area Plan, will replace the current zoning in the station area and *Subchapter E: Design Standards and Mixed-Use*.

PA2-5 Amend affected Neighborhood Plans. Each neighborhood plan, which intersects with the MLK TOD, should be amended to include a TOD designation on the future land use map and make reference to the MLK TOD Station Area Plan as the most recently adopted plan and regulating strategy for the properties within the TOD.

PA6 Formation of a TOD Working Group. Formation of the Working Group described above will be a critical element for the plan's success. Because implementation of the station area plan consistent with TOD design principles will require synchronized public agency and private sector actions, the development of strong working relationships, enhanced coordination, and community involvement will be essential. Many of the Plan's activities and projects should be managed by this group to promote efficiency and timely progress on implementation.

PA7 Dedicated Staff. A city staff position should be created to work exclusively on implementation of the station area plans. Duties could include:

- Informing property owners about the MLK TOD Station Area Plan, TOD zoning regulations, and opportunities for redevelopment.
- Identifying property owners interested in redevelopment and facilitate information exchange between property owners regarding such issues as property assembly.
- Pursuing funding opportunities for implementation of the Station Area Plan recommendations and infrastructure improvements.
- Reviewing TOD projects that are seeking alternative equivalent compliance.
- Reviewing and approving Project Circulation Plans.
- Aiding Rails with Trails project implementation by proactively working with property owners to seek trail easements in areas where the Capital Metro right-of-way is inadequate.
- Assisting property owners in providing affordable housing as part of their development and providing funding information.
- Coordinate TOD Working Group

PA8 Urban Design Division in the Development Review Process. Development review of TOD projects should include Urban Design Division staff to review and approve Project Circulation Plans and address any requests for alternative equivalent compliance.

PA9 Prioritization of TOD Projects. This Station Area Plan recommends prioritizing projects in and around the TOD on the General Obligation Bond CIP list, for grant funding, and/or for the potential establishment of special financing districts to respond to the higher level of development desired in the area. Sidewalk, bicycle and street/intersection improvements in and around the TOD are especially important to provide safe and efficient access to and through the area.

PA10 TOD Financing Strategy and Tools. The plan for this station area is designed to leverage the CapMetro transit investment by encouraging supportive development surrounding the station. The benefits of TOD have been documented, however, creating successful TOD is not without significant challenges, which require public action and investment before the desired urban development may be realized. Bay Area Economics (BAE) provided a report, which describes TOD financial feasibility and financing strategies and tools that are the most promising for the Austin station areas. This evaluation is summarized in Chapter 2 and located in the Appendix. BAE advises that public investment will probably be necessary to stimulate the much larger investment expected by the private sector. Public attention regarding affordable housing, public infrastructure, and catalyst projects should be considered as outlined in the BAE memorandum. Several of the implementation actions in the following sections are included in response to the BAE recommendations. An important assignment for the Working Group will be to review the BAE information and recommendations to develop a financing strategy and set of supporting tools.

Financing elements recommended by BAE include:

- Adopt a phased implementation strategy for the TOD Plan that matches public investment to targeted areas and market interest in new development;
- Minimize reliance upon City General Fund or Capital Improvement Program funds to reduce competition with other priority projects;
- Make new development cover, to the extent feasible, a significant portion of the costs of public capital improvements, including upgrades to water and wastewater systems; and
- Utilize all existing public finance tools as currently authorized by law.

Specific public financing tools recommended in the BAE report to foster the implementation of TOD include:

- Homestead Preservation District
- Tax Increment Finance (TIF) Bonds
- Developer Impact Fees
- Austin Housing Finance Corporation
- Federal/State Grants
- Public Improvement Districts

PA11 Monitor Implementation Effectiveness. The Working Group should monitor the effectiveness of the implementation elements of this station area plan and recommend changes to them as appropriate. This could include amendments to the plan itself, amending the Regulating Plan to make it more effective, and the financing strategy and tools. A review should occur at least annually.

MLK SAP ACTION CHART 1: PLANNING AND ADMINISTRATION							
NO.	ACTIONS	TIMEFRAME					IMPLEMENTER
		ADOPT WITH PLAN	ON-GOING	FIRST 5 YEARS	6 TO 10 YEARS	11 TO 15 YEARS	
PA1	Adopt the MLK Jr. Station Area Plan	X					City of Austin
PA2	Amend the Upper Boggy Creek Neighborhood Plan	X					City of Austin
PA3	Amend the Chestnut Neighborhood Plan	X					City of Austin
PA4	Amend the MLK Neighborhood Plan	X					City of Austin
PA5	Amend the Rosewood Neighborhood Plan	X					City of Austin
PA6	Create an interdepartmental and interagency TOD working group whose mission is to facilitate development in TOD districts.			X			City of Austin, CapMetro & Public
PA7	Create dedicated staff position for SAP implementation			X			City of Austin
PA8	Integrate UD Division into development review process			X			City of Austin
PA9	Prioritize projects within TOD Districts			X			City of Austin, CapMetro
PA10	TOD financing strategy and tools to be developed by the Working Group to stimulate TOD in the station areas.			X			CoA, CapMetro & private sector
PA11	Monitor implementation effectiveness conducted by the Working Group.		X				CoA, CapMetro, private sector & public



Active mixed-use street



Intimate public space



Festival public space



Transit-Oriented Development Catalyst Projects

TOD1 Catalyst Site Owners. The Working Group should establish a cooperative relationship with the owners of potential catalyst sites. The objective should be to identify how the parties can provide mutual assistance to initiate these critical first development projects. In particular, public assistance that would be beneficial to catalyst projects and the community generally should be identified and evaluated.

TOD2 Apply Finance Strategy and Tools. The Working Group should determine which specific financing strategy elements and tools (PA10 above) should be utilized to advance TOD catalyst projects with the goal of stimulating interest in overall TOD. This should be done with developers, property owners, and government agencies to develop the correct mix of incentives to promote TOD in the station areas.

TOD3 Create a TOD Catalyst Project. Developing a TOD pilot project will be an important way to create development interest in the station area. To the extent possible, such a project should include housing types not commonly found in Austin, but appropriate for the station area (such as higher density single family or mixed-use residential) and should include affordable housing. A catalyst project could also include the implementation of a key infrastructure or streetscape project, as described on subsequent pages.

MLK SAP ACTION CHART 2: TRANSIT ORIENTED DEVELOPMENT

NO.	ACTIONS	TIMEFRAME					IMPLEMENTER
		ADOPT WITH PLAN	ON-GOING	FIRST 5 YEARS	6 TO 10	11 TO 15 YEARS	
TOD1	Meet with owners of catalyst sites.			X			Working Group
TOD2	Apply finance strategy and tools for TOD implementation.			X			CoA, CapMetro & private sector
TOD3	Create a TOD catalyst project.			X			Working Group & property owners

Circulation and Streets

CS1 MLK Jr. Boulevard Street Improvements.

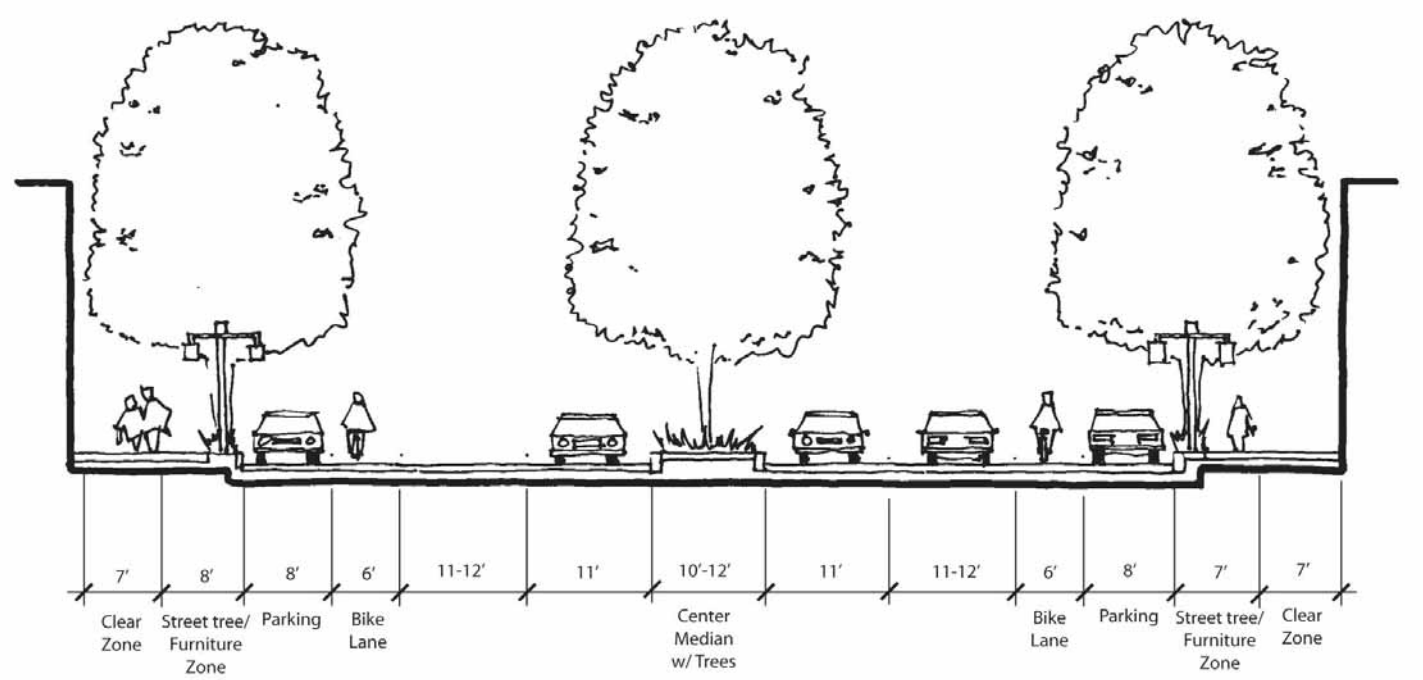
A street and streetscape project to improve safety, pedestrian and bicycle activity, and general neighborhood appearance will typically encourage private investment on adjoining properties. MLK Jr. Boulevard should be improved to create a positive change to the character of the street, encourage private investment, and enhance an important route that traverses the area. Because properties along the street will only redevelop over time, the only realistic way to create a meaningful change to the street's appearance will be to sponsor an improvement for the entire street section within the station area.

MLK Jr. Boulevard is designated as a TOD Core Transit Corridor. Figure 3.1 illustrates a fully developed streetscape consistent with this designation, including the following elements:

- Four travel lanes.
- Center landscaped median/left turn lane at Alexander Avenue.
- Bike lanes.
- On-street parking, both sides of street, with designated bus loading areas to provide safe passenger boarding.
- Minimum 15-foot wide sidewalk with a 7-foot clear zone.
- Pedestrian crosswalk and signal location and design.
- Street tree plantings at back-of-curb locations.
- Plantings or moveable planters.
- Street lighting.
- Street furniture and other pedestrian amenities.

Current right-of-way along this section of MLK Jr. Boulevard, which ranges from approximately 60 to 70 feet, is not sufficient to accommodate all of the suggested improvements below. Additional right-of-way or easements would need to be provided.

FIGURE 3.1 CROSS SECTION OF MLK JR BOULEVARD



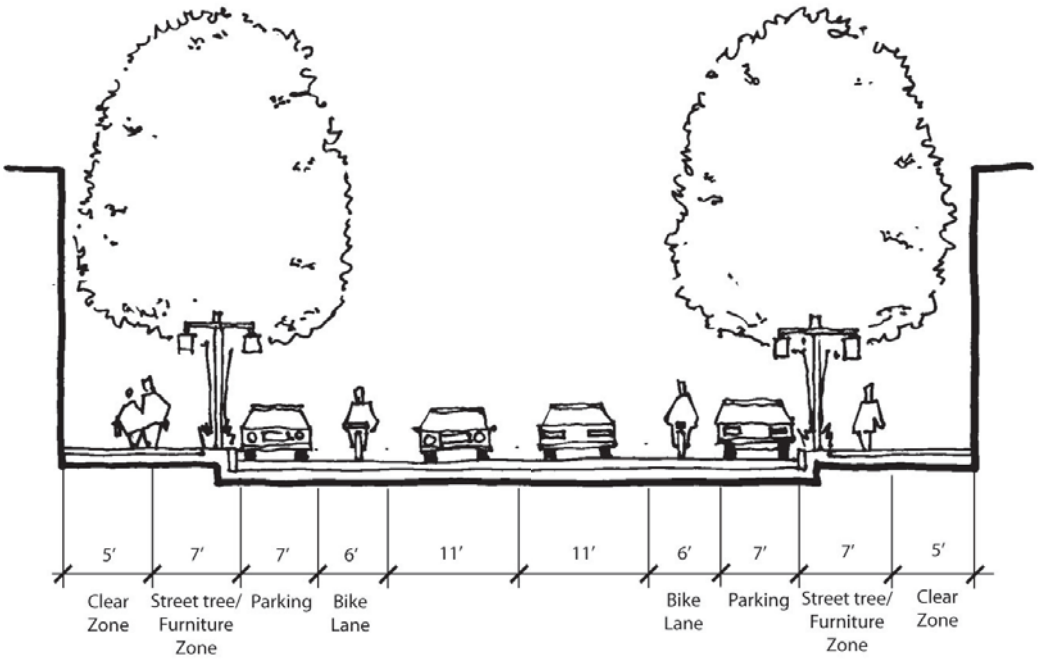
CS2 Parking and Traffic Management Strategy. The MLK station is designed for transit, pedestrian, bicycle, and kiss-and-ride access, but park-and-ride facilities will not be provided. Due to concerns that people will drive to the station and park in surrounding neighborhoods, a monitoring system to asses the parking situation should be implemented, possibly by the Working Group. If study determines that a problem exists, a management plan should be developed to address the situation. Such a plan should allow for local residents and visitors to park during the day, while discouraging commuters from parking on neighborhood streets. Likewise, concerns regarding cut-through traffic to adjacent neighborhoods should be monitored and improvements identified if a problem exists. Circulation system improvement projects noted in this section will complement these efforts by making walking and bicycling a more attractive option.

CS3 Alexander Avenue Street Improvements. Alexander Avenue should first be improved south of MLK Jr. Boulevard to become the primary route for all modes to and from the station. Second, this street should be improved between MLK Jr. Boulevard and Manor Road to provide improved neighborhood access to the MLK station while considering the proposed streetcar line and potential CapMetro station on Manor Road.

Alexander Avenue is designated as a TOD Pedestrian Priority Street. Figure 3.2 illustrates a fully developed streetscape consistent with this designation, including the following elements:

- Two travel lanes.
- Potential traffic calming techniques.
- Bike lanes.
- On-street parking, both sides of street.
- Minimum 12-foot wide sidewalk with a 5-foot clear zone.
- Pedestrian crosswalk location and design.
- Street tree plantings at back-of-curb locations.
- Plantings or moveable planters.
- Street lighting.
- Street furniture and other pedestrian amenities.

FIGURE 3.2 CROSS SECTION OF ALEXANDER STREET



CS4 Pannell Place Connection. Although the surrounding neighborhoods generally have interconnected streets systems, access to the MLK station from the Pannell Place neighborhood, east of Boggy Creek and north of MLK Jr. Boulevard, is constrained. A multi-use path connection to MLK Jr. Boulevard with access to Alexander Avenue and the station would provide safe and convenient pedestrian bicycle access to and from the neighborhoods to the east and north. The City should work with the neighborhood to identify potential route options, such as access easements or property purchase.

CS5 East-West Neighborhood Connection to Station Area. The neighborhood south of MLK Jr. Boulevard and east of Boggy Creek face similar access obstacles as the area to the north. A multi-use path connecting E. 16th Street and the station would provide safe and convenient pedestrian and bicycle access. In order for such a connection to occur, an at-grade pedestrian crossing of the rail line would need to be approved by Capital Metro. The Working Group should study this issue to determine what feasible alternatives exist.

CS6 Manor Road Street Improvements.
A street and streetscape project to improve safety, pedestrian activity, and general neighborhood appearance will typically encourage private investment on adjoining properties. Manor Road should be improved to create a positive change to the character of the street, encourage private investment, and enhance an important route that traverses the MLK TOD and connects to key streets that lead to the core of the Station Area. In addition, as a potential future streetcar route, Manor Road presents significant opportunities to improve the environment from a functional and aesthetic perspective.[3]

Manor Road is designated as a TOD Core Transit Corridor.[4] Figures 3.3 and 3.4 illustrate a fully developed streetscape consistent with this designation, including the following elements (current right-of-way along this section of Manor Road, which is approximately 60 feet, is not sufficient to accommodate all of the suggested improvements below, and additional right-of-way or easements will be necessary):

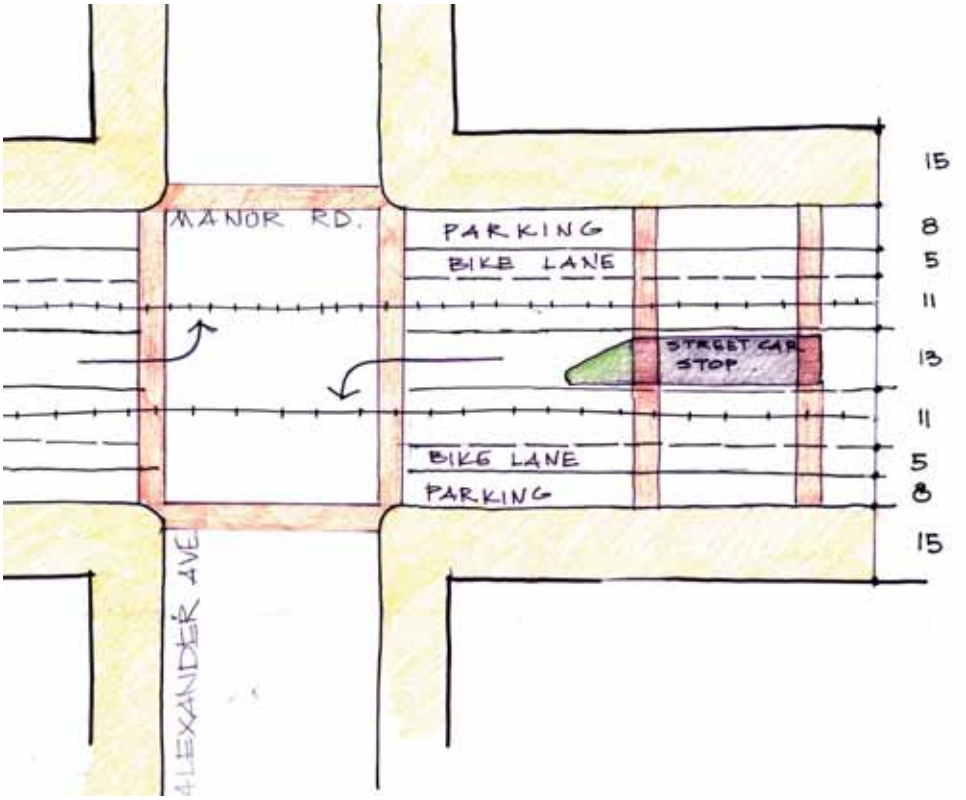
- Two travel lanes.
- Center landscaped median/left turn lane at Alexander Avenue.
- Future streetcar in travel lanes.
- Bike lanes outside of travel lane/streetcar rails.
- On-street parking, both sides of street.
- Minimum 15-foot wide sidewalk with a 7-foot clear zone.
- Pedestrian crosswalk location and design.
- Street tree plantings at back-of-curb locations.
- Plantings or moveable planters.
- Street lighting.
- Street furniture and other pedestrian amenities

CS7 Manor Road Streetcar. Planning for the Manor Road streetcar should be completed in conjunction with the streetscape improvements contemplated in the MLK SAP. The design should accommodate pedestrian access along the street along with safe crossing opportunities. The alignment and platform location/design should accommodate bicycle travel in a right-side bicycle lane.

CS8 Capital MetroRail Station - Manor Road. This is recognized by Capital Metro as a potential additional station that could be built to facilitate more convenient passenger transfers between Capital MetroRail and the streetcar. The affect this could have on pedestrian access, crosswalks, traffic, etc. should be considered while action items CS6-7 are being developed.

3 If streetcar is implemented, on-street parking may be eliminated and the bike land merged with the auto lane at the station platform to allow traffic to bypass the stopped streetcar.
4 While Manor Rd. west of Airport Blvd. is not longer an arterial in the CAMPO Plan, east of Airport is designated as a 4-lane major undivided roadway. If this concept is implemented, an amendment to the CAMPO Plan may be necessary.

FIGURE 3.3 INTERSECTION OF ALEXANDER AVE. & MANOR ST.



VARIOUS CONFIGURATIONS OF CENTER PLATFORMS

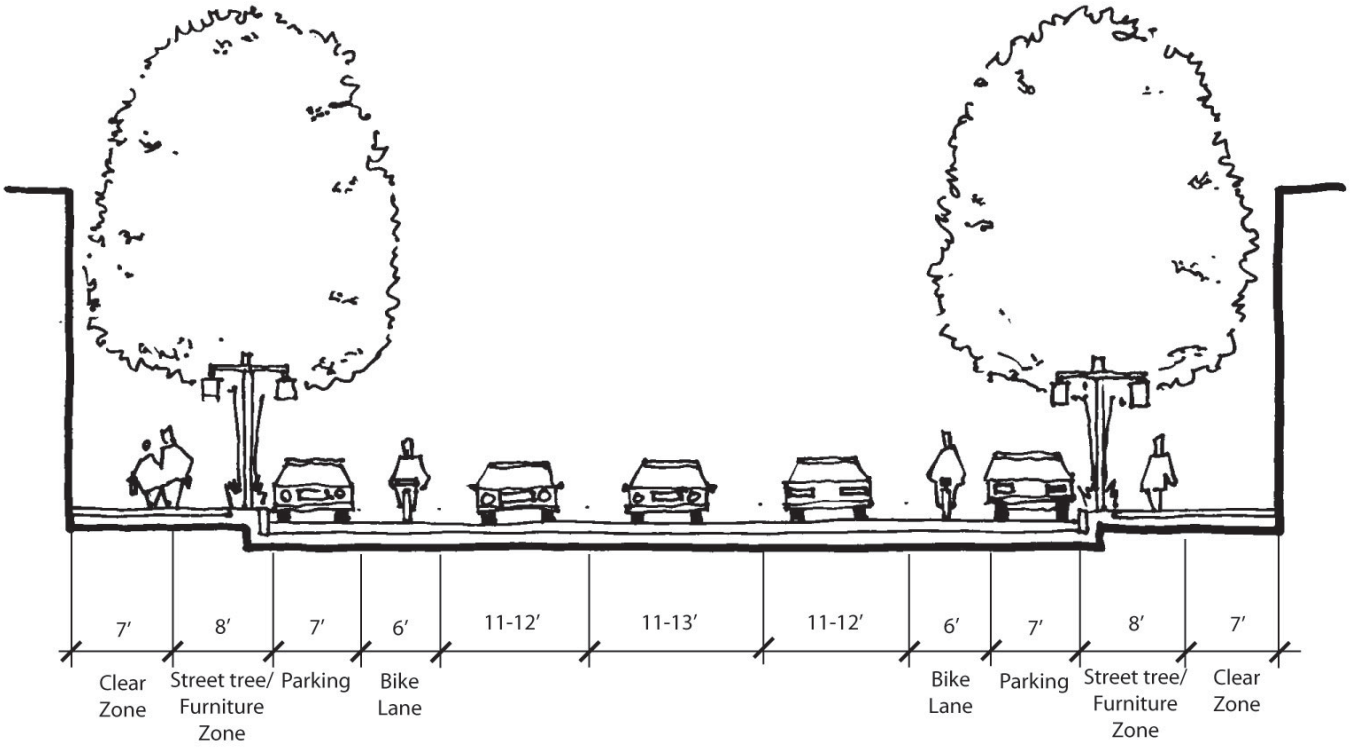






Current right-of-way along this section of Manor Road, which is approximately 65 feet, is not sufficient to accommodate all of the suggested improvements below. Additional right-of-way or easements would need to be provided.

FIGURE 3.4 MANOR ROAD CROSS SECTION



CS9 Continued Local Street System Improvements. The new TOD Local Street connections shown in the Circulation Concept Plan should be provided as development and redevelopment occurs. Several will be provided as the development of larger sites occurs (e.g., Featherlite, Redeemer Church, Airport Park). But others may necessitate public sector action, as in the case of improvements made to existing TOD Local Streets.

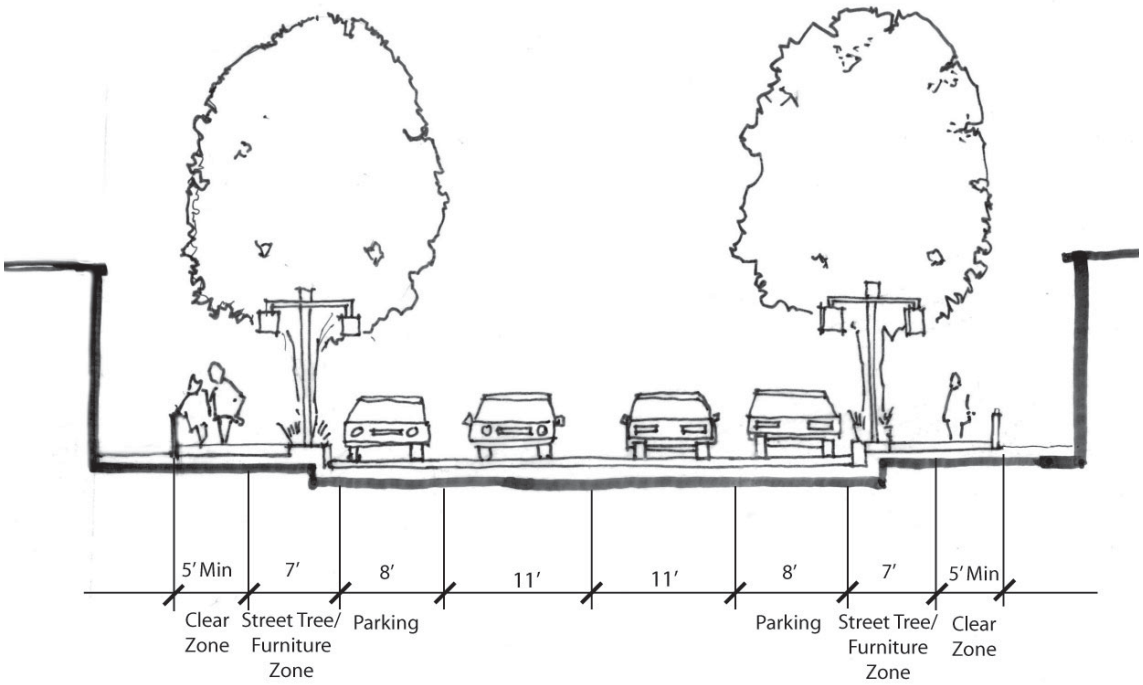
Figure 3.5 illustrates a fully developed streetscape, which is generally appropriate for the TOD Local Street Designation, including the following elements:

- Adequate width for two-way travel.
- On-street parking, both sides of street.
- Minimum 5-foot wide sidewalk clear zone and 5-foot landscaped strip.
- Optional curb-tight sidewalk with on-street parking.
- Street tree plantings at back-of-curb locations or behind the sidewalk.

CS10 Airport Intersection Improvements. Because they represent entryways into the MLK TOD from the east, the Airport Boulevard intersections with Manor Road and MLK Jr. Boulevard should be improved to allow safe and convenient pedestrian travel through them. Sidewalk improvements, crosswalk enhancements, streetscape, traffic calming, and landscaping changes should be considered. Indicators at corners should signal to motorists, pedestrians and cyclists that they are passing through a "gateway", and entering a more active urban environment.

CS11 TOD Projects as part of TIA Improvements. As part of the current evaluation of the Austin Traffic Impact Analysis (TIA) program, this plan recommends an amendment to Section 2.3.5 of the Transportation Criteria Manual, "Recommendation on Roadway Improvements and Traffic Control Modifications", to allow for infrastructure projects (including bicycle, trail, pedestrian, and street/intersection improvements) in an adopted station area plan to qualify for required improvements through the TIA process.

FIGURE 3.5 TOD LOCAL STREET SECTION



MLK SAP ACTION CHART 3: CIRCULATION AND STREETS							
NO.	ACTIONS	TIMEFRAME					IMPLEMENTER
		ADOPT WITH PLAN	ON-GOING	FIRST 5 YEARS	6 TO 10 YEARS	11 TO 15 YEARS	
CS1	Implement streetscape improvements on MLK Jr. Boulevard			X			CoA & private sector
CS2	Develop parking management strategy to limit overflow parking on residential streets.			X			Working Group
CS3	Implement streetscape improvements on Alexander Ave.			X	X		CoA, CapMetro & private sector
CS4	Create a pedestrian & bicycle connection from Pannell Place neighborhood to MLK Jr. Boulevard			X			CoA
CS5	Create a pedestrian & bike connection from E. 16th Street to the station platform across Boggy Creek and railroad.			X			CoA & CapMetro
CS6	Implement streetscape improvements to Manor Road				X		CoA & private sector
CS7	Construct streetcar along Manor Road				X		CapMetro
CS8	Construct commuter rail station platform at Manor to provide transfer with streetcar.				X		CapMetro
CS9	Continue to make local street improvements to better connect surrounding neighborhood to the TOD district.		X				CoA & Private sector
CS10	Make improvements to Airport Blvd intersections with Manor and MLK				X		CoA & TxDOT
CS11	Recommended amendment to the TCM to include projects in an adopted SAP			X			CoA


Streetscape improvements


Bike lanes


Streetcar on main road

Open Space and Trails

OS1 Provision and Funding of Parks and Open Space. As part of this implementation program, the envisioned park and open space improvements are generally expected to be provided via existing parkland dedication requirements. Because open space is such an important element of compact, high density development areas, on-site open space provision generally in the form of pocket and/or linear parks, trails, and plazas are recommended. If it is either impossible or unrealistic that parkland be provided on-site, parkland dedication fees generated in a TOD are recommended to be spent within the TOD or in the immediate vicinity with the MLK TOD Station Area Plan used as a guide.

OS2 Boggy Creek Plan Refinement. Before the Boggy Creek open space vision can be realized, the current concept needs to be refined and further design analysis completed by the Parks and Recreation Department with involvement from the Watershed Protection Department.

OS3 Implementation of the Boggy Creek Plan. The Boggy Creek open space area should be improved according to the refined plan. This will be an important amenity that will become increasingly critical as the population in the station area grows.

OS4 'Rails with Trails' Routes. In the MLK TOD, Capital Metro does not have sufficient rail right-of-way to accommodate a trail along the tracks. Implementation staff, and possibly the Working Group, should work with property owners to acquire easements for the future provision of a trail. In addition, this plan recommends that the feasibility of including Rails with Trails alignments in the Austin Metropolitan Area Transportation Plan be studied so that upon subdivision, land may required for the trail through the right-of-way dedication process. This work should also include the proposed pathway access linking the neighborhoods and the station.

OS5 Pocket Parks. The designated implementation staff person and the Parks and Recreation Department should work closely with station area property owners and developers to identify the location and design of the two pocket parks identified in this plan.

OS6 PARD Integration. Parks and Recreation Department (PARD) staff should be formally integrated into the development review process of all subdivision and site plan applications that fall within the boundaries of the MLK TOD so that open space opportunities may be analyzed and explored early on.


Neighborhood park


Paseo or pedestrian street


Park with pedestrian path

MLK SAP ACTION CHART 4: OPEN SPACE AND TRAILS							
NO.	ACTIONS	TIMEFRAME					IMPLEMENTER
		ADOPT WITH PLAN	ON-GOING	FIRST 5 YEARS	6 TO 10 YEARS	11 TO 15 YEARS	
OS1	Provision and funding of open space in the TOD.		X				Private Sector and CoA
OS2	Further refine the design for the Boggy Creek open space plan.			X			CoA
OS3	Implement Boggy Creek open space plan.				X		CoA and Private Sector
OS4	Rails with Trails.		X				Capital Metro, CoA, Private Sector
OS5	Pocket parks – location and design.		X				CoA and Private Sector
OS6	PARD Integration		X				CoA Planning and PARD staff



INFRASTRUCTURE

I1 Comprehensive Utility Upgrades. Capital Improvement Projects (CIP) should be accomplished in a comprehensive manner that coordinates street reconstruction projects with other utility upgrades. A process should be established that examines all future public infrastructure needs when planning Capital Improvement Projects within and around the MLK TOD. An example would be replacement of undersized or old water or wastewater lines in conjunction with a street improvement project.

I2 Water System Improvements. To help stimulate development in the MLK station area, localized low pressure and/or low fire flow areas should be identified and prioritized for improvement to meet anticipated future demand.

I3 Wastewater System Improvements. To the extent possible, the Austin Clean Water Program (AWCP) should give high priority to wastewater improvements of strategic importance to enable development of key sites in the MLK station area.

MLK SAP ACTION CHART 5: INFRASTRUCTURE

NO.	ACTIONS	TIMEFRAME					IMPLEMENTER
		ADOPT WITH PLAN	ON-GOING	FIRST 5 YEARS	6 TO 10	11 TO 15 YEARS	
I1	Comprehensive utility upgrades		X				CoA
I2	Water system improvements.		X				CoA
I3	Wastewater system improvements.		X				CoA

AFFORDABLE HOUSING

As part of the Station Area Planning process, consultant Diana McIver and Associates (DMA) prepared a report evaluating the feasibility of achieving the TOD affordable housing goals. The implementation items below are based on DMA's final report (an executive summary of the report is on the following pages).

AH1 Encourage affordability via development bonuses.
Development bonuses are an appropriate tool for encouraging the development of affordable units in TOD areas, while also encouraging transit-supporting density levels. Development bonuses with affordability requirements are recommended for waivers of both density and height requirements.

AH2 Provide gap financing with General Obligation Bonds and other sources.
DMA has indicated that affordable housing developments located in TOD areas will require City subsidies in order to reach the TOD affordability goal, including those developments which utilize other public subsidies. The DMA Report has identified potential sources of gap financing that may be available to applicants on a case-by-case basis, which include City of Austin General Obligation (G.O.) bond funds. Projects within TODs submitting applications for G.O. bond funding should receive additional points as part of the scoring process.

AH3 Allow fees in-lieu of building on-site affordable housing in limited circumstances.
Allowing developers to pay a fee in-lieu of providing affordable housing on-site can be a useful tool in some instances, especially for non-residential projects that would like to take advantage of a development bonus. Any fee-in-lieu funds paid to fulfill an affordable housing requirement in a TOD development should be utilized for the financing or production of affordable units located within or near the TOD area.

AH4 Encourage and support Low Income Housing Tax Credit projects.
DMA's analysis indicates Low Income Housing Tax Credit developments would require the lowest level of City subsidy per unit and offer the most costs-effective use of public subsidies. A competitive tax credit proposal could substantially contribute to achievement of the affordability goals for a TOD area and would provide a large number of units near transit. This Plan recommends that the City of Austin provide gap financing for Tax Credit developments on a case-by-case basis.

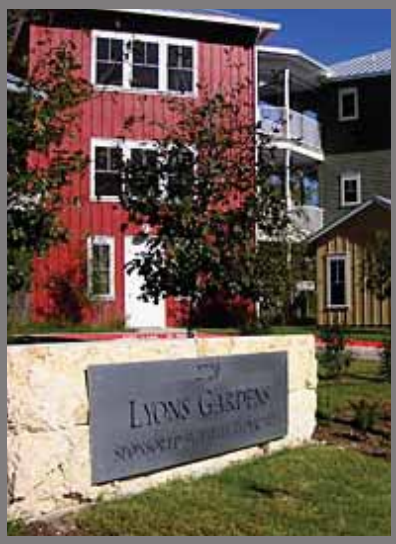
AH5 Develop a catalyst project on City-owned property.
City-owned property in the TODs may present an opportunity to realize the TOD vision on these sites and encourage similar development elsewhere in the TODs. This Plan recommends the City of Austin evaluate the potential for housing development on City-owned land within TOD Districts.

AH6 Provide a menu of incentives for projects that provide affordable housing.
This Plan recommends that the City establish a package of incentives for TOD developments that provide affordable units on-site. The incentives could be scaled based on the level of affordability and the percentage of affordable units provided. Incentives could include development review fee waivers and an expedited review process beyond what is currently provided by the City's S.M.A.R.T. Housing initiative.

MLK SAP Action Chart 6: AFFORDABLE HOUSING

NO.	ACTIONS	TIMEFRAME					IMPLEMENTER
		ADOPT WITH PLAN	ON-GOING	FIRST 5 YEARS	6 TO 10 YEARS	11 TO 15 YEARS	
AH1	Encourage affordability via development bonuses.	X					COA
AH2	Provide gap financing with General Obligation Bonds and other sources.		X				COA
AH3	Allow fees in-lieu of building on-site affordable housing in limited circumstances.	X					COA
AH4	Encourage and support Low Income Housing Tax Credit projects.		X				COA, Private and Public Sector
AH5	Develop a catalyst project on City-owned property.			X			COA
AH6	Provide a menu of incentives for projects that provide affordable housing.			X			COA







TRANSIT-ORIENTED DEVELOPMENT (TOD) DISTRICTS STATION AREA PLANS EXECUTIVE SUMMARY

INTRODUCTION

The City of Austin's Transit Oriented Development (TOD) Ordinance is intended to promote pedestrian-friendly, dense, mixed-use development surrounding the future commuter rail stations on the Capital MetroRail line. The TOD Ordinance, approved in May 2005, established six Transit Oriented Districts (TODs) and a Station Area Planning (SAP) process for the TODs, defined specific affordable housing goals for the TODS, and required an analysis of the feasibility of achieving the affordable housing goals.

The TOD Ordinance includes a goal that 25 percent of the new housing units in each Transit Oriented District should be affordable. For owner-occupied developments, the goal is for the affordable units to be sold to households with incomes at or below 80 percent of Median Family Income (MFI) . For rental developments, the goal is for the affordable units to be occupied by households at or below 60 percent of MFI. To be considered affordable, a homeownership or rental unit must serve a household at each of the corresponding income levels paying no more than 30 percent of its adjusted gross income toward housing costs, including utilities.

The TOD Ordinance also establishes goals targeting lower levels of affordability for Transit Oriented Districts located in the Community Preservation and Revitalization Zone (CP&R Zone). Table 1 below details the affordability goals of the TOD Ordinance.

TOD AFFORDABILITY GOALS		
TOD STATION	OWNER-OCCUPIED	RENTAL
General Affordability Goal	25% of new housing units affordable	
	Affordable units at or below 80% MFI	Affordable units at or below 60% MFI
CP&R Zone (Plaza Saltillo and MLK)	Affordable units at or below 60% MFI	Affordable units at or below 50% MFI 5% units at or below 30% MFI 10% units at or below 40% MFI 10% units at or below 50% MFI

The affordability goals are ambitious. Due to significant development costs, land availability issues, legal limitations, development restrictions, and other challenges described below, there is a significant gap between the cost of developing rental and/or homeownership units and the income derived from either the rental or sale of those units to qualified low- and moderate-income residents.

This report identifies challenges to achieving the ambitious affordable housing goals specified in the TOD Ordinance, examines potential development scenarios, and provides recommendations for strategies to achieve the affordable housing goals. In order to achieve the goals, the City will need to implement multiple strategies which will require a significant amount of public subsidy and/or incentives. In addition, the City will need significant participation from external entities in order to create affordable housing in the TOD areas. Potential partners include affordable

housing developers and housing authorities, as well as the Texas Department of Housing and Community Affairs (TDHCA). Through a combination of incentives, funding sources, and other tools, the TOD affordability goals can be achieved.

TOD HOUSING POTENTIAL

As part of the overall TOD planning effort, Economic Research Associates (ERA) provided market data and demand projections in the TOD Districts through the year 2025 ("ERA Station Area Market Analysis"). Assuming that the TOD Districts are built out to those full projections and that 25% of the residential units are designated affordable, DMA determined the following maximum potential yield for affordable housing in each of the three TOD Districts:

TOD DISTRICT	ERA HOUSING POTENTIAL ESTIMATE THROUGH 2025 ("HIGH" SCENARIO)	POTENTIAL AFFORDABLE HOUSING UNIT YIELD THROUGH 2025 (ASSUMES HOUSING GOALS ARE MET)
Plaza Saltillo	2,116 units	529 units
Martin Luther King, Jr. Blvd.	1,521 units	380 units
Lamar Boulevard/Justin Lane	1,654 units	414 units

It should be noted that the above affordable unit yields are based solely on a calculation of 25% of the ERA Housing Potential Estimate. These figures are not intended to describe the financial feasibility of a particular number of affordable units.

IDENTIFICATION OF ISSUES

There are a variety of challenges to providing affordable housing within the Transit Oriented Districts. These issues include the following:

- Legal Limitations – The City has limited ability to compel the creation of affordable housing. State law limits the use of inclusionary zoning, which is a tool that requires inclusion of a certain percentage of affordable housing in new developments. This prohibition applies to homeownership units as well as to the use of rent control. Accordingly, an incentive-based approach is the primary strategy available to the City to compel developers to include affordable units in new developments.

- Multiple Goals and Limited Resources – There are multiple public goals for the Transit Oriented Districts, including increased development and higher density to support transit, affordable housing, open space, increased economic development opportunities, and high quality pedestrian improvements to create a walkable environment. All of these components are necessary for a successful TOD but can only be partially addressed by the private sector. Accordingly, there will be significant competition for limited public resources. Identification of available resources and clear definition of priorities will be crucial to the success of the TODs and the realization of the affordable housing goals.

- Limited Public Land – Offering public land for the development of affordable housing can be a powerful tool. However, there is a limited amount of publicly-owned land within the three TOD areas currently in the Station Area Planning process, and few of these publicly-owned properties are undeveloped. There are no publicly-owned sites within the MLK TOD.

- Land and Construction Costs – Both land costs and construction costs are high, making provision of affordable housing challenging. In particular, the cost associated with high-rise development (six stories and up) is significantly higher than mid-rise (five stories and below). In fact, the per-unit cost of mid-rise development is estimated to be approximately 60% of high-rise development. Because of this reality, height increases beyond a certain level have limited benefit for affordable housing.

- TOD Ordinance Development Regulations and Restrictions – The TOD Ordinance establishes height restrictions for the Saltillo and MLK TODs, thus limiting the tools available to achieve the goals of the ordinance. These restrictions make even modest increases in height difficult to achieve. It should also be noted that the community feedback received during the Station Area Planning process was not supportive of significant height increases.

- Infrastructure Needs – The first three TODs under consideration are located in central Austin, in older, established areas of the city. Much of the infrastructure, including water, wastewater, and storm water drainage, will require upgrades or replacement in order to support new development. Accordingly, the infrastructure needs will add development costs to affordable housing projects within the TODs.

IDENTIFICATION OF COSTS

In order to capture the true cost of affordability, DMA developed financial scenarios for both rental and homeownership developments in the three TOD areas. Utilizing current market data for a variety of factors, including mid-rise construction costs, land prices, and sales prices, DMA was able to identify the public subsidy required to make affordability feasible.

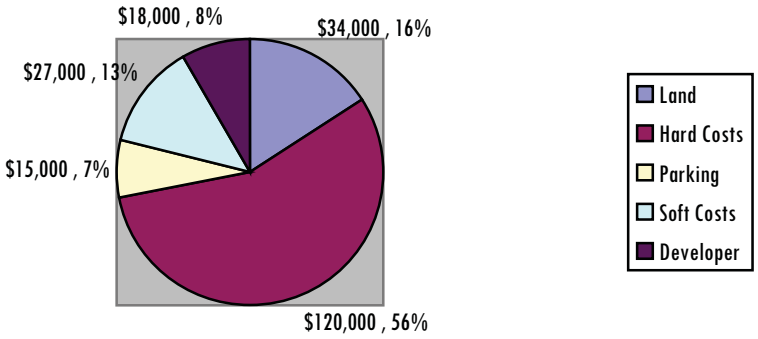
As a result of DMA's financial analysis, it became apparent that every project (even those that were sponsored by nonprofit developers and included donated land and property tax exemption) would require some sort of public subsidy. Required per-unit subsidies for homeownership units ranged from $83,131 to $149,951 per unit, depending on the TOD. Required subsidies for rental units ranged from $75,870 per unit in the Lamar TOD to $127,623 per unit in the Saltillo and MLK TODs.

Even when a project is infused with tax credit equity (as in the 9% and 4% LIHTC with bonds models), there is additional subsidy required. For example, in order to make a rental project utilizing 4% tax credits and private-activity bonds financially feasible, the additional subsidy required would range from $41,350 to $56,800 per unit.

As discussed previously, high-rise development is significantly more expensive than mid-rise development. Public comments throughout the Station Area Planning process expressed desire to limit maximum height caps. Accordingly, DMA utilized cost data for mid-rise type development (two- to five-story) throughout its financial modeling.

Using cost data for the Saltillo TOD District, the following pie chart illustrates the cost of condominium development:

Plaza Saltillo Mid-Rise Condo Development
Cost Breakdown



As demonstrated above, actual construction costs constitute the vast majority of development costs. In fact, hard costs, soft costs, and parking account for 86% of the total project costs. These costs would be the same whether the developer were for-profit or nonprofit. While nonprofit developers may have access to free or reduced-cost land, or may be able to limit their developer profit, they are still subject to the same market construction costs.

ANALYSIS OF DENSITY BONUS

A density bonus program allows a developer to increase the number of units that could be developed on a parcel of land in exchange for public benefit, such as affordable housing. The increased density would be the result of either relaxed development standards (e.g., Floor to Area Ratio, building coverage, and setback requirements, etc.) or height increase (e.g., above the current height restriction). A density bonus program is widely viewed as an important tool to achieve some portion of the TOD goals. However, there are a number of factors that must be taken into consideration in order to maximize the effectiveness of a density bonus program.

Construction costs per square foot rise with taller building heights, thereby limiting the benefit of incremental height increases. Mid-rise development utilizes lightweight steel or stick (e.g., wood) structural systems. High-rise developments require significant investment in elevators and core components, fireproofing, and multi-level structured parking, all of which contribute to increased development costs.

In addition, concerns regarding density and compatibility with surrounding neighborhoods were expressed in public meetings held during the Station Area Planning process. Although some participants in the Station Area Planning process voiced support for increased density (including height bonuses in exchange for affordable units), many participants were concerned with increased regarding density, especially as related to height. Several Saltillo participants were concerned about the neighborhood becoming too urban and densely developed. In addition, several participants in the Lamar Station Area Plan presentation were adamant about limiting density, with maximum TOD development height of two or three stories.

In order to reach the TOD Ordinance goal of 25% affordability in a new development, a density bonus would need to offer significant benefit to a developer. Only by doubling the density of a development (100% increase in FAR or height) and requiring that 50% of the bonus area be affordable, would a single development begin to meet the 25% affordability goal set in the TOD Ordinance.

In order to incentivize developers to take advantage of the density bonus, the program must be calibrated to provide a developer with a net financial benefit (e.g., a sufficiently higher profit). A developer will lose revenue on the affordable units, so the benefit gained from the additional units must outweigh the loss.

Keeping in mind public concerns regarding density and height limitations, DMA modeled a theoretical mid-rise development, with and without a density bonus. The following table profiles a 100-unit market rate condominium development on a 2.5-acre site (without any density bonus) and that same development with a 25% density bonus. The cost and sales assumptions are based on market data from the Saltillo TOD District.

In the case of the 25% density bonus, the developer is granted relaxed FAR or additional height in exchange for 25% affordability in the additional ("bonus") area.

	100-UNIT DEVELOPMENT	25% DENSITY BONUS 125-UNIT DEVELOPMENT
Market Rate Units	100	119
Affordable Units	0	6
Total Land Cost	$3,702,600	$3,702,600
Total Project Cost	$19,039,350	$22,901,000
Additional Cost	n/a	$3,861,650
Market Rate Sales	$22,324,500	$26,494,200
Additional Sales	n/a	$4,169,700 (market rate)
Affordable Sales (60% MFI)	n/a	$684,890
Total Sales Less Cost	$3,285,150	$4,278,090

In this scenario, the community gains six units of affordable housing, or 5% of the total new units built. The private developer increases his return on investment, and there is no additional public subsidy. The only "cost" to the public is the additional FAR or height granted.

Considering the ambitious TOD affordability goals, the six-unit gain in affordability is modest. Even if every new development within the TOD District took advantage of a density bonus, there would need to more than 6,000 new units within the Plaza Saltillo TOD to provide 300 affordable units (which represent 25% of the estimated market demand, according to the ERA Station Area Market Analysis). Clearly, the density bonus needs to be combined with additional tools in order to make a substantial impact on affordability.

It is important to note that the 125-unit density bonus example only includes 25% affordability in the bonus area, rather than 25% of the total area. As currently written, the TOD Ordinance prohibits any increase in residential building heights in the CP&R Zone over the current maximum heights unless 25% of the total development is affordable. In order to develop the same 2.5-acre site and incentivize affordability in at least 25% of the total units, the density bonus would need to be significant.

In the scenario below, the developer is granted a 100% density bonus (from 40 units per acre to 80 units per acre). Accordingly, the site now accommodates 200 units, 50 of which will be designated affordable (25% of the total units). The basic assumptions, including land cost and the development costs, remain the same as in the previous model.

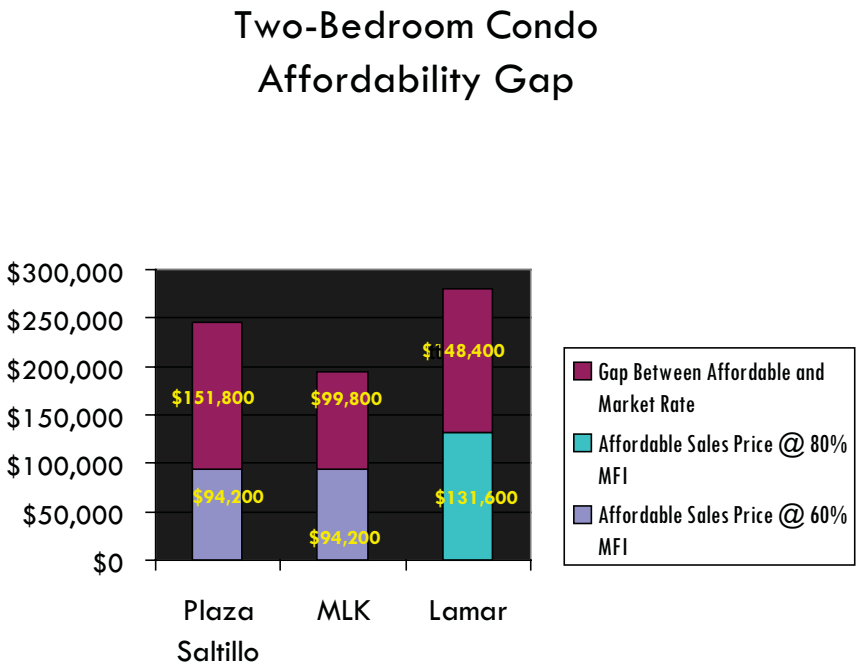
	100-UNIT DEVELOPMENT	100% DENSITY BONUS 200-UNIT DEVELOPMENT 25% TOTAL AFFORDABILITY
Market Rate Units	100	150
Affordable Units	0	50
Total Land Cost	$3,702,600	$3,702,600
Total Project Cost	$19,039,350	$34,376,100
Additional Cost	n/a	$15,336,750
Market Rate Sales	$22,324,500	$33,517,500
Additional Sales	n/a	$11,193,000
Affordable Sales (60% MFI)	n/a	$5,483,235
Total Sales Less Cost	$3,285,150	$4,624,635

In this scenario, the developer is sufficiently incentivized to develop a project that designates 25% of its units as affordable. However, there are limitations to the density and height bonus model. Development costs increase disproportionately once the building transitions from a mid-rise to a high-rise structure. In addition, increased risk accompanies the increased number of units. The developer has to market and sell the additional units (both market-rate and affordable) in order to realize the substantial return on investment. Considering the disproportionate costs associated with significant increases in density, as well as concerns voiced by neighboring residents, a two-tier density bonus program is recommended below.

PROJECT SCENARIOS THAT SHOW SUCCESS IN MEETING TOD GOALS

There is a significant affordability gap that can be closed by utilizing a variety of regulatory and financial incentives. Using current market data for all three TOD areas under consideration, DMA developed the following affordability gap profile:

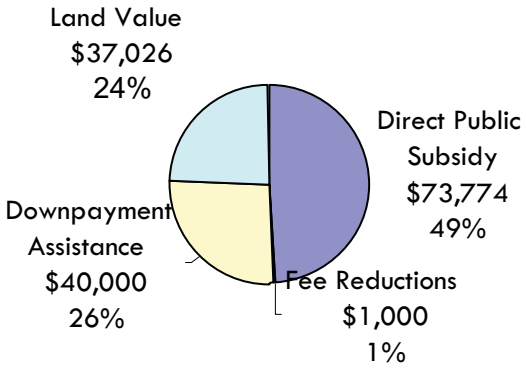
Based on current market data, the sales price for a two-bedroom, 1,000 square foot unit in the Plaza Saltillo TOD District is $246,000. The maximum price affordable to a three-person household at or below 60% MFI (the Plaza Saltillo TOD affordability goal for homeownership) is $94,200. This leaves a gap of $151,800. Because the market price for a two-bedroom condo in the MLK TOD area is slightly less ($194,000), the gap between the market rate and the affordable price is less ($99,800). However, the market rate in the Lamar TOD is significantly higher, $280,000. In this case, the TOD affordability target is higher (80% MFI), leaving a gap of $148,400. In order to fill this gap, multiple sources of incentives and subsidies will be required.



Homeownership Scenario

The graph below illustrates the financial gap for the development of hypothetical owner-occupied, affordable condominium developments in the Saltillo, MLK, and Lamar TOD areas. This example shows the most likely sources of subsidy or assistance that could bridge the gap.

Bridging the Affordability Gap:
$151,800 at Plaza Saltillo



If the developer utilized the City's S.M.A.R.T. Housing™ program, in addition to expedited plan review, the average per-unit fee reduction would be approximately $1,000 (in addition to financial benefits from expedited plan review). If the developer participated in a Community Land Trust model (or the City purchased the land and leased it to the developer at a nominal rate), that would represent additional savings, ranging from $18,513 to $37,026 per unit depending on the TOD area.

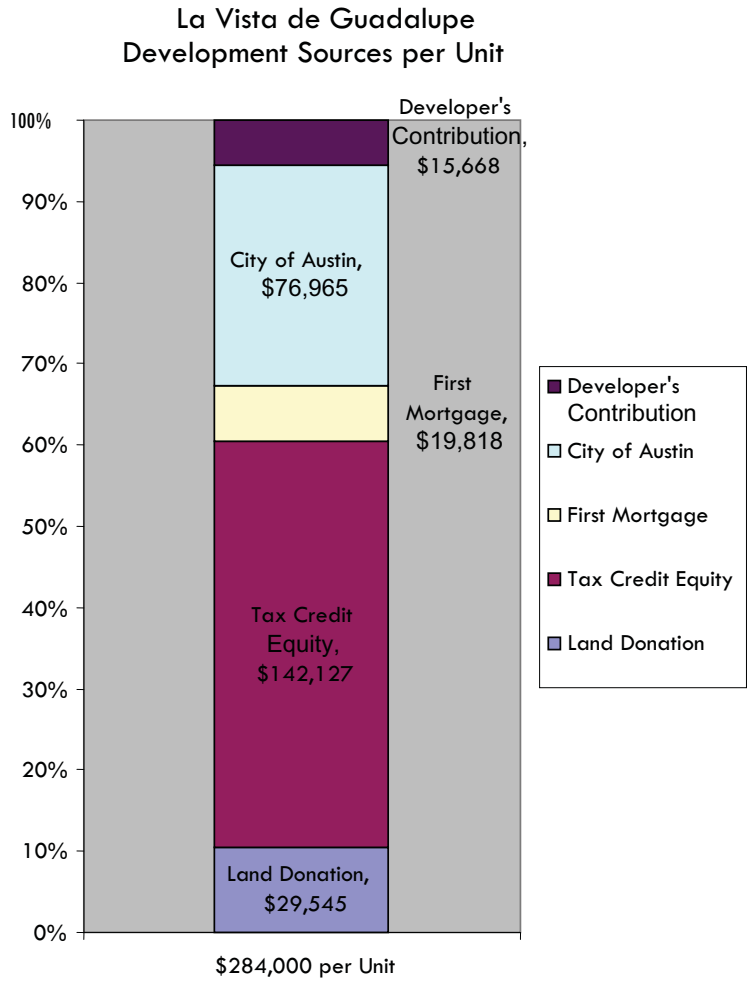
Even utilizing fee waivers and removing land costs, however, is not sufficient to reach even the upper range of the TOD affordability goals. In the examples above, the affordability gap is closed through a combination of fee reductions, elimination of land costs, waivers, and public subsidy, including City of Austin Down Payment Assistance and GO Bond funding.

It is important to note that any developer — nonprofit or for-profit — will face this affordability gap. While nonprofit developers are motivated by their mission to provide affordable housing and may have access to some funds that are not available to for-profit developers, they still have to pay to construct the units and oftentimes have to sell at fair market value.

Rental Scenario

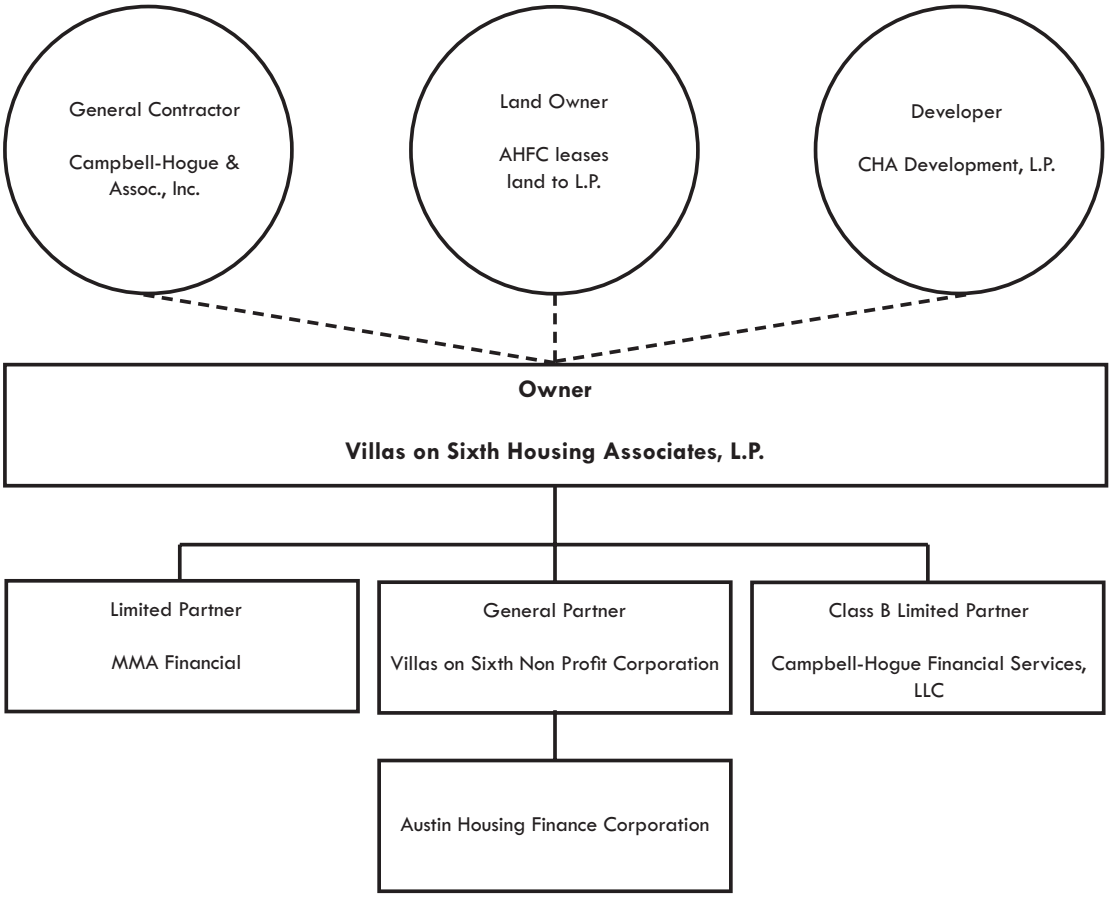
Although the sources and uses in a rental model are slightly different, these developments also require significant subsidy. The following is an example of a rental development currently under construction one block from the Plaza Saltillo TOD. Guadalupe Neighborhood Development Corporation (GNDC) is the nonprofit sponsor of this 22-unit rental development.

Although the La Vista de Guadalupe project is not technically in the TOD district, the construction type and the density (44 units per acre) are similar to the type of building that would be appropriate in the TOD. The development is 100% affordable with very low rents. Approximately 30% of the units will have rents affordable to families at 30% MFI; 15% of the units will have rents affordable at 40% MFI; and 55% affordable at 50% MFI.



The largest source of funds for this development is the equity from Low Income Housing Tax Credits, but several other sources are critical to making the project work. The land for this development is valued at $650,000 (nearly $30,000/unit) but was donated to the project by the nonprofit sponsor. (GNDC purchased the land more than 20 years ago at a very low price.) Another important source of financing for this development is the developer's contribution of deferred fee. Although GNDC is earning a fee of $650,000, the developer must forgo $344,000 of the fee (identified as "Developer's Contribution" in the bar chart) in order to make the project financially feasible. In addition, the City of Austin has committed almost $1.7 million, or $77,000 per unit, to this development.

The City can also participate directly in housing development through the Austin Housing Finance Corporation (AHFC). For example, in 2003 AHFC partnered with a private developer/builder to develop Villas on Sixth Street using Housing Tax Credits. Villas on Sixth Housing Associates, L.P. , the entity that owns the development, is a true partnership between public and private interests. AHFC created a new nonprofit corporation, Villas on Sixth Non Profit Corporation, to be the general partner of this limited partnership. The tax credits were sold to MMA Financial, and one of its entities is the limited partner. An entity of Campbell-Hogue's, Campbell-Hogue Financial Services, LLC, owns a minority share of the project and acts as a guarantor, since the nonprofit cannot.



In addition to its role in the ownership, AHFC purchased the land for the development and leases is back to the partnership, which allows the property to be exempt from property taxes. Campbell-Hogue & Associates, Inc. was the general contractor who built the property, and its development arm, CHA Development, L.P., was the developer.

This creative partnership allowed the City to work with an experienced developer who knows and understand this type of development and the complicated financing mechanisms involved, while at the same time ensuring long-term affordability.

RECOMMENDATIONS

In order to achieve the affordability goals established in the TOD Ordinance, the City must utilize a multifaceted approach. In addition, the policies implemented to achieve housing affordability within the TOD areas should be reviewed and analyzed after a period of time to determine success in meeting affordability goals and to make recommendations for adjustments to the policies.

DMA recommends the following:

Recommendation #1: Implement Density and Height Bonus Program

Density

The City Council has adopted a Vertical Mixed Use (VMU) density bonus with affordability requirements, as part of the Design Standards and Mixed Use ordinance. Although it is too early to determine the success of the VMU density bonus incentives, a similar strategy should be established for the TOD Districts, which are intended to have a mixed-use character similar to that envisioned for VMU developments.

To incentivize the development of affordable housing in the TOD Districts, the City should exempt properties from Floor-Area-Ratio (FAR), maximum densities, building coverage limits, and setback requirements, in exchange for 10% of the total residential square footage being designated affordable. As in the VMU Ordinance, the affordability period for owner-occupied units should be a minimum of 99 years and rental units should be 40 years. (It should be noted that this bonus does not include a height bonus. A height increase entails a different affordability requirement as discussed below.)

The calculation for the designated affordable units is based on habitable square footage, rather than number of units. For example, a 30,000 square foot project that receives an additional 15,000 square feet (due to FAR and other exemptions), will be required to set aside 10% of the total square footage (10% of 45,000 square feet or 4,500 square feet) for affordable units.

There are multiple reasons for calculating based on habitable square footage versus number of units. The square footage requirement gives the developer greater flexibility in determining the allocation of unit sizes and thus enables the developer to better respond to market needs. If the requirement is calculated based on number of units, the result will most likely be smaller one-bedroom units. However, if the developer is given the freedom to apportion unit mixes (and is simply required to make a certain total square footage affordable), there is greater likelihood that family units will be incorporated into the unit mix.

Since the density bonus will offer a similar benefit as that offer in the VMU Ordinance, the income limits on the affordable units should also be the same—a maximum of 80% MFI for homeownership units and 60% for rental units. In order to reach the affordability targets set in the TOD Ordinance; however, the City will need to employ additional incentives or subsidies.

In order to "buy down" the affordability of a unit (e.g., reduce the affordability level from 80% MFI to 70% MFI), it is estimated that the present value cost is $25,000 per 10% increment. Accordingly, each 10% incremental reduction in MFI will cost $25,000 per unit in subsidy to offset the lost income to a developer. The TOD affordability goals are more ambitious than the VMU goals. Therefore, the density bonus alone is insufficient to incentive a developer to incorporate affordable units into a residential project.

Because the density bonus alone will not achieve the affordability targets, the approach will need to be coupled with additional incentives and public subsidies. As in the case with VMU policy, the City must have the option to subsidize additional affordable units within the development. The effectiveness of this density bonus and its affordability requirements should be reviewed within one year of implementation.

DMA recommends that density bonuses be available to any type of development within the TOD Districts, including residential, non-residential, and mixed-use. In the case of projects that utilize the bonus but do not include residential units, the developer would be required to pay a fee-in-lieu (rather than develop on-site affordable units) as described further below.

Height

DMA recommends that the City of Austin institute a height bonus to achieve up to a total building height of 60 feet in the TOD Mixed Use Subdistrict of the Lamar, Saltillo, and MLK TODs. Only those properties that currently have a height entitlement of less than 60 feet are eligible for the height bonus. In order to access the height bonus, a developer would need to commit to 25% affordability of the **bonus area (square footage)** to be reserved for households meeting the affordability goals established for each TOD (or for development that does not contain residential units, the relevant fee-in-lieu must be paid). As an example, a developer seeking additional height equal to 100,000 square feet would need to provide affordable units within the development totaling 25,000 square feet. Again, as discussed above, the calculation is based on habitable square footage, rather than number of units.

Because of community concerns related to compatibility and due to limited financial benefit accompanying density bonuses with affordability requirements in high-rise construction, DMA recommends that height bonuses should be limited to mid-rise heights. Throughout most of the three TOD Districts, current zoning restricts development to 40 or 60 feet. As discussed previously, a height bonus from five stories to six- or more stories may have limited value because of the corresponding increase in costs between mid-rise and high-rise development. In addition, because of neighborhood concerns regarding compatibility with surrounding single-family neighborhoods, significant increases in height are not broadly supported. The City's approach to height bonuses should focus any additional height entitlements in defined locations around the transit stops where the highest densities are appropriate.

In certain cases, a developer may request both the density bonus and the height bonus. In this situation, the project would need to include 10% affordability in the total project (pre- height increase), as well as an additional 25% affordability in the bonus height area.

Currently, the TOD Ordinance limits the City's ability to increase heights in the part of the Saltillo TOD that is designated as TOD Mixed Use but falls outside of the 11-acre Capital Metro property. In addition, the TOD Ordinance requires stringent affordability requirements for a height bonus in the CP&R Zone. Specifically, the TOD Ordinance requires that 25% of the total development meet affordability targets (rather than 25% of the bonus area, as DMA recommends). Accordingly, in order to implement DMA's height bonus recommendations, the TOD Ordinance will need to be amended.

Fee-In-Lieu

DMA recommends a fee-in-lieu payment in the amount of $10 per square foot of additional benefit. This amount conforms to the fee-in-lieu recommendation of the Affordable Housing Incentive Task Force and the amount recommended to the City Council during the process of adopting a downtown density bonus ordinance. The fee-in-lieu amount should be reviewed and adjusted annually. Any funds captured through the fee-in-lieu program should be

utilized for affordable housing within the TOD Districts.

Typically, a fee-in-lieu option is offered to residential developers who opt to not provide on-site affordable units, or to developers of commercial properties. The fee-in-lieu for the TODs should be required of commercial developments that utilize a height bonus and/or density bonus, as well as to residential or mixed-use developments on a more limited basis.

Because the intent of the TOD Ordinance is to develop affordable housing within the TOD Districts and those districts are relatively small, residential developers should be encouraged to develop on-site affordable units. A residential developer seeking fee-in-lieu should have a compelling economic basis for not providing on-site affordable units. A compelling reason might include that the funds will be directed to a stand-alone 100% affordable development in the TOD District.

Recommendation #2: Encourage HTC Developments and Dedicate Appropriate Resources

Based strictly on financial realities, the most cost-effective use of public subsidies is the traditional Housing Tax Credit (HTC) development. According to DMA's financial models, the public subsidy required for a 4% tax credit with private activity bonds project is estimated to be $56,800 per unit. In this scenario, 100% of the units would be affordable to households at or below 60% MFI, thereby meeting or exceeding the TOD affordability goals. A competitive tax credit proposal could exceed the identified TOD affordability goals and provide a large number of units in one location. Accordingly, the City should develop partnerships with qualified developers of affordable housing to explore tax credit development within the TODs.

The most likely source of the public subsidy is the $55 million Affordable Housing General Obligation Bonds. Approved in November 2006, the bond funds will be allocated over a period of seven years. DMA recommends that the City consider dedicating a substantial portion of the funds to affordable housing projects developed within the first three TOD Districts.

However, with estimated rental subsidies ranging from approximately $50,000 to more than $100,000 per unit, and homeownership subsidies significantly higher, **the City would have to dedicate the vast majority of the GO Bonds in order to meet all the goals specified in the TOD Ordinance** and would have limited ability to provide funding for projects outside of TOD areas. Given the funding gap in each TOD District, it is unlikely that GO Bonds alone will achieve the affordability goals.

Recommendation #3: Identify and Utilize Publicly-Owned Land

The City should review and prioritize publicly-owned land to identify those most likely to accommodate residential uses. Eleven of the approximate 130 acres within the Plaza Saltillo TOD are owned by Capital Metro. In addition, the City of Austin owns two parcels immediately adjacent to the TOD District. One parcel is less than one-half acre and could be an opportunity for small-scale infill residential development. In addition, the other parcel — currently operating as a City mail room and uniform services facility — is under consideration for inclusion in the District and would be zoned as Live/Work/Flex. At 3.07 acres and current zoning of 45 units per acre, the site could potentially accommodate 138 units. The City should evaluate parcels such as these to determine their "highest and best use," taking into consideration compatibility with the TOD development standards.

The City could solicit proposals for residential development on the sites it owns and require a baseline level of affordability that conforms to the TOD Ordinance. If the sites are not owned by the City but rather by an affiliated

public entity, the City should take the lead in negotiations to ensure that those sites are developed in accordance with demonstrated public need.

The ROMA Design Group's Saltillo District Redevelopment Master Plan (yet to be adopted by the City Council or the Capital Metro Board) estimates that the 11-acre Capital Metro property could accommodate a proposed 590-675 housing units, 25% of which would be designated affordable (147 – 169 units). The affordability targets in the ROMA plan were established with the assumption that a portion of the land with frontage on IH-35 could be utilized for dense, high-rise, market-rate commercial construction. This component of the plan has not received broad community support.

However, a more modest increase to a 60 foot height limit on the 11-acre property would help to meet the ambitious affordability goals within the Plaza Saltillo TOD District, without compromising the neighborhood's concerns regarding compatibility and density in the remainder of the TOD.

The City of Austin owns a 5.8-acre tract in the approximate 200-acre N. Lamar/Justin Lane TOD District. The 5.8-acre tract could accommodate 261 housing units if it were to be developed at medium density (e.g., 45 units per acre). The City could solicit proposals for residential development on that site and require a baseline level of affordability that conforms to the TOD Ordinance.

In the alternative, the City could solicit proposals from tax credit developers to undertake a 100% affordable development. A 2007 ERA Market Study estimated the potential market demand for affordable housing in the Lamar TOD to be between 325 and 414 units. A 261-unit affordable housing development would make a substantial impact on the market demand and help to meet the 25% TOD affordability goal.

Recommendation #4: Provide Menu of Incentives Within TODs

The City should adopt a policy that offers developers within the TOD Districts a package of incentives in exchange for affordable units on-site. The incentives could be scaled based on the level of affordability and the percentage of affordable units provided. Incentives could include additional fee waivers and expedited review beyond what the S.M.A.R.T. Housing™ program currently provides. The incentives should be available to developments throughout the entire TOD District, not just a designated area.

Fee Waivers. The City already waives certain development fees through its S.M.A.R.T. Housing™ program. In addition to existing S.M.A.R.T. Housing™ fee waivers, additional fee waivers for affordable housing in TOD areas could include the following:

- Drainage
- Electrical meters
- Street lighting
- Water meters
- Sewer taps
- Street closure fee
- License agreements
- Austin Energy fees
- Any and all other City fees and/or extractions

Expedited Review. Building on the recommendations of the City's Affordable Housing Incentives Taskforce, the

City should offer a reliable and consistent expedited review and approval process. This fast-track review and approval would expand upon the existing S.M.A.R.T. Housing™ process. Expedited development review and inspection processes should encompass the following:

- Legal review of easements, covenants, and other instruments
- Austin Water Utility technical review of site plans and subdivisions
- Service extension request review
- License agreement review
- Utility construction plan review
- Right-of-Way management plan review
- Utility inspection
- Utility connections
- Street light installation
- Expedited zoning and platting review

Maximize Public Tax Exemptions. Through creative public-private partnerships, the City of Austin can foster affordability via tax exemptions. The City of Austin (through Austin Housing Finance Corporation) can purchase a vacant and/or underutilized parcel of land and lease it back to a developer for affordable housing. With a long-term land lease, the developer creates, owns, and/or manages the affordable housing. However, because the land is owned by a public entity, it is 100% tax exempt.

The benefits of this type of partnership are two-fold. First, the tax exemption lowers the overall operating costs of the property. Depending on the appraised value of the property, the benefit is equivalent to $7,000-$10,000 per unit in up-front, direct subsidy. Second, locating the property on City-owned land can guarantee long-term or permanent affordability. The City has facilitated this type of arrangement with organizations, such as the nonprofit Foundation Communities and for-profit developer Campbell-Hogue (Villas on Sixth). This type of public-private partnership is probably best suited for multifamily rental developments where the majority of the units are rent-restricted.

While tax exemption is technically a form of subsidy, it may be seen as more palatable than direct subsidy it represents foregone income, rather than cash outflow. The current appraised value of many of the properties in question is negligible compared with their potential as fully improved properties. Accordingly, the assessing entity is not necessarily losing existing income but forgoing future income.

Recommendation #5: Utilize Homestead Preservation District Tools

In early 2007, the City of Austin adopted a Homestead Preservation District, which gives the City some additional tools to help create and preserve affordable housing. This district includes the Plaza Saltillo and the majority of the MLK TOD areas but does not extend to the Lamar TOD.

DMA recommends that the City of Austin maximize the use of the tools available in the Homestead Preservation District. Within the TOD District, the City has the ability to create a TIF district, to create a land bank, and to create a Community Land Trust. The Homestead Preservation District is also the only area in the state that is exempt from the prohibition against mandatory inclusionary housing programs. However, in order to implement a mandatory program, the City must conduct a nexus study to justify any affordable housing requirements.

The revenues collected in a TIF district established under the Homestead Preservation Act must be used for the development, construction, and preservation of affordable housing. The City is currently exploring the creation of such a TIF and is looking for participation by Travis County, as the City's share of tax revenue is a relatively small portion of taxes collected in the area. The City is also working to develop a citywide Community Land Trust that would allow for the long-term preservation of affordable units. The land trust could also be used as a land bank to acquire and assemble parcels of land for future affordable housing developments, which could be especially important for the MLK TOD, where there are no publicly-owned properties within the TOD boundaries.

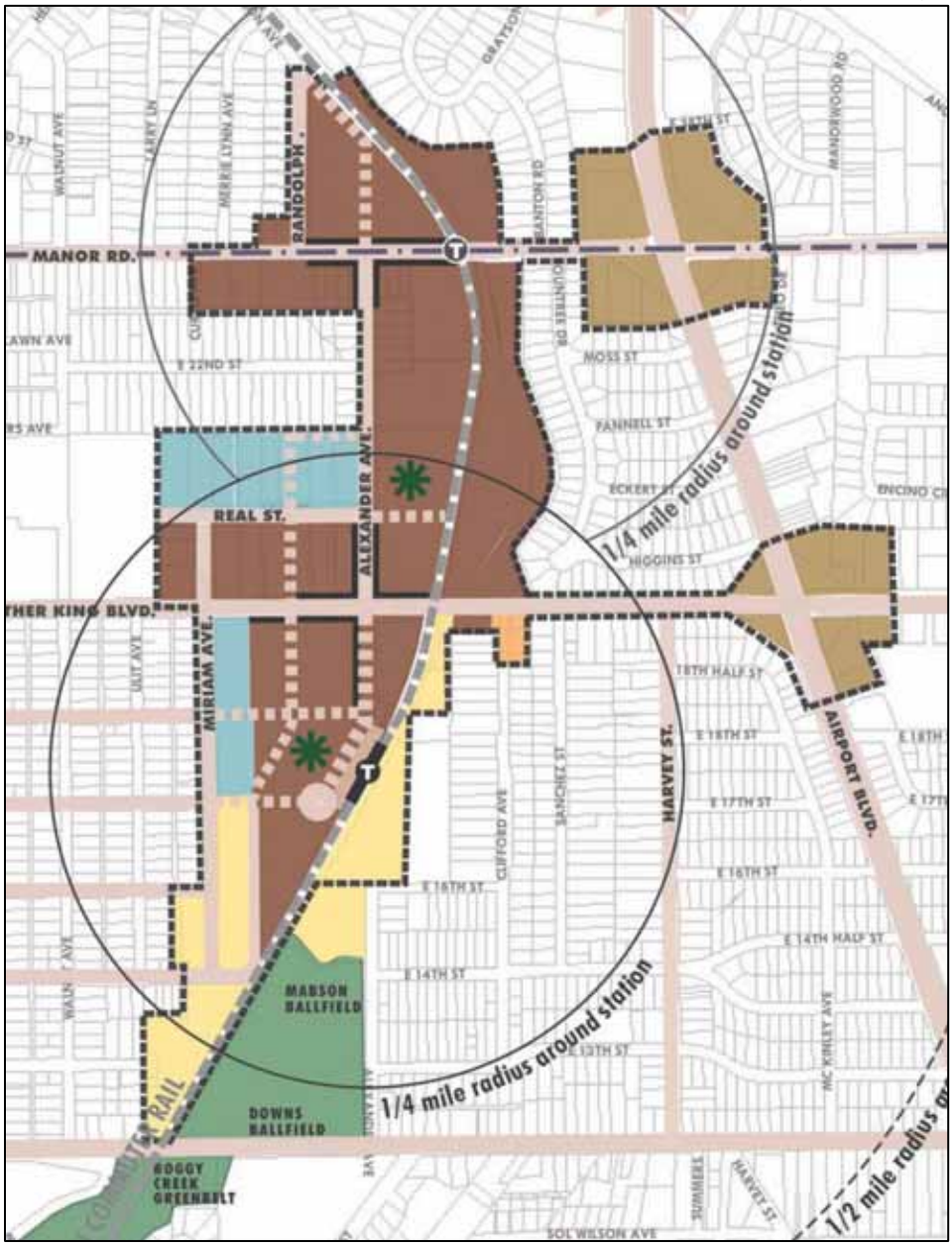
NEXT STEPS

Planning for the TOD Districts has been a lengthy and complex process. It has involved numerous stakeholder groups, including the City, private developers, and affordable housing advocates. DMA's recommendations are the result of careful consideration of all interested parties with an eye toward the creation of a vibrant, diverse, and affordable community.

In November 2006, the community came together and voted overwhelmingly to approve $55 million for affordable housing development. In order to create affordability in the TOD Districts, it will be important for the community — including developers, advocates, neighborhood representatives, and citizens — to work together to ensure diversity and affordability within the Transit Oriented Development Districts.

Exhibit E

REGULATING PLAN
for the
MLK TOD Station Area Plan (SAP)



Approved: March 12, 2009
Effective: March 23, 2009

REGULATING PLAN
for the
MLK TOD Station Area Plan (SAP)

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BACKGROUND

Transit-oriented Development (TOD) is an increasingly popular tool for cities across the U.S. to create more livable communities and combat urban sprawl, which has a number of negative cultural, economic, environmental, and social consequences that are felt in both urban and suburban areas. Sprawl can threaten the quality of life in the central City and inner suburbs due to the risk of deteriorating infrastructure, poor schools, and a shortage of affordable, quality housing. In newer suburban areas, sprawl can cause increased traffic congestion and declining air quality, the absence of a sense of place, and the loss of open space. Since the mid-1990s, the City of Austin has taken steps to redirect Austin's explosive growth away from suburban areas back towards the central City and improve development patterns through a number of land use and planning initiatives.

In response to future commuter rail service connecting the cities of Austin and Leander (approved by voters in the November 2004 election), Austin recently made another direct commitment towards guiding where and how the City grows by adopting a Transit-Oriented Development (TOD) Ordinance (adopted by the City Council in May 2005). TOD is the functional integration of land use and transit. It is compact, walkable, mixed-use development connected to high quality public transportation, which balances the need for sufficient density to support convenient transit service with the scale of the adjacent community. Typical features include improved pedestrian and street connectivity, public amenities such as pocket parks and plazas, civic art, landscaping, benches, streetlights, etc., and a concentration of residences and jobs in proximity to transit stations and commercial businesses.

The adoption of the TOD Ordinance was the first of a two-step planning process. The TOD Ordinance identified the TOD district boundaries for the Station Areas along with interim regulations relating to land use, parking, and site/building design. The second step involves creating a development vision, plan, and implementation strategy for each of the TOD Station Areas. Station Area Plans (SAP) have been created for the three Neighborhood Center TOD Districts identified in the TOD Ordinance for the Plaza Saltillo, Martin Luther King Jr. Boulevard, and Lamar Boulevard/Justin Lane Station Areas. This Document is intended to implement the MLK TOD Station Area Plan as part of an overall effort to improve the development quality in Austin and to specify the regulations for the TOD base district zoning that all properties have within the MLK TOD Station Area. For properties within the MLK TOD District, this Document will supersede Subchapter E: Design Standards and Mixed Use (Subchapter E), which applies Citywide; however, the intent statements and standards within this Document are consistent with the development and design principles of Subchapter E.

HOW TO USE THIS DOCUMENT

Applicability Is Based on TOD District and Adjacent Roadway Type

The regulations in this Document are primarily organized by the TOD Subdistrict applicable to the property in question along with the types of streets that abut it. The MLK Station Area Plan identifies five TOD Subdistricts, which are described in this Document. Land uses and general design standards are based upon the applicable TOD Subdistrict.

As in Subchapter E: Design Standards and Mixed Use, this Document recognizes that development should reflect and respond to the character of its location within the City, in this case the MLK TOD area. For example, a commercial development in a suburban location can (and often should) look and function differently than a commercial development near downtown Austin. Because roadways provide both access to a site and define the urban design framework of the City, roadway types have been used as an organizing tool to establish many of the TOD development standards in this Document. This approach is intended to provide a consistent regulatory approach between Subchapter E and this Document and to help ensure a cohesive development pattern along Austin's streets and remove some of the inconsistency that arises from having a variety of zoning districts and development standards fronting a single roadway.

Because many of the standards in this Document are defined based on the TOD Subdistrict and roadway type(s), an important first step in the development process is to identify them. The size of the site and the type of development (residential, commercial, mixed use, etc.) also need to be considered, since different standards may apply. The applicability chart in Article 1 summarizes the applicability of all the standards in this Document, based on the TOD Subdistrict, type of adjacent roadways, and development activity.

The five TOD Subdistricts in the MLK Jr. Blvd. TOD Station Area are:

TOD Low Density Residential allowing higher density single-family residential development and lower density multifamily development, which could include attached single-family homes, townhomes, and duplexes.

TOD Medium Density Residential allowing multi-family residential development, which could include condominiums, townhomes, and apartment buildings.

TOD Live/Work Flex allowing medium density residential development with or without commercial or light manufacturing space within the same structure. Structures could include a typical mixed use building or be entirely residential development such as apartment buildings or condominiums.

TOD Mixed Use allowing the highest level of development activity in the TOD, ideally with a mix of ground floor commercial or other active uses with residential, commercial and/or office uses on the upper floors.

TOD Corridor Mixed Use allowing the widest variety of uses in the TOD, a moderately high level of development activity, and the ability to mix uses either within separate structures on the site or within the same building on the site.

The boundaries of the MLK Station Area and the five Subdistricts are shown on the **Land Use and Design Concept Plan Map in Figure 2-1.**

Using Subchapter E as a model, the following three types of roadways are applicable to the MLK TOD covered by this Document:

TOD Core Transit Corridors include roadways within the MLK TOD Station Area that have or will have a sufficient population density, mix of uses, and transit facilities to encourage and support transit use. They have a high level of visibility and offer some of the best locations for retail service activity. The TOD Core Transit Corridor designations in this Document were informed by the Core Transit Corridor designations in Subchapter E and the Station Area Planning process. Within the boundaries of the MLK Station Area, TOD Core Transit Corridors are the designated portions of the following roadways:

- Manor Road (does not include the narrow linear TOD extension along Manor Road. right-of-way that connects eastward to the intersection of Manor Road and Airport Blvd.)
- MLK Jr. Boulevard (does not include the narrow linear TOD extension along MLK Jr. Blvd. right-of-way that connects eastward to the intersection of MLK Jr. Blvd. and Airport Blvd.)
- Airport Boulevard (at the intersections with Manor Rd. and MLK Jr. Blvd)

TOD Pedestrian Priority Streets include roadways which are essential for providing appropriate pedestrian circulation within the Station Area. TOD Pedestrian Priority Streets typically lead directly to the transit stop or form a key part of the pedestrian network that leads to it. TOD Pedestrian Priority Streets, together with TOD Core Transit Corridors, form an interconnected street network to ensure that adequate access is provided throughout the Station Area for all modes of travel. Within the boundaries of the MLK Station Area, TOD Pedestrian Priority Streets are the designated portions of the following roadways:

- Alexander Avenue
- A future extension of E. 17th Street east of Miriam Avenue
- A potential future extension of Real Street east of Alexander Avenue.
- E. 12th Street (there is a single property at the southern tip of the TOD District west of the railroad tracks whose southern property line is E. 12th St. The portion of E. 12th St. that abuts this property line shall be considered a TOD Pedestrian Priority Street for the purposes of this Document. This will lend consistency along E. 12th St. with Subchapter E: Design Standard and Mixed Use, which has designated the adjacent portions of E. 12th St. an Urban Roadway.)

TOD Local Streets are all other existing and future streets located within the MLK Station Area, excluding smaller circulation routes like alleys. These streets form the finer grained network of streets that complement the transportation framework created by TOD Core Transit Corridors and Pedestrian Priority Streets. Any new street in the Station Area that does not have TOD Core Transit Corridor or a Pedestrian Priority Street designation, regardless of whether or not it is depicted on the Circulation Concept Plan, will be designated a TOD Local Street for the purpose of applying the standards in this Document.

The three roadway types are shown on the MLK TOD **Circulation Concept Plan Map in Figure 3-4.** It is important to note that potential new TOD Pedestrian Priority and Local Streets are conceptually illustrated to show the intended frequency of such routes and their preferred alignment according to the MLK Station Area Plan, but the actual placement will be determined during the site plan or subdivision process.

How This Document is Organized

This Document is divided into six Articles.

Article 1 includes **General Provisions** that should be reviewed for all properties in the TOD District, including criteria establishing when the TOD Design Standards apply.

This Article also encourages creativity and innovative design by allowing an applicant to propose an alternative approach to meeting the standards of the Document through the "alternative equivalent compliance" provision.

Article 2 includes **Land Use and Building Density** requirements. Standards in this Article address the following:

- Permitted, conditional, and prohibited uses; and
- Development density

Article 3 includes **Circulation, Connectivity, and Streetscape** requirements. Standards in this Article address the following:

- Sidewalks;
- On-street parking; and
- On-site circulation and off-site connectivity

Article 4 includes **Site Development Standards** intended to ensure that buildings relate appropriately to surrounding developments and streets, promote efficient on-site pedestrian and vehicle circulation, and provide adequate parking in safe and appropriate locations. In particular, standards in this Article address the following:

- General development standards;
- Development bonuses;
- Relationship of buildings to streets and walkways;
- Off-street parking;
- Exterior lighting
- Screening of equipment and utilities;
- Signage;
- Green infrastructure;
- Private common open space and pedestrian amenities;
- Public open space; and
- Drive-through facilities.

Article 5 includes **Building Design Standards** intended to address the physical appearance of buildings subject to this Document. Included are standards to:

- Building entrances;
- Window glazing;
- Shade and shelter;

- Building façade treatment; and
- Ground floor treatment of buildings along an active edge.

Article 6 includes **Definitions** for terms used in this Document.

ARTICLE 1: GENERAL PROVISIONS

1.1. GENERAL INTENT

This Document addresses the physical relationship between development and adjacent properties, streets, neighborhoods, and the natural environment in order to implement the MLK TOD Vision to integrate land use and urban design with transit. The general purposes of this Document are:

1.1.1. To promote the Vision for the MLK TOD Station Area Plan;

1.1.2. To promote TOD principles intended to successfully integrate land use and transit by providing greater density than the community average, a mix of uses, and a quality pedestrian environment around a defined center;

1.1.3. To provide appropriate standards to ensure a high quality appearance for development and redevelopment within the MLK TOD and promote pedestrian-friendly design while also allowing for individuality, creativity, and artistic expression;

1.1.4. To improve the area's access to high quality transit services and create an environment that promotes walking and cycling;

1.1.5. To enhance neighborhoods by encouraging physical development that is of high quality and is compatible with the character and scale of the surrounding area;

1.1.6. To encourage development and redevelopment that relates to and connects with adjoining streets, transit, bikeways, pathways, open spaces, and neighborhoods;

1.1.7. To encourage development that serves people of all incomes and ages and provides a safe and welcoming environment for all types of households.; and

1.1.8. To provide a set of standards that are clear and consistent throughout the TOD to facilitate development, redevelopment, and property assembly, in addition to being flexible and responsive to market conditions and fluctuations.

1.2. APPLICABILITY

1.2.1. General Applicability

This Document applies to all development within the MLK TOD District as shown in Figure 1-1. All properties in the MLK TOD District are designated with a TOD base zoning district. This Document sets forth the regulations for the MLK Station Area TOD base zoning. The relevance of the regulations in Articles 2 through 5 will vary based upon the TOD Subdistrict that applies to a specific piece of property and the type of roadway(s) that is adjacent to it. Figures 1-2 and 1-3 summarize the applicability of each Article and section of this Document.

Figure 1-1: MLK TOD Station Area Boundary



Figure 1-2: Applicability Summary Table – Land Use and Building Density, General Development Standards, Development Bonuses, and Parkland Dedication

Section:	Standard:	Application:
Article 2 Land Use and Building Density:		
2.3 TOD Subdistricts	All standards	All properties in the MLK TOD District shall comply with the standards in this section
Article 4 Site Development Standards:		
4.2 General Development Standards	All standards	All properties in the MLK TOD District shall comply with the standards in this section
4.3 Development Bonuses	4.3.2 Density Bonus	All properties or portions of properties in the Live/Work Flex, TOD Mixed Use, and Corridor Mixed Use Subdistricts are eligible for a density bonus.
	4.3.3 Density & Height Bonus	All properties or portions of properties in the TOD Mixed Use Subdistrict are eligible for a density and height bonus (if base height is less than 60 feet).
4.11 Public Parks and Trails	Parkland Dedication	All development subject to the Parkland Dedication Ordinance (LDC Article 14 Section 25-2-601)

Figure 1-3: Applicability Summary Table – TOD Design Standards
(see Subsection 1.2.3 for general applicability of TOD Design Standards)

Section:	Standard:	Applies to:	Application Details:
Article 3 Circulation, Connectivity, and Streetscape:			
3.3 Sidewalk Standards	All standards	All development	Requirement must be met on all adjacent roadway types
3.4 On-street Parking	All standards	Optional for all development	
3.5 Connectivity and Circulation	3.5.2 Project Circulation Plan	All projects adding a street(s)	Refer to definition of "street" in Article 6
	3.5.3 Block Standards	All development	
	3.5.4 Curb-cut Spacing Standards	All development	
	3.5.5 Curb-cut Dimensional Standards	All development	
	3.5.7 Pedestrian, Bicycle, and Vehicular Connectivity	All development	
Article 4 Site Development Standards:			
4.4 Relationship of Buildings to Streets and Walkways	4.4.3 Building Placement	All development	-Required along the principal street -Corner site provisions apply
	4.4.4 Supplemental Zones	Optional for all development	-Basic Standard for all roadway types -Separate Active Edge standard

Figure 1-3: Applicability Summary Table – TOD Design Standards (cont.)
(see Subsection 1.2.3 for general applicability of TOD Design Standards)

Section:	Standard:	Applies to:	Application Details:
Article 4 Site Development Standards (cont.):			
4.5 Off-street Parking	All standards	All development	Requirement must be met on all adjacent roadway types
4.6 Exterior Lighting	All standards	All development except: single family, single family attached, duplex, two-family, and townhouse development	Requirement must be met on all adjacent roadway types
4.7 Screening of Equipment and Utilities	All standards	All development except local utility services, electric service transformers within the right-of-way, and telecommunications towers	Requirement must be met on all adjacent roadway types
4.8 Sign Regulations	All standards	All development	Requirement must be met on all adjacent roadway types
4.9 Green Infrastructure	All standards	All development except: single family, single family attached, duplex, two-family, and townhouse development	
4.10 Private Common Open Space and Pedestrian Amenities	All standards	All development sites larger than two acres	Projects that utilize a density and/or density & height bonus are exempt from this requirement
4.12 Drive-through Facilities	All standards	Development in the Corridor Mixed Use Subdistrict as specified in Subsection 2.3.8	
Article 5 Building Design Standards:			
5.3 Building Entrances	5.3.1 Building Entrance Standards for Pedestrians	All development	-Required along the principal street and active edges -Corner site provisions apply
	5.3.2 Building Entrance and Exit Standards for Vehicles	All development except: single family, single family attached, duplex, two-family, and townhouse development and emergency service facilities	Corner site provisions apply
5.4 Window Glazing	5.4.3 Window Glazing Standards	All mixed use and non-residential development and development along an active edge	-Required along the principal street -Corner site provisions apply -Exemptions include: building facades facing loading areas, rear service areas, or facades adjoining other buildings (attached to more than 50 percent of the sidewall)
		Development containing only residential units not along an active edge except: single family, single family attached, duplex, two-family, and townhouse development	-Required along the principal street -Same exemptions as above

Figure 1-3: Applicability Summary Table – TOD Design Standards (cont.)
(see Subsection 1.2.3 for general applicability of TOD Design Standards)

Section:	Standard:	Applies to:	Application Details:
Article 5 Building Design Standards (cont.):			
5.5 Shade and Shelter	All standards	All mixed use and non-residential development and development along an active edge	Required along the principal street and along parking adjacent to a building facade
5.6 Building Façade Articulation	All standards	Building facades greater than 100 feet in length	Required along the principal street
		Building facades, or portions of building facades, greater than 40 feet in length	Requirement must be met on all building facades adjacent to any roadway type
5.7 Active Edges	All standards	Development along an active edge designation	Specific use and design requirements apply

1.2.2. Land Use, Density, General Development Standards, Development Bonuses, and Parkland Dedication

A. All properties in the MLK TOD District are subject to the following Articles and Sections of this Document (see Figure 1-2):

1. Article 2, Land Use and Density;
2. Section 4.2, General Development Standards;
3. Section 4.3, Development Bonuses; and
4. Section 4.11, Public Parks and Trails

1.2.3. TOD Design Standards

A. For purposes of applying the design standards in this Document, TOD Design Standards are (see Figure 1-3):

1. Article 3, Circulation, Connectivity, and Streetscape;
2. Article 4, Site Development Standards (except Section 4.2, General Development Standards, Section 4.3, Development Bonuses, and Section 4.11, Public Parks and Trails); and
3. Article 5, Building Design Standards.

B. General Exemptions from the TOD Design Standards

The following types of development are exempt from the TOD Design Standards of this Document:

1. Development that does not require a site plan under Chapter 25-5-2(B), (C), (E), (F), (G), (H), (I), or (J);
2. Interior remodeling of a building, including interior additions; and
3. Development for which public access is prohibited due to health, safety, public security, and welfare reasons.

C. Full Compliance

Except as provided in Subsections B and D, if a particular standard of this Document is applicable to development on a particular site, then that standard shall be applicable to the following activity:

1. New construction on previously undeveloped land; and
2. New construction and site development, including improvements, where all existing buildings have or will be completely demolished or rendered unusable as determined by the Director, and
3. Any new freestanding building added to a site with existing development.

D. Partial Exemptions

For a project that is not subject to Subsections B and C above, the Director shall determine which standards of this Document apply to the project, or a portion of the project, in accordance with the following requirements:

1. The portion of the project where new buildings are constructed or existing buildings are expanded must comply with Section 4.6 (Exterior Lighting), Section 4.7 (Screening of Equipment and Utilities), and the applicable sidewalk requirements in Section 3.3 (Sidewalk Standards).
2. The portion of the project where new buildings, exterior additions to existing buildings, and remodeled facades are constructed must comply with the requirements of Article 5 (Building Design Standards).
3. Subject to the requirements in Paragraphs a-c of this subsection, all new buildings and additions to existing buildings must comply with the applicable building placement requirements in Section 4.4:

    a. Full compliance with building placement requirements is required unless the Director determines that it cannot be achieved due to:

        (i) The location of existing buildings or other improvements to be retained on the site;
        (ii) The size or magnitude of the proposed addition;
        (iii) The nature of a use to be included in a proposed addition to an existing building that limits placement of that use on the site;
        (iv) Topography, protected trees, or critical environmental features; or
        (v) The location of water quality or detention facilities.

    b. An applicant must carry the burden of establishing that full compliance with building placement requirements cannot be achieved under the criteria in Paragraph a. and must provide all information requested by the Director.
    c. If the Director determines that full compliance cannot be achieved based on the criteria in Paragraph a, an applicant must comply with the building placement requirements to the extent possible.

1.2.4. Exemption from Subchapter E of the Land Development Code

For the area within the MLK TOD District (Figure 1-1), this Document shall control and supersedes all standards and regulations in Chapter 25-2 Document E: Design Standards and Mixed Use.

1.2.5. Conflicting Provisions

If the provisions of this Document are inconsistent with provisions found in other adopted codes, ordinances, or regulations of the City of Austin, this Document shall control unless otherwise expressly provided.

1.2.6. Accessibility

Accessibility, integration and inclusion of people with disabilities are fundamental components of our vision for the future of the City of Austin. This Document shall not supersede any applicable state or federal accessibility statutes and regulations. Administration and enforcement of this Document shall comply with all such statutes and regulations.

1.2.7. State and Federal Facilities

Compliance with the standards of this Document at all state and federal facilities is strongly encouraged so that the TOD Vision for the MLK Station Area is supported and reinforced.

1.3. REVIEW PROCESS

1.3.1. Standards Applicable During Subdivision Plan Review

The standards contained in the following sections of this Document shall be applied in the normal review process for subdivision plans as set forth in Chapter 25-4 of the Austin Code:

A. Article 2, Land Use and Building Density;

B. Section 3.5, Connectivity and Circulation

C. Section 4.2, General Development Standards;

D. Section 4.10, Private Common Open Space and Pedestrian Amenities; and

E. Section 4.11, Public Parks and Trails

In addition to meeting the review criteria specified in Chapter 25-4, each subdivision plan application shall evidence compliance with the standards listed above.

1.3.2. Standards Applicable During Site Plan Review

The standards contained in the following sections of this Document shall be applied in the normal review process for site plans as set forth in Chapter 25-5 of the Austin Code:

A. Article 2, Land Use and Building Density;

B. Article 3, Circulation, Connectivity, and Streetscape;

C. Article 4, Site Development Standards; and

D. Section 5.5, Shade and Shelter

In addition to meeting the review criteria specified in Chapter 25-5, each site plan application shall evidence compliance with the standards listed above.

1.3.3. Standards Applicable During Building Permit Review

The standards contained in the following sections of this Document shall be applied in the normal review process for building permits as set forth in Chapter 25-11 of the Austin Code:

A. Section 4.6, Exterior Lighting (for fixtures affixed to buildings);

B. Section 4.7, Screening of Equipment and Utilities (for fixtures affixed to buildings); and

C. Article 5, Building Design Standards.

In addition to meeting the review criteria specified in Chapter 25-11, each building permit application shall evidence compliance with the standards listed above.

1.4. ALTERNATIVE EQUIVALENT COMPLIANCE

1.4.1. Purpose and Scope

To encourage creative and original design, and to accommodate projects where the particular site conditions or the proposed use prevent strict compliance with this Document, alternative equivalent compliance allows development to occur in a manner that meets the intent of this Document, yet through an alternative design that does not strictly adhere to the Document's standards. The procedure is intended to be used for relief from a specific design standard or standards, and it is not a general waiver of regulations.

1.4.2. Applicability

The alternative equivalent compliance procedure shall be available only for the following sections of this Document:

A. Section 3.3 - Sidewalk Standards;

B. Section 3.4 – On-street Parking;

C. Section 3.5 Connectivity and Circulation;

D. Section 4.4 - Relationship of Buildings to Streets and Walkways;

E. Subsection 4.5.5 - Parking Design Standards

F. Section 4.6 - Exterior Lighting;

G. Section 4.7 - Screening of Equipment and Utilities;

H. Section 4.8 – Sign Regulations

I. Section 4.9 – Green Infrastructure

J. Section 4.10 – Private Common Open Space and Pedestrian Amenities;

K. Section 4.12 – Drive-through Facilities; and

L. Article 5 - Building Design Standards.

1.4.3. Procedure

The applicant may select at his or her discretion whether to seek an informal recommendation or a formal approval on a proposal for alternative compliance.

A. Option One: Informal Recommendation

1. Pre-Application Conference Required

If an applicant desires only an informal response and recommendation as to a proposal for alternative compliance, he or she shall request and attend a pre-application conference prior to submitting the site plan and/or building permit application for the development. At the conference, the applicant shall provide a written summary of the project and the proposed alternative compliance, and the Director shall offer an informal, non-binding response and recommendation regarding the appropriateness of the proposed alternative. Based on that response, the applicant may prepare a site plan and/or building permit application that proposes alternative compliance, and such application shall include sufficient explanation and justification, in both written and graphic form, for the alternative compliance requested.

2. Decision-Making Responsibility

Final approval of any alternative compliance proposed under this section shall be the responsibility of the decision-making body responsible for deciding upon the application. The final decision-making body for site plans is the either the Director or the appropriate Land Use Commission, as specified in Chapter 25-5, and the building official for building permits.

B. Option Two: Formal Decision

1. Pre-Application Conference

If an applicant desires formal approval of a proposal for alternative compliance, he or she shall request and attend a pre-application conference prior to submitting the site plan and/or building permit application for the development.

2. Alternative Compliance Concept Plan Required

At least ten days prior to the pre-application conference, the applicant shall submit an alternative compliance concept plan application to the Director, which shall include:

a. A written description of and justification for the proposed alternative method of compliance, specifically addressing the criteria in Subsection 1.4.4; and

b. A concept plan that describes and illustrates, in written and graphic format, the intended locations and quantities of proposed buildings on the site, the layout of proposed vehicle and pedestrian access and circulation systems, and areas designated to meet requirements for open space, parking, on-site amenities, utilities, and landscape. The concept plan shall describe the site's topography and shall provide a general description of environmental characteristics to assist in determining compliance with this Document. If alternative compliance is requested from the standards of Article 5 Building Design Standards, the concept plan also shall include descriptions and illustrations of the proposed

building design elements that would not comply with the standards of this Document.

3. Decision by Director

The Director, in coordination with the Urban Design Division in the Neighborhood Planning and Zoning Department, shall review the concept plan for compliance with the criteria in Subsection 1.4.4 and shall approve, approve with conditions, or deny the concept plan in writing.

4. Expiration of Alternative Compliance Concept Plans

a. An approved alternative compliance concept plan shall expire if three years pass following its approval and no building permit that implements the concept plan has been issued.

b. One, one-year extension may be issued by the Director provided that a written request has been received prior to the expiration of the concept plan, and the Director has determined that no major changes in the City's development standards, or changes in the development pattern of the surrounding properties, have occurred.

5. Effect of Approval

Written approval of an alternative compliance concept plan does not authorize any development activity, but rather authorizes the applicant to prepare a site plan and/or building permit application that incorporates the approved alternative compliance, and authorizes the decision-making body (either the Land Use Commission or the Director for site plans, and the building official for building permits) to review the site plan and/or building permit application for compliance with the alternative compliance concept plan, in addition to all other applicable requirements. The site plan and/or building permit application shall include a copy of the approved alternative compliance concept plan.

6. Amendments to Alternative Compliance Concept Plans

a. Minor amendments to any approved alternative compliance concept plan may be approved, approved with conditions, or denied administratively by the Director. For purposes of this provision, minor amendments are those that do not result in:

(i) An increase of 10 percent or more in the amount of square footage of a land use or structure;

(ii) A change in the types of uses in the project;

(iii) An increase or decrease of 20 percent or more in the number of dwelling units in the project; or

(iv) A change that would bring the project out of compliance with any requirement or regulation set forth in the City Code outside this Document unless a variance to or waiver from such requirement or regulation is obtained.

b. Amendments that are not determined by the Director to be minor amendments under Subsection a. above shall be deemed major amendments. The applicant may seek approval of a major amendment by re-submitting the original approved plan along with the proposed amendment to the Director for review in the same manner prescribed in Subsection B.2. above.

c. If any site plan and/or building permit application includes a major amendment from the terms of the approved concept plan that has not been approved by the Director, the concept plan shall be void and the application shall be reviewed for compliance with the standards of this Document and all other applicable requirements.

1.4.4. Criteria

Alternative equivalent compliance may be approved only if the applicant demonstrates that the following criteria have been met:

A. The proposed alternative will perform as well or better than the standard or standards being modified and achieves the intent of the subject Article of this Document from which the alternative is sought; or

B. The proposed alternative achieves the intent of the subject Article of this Document from which the alternative is sought to the maximum extent practicable and is necessary because:

1. Physical characteristics unique to the subject site (such as, but not limited to, slopes, size, shape, and vegetation) make strict compliance with the subject standard impracticable or unreasonable; or

2. Physical design characteristics unique to the proposed use or type of use make strict compliance with the subject standard impracticable or unreasonable.

C. In the case of multiple alternative equivalent compliance or variance requests, the Director shall consider the cumulative affect they would have on meeting the intent statements in Sections 1.1, 2.2, 3.1, 4.1, or 5.1.

1.4.5. Effect of Approval

Alternative compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

1.5. NONCONFORMING USES AND NONCOMPLYING STRUCTURES

All properties within the MLK Station Area shall remain subject to Article 7 Nonconforming Uses and Article 8 Noncomplying Structures in the City LDC Sections 25-2-941 through 25-2-964. With reference to Article 7, all uses are governed by Group "D" regulations prescribed by Section 25-2-947.

1.6. TEXT AND GRAPHICS WITHIN THIS DOCUMENT

This Document was created with numerous images to enhance understanding and comprehension by providing visual aids to some of the standards. However, in the event of a conflict or inconsistency between the text of this document and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and pictures contained in this Document are by way of example only and are not substantive requirements. Such graphics and pictures demonstrate one method of compliance with the standards set forth in this Document but do not preclude other methods for achieving compliance.

ARTICLE 2: LAND USE AND BUILDING DENSITY

2.1. APPLICABILITY

Regulation:	Application:
Article 2 **Land Use and Density**	All properties in the MLK TOD District must comply with the standards in this section

2.2. INTENT

The TOD Subdistricts are used as a tool to create lively, walkable, healthy, livable areas where people are able to reduce vehicle usage without sacrificing access to neighborhood amenities. To accomplish this, the intent of Article 2 is to:

2.2.1. Encourage transit-supportive land uses, which generally have higher densities near transit stops, thereby promoting greater transit ridership;

2.2.2. Create opportunities for shorter, multi-purpose trips by encouraging a mix of uses within the MLK TOD District;

2.2.3. Locate the highest level of activity and mix of uses in the TOD District around transit and along major streets; and

2.2.4. Provide for and encourage development and redevelopment that contains a compatible mix of residential, commercial services, and employment within close proximity to each other and to transit.

2.3. TRANSIT-ORIENTED DEVELOPMENT SUBDISTRICTS

2.3.1. TOD Subdistricts General

A. Subdistrict Types and Location

1. MLK TOD Subdistricts are divided into residential and mixed use categories.
2. The location of the residential and mixed-used Subdistricts in the MLK TOD District is depicted in Figure 2-1.

B. Residential

1. There are two residential Subdistricts: TOD Low Density Residential and TOD Medium Density Residential.

2. The Residential Subdistricts impose minimum density limits since a principal goal of TOD is to concentrate people and activity centers around transit and achieve a density higher than the surrounding community average.
3. Residential Subdistricts are intended exclusively for residential uses.

C. Mixed-Use

1. There are three Mixed Use Subdistricts: Live/Work Flex, TOD Mixed-Use, and Corridor Mixed-Use.
2. Mixed-use Subdistricts permit and encourage, but do not require, combinations of commercial, office, light manufacturing, civic, and residential uses within a building or a site.
3. In key locations, designated as "active edges" on Figure 2-1, ground floor space must be designed to accommodate active non-residential uses as established in Section 5.7.
4. The Live/Work Flex Subdistrict also imposes a minimum density, as it is intended to function primarily as a residential district due to its proximity to existing lower density neighborhoods adjacent to the TOD.
5. The TOD Mixed Use Subdistrict achieves a minimum density using a minimum height requirement instead of a minimum number of units, as required in the Residential and Live/Work Flex Subdistricts. This allows for more flexibility in certain areas of the TOD to accommodate projects that contain either residential or non-residential development or both.
6. The Mixed Use Subdistricts vary in terms of use, development intensity, and level of urban character.

2.3.2. MLK Station Area Plan Land Use and Design Concept Plan Map

The Land Use and Design Concept Plan Map (Figure 2-1) shows the extent of each Subdistrict within the MLK TOD District.

2.3.3. TOD Low Density Residential Subdistrict

A. Typology

Low Density Residential is considered "low" in the context of a TOD District, since development may be a step up in density from surrounding single-family neighborhoods. It allows for development such as single-

family homes, townhomes, rowhouses, and lower density condominium and apartment development.

B. Density Standards

1. Minimum Density: 9 dwelling units per acre.

2. Maximum Density: 16 dwelling units per acre.

C. Land Use

Permitted, conditional, and prohibited uses are shown in Figure 2-2.

2.3.4. TOD Medium Density Residential Subdistrict

A. Typology

Medium Density Residential is typically the primary residential zone outside of the mixed-use Subdistricts. The Medium Density Residential Subdistrict provides for a wide range of many housing types, including rowhouses, and moderate density apartment and condominium development.

B. Density Standards

1. Minimum Density: 17 Dwelling Units per acre.

2. Maximum Density: 45 Dwelling Units per acre.

C. Land Use

Permitted, conditional, and prohibited uses are shown in Figure 2-2.

2.3.5. TOD Live / Work Flex Subdistrict

A. Typology

Live /Work units are a type of mixed-use development combining commercial, office, and/or light manufacturing space within the same structure as a residential living space for the business owner. They have similar benefits to mixed-use development and may eliminate altogether the need to commute to work. In addition, they can provide affordable work and housing space, meet the needs of special groups such as artisans, and serve to incubate new businesses. The Live/Work Flex Subdistrict is intended to be a predominantly residential area that allows for some specific non-residential use. Residential is a required use of this Subdistrict. If non-residential is provided as a component, connecting commercial and residential units is not required.

B. Density Standards:

1. Minimum Density: 17 Dwelling Units per acre.
2. Maximum Density: 45 Dwelling Units per acre (unless a development bonus is utilized); maximum Floor Area Ratios (FAR) are established in Subsection 4.2.8.

C. Land Use

Permitted, conditional, and prohibited uses are shown in Figure 2-2.

2.3.6. TOD Mixed-Use Subdistrict

A. Typology

TOD Mixed-Use is the most intensively developed land use zone and will typically be expressed as high density residential over active ground floor uses, such as retail. This land use designation is concentrated near the transit station and along primary streets that lead to it. In specific TOD Mixed Use locations, active edges are drawn to define the orientation of the buildings and the ideal location of retail frontage. Typically active edges are at key intersections along major streets and along streets with high visibility. Active edges require that the ground floor space be designed to accommodate non-residential uses and have a higher design standard to promote the urban character of the area and generally allow the same types of uses as in the TOD Mixed Use Subdistrict. Specific design standards pertaining to active edges are in Article 5.

B. Density Standards:

1. Minimum Density: There is no minimum density but a minimum of two stories is required as established in Subsection 4.2.9.
2. Maximum Density: 45 Dwelling Units per acre (unless a development bonus is utilized); maximum Floor Area Ratios (FAR) are established in Subsection 4.2.8.

C. Land Use

Permitted, conditional, and prohibited uses are shown in Figure 2-2.

2.3.7. TOD Corridor Mixed-Use Subdistrict

A. Typology

TOD Corridor Mixed Use is the most permissive Mixed Use Subdistrict in terms of use and does not require that ground floor space be designed to accommodate active non-residential uses, although it is encouraged. This Subdistrict is generally located on arterial streets farther away from the transit station, and as such, no minimum density is required. A wide array of retail, office, and residential uses are permitted.

B. Density Standards:

1. Minimum Density: None

2. Maximum Density: 45 Dwelling Units per acre (unless a development bonus is utilized); maximum Floor Area Ratios (FAR) are established in Subsection 4.2.8.

C. Land Use

Permitted, conditional, and prohibited uses are shown in Figure 2-2.

2.3.8. Drive-through Facilities

A. A drive-through facility is allowed only in the Corridor Mixed Use Subdistrict.

B. A restaurant use with a drive-through facility is prohibited throughout the TOD District.

C. A drive-through facility shall comply with the standards in Section 4.12.

2.3.9. Land Use Summary Table

The Land Use Summary Table in Figure 2-2 establishes the permitted, conditional, and prohibited uses according to TOD Subdistrict and any additional regulations that apply to a particular use in a specific subdistrict

Figure 2-1: MLK Station Area Plan TOD Subdistricts

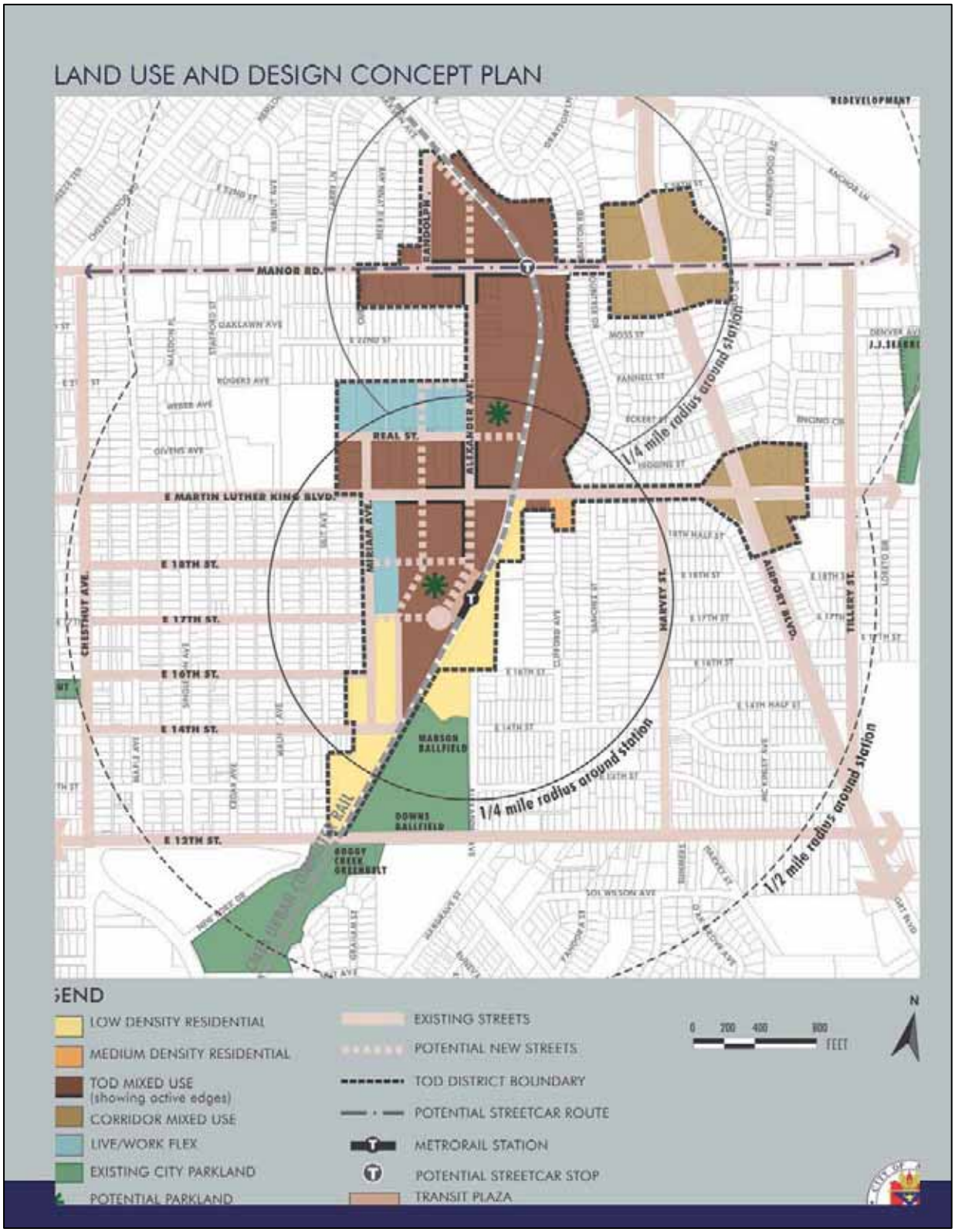


Figure 2-2: MLK TOD DISTRICT LAND USE TABLE

P = Permitted Use C = Conditional Use -- = Prohibited

RESIDENTIAL USES	Low Density Residential	Medium Density Residential	Live / Work Flex	TOD Mixed Use	Corridor Mixed Use	ADDITIONAL REQUIREMENTS
Bed & Breakfast (Group 1)	P	P	P	P	P	
Bed & Breakfast (Group 2)	P	P	P	P	P	
Condominium Residential	P	P	P	P	P	
Duplex Residential	P	P	--	--	--	
Group Residential	P	P	P	P	P	
Mobile Home Residential	--	--	--	--	--	
Multifamily Residential	P	P	P	P	P	
Retirement Housing (Small Site)	P	P	--	P	P	
Retirement Housing (Large Site)	P	P	--	P	P	
Single-Family Attached Residential	P	P	--	--	--	
Single-Family Residential	P	P	--	--	--	
Townhouse Residential	P	P	P	--	--	
Two-Family Residential	P	P	--	--	--	
COMMERCIAL USES	**Low DR**	**Med DR**	**L / W Flex**	**TOD MU**	**Corridor MU**	**ADDITIONAL REQUIREMENTS**
Administrative and Business Offices	--	--	P	P	P	
Agricultural Sales and Services	--	--	--	--	--	
Art Gallery	--	--	P	P	P	
Art Workshop	--	--	P	P	P	

Figure 2-2: MLK TOD DISTRICT LAND USE TABLE

P = Permitted Use C = Conditional Use -- = Prohibited

COMMERCIAL USES	Low DR	Med DR	L / W Flex	TOD MU	Corridor MU	ADDITIONAL REQUIREMENTS
Automotive Rentals	--	--	--	P	P	All fleet cars, in addition to required parking, The use must meet must meet all applicable design requirements in this Document. A maximum of 10 fleet cars is allowed in the TOD Mixed Use Subdistrict and a maximum of 20 fleet cars is allowed in the Corridor Mixed Use Subdistrict.
Automotive Repair Services	--	--	--	--	P	
Automotive Sales	--	--	--	--	P	
Automotive Washing (of any type)	--	--	--	--	P	Not allowed within 100' of corner. The use must meet must meet all applicable design requirements in this Document.
Bail Bond Services	--	--	--	--	--	
Building Maintenance Services	--	--	--	--	--	
Business or Trade School	--	--	--	P	P	
Business Support Services	--	--	--	P	P	
Campground	--	--	--	--	--	
Carriage Stable	--	--	--	--	--	
Cocktail Lounge	--	--	--	C	C	
Commercial Blood Plasma Center	--	--	--	--	P	Permitted subject to LDC Section 25-2-803
Commercial Off-Street Parking	--	--	--	P	P	A commercial off-street parking use may not exceed one acre in site size. It may not be located within 100 feet of a corner. Not more than one commercial off-street parking use site may be located within a single block. The use must meet must meet all applicable design requirements in this Document.
Communications Services	--	--	--	P	P	
Construction Sales and Services	--	--	--	--	P	
Consumer Convenience Services	--	--	--	P	P	
Consumer Repair Services	--	--	P	P	P	
Convenience Storage	--	--	--	--	--	
Drop-Off Recycling Collection Facility	--	--	--	--	--	
Electronic Prototype Assembly	--	--	--	--	--	

Figure 2-2: MLK TOD DISTRICT LAND USE TABLE

P = Permitted Use C = Conditional Use -- = Prohibited

COMMERCIAL USES (cont.)	Low DR	Med DR	L / W Flex	TOD MU	Corridor MU	ADDITIONAL REQUIREMENTS
Electronic Testing	--	--	--	--	--	
Equipment Repair Services	--	--	--	--	P	
Equipment Sales	--	--	--	--	P	
Exterminating Services	--	--	--	--	--	
Financial Services	--	--	P	P	P	
Food Preparation	--	--	P	P	P	Maximum size of 2000 gross square feet in Live/Work Subdistrict.
Food Sales	--	--	P	P	P	Maximum size of 2000 gross square feet in Live/Work Subdistrict.
Funeral Services	--	--	--	--	P	
General Retail Sales (Convenience)	--	--	P	P	P	
General Retail Sales (General)	--	--	P	P	P	Maximum size of 2000 gross square feet in Live/Work Subdistrict.
Hotel-Motel	--	--	--	P	P	
Indoor Entertainment	--	--	--	--	P	
Indoor Sports and Recreation	--	--	--	--	P	
Kennels	--	--	--	P	P	A kennel use must be conducted entirely within an enclosed structure.
Laundry Services	--	--	--	P	P	No bulk laundry and cleaning plant, diaper services, or linen supply services allowed in TOD Mixed Use.
Liquor Sales	--	--	--	P	P	
Marina	--	--	--	--	--	
Medical Offices -- exceeding 5,000 sq. ft. gross floor area	--	--	--	P	P	
Medical Offices -- not exceeding 5,000 sq. ft. gross floor area	--	--	P	P	P	Maximum size of 2000 gross square feet in Live/Work Subdistrict.
Monument Retail Sales	--	--	--	--	--	
Off-Site Accessory Parking	--	--	--	P	P	An off-street accessory parking use may not exceed one acre in site size. It may not be located within 100 feet of a corner. Not more than one off-site accessory parking use site may be located within a single block. The use must meet must meet all applicable design requirements in this Document.

Figure 2-2: MLK TOD DISTRICT LAND USE TABLE

P = Permitted Use C = Conditional Use -- = Prohibited

COMMERCIAL USES (cont.)	Low DR	Med DR	L / W Flex	TOD MU	Corridor MU	ADDITIONAL REQUIREMENTS
Outdoor Entertainment	--	--	--	--	--	
Outdoor Sports and Recreation	--	--	--	--	--	
Pawn Shop Services	--	--	--	--	C	
Personal Improvement Services	--	--	P	P	P	
Personal Services	--	--	P	P	P	
Pet Services	--	--	P	P	P	Maximum size of 2000 gross square feet in Live/Work Subdistrict
Plant Nursery	--	--	--	--	P	
Printing and Publishing	--	--	--	--	P	
Professional Office	--	--	P	P	P	
Recreational Equipment Maintenance & Storage	--	--	--	--	--	
Recreational Equipment Sales	--	--	--	--	--	
Research Assembly Services	--	--	--	--	--	
Research Services	--	--	--	--	--	
Research Testing Services	--	--	--	--	--	
Research Warehousing Services	--	--	--	--	--	
Restaurant (General)	--	--	--	P	P	
Restaurant (Limited)	--	--	--	P	P	
Scrap and Salvage	--	--	--	--	--	
Service Station	--	--	--	--	P	A service station use may have the capability of fueling not more than eight vehicles at one time.
Software Development	--	--	P	P	P	
Special Use Historic	C	C	C	C	C	Use must comply with the requirements of LDC Section 25-2-807
Stables	--	--	--	--	--	
Theater	--	--	--	P	P	
Vehicle Storage	--	--	--	--	P	
Veterinary Services	--	--	--	P	P	A veterinary services use must be conducted entirely within an enclosed structure.

Figure 2-2: MLK TOD DISTRICT LAND USE TABLE

P = Permitted Use C = Conditional Use -- = Prohibited

CIVIC USES	Low DR	Med DR	L / W Flex	TOD MU	Corridor MU	ADDITIONAL REGULATIONS
Administrative Services	--	--	--	P	P	
Aviation Facilities	--	--	--	--	--	
Camp	--	--	--	--	--	
Cemetery	--	--	--	--	--	
Club or Lodge	--	--	--	--	C	
College and University Facilities	--	--	--	P	P	
Communication Service Facilities	P	P	P	P	P	
Community Events	--	--	--	--	--	
Community Recreation (Private)	P	P	P	P	P	
Community Recreation (Public)	P	P	P	P	P	
Congregate Living	P	P	P	P	P	
Convalescent Services	P	P	P	--	P	
Convention Center	--	--	--	--	--	
Counseling Services	--	--	P	P	P	
Cultural Services	--	--	--	P	P	
Day Care Services (Commercial)	P	P	P	P	P	
Day Care Services (General)	P	P	P	P	P	
Day Care Services (Limited)	P	P	P	P	P	
Detention Facilities	--	--	--	--	--	
Employee Recreation	--	--	--	--	--	
Family Home	P	P	P	P	P	
Group Home, Class I (Limited)	P	P	P	P	P	
Group Home, Class I (General)	C	C	C	P	P	
Group Home, Class II	--	--	C	C	P	
Guidance Services	--	--	P	P	P	

Figure 2-2: MLK TOD DISTRICT LAND USE TABLE

P = Permitted Use C = Conditional Use -- = Prohibited

CIVIC USES (cont.)	Low DR	Med DR	L / W Flex	TOD MU	Corridor MU	ADDITIONAL REGULATIONS
Hospital Services (Limited)	--	--	--	P	P	
Hospital Services (General)	--	--	--	--	C	
Local Utility Services	C	C	C	C	P	
Maintenance and Service Facilities	--	--	--	--	--	
Major Utility Facilities	--	--	--	--	--	
Military Installations	--	--	--	--	--	
Park and Recreation Services (General)	P	P	P	P	P	
Park and Recreation Services (Special)	--	--	--	--	--	
Postal Facilities	--	--	--	--	--	
Private Primary Educational Facilities	P	P	P	P	P	
Private Secondary Educational Facilities	P	P	P	P	P	
Public Primary Educational Facilities	P	P	P	P	P	
Public Secondary Educational Facilities	P	P	P	P	P	
Qualified Community Garden	P	P	P	P	P	Subject to LDC Section 8-4
Railroad Facilities	--	--	--	--	--	
Religious Assembly	P	P	P	P	P	
Residential Treatment	--	C	C	C	P	
Safety Services	C	C	P	P	P	
Telecommunication tower	P	P	P	P	P	Subject to LDC Section 25-2-839 (13-2-235 and 13-2-273). A telecommunications tower must be located on top of a building or be an architectural component of the building. Free standing towers are prohibited.
Transitional Housing	--	--	--	--	C	
Transportation Terminal	--	--	--	P	P	Use is conditional if operated by a private entity

Figure 2-2: MLK TOD DISTRICT LAND USE TABLE

P = Permitted Use C = Conditional Use -- = Prohibited

INDUSTRIAL USES	Low DR	Med DR	L / W Flex	TOD MU	Corridor MU	ADDITIONAL REQUIREMENTS
Basic Industry	--	--	--	--	--	
Custom Manufacturing	--	--	P	P	P	
General Warehousing and Distribution	--	--	--	--	--	
Light Manufacturing	--	--	P	--	--	
Limited Warehousing and Distribution	--	--	--	--	--	
Recycling Center	--	--	--	--	--	
Resource Extraction	--	--	--	--	--	
Stockyards	--	--	--	--	--	
AGRICULTURAL USES	**Low DR**	**Med DR**	**L / W Flex**	**TOD MU**	**Corridor MU**	**ADDITIONAL REQUIREMENTS**
Animal Production	--	--	--	--	--	
Crop Production	--	--	--	--	--	
Horticulture	--	--	--	--	--	
Support Housing	--	--	--	--	--	
Urban Farm	--	--	--	--	--	

ARTICLE 3: CIRCULATION, CONNECTIVITY AND STREETSCAPE

3.1. INTENT

The standards of Article 3 are intended to:

3.1.1. Ensure that site design promotes efficient pedestrian and vehicle circulation patterns;

3.1.2. Ensure the creation of a high-quality street and sidewalk environment that is supportive of pedestrian and transit mobility and that is appropriate to the roadway context;

3.1.3. Provide a convenient, safe, and pleasant pedestrian system appropriate for people of all ages and abilities;

3.1.4. Ensure that trees, sidewalks, and buildings – three of the major elements that make up a streetscape – are arranged in a manner that supports the creation of a safe, human-scaled, and well-defined roadway environment;

3.1.5. Ensure that there are multiple travel route options for all transportation modes in and around the TOD District;

3.1.6. Ensure that vehicular parking is accommodated in a manner that enriches and supports, rather than diminishes, the roadside pedestrian environment, and that does not create a barrier between the roadside environment and the roadside buildings; and

3.1.7. Ensure that sites are developed in a manner that supports and encourages connectivity for all modes of travel and that new and existing development, pedestrian and bicycle paths, and open spaces complement and link to one another.

3.2. OVERVIEW OF ROADWAY TYPES

3.2.1. Applicability is Based on Adjacent Roadway and Type of Development

This Document recognizes that transportation facility design must be integrated with the land uses and development it serves. The provisions in this Article focus on creating or maintaining circulation and easy access for all modes of travel. Because roadways provide both access to a site and define the urban design framework of the city, roadway types are used in this Article as an organizing tool to establish street and pedestrian facility standards. This approach is intended to help ensure a cohesive

development pattern along streets and to create safe, pleasant, and convenient walking environments.

The following types of roadways are identified in this Document:

A. TOD Core Transit Corridors include roadways that have or will have a sufficient population density, mix of uses, and transit facilities to encourage and support transit use. TOD Core Transit Corridors are shown in Figure 3-4, Circulation Concept Plan. These streets carry, or are intended to carry, the highest level of vehicular, transit, and possibly pedestrian flow and have the highest level of visibility, being most appropriate for non-residential and mixed use development (see Figure 3-1).

B. TOD Pedestrian Priority Streets are roadways that serve as primary pedestrian routes within the MLK TOD Station Area boundaries shown in Figure 3-4. These streets typically lead directly to a transit facility and together with the TOD Core Transit Corridors, form an interconnected street network (see Figure 3-2).

C. TOD Local Streets are existing or new streets within the MLK TOD SAP boundary not designated as either a TOD Core Transit Corridor or Pedestrian Priority Street, as shown in Figure 3-4. These streets make up the finer grained street network; while pedestrian accommodation is still prioritized, it is not at the level of the other two roadway types (see Figure 3-3).



Figure 3-1: Example of a TOD Core Transit Corridor (South Congress)

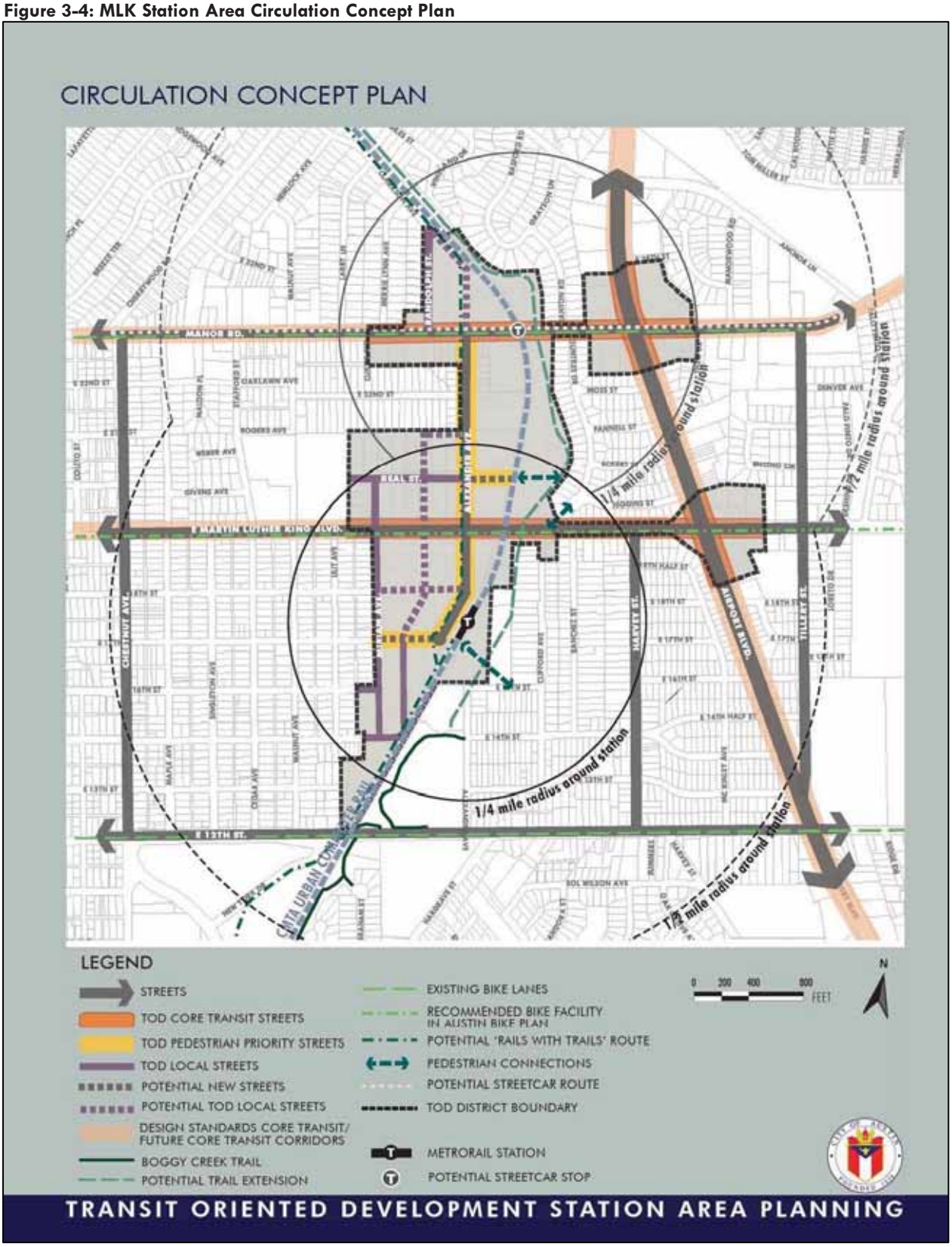


Figure 3-2: Example of a TOD Pedestrian Priority Street



Figure 3-3: Example of a TOD Local Street

Figure 3-4: MLK Station Area Circulation Concept Plan



3.3. SIDEWALK STANDARDS

3.3.1. Applicability

Article 3 Circulation, Connectivity, and Streetscape:	Applies to:	Application Details:
Section 3.3 Sidewalk Standards	All development	Requirement must be met on all adjacent roadway types

3.3.2. TOD Core Transit Corridors

A. In order to create an environment that is supportive of pedestrian and transit mobility, public sidewalks shall be located along both sides of all TOD Core Transit Corridors. No sidewalk shall be less than 15 feet in width, unless otherwise approved as part of the site plan review process. The 15-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 15-foot minimum requirement, with a sidewalk easement provided. Sidewalks shall consist of two zones: a street tree/furniture zone located adjacent to the curb, and a clear zone (see Figure 3-5). The following standards shall apply:

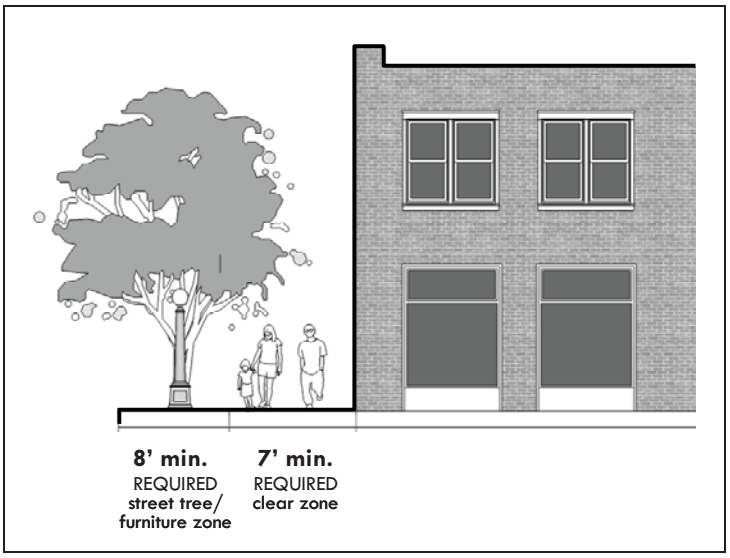


Figure 3-5: TOD Core Transit Corridor sidewalk requirements. Street trees are required along TOD Core Transit Corridors with an average spacing not greater than 30 feet on center.

1. **Street Tree/Furniture Zone**
   - **a.** The street tree/furniture zone shall have a minimum width of eight feet (from face of curb) and shall be continuous and located adjacent to the curb.
   - **b.** The zone shall be planted with street trees at an average spacing not greater than 30 feet on center. The Watershed Protection and Development Review maintains a list of acceptable street trees for purposes of this section.
   - **c.** In addition, while not required, the zone is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility (see Figure 3-6).



Figure 3-6: Street tree/furniture zone

2. **Clear Zone**
   The clear zone shall be a minimum width of seven feet, shall be hardscaped, shall be located adjacent to the street tree/furniture zone, and shall comply with ADA and Texas Accessibility Standards. The clear zone shall be unobstructed by any permanent or nonpermanent element for a minimum width of seven feet and a minimum height of eight feet (see Figure 3-7).



Figure 3-7: Clear zone example

3. **Utilities**
   - **a.** All utility lines shall be underground from the building to the property line. Utility lines within the right-of-way shall be placed underground or relocated to the rear of the site to the maximum extent practicable (see Figure 3-8).

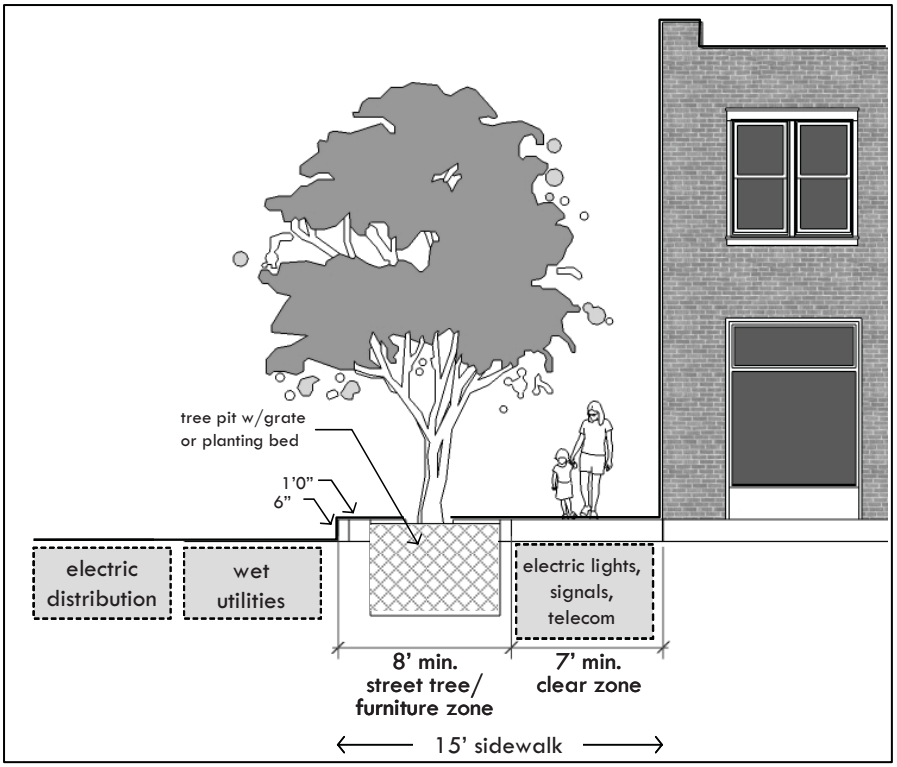


Figure 3-8: TOD Core Transit Corridor with underground utilities.

b. Where electric utilities remain overhead and are located behind the curb, an overhead utility zone shall be provided so that no portion of the building is located within a 10-foot radius of the energized conductor. In addition, street trees shall be set back from an energized conductor by a minimum of ten feet as measured from the centerline of the tree. Options for street tree planting and sidewalk placement in combination with overhead utilities are illustrated in Figures 3-9 and 3-10.

c. Utility compatible trees may be used so that the trees can be located beneath, rather than offset from, the overhead electric utilities if one of the following conditions is met:

(i) If the depth of a lot is 120 feet or less and electric utilities remain overhead and are located behind the curb; or

(ii) If, in order to meet all of the requirements of this section, the building façade would be required to set back 30 feet or more beyond the curb face (Note: if the

requirements of this section can be met within existing right-of-way, utility compatible trees may not be used).

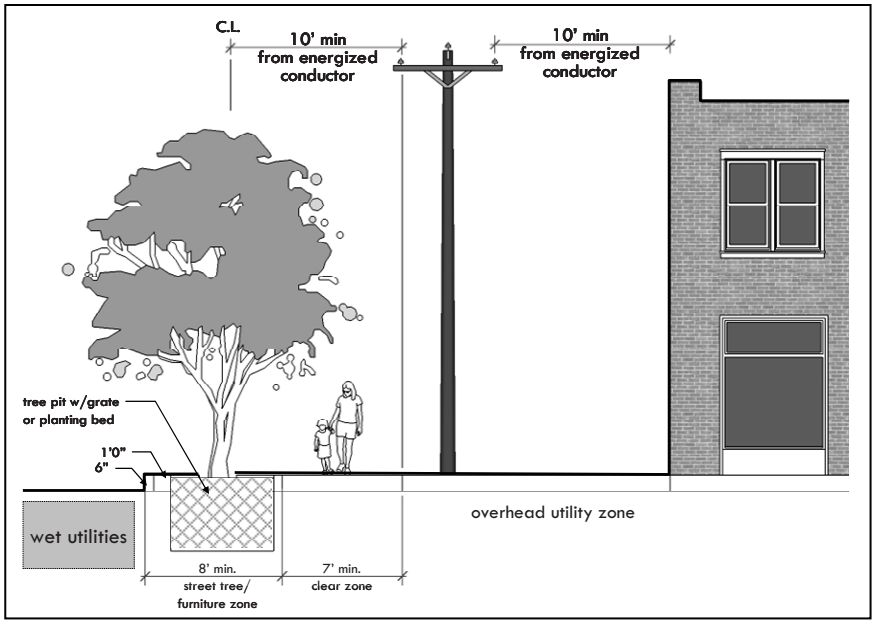


Figure 3-9: TOD Core Transit Corridor with overhead utility zone.

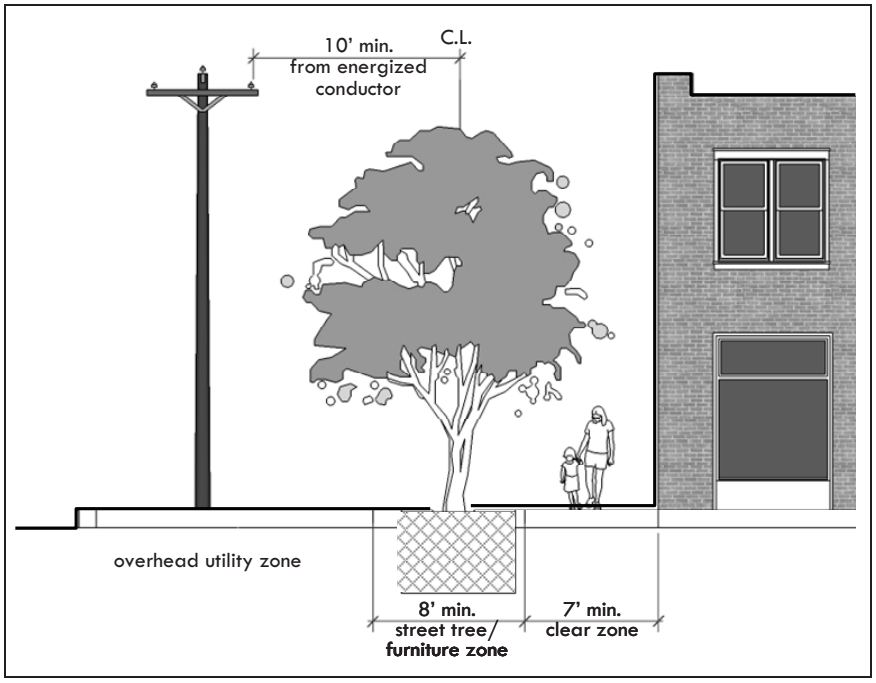


Figure 3-10: TOD Core Transit Corridor with overhead utilities at curb.

4. Alternative Requirements for Shallow Lots

On lots with a depth of 150 feet or less, the total sidewalk may be reduced to 12 feet, consisting of a seven-foot minimum street tree/furniture zone and a five-foot clear zone.

5. Alternative Requirements for Properties Located at the Intersections of Manor Road and Airport Blvd. and MLK Jr. Blvd. and Airport Blvd.

In order to create a more consistent sidewalk environment, because there are properties that abut the TOD District that are required to meet the Urban Roadway sidewalk standards in Subchapter E, the properties at the intersections of Manor Road and Airport Blvd. and MLK Jr. Blvd. and Airport Blvd. (that are within the TOD boundary extensions in Figure 3-11) may meet the sidewalk standards of a TOD Pedestrian Priority Street as described below instead of the TOD Core Transit Corridor sidewalk standards. At a minimum, the TOD Pedestrian Priority sidewalk standards shall be met.

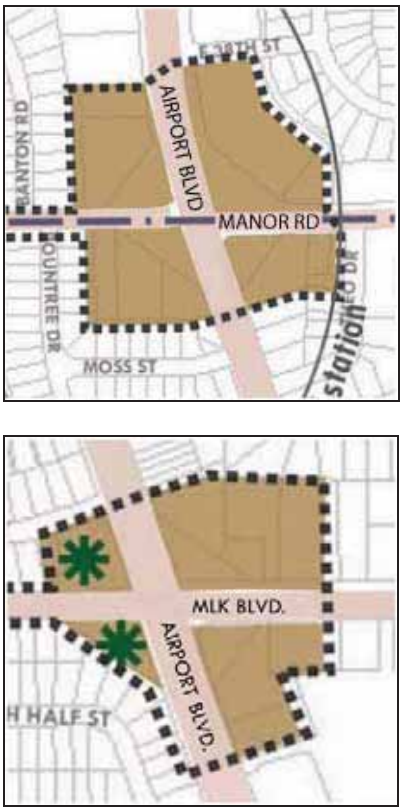


Figure 3-11: Intersections of Airport Blvd. and Manor Rd. and Airport Blvd. and MLK Jr. Blvd.

3.3.3. TOD Pedestrian Priority Streets

A. Public sidewalks shall be located along both sides of all TOD Pedestrian Priority Streets. Sidewalks shall be no less than 12 feet in width, unless otherwise approved as part of the site plan review process (see Figure 3-12). The 12-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 12-foot minimum requirement, with a sidewalk easement provided. Sidewalks shall consist of two zones: a street tree/furniture zone located adjacent to the curb, and a clear zone. The following standards apply:

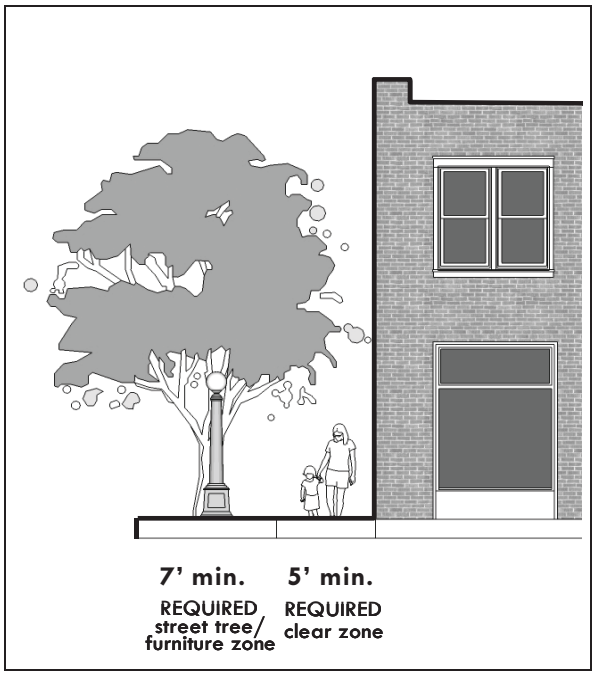


Figure 3-12: TOD Pedestrian Priority Street sidewalk width requirements.

1. **Street Tree/Furniture Zone**
   - **a.** The street tree/furniture zone shall have a minimum width of seven feet and shall be continuous and located adjacent to the curb.
   - **b.** The zone shall be planted with street trees that comply with the applicable standards for TOD Core Transit Corridors, as provided in Subsection 3.3.2.

2. **Clear Zone**
   The clear zone shall be a minimum width of five feet, shall be hardscaped, shall be located adjacent to the street tree/furniture zone, and shall comply with ADA and Texas Accessibility Standards. The clear zone shall be unobstructed for a minimum width of five feet and a minimum height of eight feet.

3. **Utilities**
   - **a.** The standards for utility placement along TOD Core Transit Corridors in Subsection 3.3.2 shall also apply to utility placement along TOD Pedestrian Priority Streets (see Figures 3-13, 3-14, and 3-15), except that utility compatible trees may be used so that the trees can be located beneath, rather than offset from, the

overhead electric utilities if one of the following conditions is met:

(i) If the depth of a lot is 120 feet or less and electric utilities remain overhead and are located behind the curb; or

(ii) If, in order to meet all of the requirements of this section, the building façade would be required to set back 25 feet or more beyond the curb face (Note: if the requirements of this section can be met within existing right-of-way, utility compatible trees may not be used).

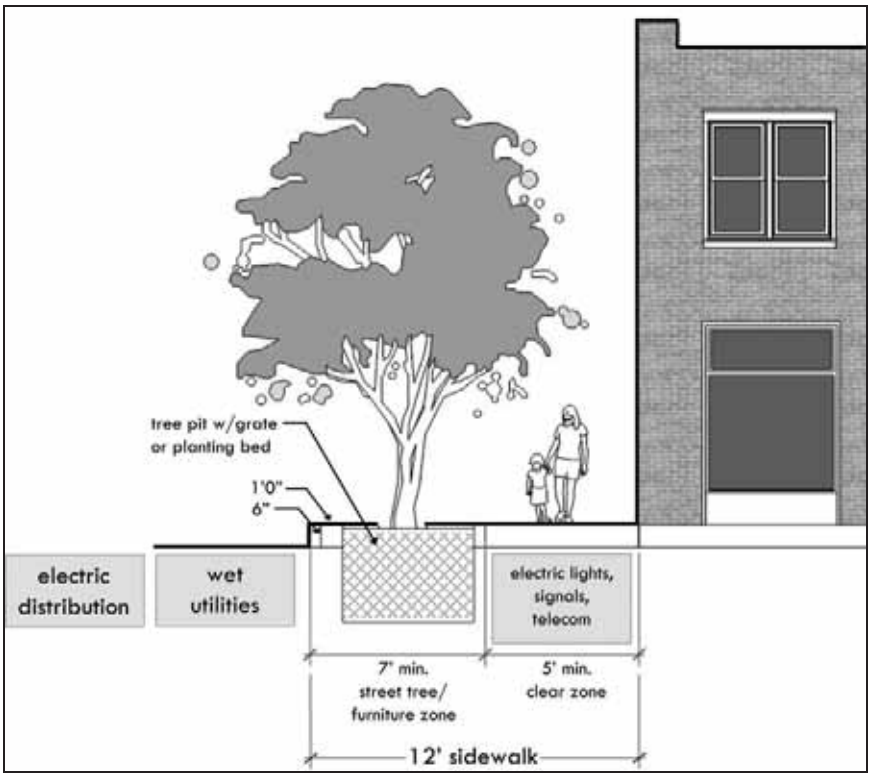


Figure 3-13: Underground Utilities on TOD Pedestrian Priority Street

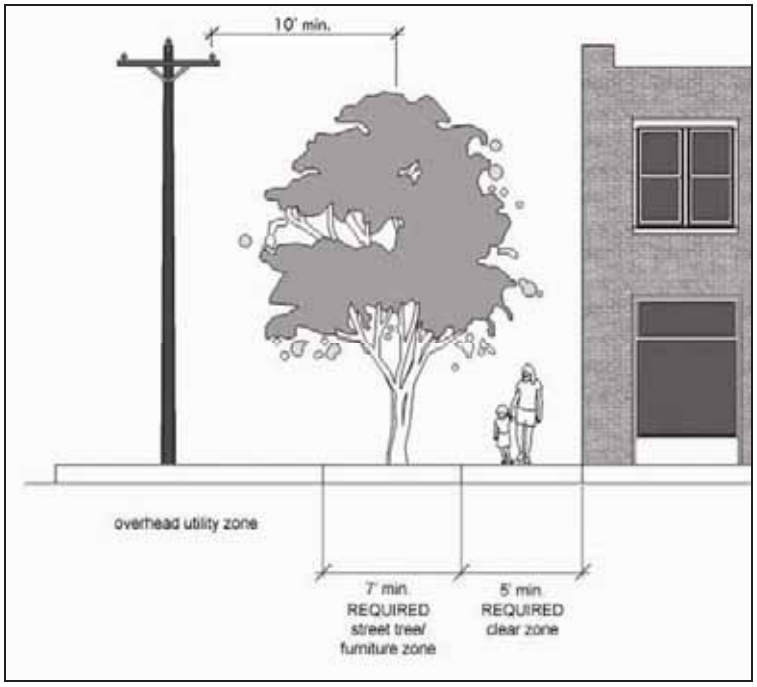


Figure 3-14: TOD Pedestrian Priority Street with overhead utilities at curb.

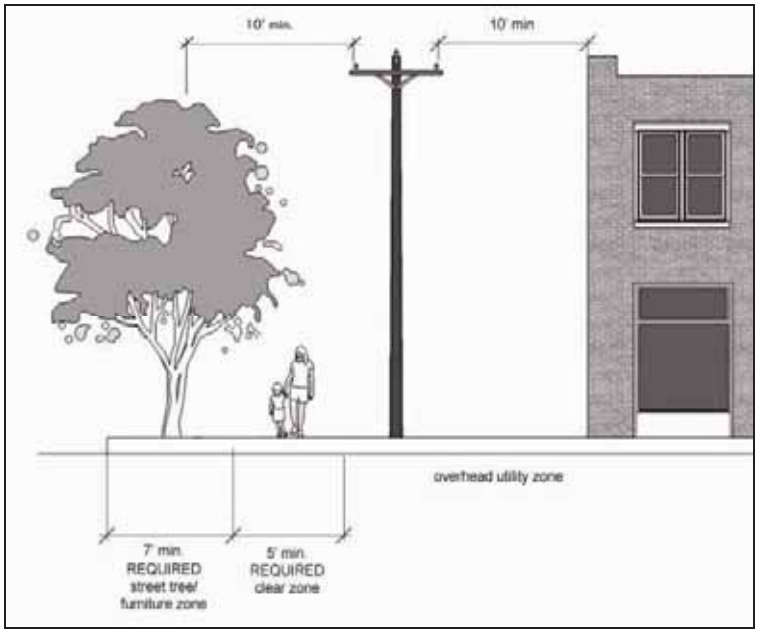


Figure 3-15: TOD Pedestrian Priority Street with interior overhead utility zone.

3.3.4. TOD Local Streets

A. Public sidewalks shall be located along both sides of all TOD Local Streets. Sidewalks shall be no less than 10 feet in width, unless otherwise approved as part of the site plan review process (see Figure 3-16). The 10-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 10-foot minimum requirement, with a sidewalk easement provided. Sidewalks shall consist of two zones: a street tree/furniture zone located adjacent to the curb, and a clear zone. However, the street tree/furniture zone may be eliminated when adjacent on-street parallel parking is provided (see Subsection 3.4.3, On-Street Parallel Parking). The following standards apply:

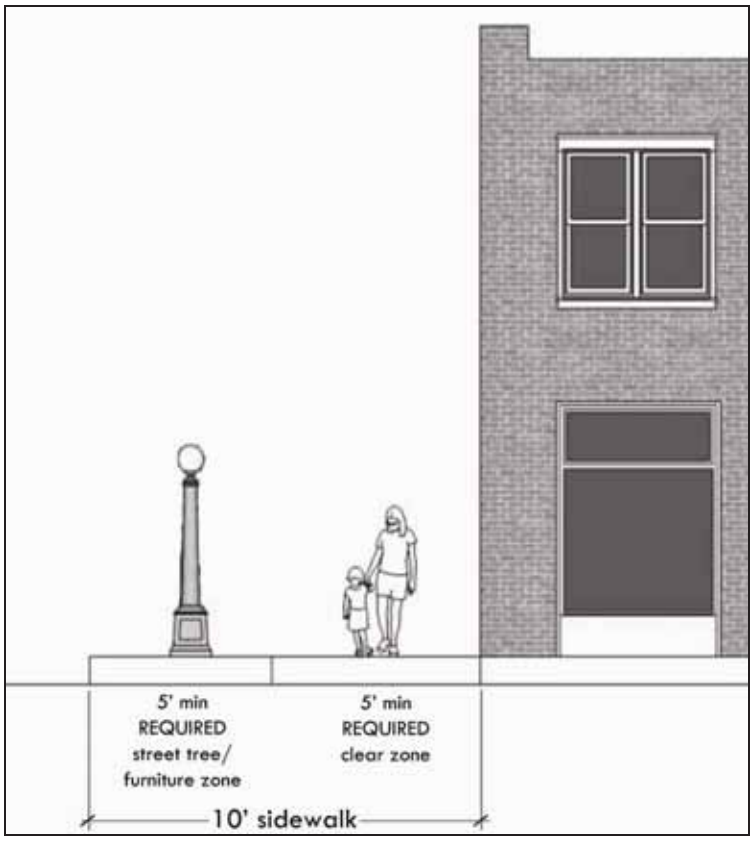


Figure 3-16: TOD Local Street sidewalk width requirements

1. **Street Tree/Furniture Zone**
   - **a.** When provided, the street tree/furniture zone shall have a minimum width of 5 feet and shall be continuous and located adjacent to the curb. The zone may be planted with street trees, landscaping, or be hardscaped.
   - **b.** If street trees are planted, they must either be provided in a 7-foot minimum street tree/furniture zone or in a curb bulb-out if the minimum distance from the face of curb to the edge of clear zone is 7 feet.
   - **c.** When this zone is not provided due to the inclusion of on-street parallel parking, curb bulb-outs shall be provided not less than every 70 feet on center. The minimum width of a curb bulb-out shall be 10 feet in order to accommodate street trees and/or other elements typically included in a street tree/furniture zone (see Figure 3-17).
   - **d.** If the street right-of-way is less than 60 feet in width, development must comply with the front yard setback requirement pursuant to Subsection 4.2.6.

2. **Clear Zone**
   The clear zone shall be a minimum width of 5 feet, shall be hardscaped, and shall be located adjacent to the street tree/furniture zone or the curb when on-street parallel parking is provided. It shall comply with ADA and Texas Accessibility Standards. The clear zone shall be unobstructed for a minimum width of five feet and a minimum height of eight feet.

3. **Utilities**
   The standards for utility placement along TOD Core Transit Corridors in Subsection 3.3.2 shall also apply to utility placement along TOD Local Streets except that utility compatible trees may be used so that if trees are provided, they can be located beneath, rather than offset from, overhead electric utilities if present (see Figure 3-18).

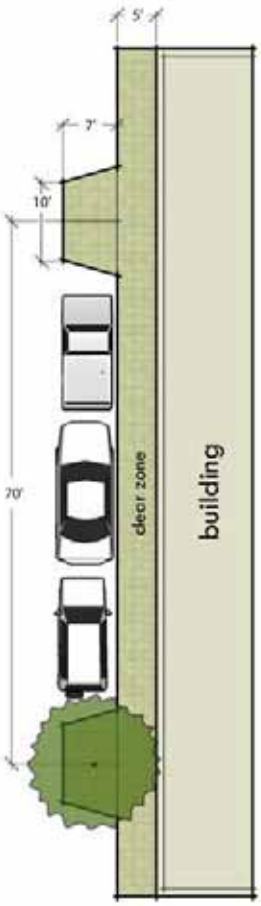


Figure 3-17: On-street parking on TOD Local Street without street tree/furniture zone.

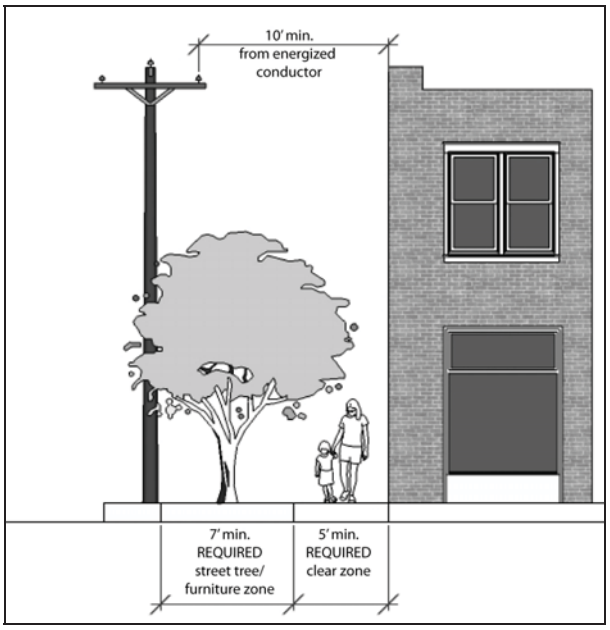


Figure 3-18: Above-Ground Utilities on TOD Local Street with utility compatible tree

3.3.5. Sidewalk Exemption for Edge Streets

If a street(s) is aligned along an interior and/or rear property line and a street connection to adjacent property is not feasible, the sidewalk standards in this section are not required along the outside edge of the street (Figure 3-19).

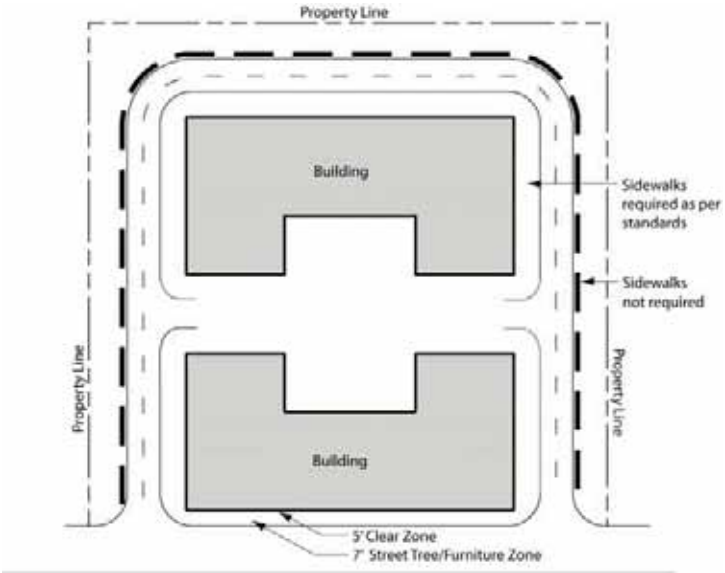


Figure 3-19: Sidewalk exemption on edge streets.

3.4. ON-STREET PARKING

3.4.1. Applicability

Article 3 Circulation, Connectivity, and Streetscape:	Applies to:
Section 3.4 On-street Parking	Optional for all development

3.4.2. Purpose

On-street parking is encouraged on all roadway types within the TOD District to serve retail, office, and residential parking needs. It is especially important in areas where there are active edge designations to support ground floor businesses and to serve as a buffer for pedestrian activity along high-volume streets. However, depending on conditions along existing streets in addition to City safety policies and procedures, the provision of on-street parking on all streets within the TOD is subject to the approval of the Director of the Public Works Department and compliance with fire access standards.

3.4.3. On-Street Parallel Parking

A. TOD Core Transit Corridor and Pedestrian Priority Streets.

1. On-street parallel parking is encouraged along all TOD Core Transit Corridors and Pedestrian Priority Streets including: Manor Road and MLK Jr. Boulevard between Boggy Creek and the western edge of the MLK Station Area as well as along the portions of Alexander Avenue, Real Street, and E. 17th Street designated as TOD Pedestrian Priority Streets on the Circulation Concept Plan Map (see Figure 3-4).
2. The Director of the Public Works Department may determine that such parking is not feasible due to limited right-of-way width or lack of appropriate and adequate easement, transit activity conflict and interference, inadequate sight distance caused by vertical or horizontal curvature of a street, high roadway speeds, or other safety concerns.

3. The design for on-street parallel parking may be accommodated using standard design adjacent to the curb or by providing parking inside the curb line (Figure 3-20).

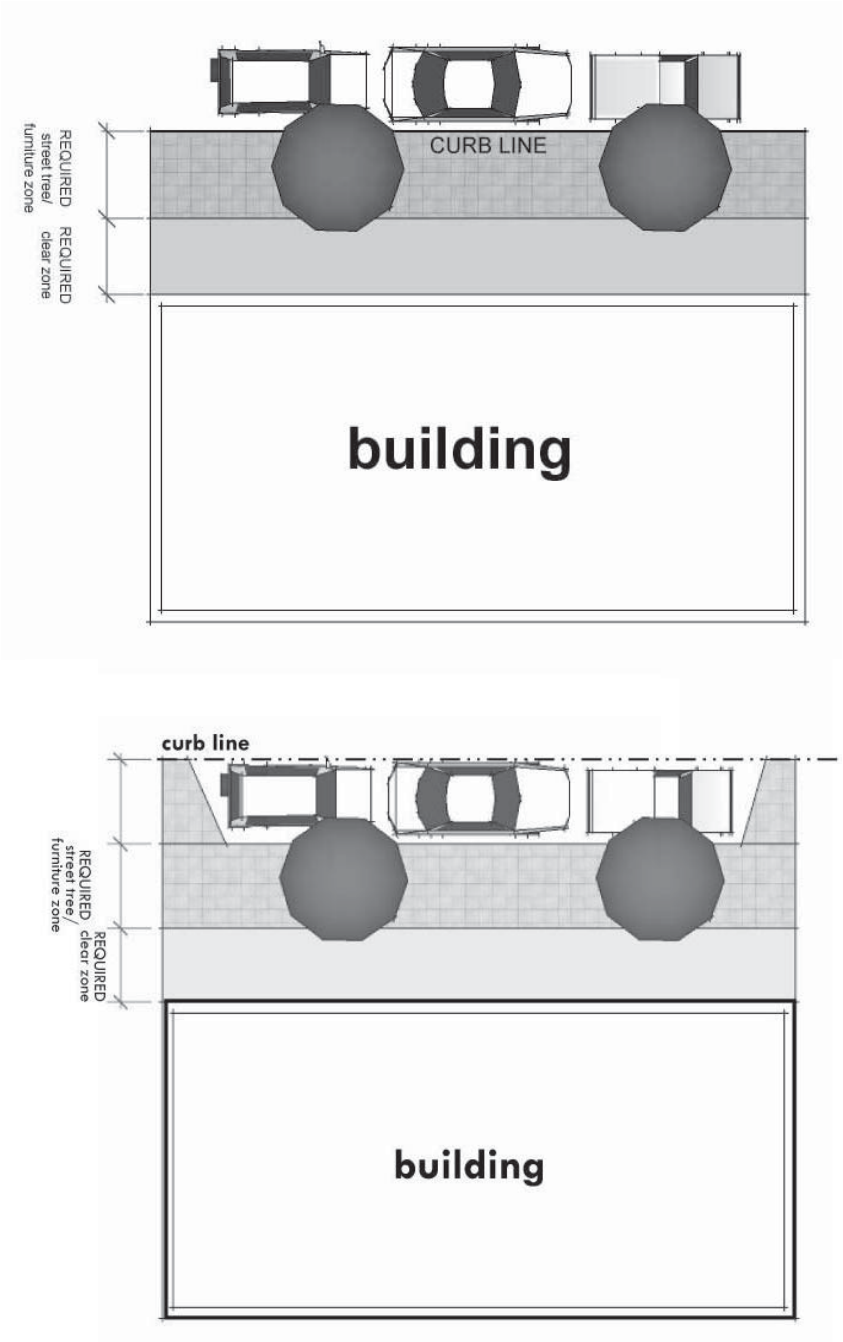


Figure 3-20: On-street parallel parking options; standard design (above) or a design inside the curb line (below).

4. If on-street parking is provided, the sidewalk provisions under Section 3.3 shall continue to apply, with both a clear zone and street tree/furniture zone placed adjacent to the curb at the inside of the parking spaces.

B. TOD Local Streets

1. On-street parallel parking is encouraged along all TOD Local Streets and shall be permitted subject to the approval of the Director of the Public Works Department.
2. If a street tree furniture zone is provided, the design for on-street parallel parking may be accommodated using either standard design or provided inside the curb line (Figure 3-20).
3. If the street/tree furniture zone is not provided, on-street parking shall meet the standards in Subsection 3.3.4.
4. If on-street parking is provided, the sidewalk provisions under Section 3.3 shall continue to apply, with the clear zone (or the optional street tree/furniture zone) placed adjacent to the curb at the inside of the parking spaces.

3.4.4. General On-Street Parking Restrictions

Head-in and angle parking are not allowed on any roadway type in the MLK TOD District.

3.5. CONNECTIVITY AND CIRCULATION

3.5.1. Applicability

Article 3 Circulation, Connectivity, and Streetscape:	Applies to:
Subsection 3.5.2 Project Circulation Plan	All projects adding a street(s). Refer to definition of "street" in Article 6

3.5.2. Project Circulation Plan

All projects that are adding a street(s) must provide a Project Circulation Plan. As part of the subdivision review process (or site plan if a subdivision plan is not required), the Project Circulation Plan shall be developed and reviewed for its consistency with the MLK Station Area Plan Circulation Concept Plan. Because the MLK SAP Circulation Concept Plan illustrates one possible representation of how proper circulation and connectivity can be achieved within the TOD District, the Project Circulation Plan allows for the evaluation of alternative proposals.

The Project Circulation Plan shall propose a specific roadway type for each new street for the purpose of applying the standards of this Document. The Director of NPZD shall review and approve new roadway type designations.

A. The Project Circulation Plan shall demonstrate:

1. How the on-site circulation system will be integrated with surrounding streets, bicycle facilities, trails, existing or future development, etc.
2. How new street design conforms with recommendations made in the Station Area Plan.
3. That the street and pathway system will contribute to safe and convenient pedestrian connections between primary destinations within the Station Area (e.g. transit station, commercial services, parks) and the surrounding neighborhoods.
4. How deviations from the Circulation Concept Plan, both in terms of roadway placement and alignment and active edge placement, are consistent with Section 3.1.
5. How traffic calming methods have been incorporated into the design of new TOD Pedestrian Priority Streets and new TOD Local Streets that

connect to a local neighborhood street. Implementation is subject to the approval of the Director of the Public Works Department. Approved traffic calming devices are outlined in City Transportation Division Guidelines.

B. The Directors of the Neighborhood Planning and Zoning and Watershed Protection and Development Review Departments shall approve a Project Circulation Plan if:

1. It is consistent with the MLK Station Area Circulation Concept Plan or presents alternatives that demonstrate satisfactory compliance with the Concept Plan; and
2. It meets all applicable requirements in the Transportation Criteria Manual (TCM) or presents acceptable alternatives to the standards in the TCM.

A subdivision or site plan may not be approved if the Project Circulation Plan is not approved. The Directors' decision approving or disapproving a Project Circulation Plan is subject to administrative appeal under the requirements of Section 25-1-182 (*Initiating an Appeal*) of the LDC.

3.5.3. Block Standards

A. Applicability

Article 3 Circulation, Connectivity, and Streetscape:	Applies to:
Subsection 3.5.3 Block Standards	All development

B. Maximum Block Size

A site shall be generally divided into internal blocks in a manner consistent with the MLK SAP Circulation Concept Plan. Streets connecting the blocks shall form an interconnected, grid-like transportation system on the site. Notwithstanding the provisions of new streets consistent with the MLK Circulation Concept Plan, the maximum length of any block face shall be 660 feet and the maximum block perimeter shall be 1,800 feet as measured from the curb line (see Figure 3-21) with the following exemptions, subject to the approval of the Director:

1. Block size should not exceed the standards in Subsection B above unless there are special circumstances including, but not limited to: restricted access due to easements, rail right-of-way, natural features (such as waterways and floodplain), and existing development.
2. Contiguous green spaces or parks are not subject to the block-length requirements, but if the green space or park is longer than 500 feet, it must include at a minimum one pedestrian and bicycle shared use path as a mid-block connection. This path shall connect to other existing or planned pedestrian/bicycle routes through the site or adjacent to the site.
3. Contiguous areas adjacent to and following the Capital Metro railway right-of-way are not subject to the block length requirements if they do not extend more than 175 feet away from the rail right-of-way.

C. Mid-block Pathway

For a block face exceeding 500 feet in length, a pedestrian pathway shall be provided as a mid-block route to connect to public streets and/or other existing or planned pedestrian routes through the site or adjacent to the site (see Figure 3-21).

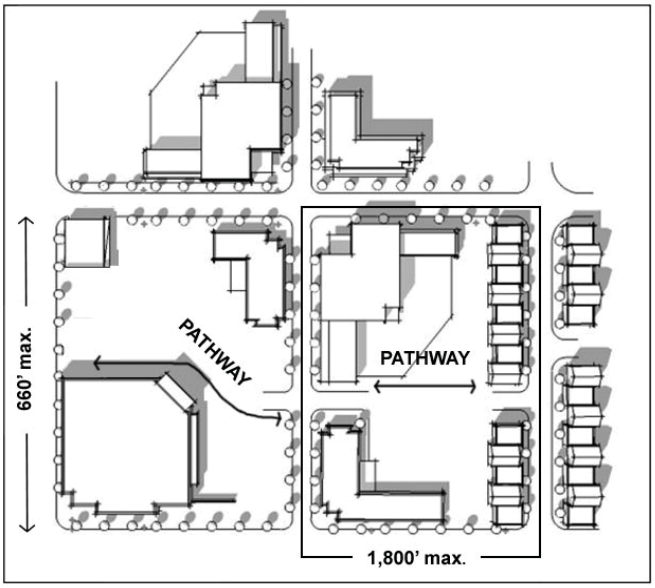


Figure 3-21: Example of a development meeting block standards and mid-block pathways

D. Subdivision of Internal Blocks

Internal blocks abutting new streets may be subdivided to allow for the sale and development of individual blocks without frontage on a public street if the Director determines that the new street is equivalent to a public street in terms of pedestrian and bicycle access, utilities, pavement design, and vehicle access requirements.

3.5.4. Curb Cut Spacing Standards

A. Applicability

Article 3 Circulation, Connectivity, and Streetscape:	Applies to:
Subsection 3.5.4 Curb-cut Spacing Standards	All development

B. General Standards

In addition to the standards under Subsections C and D below, curb-cuts on streets in the TOD District shall be located in accordance with the driveway spacing standards in Section 5 of the Transportation Criteria Manual (TCM).

C. TOD Core Transit Corridors

Curb cuts for vehicular connections between the site and any adjacent TOD Core Transit Corridor shall not occur more frequently than every 330 feet. A TOD Local Street or TOD Pedestrian Priority Street does not count as a curb cut.

D. Small Lots on TOD Core Transit Corridors

For a lot with street frontage less than 50 feet wide adjacent to a TOD Core Transit Corridor (TCTC) or TOD Pedestrian Priority Street (TPPS), access to the lot shall be provided from a single joint use driveway from the TCTC or TPPS; otherwise, access shall be provided from a TOD Local Street or alley.

3.5.5. Curb-Cut Dimensional Standards

A. Applicability

Article 3 Circulation, Connectivity, and Streetscape:	Applies to:
Subsection 3.5.5 Curb-Cut Dimensional Standards	All development

B. Curb-Cut Width Standards

Section 5 of the Transportation Criteria Manual (TCM) specifies driveway standards in 5.3.2 of the TCM. These standards shall continue to apply to residential (Type I) and commercial (Type II) driveways, except as provided in this subsection:

1. The maximum Type I driveway width for single family, duplex, and townhome residences shall be 18 feet.
2. Driveways along street frontages with an active edge designation are discouraged. When they are deemed necessary by the Director, the maximum Type II driveway width for multi-family residential and commercial uses shall be 30 feet along an active edge.
3. Other Type II driveways within the TOD District shall be no more that 30 feet wide, and they may be expanded to a maximum width of 35 feet when deemed necessary by the Director for proper traffic circulation and access.
4. The maximum curb return radius for all Type II driveways shall be 15 feet. The maximum curb return radius may be expanded when deemed necessary by the Director for proper traffic circulation and access.
5. Sidewalk clear zones crossing a driveway shall be continuous and as straight and level as possible. Curb cuts shall ramp up and down to the level of the sidewalk rather than require additional curb ramps along the sidewalk.

3.5.6. Alleys

Alleys are encouraged to focus specific types of activity "behind the scenes" and to potentially allow for another point of access to the site. Alleys may provide space for, but not limited to, the following: loading areas, trash collection, utility location, and access to parking. Alleys shall

comply with existing City standards in the LDC and shall not substitute for streets required for emergency vehicle access.

3.5.7. Pedestrian, Bicycle, and Vehicular Circulation

A. Applicability

Article 3 Circulation, Connectivity, and Streetscape:	Applies to:
Section 3.5.7 Pedestrian, Bicycle, and Vehicular Connectivity	All development

All sites or developments subject to this section shall:

B. Provide private drive or public/private street connections to existing private drives or public/private streets on adjacent sites if feasible;

C. Provide direct pedestrian access from any street adjacent to the property line to a building entrance (the pedestrian access point must be fully accessible during operating hours).

D. Where public parkland is adjacent to the property line, provide pedestrian and bicycle access from the trail or walkway system on that parkland to the building entrance (the pedestrian and bicycle access points must be fully accessible during operating hours and shall meet City standards for pedestrian and bike ways).

ARTICLE 4: SITE DEVELOPMENT STANDARDS

4.1. INTENT

The standards of Article 4 are intended to:

4.1.1. Ensure that buildings relate appropriately to the surrounding area, create a cohesive visual identity and attractive street scene, and frame the pedestrian environment;

4.1.2. Encourage the provision of affordable housing and mixed income communities around transit through the use of development bonuses in higher activity areas of the TOD District;

4.1.3. Ensure that buildings relate appropriately to their roadway context, allowing for easy pedestrian access to buildings and providing well-defined edges to the roadway environment;

4.1.4. Ensure that building entryways are convenient and easily accessible from the roadside pedestrian system;

4.1.5. Provide opportunities for roadside uses that enliven and enrich the roadway and pedestrian environment, such as outdoor dining, porches, patios, and landscape features;

4.1.6. Ensure that vehicular parking is accommodated in a manner that enriches and supports, rather than diminishes, the pedestrian environment;

4.1.7. Provide adequate, secure, and convenient bicycle parking to meet the needs of the users of a development and to encourage cycling activity;

4.1.8. Ensure that utilities and mechanical equipment are obscured and are not prominent features of a development that negatively impact the visual experience;

4.1.9. Ensure that exterior lighting creates a safe night-time atmosphere and encourages activity in the evening, but does not overwhelm the environment and intrude onto adjacent properties; and

4.1.10. Provide both private and public open space amenities to residents, workers, and visitors of the TOD District so that the urban character of the Station Area is balanced with the open space needs of these populations.

4.2. GENERAL DEVELOPMENT STANDARDS

4.2.1. Applicability

Article 4 Site Development Standards	Application:
Section 4.2 **General Development Standards**	All properties in the MLK TOD District must comply with the standards in this section

4.2.2. Lot Size

All development shall have a minimum lot size of 2,500 square feet.

4.2.3. Lot Width

All development shall have a minimum lot width of 20 feet.

4.2.4. Impervious Surface Coverage

A. TOD Low Density Residential and TOD Medium Density Residential Subdistricts shall have a maximum impervious cover of 85 percent.

B. TOD Mixed-Use, TOD Corridor Mixed Use, and TOD Live/Work Flex Subdistricts shall have a maximum impervious cover of 95 percent.

4.2.5. Building Coverage

Building coverage limits shall be equal to the impervious cover limits in Subsection 4.2.4 above for all properties within the MLK TOD District.

4.2.6. Setbacks

A. For all properties within the TOD District, there are no minimum or maximum requirements for rear, interior side, or street side yard setbacks, except as required to comply with the building height and setback requirements in Subsection 4.2.10 *Compatibility Standards*.

B. For all properties in the TOD District, there is no minimum or maximum front yard setback requirement, except as required to comply with Subsection C below. Instead, development must meet the building placement standards in Section 4.4.

C. If the street right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the center line of the street to ensure adequate fire access.

4.2.7. Site Area Requirements

For all development in the TOD District, there are no minimum site area requirements.

4.2.8. Floor-to-Area Ratio (FAR)

The maximum FAR for all development within the Station Area shall be 2:1, unless a development bonus is granted as specified in Section 4.3.

4.2.9. Building Height

A. Maximum Building Height
The base maximum building height for all properties within the MLK TOD District is established on the map labeled Figure 4-1. A height bonus may be granted in some portions of the TOD in exchange for the provision of affordable housing. The height bonus criteria and standards are detailed in Subsection 4.3.3.

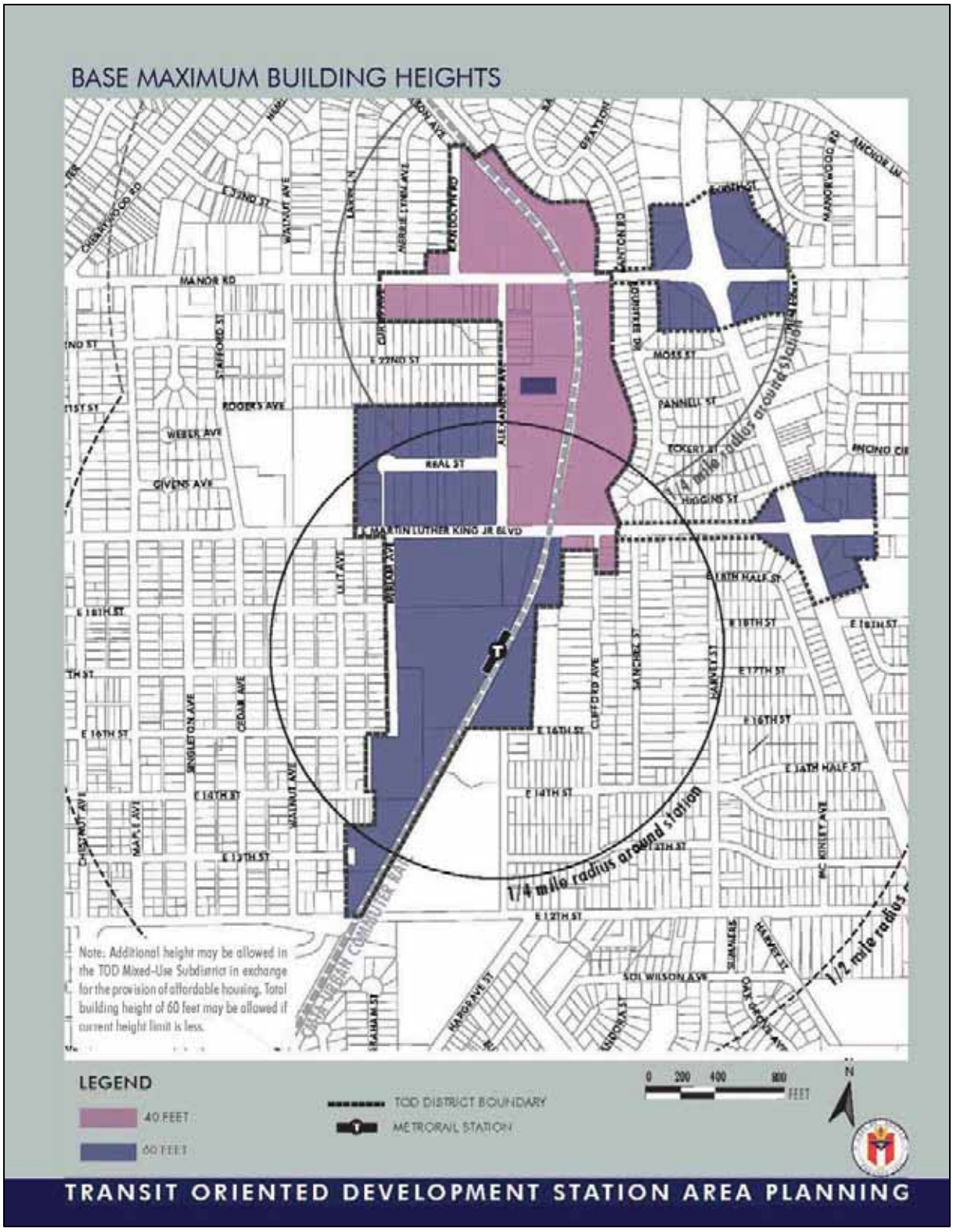
B. Minimum Building Height in TOD Mixed Use Subdistrict
The minimum building height on all properties in the TOD Mixed Use Subdistrict is two stories (for the purpose of applying the standards in this Document, a story is defined in Article 6 Definitions).

4.2.10. Compatibility Standards

A. Compatibility standards, as stipulated in Article 10 of Chapter 25-2 of the LDC, shall apply to all properties within the TOD District.

B. A waiver of compatibility standards may be granted if a development bonus is utilized. The development bonus standards and requirements are established in Subsections 4.3.2 *Density Bonus* and 4.3.3 *Density and Height Bonus*.

Figure 4-1: Base Maximum Building Height (with no development bonus)



4.3. DEVELOPMENT BONUSES

4.3.1. Affordability Definition

For purposes of this section, a unit is affordable for purchase or rental if the household is required to spend no more than 30 percent of its gross monthly income on mortgage or rental payments for the unit, or up to 35% of its gross income on mortgage if a household member receives City-approved homebuyer counseling, in addition to meeting the requirements of this section.

4.3.2. Density Bonus

A. Applicability

Article 4 Site Development Standards	Application:
Subsection 4.3.2 Density Bonus	All properties or portions of properties in the Live/Work Flex, TOD Mixed Use, and Corridor Mixed Use Subdistricts are eligible for a density bonus.

B. Waiver of Site Development Standards

A density bonus shall be granted to a development that meets the affordability standards in Subsection C below, which exempts the development from the following site development standards:

1. Maximum density requirement in Section 2.3;
2. Maximum Floor-to-Area Ratio (FAR) requirement in Subsection 4.2.8; and
3. Chapter 25-2 Subchapter C, Article 10 of the LDC (Compatibility Standards) shall be waived with the following exceptions:

    a. Height Limitations

    In the TOD District within 100 feet of the TOD boundary, compatibility standards height limitations triggered by property outside of the TOD District shall be waived if owners of at least 66% of triggering properties within 25 feet of the site requesting the waiver agree. If there are no triggering properties within 25 feet, the height restriction shall be waived.

For the property at 2900 Manor Road, the 25-foot distance specified above shall be calculated per ordinance #20090312-028.

b. Setbacks

In the TOD District within 100 feet of the TOD boundary, compatibility standards setbacks triggered by property outside of the TOD District shall not be waived.

C. Affordability Standards

To be eligible for the development exemptions in Subsection B above, habitable space equal to a minimum of twenty-five percent of the entire square footage of the development shall be reserved as affordable according to the following:

1. The applicant/property owner shall be responsible for providing habitable space equal to ten percent of the entire square footage of the development, with the option to provide additional affordable square footage.

2. Subject to funding availability, the City of Austin shall fund the provision of the remaining affordable square footage in order to achieve twenty-five percent affordability of the entire square footage of the development.

3. If the City of Austin is unable to fund the remaining affordable square footage in order to achieve twenty-five percent affordability, a density bonus may still be utilized provided that the applicant/property owner provides the required amount of affordable square footage as prescribed in 1. above.

4. The requirement may be met by providing affordable owner-occupied units, rental units, or a combination of both. The following requirements assign the specific level of affordability for each unit type, which shall run with the land:

a. Affordability Requirements for Owner-Occupied Units

(i) Habitable space equal to twenty-five percent of the entire square footage of the development shall be reserved as affordable through a City approved

affordable housing land trust or other shared equity model approved by the Director of NHCD, for not less than 99 years from the date a certificate of occupancy is issued, for ownership and occupancy by households earning no more than 80 percent of the Annual Median Family Income for the City of Austin Metropolitan Statistical Area as determined by the Director of the Neighborhood Housing and Community Development Department (NHCD); and

(ii) The applicant/property owner shall be responsible for providing habitable space equal to 10% of the entire square footage of the development at the affordability levels established in i. above. As described in Subsection C.2 above, the City of Austin shall fund, subject to funding availability, the provision of the remaining affordable square footage in order to achieve 25% affordability over the entire development. The City may elect to subsidize residential units in the building(s) for ownership purposes in any amount and at any level of affordability pursuant to criteria and procedures established by the Director of the NHCD.

b. Affordability Requirements for Rental Units

(i) Habitable space equal to twenty-five percent of the entire square footage of the development shall be reserved as affordable, for a minimum of 40 years following the issuance of the certificate of occupancy, for rental by households earning no more than 60 percent of the Annual Median Family Income; and

(ii) The applicant/property owner shall be responsible for providing habitable space equal to 10% of the entire square footage of the development at the affordability levels established in i. above. As described in Subsection C.2 above, the City of Austin shall fund, subject to funding availability, the provision of the remaining affordable square footage in order to achieve 25%

affordability over the entire development. The City may elect to subsidize residential units in the building(s) for rental purposes in any amount and at any level of affordability pursuant to criteria and procedures established by the Director of NHCD.

D. Fee-in-lieu

1. In order for a property owner/developer to pay a fee in-lieu of meeting the requirements in Subsection C above, he/she must demonstrate a compelling reason to not provide housing on-site, and subject to the approval of the City Council, may pay into the Housing Assistance Fund a fee-in-lieu payment.

2. The current fee to be paid into the Housing Assistance Fund for each square foot of bonus area is established as ten dollars. The bonus area square footage shall be determined by the greater of the following:

a. The increase in gross building area above that established by the maximum Floor-to-Area (FAR) ratio as described in Subection 4.2.8.

b. The number of additional dwelling units above that established in Section 2.3 multiplied by the average unit square footage of the entire development seeking the development bonus

c. The amount of gross building area constructed within a space previously restricted by compatibility standards.

3. The fee amount is adjusted annually in accordance with the Consumer Price Index All Urban Consumers, US City Average, All Items (1982-84 = 100), as published by the Bureau of Labor Statistics of the United States Department of Labor. The City Manager shall annually determine the new fee amounts for each fiscal year, beginning October 1, 2008, and report the new fee amounts to the City Council.

4. The Director of the NHCD may allocate money from the Housing Assistance Fund collected for the financing or production of affordable units, limited to those developments located within the TOD area or in an area within ½ mile of the TOD area, and that meets the following criteria:

a. Owner-occupied units are reserved as affordable for a period of not less than 99 years for a family whose gross income does not exceed 80% of the median family income for the Annual Median Family Income; or

b. Renter-occupied units are reserved as affordable for a period of not less than 40 years for a family whose gross income does not exceed 60% of the median family income for the Annual Median Family Income.

4.3.3. Density and Height Bonus

A. Applicability

Article 3 Site Development Standards	Application:
Subsection 4.3.3 Density and Height Bonus	All properties, or portions of properties, in the TOD Mixed Use Subdistrict are be eligible for a height bonus (if base height is less than 60 feet)

B. Waiver of Site Development Standards and Building Height Allowance

A density and height bonus shall be granted to a development that meets the affordability standards in Subsection C below, which exempts the development from the following site development standards:

1. Maximum density requirement in Section 2.3;

2. Maximum Floor-to-Area Ratio (FAR) requirement in Subsection 4.2.8; and

3. Chapter 25-2 Subchapter C, Article 10 of the LDC (Compatibility Standards) shall be waived with the following exceptions:

a. Height Limitations

In the TOD District within 100 feet of the TOD boundary, compatibility standards height limitations triggered by property outside of the TOD District shall be waived if owners of at least 66% of triggering properties within 25 feet of the site requesting the waiver agree. If there are no triggering properties within 25 feet, the height restriction shall be waived.

For the property at 2900 Manor Road, the 25-foot distance specified above shall be calculated per ordinance #20090312-028.

b. Setbacks

In the TOD District within 100 feet of the TOD boundary, compatibility standards setbacks triggered by property outside of the TOD District shall not be waived..

Building Height Allowance

Any building on the site receiving the bonus may reach a total of 60 feet in height as measured by the LDC.

C. Affordability Standards

To be eligible for the development exemptions and height allowance in Subsection B above, habitable space equal to a minimum of twenty-five percent of the entire square footage of the development shall be reserved as affordable according to the following:

1. The applicant/property owner shall be responsible for providing habitable space equal to 15% percent of the entire square footage of the development, with the option to provide additional affordable square footage.
2. Subject to funding availability, the City of Austin shall fund the provision of the remaining affordable square footage in order to achieve twenty-five percent affordability of the entire square footage of the development.
3. If the City of Austin is unable to fund the remaining affordable square footage in order to achieve twenty-five percent affordability, a density and height bonus may still be utilized provided that the applicant/property owner provides the required amount of affordable square footage as prescribed in 1. above.
4. The twenty-five percent requirement may be met by providing affordable owner-occupied units, rental units, or a combination of both. The following requirements assign the specific level of affordability for each unit type, which shall run with the land:

a. Affordability Requirements for Owner-Occupied Units

(i) For properties south of Manor Road (in the CP&R Zone), habitable space equal to twenty-five percent of the bonus area square footage of the development shall be reserved as affordable through a City approved affordable housing land trust or other shared equity model approved by the Director of NHCD, for not less than 99 years from the date a certificate of occupancy is issued, for ownership and occupancy by households earning no more than 60 percent of the Annual Median Family Income for the City of Austin Metropolitan Statistical Area as determined by the Director of the NHCD; or

(ii) For properties north of Manor Road (outside the CP&R Zone), habitable space equal to twenty-five percent of the entire square footage of the development shall be reserved as affordable through a City approved affordable housing land trust or other shared equity model approved by the Director of NHCD, for not less than 99 years from the date a certificate of occupancy is issued, for ownership and occupancy by households earning no more than 80 percent of the current Annual Median Family Income for the City of Austin Metropolitan Statistical Area as determined by the Director of NHCD.

(iii) The applicant/property owner shall be responsible for providing habitable space equal to 15% of the entire square footage of the development at the affordability levels established in i. and/or ii. above. As described in Subsection C.2 above, the City of Austin shall fund, subject to funding availability, the provision of the remaining affordable square footage in order to achieve 25% affordability over the entire development. The City may elect to subsidize residential units in the building(s) for ownership purposes in any amount and at any level of affordability pursuant to criteria

and procedures established by the Director of NHCD.

b. Affordability Requirements for Rental Units

(i) For properties south of Manor Road (in the CP&R Zone), habitable space equal to twenty-five percent of the bonus area square footage of the development shall be reserved as affordable, for a minimum of 40 years following the issuance of the certificate of occupancy, for rental by households earning no more than 50 percent of the Annual Median Family Income; or

(ii) For properties north of Manor Road (outside the CP&R Zone), habitable space equal to twenty-five percent of the bonus area square footage of the development shall be reserved as affordable, for a minimum of 40 years following the issuance of the certificate of occupancy, for rental by households earning no more than 60 percent of the Annual Median Family Income; and

(iii) The applicant/property owner shall be responsible for providing habitable space equal to 15% of the entire square footage of the development at the affordability levels established in i. and/or ii. above. As described in Subsection C.2 above, the City of Austin shall fund, subject to funding availability, the provision of the remaining affordable square footage in order to achieve 25% affordability over the entire development. The City may elect to subsidize residential units in the building(s) for rental purposes in any amount and at any level of affordability pursuant to criteria and procedures established by the Director of NHCD.

D. Fee-in-lieu

1. In order for a property owner/developer to pay a fee in-lieu of meeting the requirements in Subsection C above, he/she must demonstrate a compelling reason to not provide housing on-site, and subject to the approval of the City Council, may pay into the Housing Assistance Fund a fee-in-lieu payment.

2. The current fee to be paid into the Housing Assistance Fund for each square foot of bonus area is established as ten dollars. The bonus area square footage shall be determined by the greater of the following:

   a. The increase in gross building area above that established by the maximum Floor-to-Area (FAR) ratio as described in Subsection 4.2.8 and the maximum building height as described in Subsection 4.2.9
   b. The number of additional dwelling units above that established in Section 2.3 multiplied by the average unit square footage of the entire development seeking the development bonus
   c. The amount of gross building area constructed within a space previously restricted by compatibility standards.

3. The fee amount is adjusted annually in accordance with the Consumer Price Index All Urban Consumers, US City Average, All Items (1982-84 = 100), as published by the Bureau of Labor Statistics of the United States Department of Labor. The City Manager shall annually determine the new fee amounts for each fiscal year, beginning October 1, 2008, and report the new fee amounts to the City Council.

4. The Director of the NHCD may allocate money from the Housing Assistance Fund collected for the financing or production of affordable units, limited to those developments located within the TOD area or in an area within ½ mile of the TOD area, and that meets the following criteria:

   a. Owner-occupied units are reserved as affordable for a period of not less than 99 years for a family whose gross income does not exceed 80% of the median family income for the Annual Median Family Income; or
   b. Renter-occupied units are reserved as affordable for a period of not less than 40 years for a family whose gross income does not exceed 60% of the median family income for the Annual Median Family Income.

4.4. RELATIONSHIP OF BUILDINGS TO STREETS AND WALKWAYS

4.4.1. Purpose

This Document alters the standard manner of applying setbacks. Conventional zoning code applies a minimum building setback from the property line. However, with TOD the goal is to build compact environments that are designed around the pedestrian where streetscapes frame the street and buildings have a continuous presence. Therefore, this Document does not require minimum or maximum setbacks and instead employs the use of build-to lines where a building, or a portion of a building, must be built up to the property line or the sidewalk clear zone (or supplemental zone if provided).

4.4.2. Building Placement Factors

A. Principal Street Determination

1. Any roadway type with an active edge designation has priority.
2. Absent an active edge designation, the following three roadway types are listed from highest to lowest priority for purposes of this Article and Article 5:

    a. TOD Core Transit Corridor;
    b. TOD Pedestrian Priority Street; and
    c. TOD Local Street.

The highest level of priority adjacent to the lot or site is considered the "principal street" for the purpose of applying many of the standards in Articles 4 and 5. For a lot or site that is adjacent to more than one roadway with an active edge designation, the roadway designated by the lot owner shall be considered the principal street.

For a lot or site with no active edge that is adjacent to more than one roadway of equal priority, the roadway with the highest level of transit service, as determined by the Director, shall be considered the principal street. If the roadways do not have transit service or the level of transit service is equal, the roadway designated by the lot owner shall be considered the principal street. Building placement standards vary according to the roadway type of the site's principal street.

B. Active Edge

To enliven pedestrian activity areas, which are located along major streets and at key intersections, the TOD Mixed-Use Subdistrict requires active edges along specific street frontages as shown in Figure 2-1. Building placement near or adjacent to the street is an essential component along these active edges and the specific standards associated with them are detailed below in Subsection 4.4.3 Building Placement.

C. Supplemental Zone (Optional)

A supplemental zone may be provided at the option of the applicant between the street-facing façade line and the required clear zone. This zone is available so that a development may provide active public uses such as a plaza, outdoor café or patio, or in more residential settings, private porches or open space. The extent to which such space may be provided is governed by the provisions in Subsection 4.4.4.

4.4.3. Building Placement

A. Application

Article 4 Site Development Standards	Applies to:	Application Details:
Subsection 4.4.3 Building Placement	All development	-Required along the principal street -Corner site provisions apply

B. General Standards

A minimum percentage of the net frontage length of the property along a site's principal street must consist of continuous building façade built up to the property line, clear zone, or the supplemental zone if one is provided (see Figures 4-4, 4-5, and 4-6). In addition, there is a minimum net frontage length requirement for any street with an active edge designation. The minimum net frontage length requirement varies according to the roadway type and the presence of an active edge. For purpose of applying the standards in this Document, "net frontage length" is defined in Article 6. The minimum net frontage length requirement is shown in the table below. When only a portion of the site frontage is designated as an active edge, the active edge net frontage requirement shall be met for that portion of the site, but may be applied toward the overall net frontage requirement for the site based on the principal roadway.

The building placement standards in the following table apply to the site's principal street:

Building Placement Standards:			
	TOD Core Transit Corridor	TOD Pedestrian Priority Street	TOD Local Street
Basic Standard	75% net frontage length to clear zone*	50% net frontage length to clear zone*	40% net frontage length to clear zone*
Active Edge Standard	100% net frontage length to clear zone*		

*** or supplemental zone if provided**

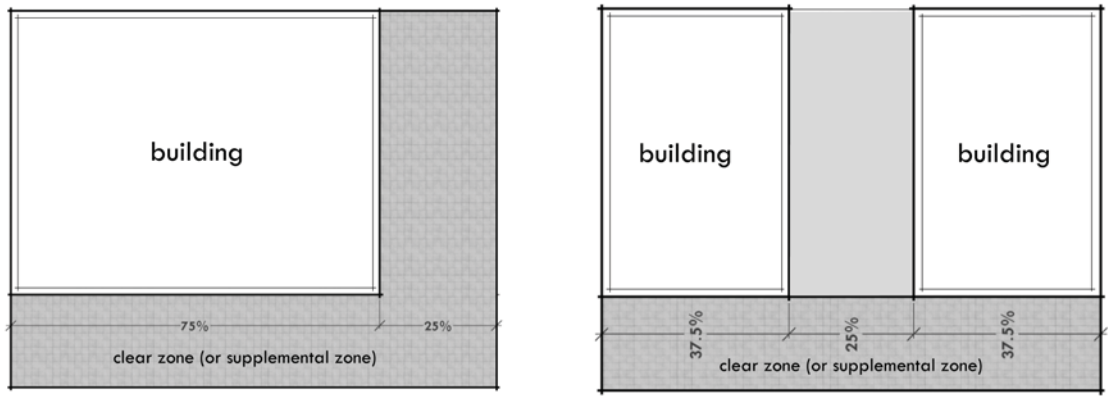


Figure 4-4: Sample illustrations meeting the net frontage building length requirement along a TOD Core Transit Corridor.

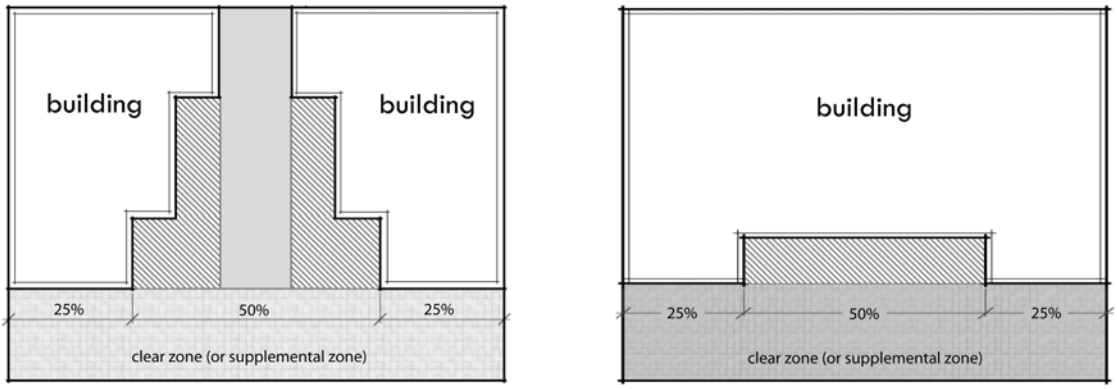


Figure 4-5: Sample illustrations meeting the net frontage building length requirement along a TOD Pedestrian Priority Street (no parking allowed in hatched area).

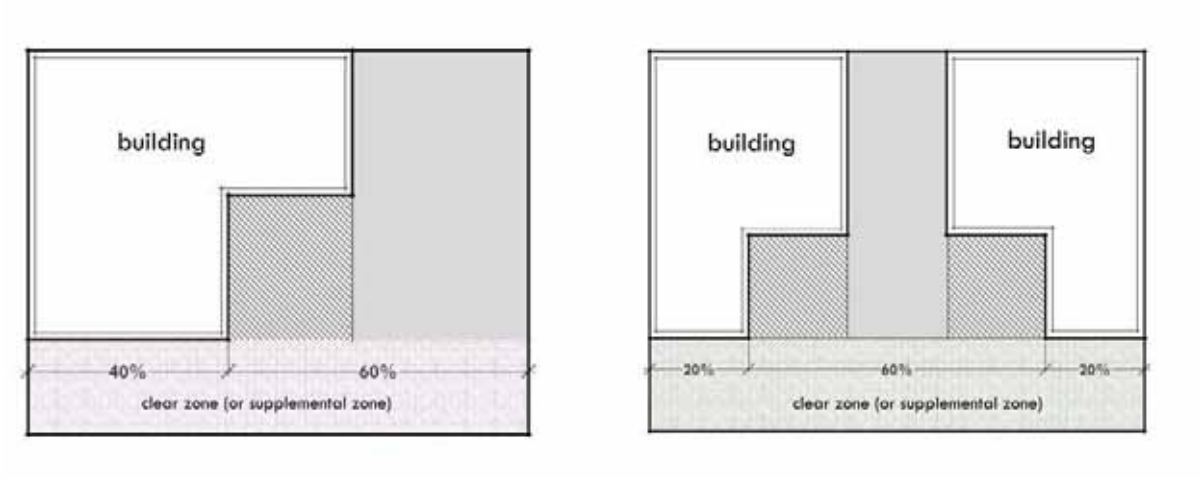


Figure 4-6: Sample illustrations meeting the net frontage building requirement along a TOD Local Street (no parking allowed in hatched area).

C. Additional Standard for Buildings Three Stories or Higher

If the street right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the center line of the street to ensure adequate fire access.

D. Corner Sites

For a site occupying one or more corners, the building placement standards must be met for the principal street and any other street that abuts the site and intersects the principal street.

E. Phased Projects

Phased projects must fulfill the building placement standard for the highest priority roadway adjacent to the site in the first project phase. In subsequent phases, buildings on the site shall then be located along any abutting lower priority street according the building placement standards in this section.

F. Civic Buildings

In order to provide greater flexibility to create a distinctive architectural statement, civic buildings, as defined in Article 6 Definitions, are not required to meet the building placement standards in this section, so long as parking is not located between the building frontage and the street (see Figure 4-7). For buildings of a civic nature that do not fall under the definition of Civic in Article 6, Alternative Equivalent Compliance, as described in Article 1, may be sought for relief from the building placement standards in this section. Alternative Equivalent Compliance may be granted if the intent of this Document is met.



Figure 4-7: The Austin City Hall is set back from the street in some areas, while other non-civic buildings meet the street. This is a traditional urban design technique intended to emphasize the importance of civic uses.

4.4.4. Supplemental Zones

A. Applicability

Article 4 Site Development Standards	Applies to:	Application Details:
Subsection 4.4.4 Supplemental Zones	Optional for all development	-Basic standards for all roadway types -Separate active edge standard

B. Standards

A supplemental zone may be provided at the option of the applicant. Supplemental zone requirements vary

according to whether or not the site is along an active edge. Zone requirements are summarized in the following table and example illustrations (Figures 4-8, 4-9, and 4-10) demonstrate how the standards are intended to work:

Supplemental Zone Standards	
Basic Standard	20 to 30 feet maximum width
Active Edge Standard	10 to 20 feet maximum width

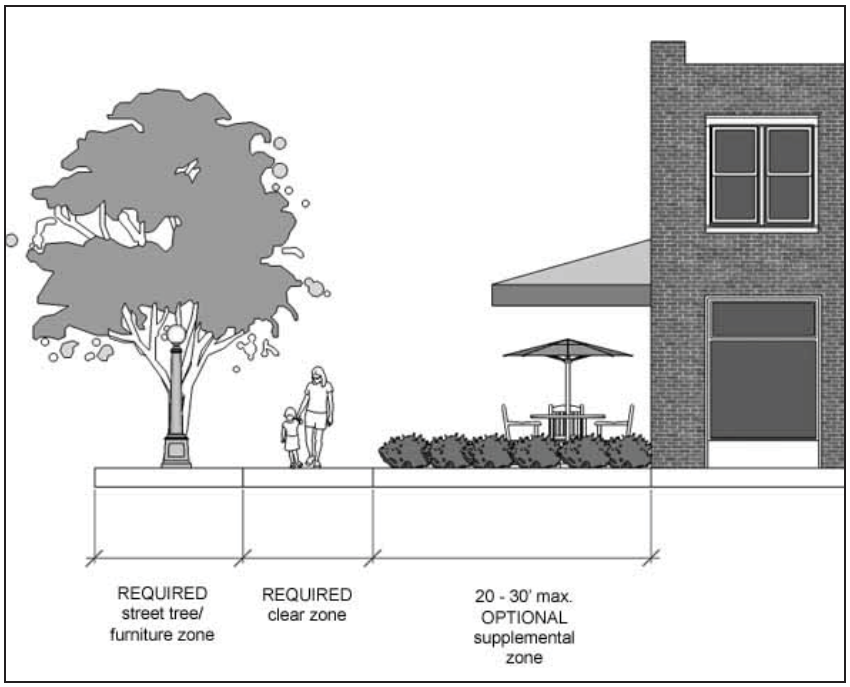


Figure 4-8: Optional supplemental zone (Basic Standard).

C. Basic Standard

If a supplemental zone is provided, up to 30 percent of the linear frontage of the supplemental zone may be a maximum of 30 feet wide and the remainder of the supplemental zone shall be a maximum of 20 feet wide (see Figures 4-8, 4-9, and 4-10).

D. Active Edge Standard

If a supplemental zone is provided, up to 30 percent of the linear frontage of the supplemental zone may be a maximum of 20 feet wide and the remainder of the supplemental zone shall be a maximum of 10 feet wide.

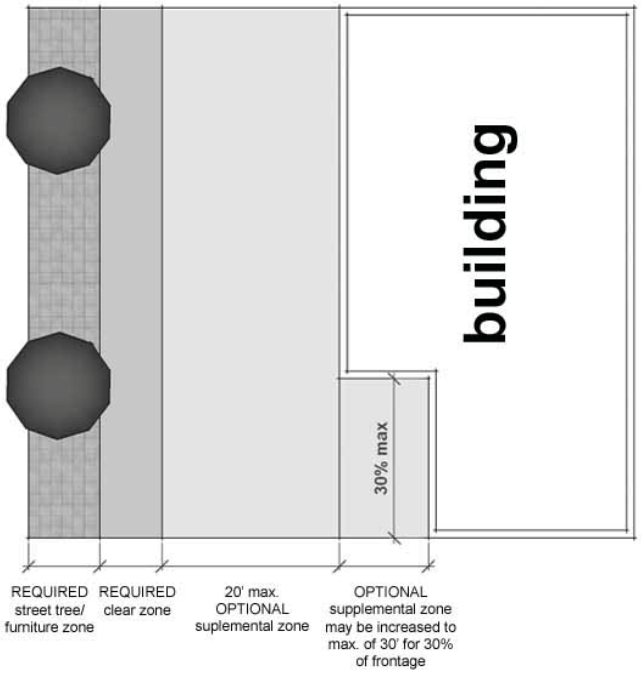


Figure 4-9: Optional supplemental zone may be expanded to 30 feet for a maximum of 30 percent of the frontage where there is not active edge designation (Basic Standard).

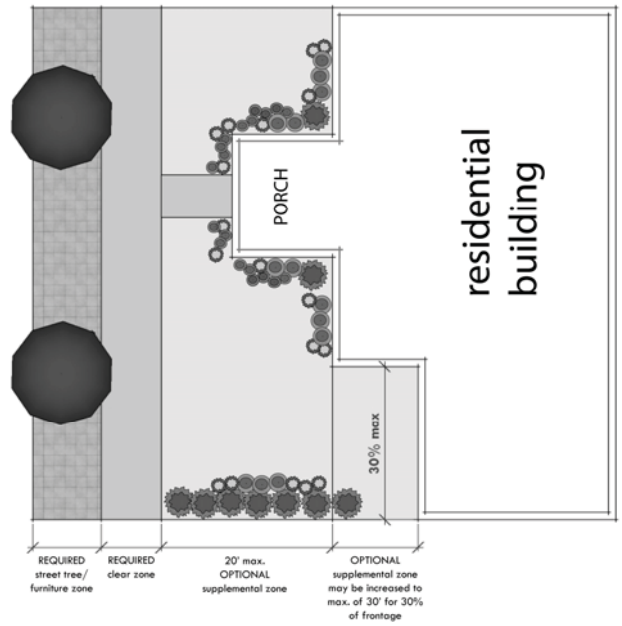


Figure 4-10: Example of allowed elements in a supplemental zone.

E. The following elements may be located within the supplemental zone:

1. Accessory outdoor dining, provided that the dining area may be separated from the sidewalk only with planters, shrubs, or fencing with a maximum height of 42 inches (see Figure 4-11);
2. Balconies, pedestrian walkways, porches, handicap ramps, and stoops; provided, however, that no such feature shall extend beyond the supplemental zone without a license agreement;
3. Terraces, provided that they have a maximum finished floor height of 24 inches above the sidewalk elevation and shall be surrounded by a guardrail that meets City specifications;
4. Landscape and water features;
5. Plazas; and
6. Incidental display and sales.



Figure 4-11: Example of a supplemental zone outdoor dining area

F. Any features in the supplemental zone must not obstruct the open pedestrian connection between the building's primary entrance and the clear zone.

4.5. OFF-STREET PARKING

4.5.1. Applicability

Article 4 Site Development Standards	Applies to:	Application Details:
Section 4.5 Off-street Parking	All development	Requirement must be met on all adjacent roadway types

4.5.2. Parking Requirements

A. Minimum Parking Requirement:
60 percent of that prescribed by the LDC Appendix A (Tables of Off-Street Parking and Loading Requirements)

B. Maximum Parking Requirement:
1. 100 percent of that prescribed by Appendix A ; or
2. 110 percent of that prescribed by Appendix A if the following qualifications are met:

a. Any parking spaces provided over 100 percent of the calculated LDC rate in Appendix A are made available for public use; and
b. Signage is provided indicating where public parking is available.

4.5.3. Shared Parking

Shared parking arrangements are encouraged to ensure that any vehicular parking provided is utilized to the greatest extent possible and to limit the provision of unnecessary parking spaces. Shared parking opportunities must be approved by the Director of the Public Works Department during site plan review as each case needs to be reviewed to ensure that the type and size of uses are appropriate for a shared parking arrangement.

4.5.4. Reduction of Minimum Off-Street Parking Requirements

This section provides for reductions in the minimum off-street parking requirements in Subsection 4.5.2. The minimum off-street parking requirement shall be reduced as follows:

A. By one space for each on-street parking space located adjacent to the site.

B. By up to 10 percent to preserve significant stands of trees or protected trees in addition to those required to be preserved by the Code, pursuant to protection measures specified in the Environmental Criteria Manual. If the applicant provides more parking spaces than the minimum required, the additional parking spaces may not result in the removal of significant stands of trees or protected trees.

C. By 20 spaces for every car-sharing vehicle provided in a program that complies with the requirements prescribed by the Director by administrative rule.

D. By one space for each shower facility with three or more lockers provided for employees in a nonresidential building.

E. By one motor vehicle parking space for each fully enclosed and lockable bicycle parking space.

F. By up to ten percent if parking spaces are leased or sold separately from occupied spaces.

Unless otherwise specified, the above reductions may be applied cumulatively, and may be applied in addition to the parking reduction authorized in Subsection 4.5.2, but in no case may the minimum off-street parking requirements for a project set forth in Chapter 25-6, Appendix A, be reduced by more than 50 percent.

4.5.5. Parking Design Standards

A. For all roadway types, off-street parking is prohibited between the principal street and the corresponding street-facing façade line (see Figure 4-12).

B. Any off-street surface parking along a TOD Core Transit Corridor, TOD Pedestrian Priority Street or TOD Local Street shall have landscape buffering in accord with Section 25-2-1006 of the LDC between the clear zone (or the supplemental zone if provided) and the parking area. The buffering method chosen must include shade trees unless already provided in an adjacent street tree/furniture zone (Figures 4-13 and 4-14).

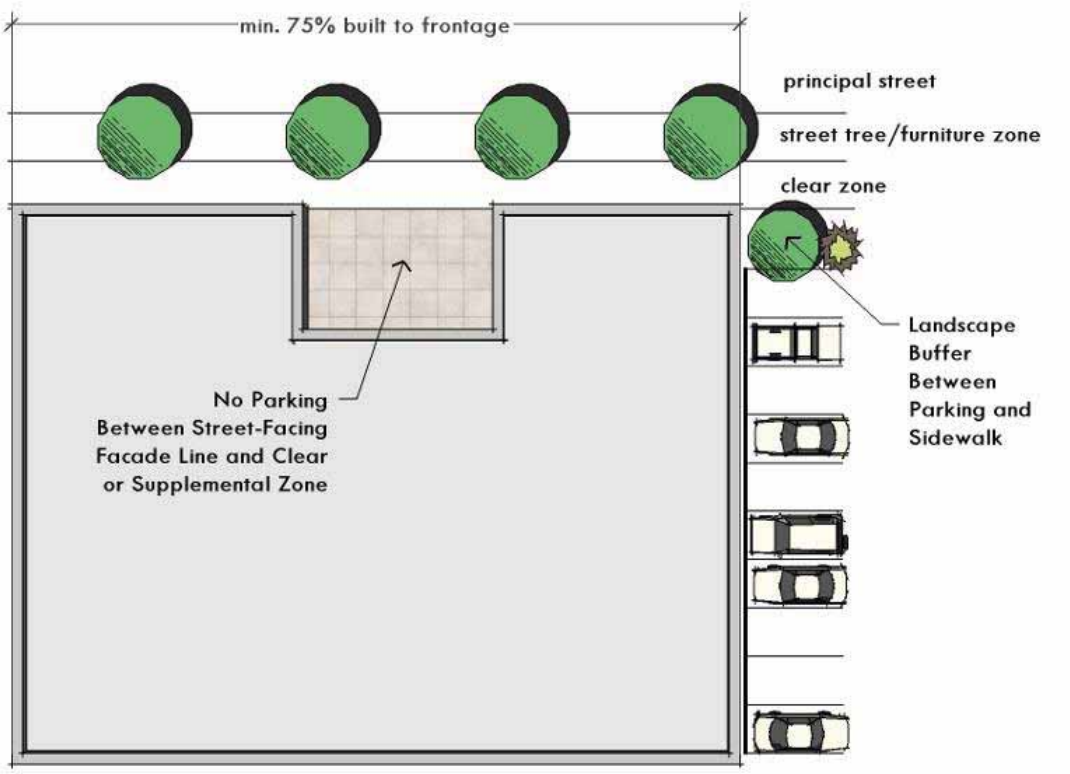


Figure 4-12: No parking is allowed between the street and the building façade and when parking is located to the side of a building, screening is required between the parking and the sidewalk (TOD CTC example).

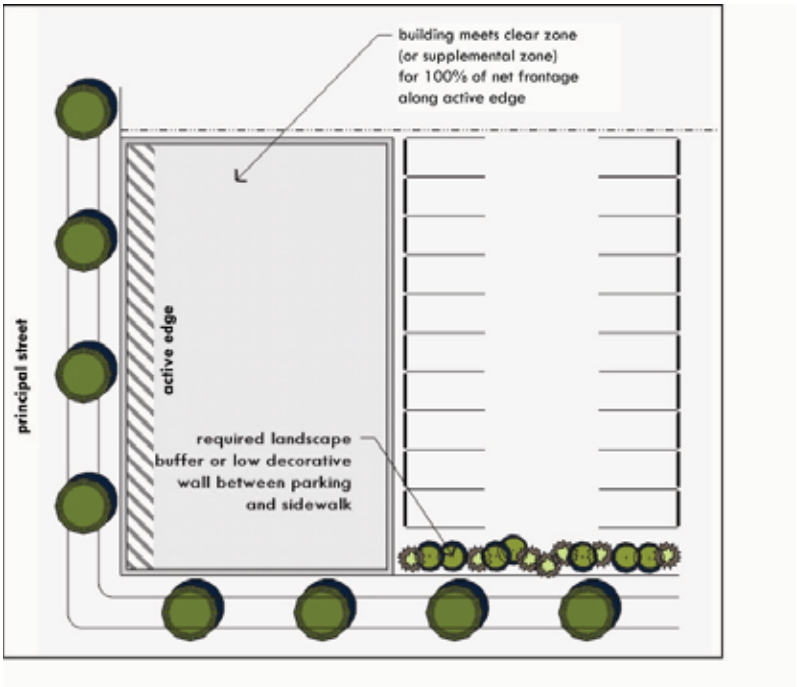


Figure 4-13: Building placement requirement along an active edge with required landscaping between parking and clear zone along other adjacent streets.

C. Surface parking is prohibited along active edges. Parking structures may be located along active edges provided they meet the applicable active edge standards in Section 5.7.

D. Off-street parking provided as part of a building or parking structure along any roadway type must meet the active edge ground floor space standards in Section 5.7.

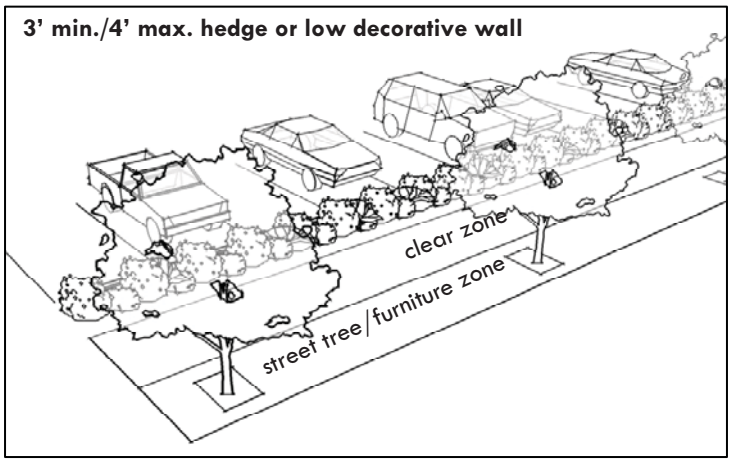


Figure 4-14: Required screening for surface parking along all streets.

4.5.6. Bicycle Parking Requirements

A. Minimum Requirement

Bicycle parking shall be as prescribed by the LDC Appendix A (Tables of Off-Street Parking and Loading Requirements). The required amount shall be calculated based on the motor vehicle spaces required by Appendix A prior to any available parking reductions.

1. For retail uses, a minimum of 75% of all required parking shall be located along the principal street and within 50 feet of a primary building entrance. For all other uses, the requirement is a minimum of 10%.
2. After meeting the requirement in 1. above, the remainder of required bicycle parking may be located:

    a. Within 50 feet of other building entryways not on the principal street; or
    b. At employee entrances; or
    c. Within a building, or
    d. In a covered motor vehicle parking area.

Note: One upside down U rack counts as two bicycle parking spaces. For example, if 100 bicycle parking spaces are required, 50 upside down U racks would need to be provided.

B. Standards

All bicycle parking shall meet the standards as prescribed in the LDC and as follows:

1. Bicycle parking shall not obstruct walkways. A minimum 5-foot wide aisle shall remain clear
2. Bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or a secure stationary rack, which support the frame so the bicycle cannot easily be pushed or fall to one side. Racks that require a user-supplied lock should accommodate locking the frame and both wheels using either a cable or U-shaped lock
3. Bicycle parking spaces shall be at least 6 feet long and 3 feet wide, and overhead clearance in covered spaces shall be a minimum of 7 feet (Figure 4-15).
4. A 5-foot aisle for bicycle maneuvering, which may be provided with the required sidewalk clear zone, shall be provided and maintained beside or between each row of bicycle parking.
5. Bicycle racks or lockers shall be securely anchored.
6. Bicycle parking shall be located in a well lighted, secure, and visible location.

7. A "ribbon rack" is not a recommended design for bicycle parking by the Public Works Department.

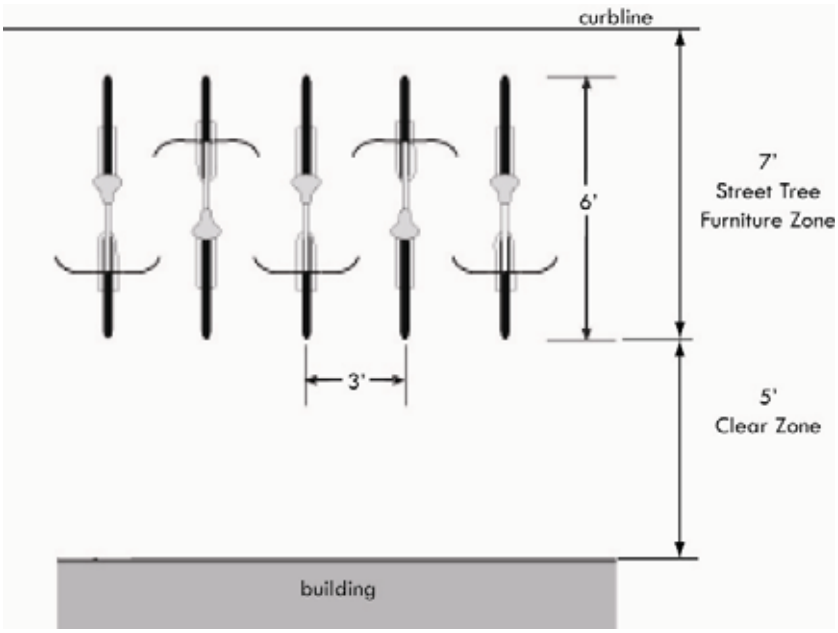


Figure 4-15: Bicycle parking design – Pedestrian Priority Street sidewalk

4.6. EXTERIOR LIGHTING

4.6.1. Applicability

Article 4 Site Development Standards	Applies to:	Application Details:
Section 4.6 Exterior Lighting	All development except: single family, single family attached, duplex, two-family, and townhouse development	Requirement must be met on all adjacent roadway types

4.6.2. Standards

A. Submission of Plans and Evidence of Compliance

All site plan applications shall include a description of all lighting fixtures not affixed to buildings, both proposed and those that will remain on the site, as well as any existing or proposed fixtures to be located in adjacent rights-of-way after completion of the project. For new fixtures, the description may include, but is not limited to, catalog cuts and illustrations by manufacturers (including sections where required), that demonstrate compliance with the standards of this Document. For lighting fixtures affixed to buildings, such

information shall be provided as part of the building permit application.

B. Fully Shielded and Full Cut-off Light Fixtures Required

The following outdoor lighting applications shall be illuminated by fixtures that are both fully-shielded and full cut-off (see Figure 4-16):

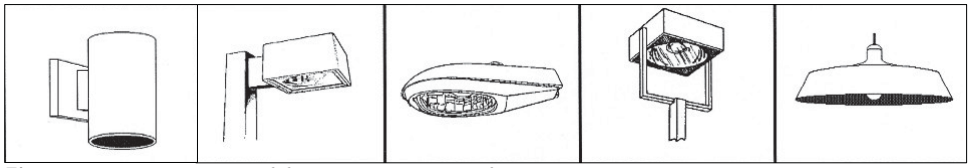


Figure 4-16: Examples of fully-shielded light fixtures

1. Street and pedestrian lighting;
2. Parking lots;
3. Pathways;
4. Recreational areas;
5. Billboards;
6. Product display area lighting; and
7. Building overhangs and open canopies.

C. Lighting of Building Façades

Buildings and structures shall be illuminated by fixtures that are both fully-shielded and full cut-off. Building façade lighting may only be used to highlight specific architectural features such as principal entrances and towers.

D. Directional Luminaires

Directional luminaires may be used to illuminate signs and flagpoles. Such luminaires shall be installed and aimed so that they illuminate only the specific object or area and do not shine directly onto neighboring properties, roadways, or distribute excessive light skyward.

E. Lamp or Fixture Substitution

Should any outdoor light fixture or the type of light source therein be changed after site plan or building plan approval has been granted, a change request must be submitted to the Director for approval, together with adequate information to assure compliance with this Document, which must be received prior to substitution.

F. Non-Conforming Lighting

All outdoor lighting fixtures lawfully installed prior to and operable on the effective date of this Document are exempt from all requirements of this Document until January 1, 2015, at which time they shall become subject to this Document, and shall be considered non-conforming if they do not comply with the requirements of this Document.

4.7. SCREENING OF EQUIPMENT AND UTILITIES

4.7.1. Applicability

Article 4 Site Development Standards	Applies to:	Application Details:
Section 4.7 Screening of Equipment and Utilities	All development except: local utility services, electric service transformers within the right-of-way, and telecommunications towers	Requirement must be must on all adjacent roadway types

4.7.2. Standards

All development, with the exception of local utility services, electric service transformers within the right-of-way, and telecommunications towers, shall comply with the following requirements:

A. Solid waste collection areas and mechanical equipment, including equipment located on a rooftop but not including solar panels, shall be screened from the view of a person standing on the property line on the far side of a street (see Figure 4-17).

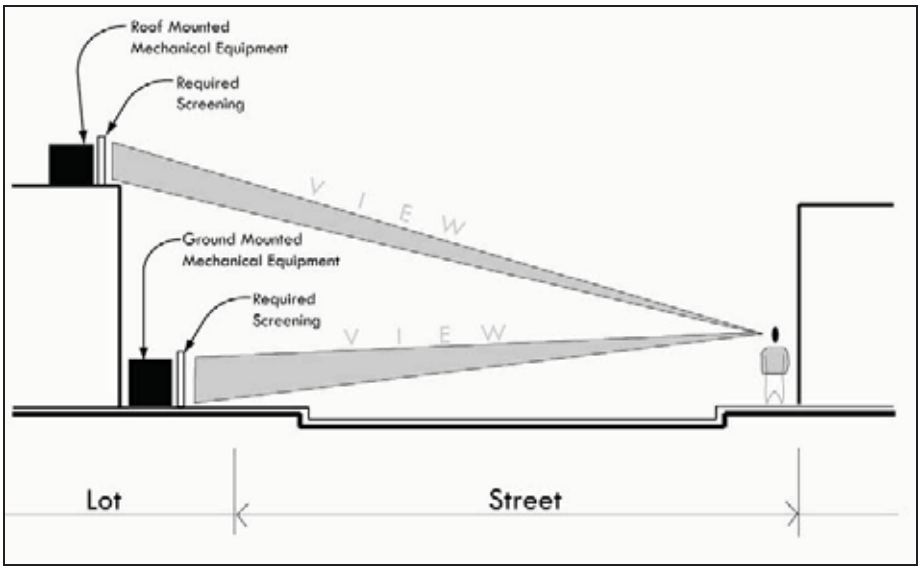


Figure 4-17: Required screening of mechanical equipment from property across the street.

B. Loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and landscape so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and streets. Screening materials for solid waste collection and loading areas shall be the same as, or of equal quality to, the materials used for the principal building. Loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions may be placed alongside public alleys without the necessity of screening.

4.8. SIGN REGULATIONS

4.8.1. Applicability

Article 4 Site Development Standards	Applies to:	Application Details:
Section 4.8 Sign Regulations	All development	Requirement must be met on all adjacent roadway types

4.8.2. Sign Regulations

Development shall comply with the Sign Regulations in the LDC Section 25-10-133, *University Neighborhood Overlay Zoning District Signs*.

4.9. GREEN INFRASTRUCTURE

4.9.1. Applicability

Article 4 Site Development Standards	Applies to:
Section 4.9 Green Infrastructure	All development except single family, single family attached, duplex, two-family residential, and townhouse.

4.9.2. Green Infrastructure Standards

A. On-site water quality controls are required per Sections 25-8-211 through 215 of the LDC.

B. A minimum of 75% of the required Water Quality Volume (WQV) must be treated on-site using Green Infrastructure (i.e. innovative water quality controls, per Environmental Criteria Manual [ECM] Section 1.6.7). All the innovative controls that use the landscape as part of the treatment system require sustainable landscape practices in the form of native vegetation and Integrated Pest Management Plans (see Figure 4-18).

C. In cases where site specific circumstances limit the ability to treat 100% of WQV on-site, if at least 75% of the WQV has been treated on-site using Green Infrastructure, the City may allow fee-in-lieu payments for the area not treated. The Watershed Protection and Development Review Department staff will maintain the ability currently allowed by ECM Section 1.6.4 to further reduce the level of on-site control if special circumstances exist which warrant the reduction.

D. If a developer, or group of developers, propose a regional water quality structure that treats the stormwater from at least 10 acres of previously untreated offsite land, the City may cost participate in the construction of the structure according to ECM Section 1.9.









Figure 4-18: Examples of Green Infrastructure facilities

4.10. PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES

4.10.1. Applicability

Article 4 Site Development Standards	Applies to:	Application Details:
Section 4.10 Private Common Open Space and Pedestrian Amenities	All development sites larger than two acres	Projects that utilize a density or density/height bonus are exempt from this requirement

4.10.2. Purpose

Open air and semi-enclosed public gathering spaces can act as central organizing elements in a development. They can also help to shape the relationship between different land uses and provide focal points and anchors for pedestrian activity. Goals and requirements for common open space and pedestrian amenities complement the LDC requirements for dedicated public open space and parks, and serve similar purposes.

4.10.3. Standards

A. Amenity Required

The development shall devote a minimum of two percent of the net site area to one or more of the following types of private common open space or pedestrian amenities:

1. A natural and undisturbed private common open space, for use of the residents, employees, and visitors to the development. Developments with primarily residential uses are encouraged to comply with this requirement.
2. A landscape area other than one required by Document C, Article 9 (Landscaping), provided such landscaped area has a minimum depth and width of 10 feet and a minimum total area of 200 square feet. The area shall include pedestrian amenities to support these places as gathering areas.
3. A playground, patio, or plaza with outdoor seating areas, provided the playground, patio, or plaza has a minimum depth and width of ten feet and a minimum total area of 300 square feet. The area shall include pedestrian amenities to support these places as gathering areas.

4. A combination of the above-listed amenities. (See Figure 4-19).





Figure 4-19: Examples of open space amenities

B. Location Criteria

To the maximum extent feasible, where significant natural and scenic resource assets exist on a property, the developer shall give priority to their preservation as private common open space. In reviewing the proposed location of private common open space areas, the Director shall use all applicable plans, maps, and reports to determine whether significant resources exist on a proposed site that should be protected, with priority being given to the following areas (which are not listed in a particular order):

1. Wetlands;
2. Flood hazard areas;
3. Lakes, rivers, and stream/riparian corridors;
4. Tree preservation areas; and
5. Karst areas.

C. Areas Not Credited

Lands within the following areas shall not be counted towards private common open space or pedestrian amenities required by this section:

1. Private yards;
2. Public or private streets or rights of way;
3. Parking areas and driveways for dwellings;
4. Water quality and stormwater detention ponds, unless approved by the Director; and
5. A required street tree/furniture zone.

D. Design Criteria

Land set aside for private common open space or pedestrian amenities pursuant to this section shall meet the following design criteria, as relevant:

1. Common open space areas shall be located so as to be readily accessible and useable by residents or visitors in various locations of the development, unless the lands are sensitive natural resources and access should be restricted.
2. The lands shall be compact and contiguous unless the land shall be used as a continuation of an existing trail, or specific topographic features require a different configuration. An example of such

topographic features would be the provision of a trail or private open area along a riparian corridor.

3. Where private common open space areas, trails, parks, or other public spaces exist adjacent to the tract to be subdivided or developed, the private common open space or pedestrian amenity shall, to the maximum extent feasible, be located to adjoin, extend, and enlarge the presently existing trail, park, or other open area land.

E. Maintenance

All private common open space or pedestrian amenity areas shall be maintained by the owners of the development.

F. Public Dedication or Fee In Lieu

Instead of providing private common open space or pedestrian amenities as required in this section, the developer of a property may:

1. If the development requires a dedication of public parkland according to Section 25-2-601 of the LDC, request approval of the Director of the Parks and Recreation Department (PARD) to instead dedicate on-site public open space or park land in partial or complete fulfillment of the parkland dedication requirement, or
2. Request approval of the Director of the PARD to deposit with the City a nonrefundable cash payment, based on a formula established by the City Council. The Director of the PARD shall review the request and accept or deny the request.

4.10.4. Exception from the Requirements of this Section

Projects that utilize a development bonus in Section 4.3 are exempt from the requirements of this section since they are providing the public benefit of affordable housing and may have a public parkland dedication requirement to meet according to Section 4.11.

4.11. PUBLIC PARKS AND TRAILS

4.11.1. Applicability

Article 4 Site Development Standards	Applies to:
Section 4.11 **Public Parks and Trails**	Development subject to the Parkland Dedication Ordinance (LDC Article 14 Section 25-2-601)

4.11.2. Purpose

Because of the higher density development envisioned for the MLK TOD Station Area, it is important to provide public open space and parks facilities for local residents. Some development sites will be better suited than others to provide on-site parkland for reasons including, but not limited to, the location of the site within the TOD and to core activity areas, site constraints, and size of site. This section broadly identifies some of the areas that would be ideal for a public park according to the MLK Open Space Concept Plan.

4.11.3. Recommended Location of Parks and Trails

The MLK Open Space Concept Plan (Figure 4-20) shows areas indicated as "Potential Open Space". Development within these parts of the TOD is encouraged to meet private common open space and/or parkland dedication requirements in these approximate areas. The locations shown were chosen for the ability of these general locations to properly serve MLK TOD residents. Optimal locations for future parks and trails include:

A. Pocket park with a minimum area of 0.5 acre, located between MLK Jr. Boulevard and Manor Road.

B. Pocket park with a minimum area of 0.5 acre, located south of MLK Jr. Boulevard.

C. Boggy Creek flood plain and wetland areas.

D. Trail system along the CMTA Red Line tracks, in rail right-of-way if feasible, or on adjacent properties.

4.11.4. On-site Parkland Dedication Requirement

For a property/site where public parkland is recommended as established in Subsection 4.11.3, a minimum of 50% of a parkland dedication requirement shall be met with an on-

site dedication of land. The land to be dedicated must be approved by the director of the Parks and Recreation Department. The dedicated land is eligible for the allowance described in Subsection 4.11.5.

4.11.5. On-site Parkland Dedication Allowance

If, as part of a development project, the parkland dedication requirement is met in part or in full with a dedication of public parkland on site, FAR and density calculations for the non-dedicated portion of the site shall be made based on the total site area prior to the dedication.

4.11.6. Fee In Lieu

A. Instead of, or in combination with, meeting parkland dedication requirements on site, a property owner may request approval to deposit with the City a nonrefundable cash payment, based on a formula established by the City Council. The Director of the PARD shall review the request and accept or deny the request.

B. Any parkland dedication fees collected in the TOD must be spent within the Station Area unless a waiver is granted to City Staff by the City Council.

4.12. DRIVE-THROUGH FACILITY STANDARDS

A drive-through facility for any use shall be subject to the standards of this section. The standards shall apply to new drive-through facilities added to existing development and new development, including the relocation of a drive-through facility. Drive-through facilities provide services where the motorist generally waits in the car before and while the service is performed. A drive-through facility may not be permitted for a specific property if the standards in this section cannot be met given the site's size, dimensions, and/or location within the MLK TOD District

4.12.1. Applicability

Article 4 Site Development Standards	Applies to:
Section 4.12 **Drive-through Facility Standards**	Development in the Corridor Mixed Use Subdistrict as specified in Subection 2.3.8

4.12.2. Drive-Through Facility Components

Drive-through facilities consist of the following two components:

A. Service areas are the locations where the service is performed. They include drive-up windows, indoor service areas such as car washes, and outdoor service areas such as gasoline pumps.

B. Queuing driveways are used by vehicles to reach service areas and wait for service.

4.12.3. Driveway Entrances and Exits

A. Curb-cut entrances for queuing driveways and exit driveways shall be consolidated with any other driveway entrances or exits on the site.

B. Driveways shall:

1. Comply with the driveway spacing standards in Section 5 of the Transportation Criteria Manual (TCM); and
2. Not be subject to Section 3.5.4.C if no other feasible access alternative exists.

4.12.4. Queuing Driveway Configuration and Design

A. A queuing driveway serving a drive-up window shall meet the following standards to provide appropriate vehicle queuing:

1. A minimum length of 100 feet leading to the drive-up window for one lane and 60 feet per lane when more than one lane is provided;
2. The calculation for driveway length required for queuing under .1 above shall not include any pedestrian crosswalks or sidewalks.

B. A queuing driveway serving any type of service area shall meet the following standards:

1. Driveway lanes shall be designed so that queuing vehicles do not interfere with other vehicle and pedestrian circulation on the site;
2. Driveways shall not be located between a building and the principal street, or if a corner site, all adjacent roadway types; and

3. All queuing lanes shall be clearly identified using striping, landscaping, and/or signs.

4.12.5. Drive-through Facility Service Area Location

Drive-through service areas shall be located as follows:

A. Drive-up windows, indoor service areas, and outdoor service areas shall be located to the rear or side of a building.

B. Indoor and outdoor service areas shall have a minimum setback of 30 feet from all roadway types.

C. Where multiple street frontages are present, vehicle entrances and exits for indoor service areas shall not face the principal street.

Figure 4-20: MLK Station Area Plan Open Space and Trails Concept Plan



ARTICLE 5: BUILDING DESIGN STANDARDS

5.1. INTENT

The standards of Article 5 are intended to use building design in order to:

5.1.1. Ensure that buildings foster the creation of a human-scale environment;

5.1.2. Ensure that trees or man-made shading devices are used alongside roadways and connecting roadside sidewalks to businesses to encourage pedestrian activity by providing a sheltered and comfortable walking environment;

5.1.3. Ensure that buildings provide an interesting and engaging visual experience at the pedestrian level; and

5.1.4. Ensure that the design and construction of ground floor building space near transit, at visible intersections, and along key streets that lead to transit, accommodates for active pedestrian-oriented uses even though these types of uses may not be supported by current market conditions.

5.2. GENERAL APPLICABILITY

For the purposes of applying the standards in this Article, refer to Article 2 for a description and map of TOD Subdistricts, Article 3 for a description and map of TOD Roadway Types, and Subsection 4.4.2.A: *Principal Street Determination.*

5.3. BUILDING ENTRANCES

5.3.1. Building Entrance Standards for Pedestrians

A. Applicability

Article 5 Building Design Standards	Applies to:	Application Details:
Subsection 5.3.1 Building Entrance Standards for Pedestrians	All development	-Required along the principal street and active edges -Corner site provisions apply

B. Primary customer and/or resident entrances shall face the principal street and connect directly to the sidewalk clear zone or supplemental zone along the principal street. Supplemental customer and/or resident entrances are encouraged on any other building frontage.

C. Building entrances shall be provided for each separate ground floor commercial tenant space along the elevation facing the principal street and along any active edge designation.

D. For sites on one or more corners, a building entrance shall be provided for each separate ground floor commercial tenant space along all adjacent roadway types unless already provided along the principal street.

5.3.2. Building Entrance and Exit Standards for Vehicles

A. Applicability

Article 5 Building Design Standards	Applies to:	Application Details:
Subsection 5.3.2 Building Entrance and Exit Standards for Vehicles	All development except single family, single family attached, duplex, two-family, and townhouse development and emergency service facilities	Corner site provisions apply

B. Building entrances and exits for vehicles shall be located to the rear or side of a building, except as provided in D below.

C. Where multiple street frontages are present, building entrances and exits for vehicles shall not face the principal street, or be located within 100 feet of the principal street, except as provided in D below.

D. Vehicle entrances and exits for structured parking may face a principal street only when no other feasible access is available on another street frontage or alley, as determined by the Director.

5.4. WINDOW GLAZING

5.4.1. Applicability

Article 5 Building Design Standards	Applies to:	Application Details:
Section 5.4 Window Glazing	All mixed use and non-residential development and development along an active edge	-Required along the principal street -Corner site provisions apply -Exemptions include: building facades facing loading areas, rear service areas, or facades adjoining other buildings (attached to more than 50 percent of the sidewall)
	Development containing only residential units not along an active edge excepting: single family, single family attached, duplex, two-family, and townhouse development	-Required along the principal street -Same exemptions as above

5.4.2. Purpose

Glazing provides interest for the pedestrian, connects the building exterior and interior, puts eyes on the street, promotes reusability, and provides a human-scale element on building facades. Projects subject to this section shall meet the minimum glazing requirements as stipulated below:

5.4.3. Standards

A. All mixed use development, non-residential development, and development along an active edge shall satisfy the following:

1. At least 40 percent of the wall area along the principal street that is between two and ten feet above grade shall consist of glazing (see Figure 5-1).
2. The second floor façade along the principal street must provide a minimum of 25 percent glazing between the finished second story floor and the finished third story floor or building eave (see Figure 5-1).
3. At least one-half of the total area of all glazing on ground-floor facades that face the principal street shall have a Visible Transmittance (VT) of 0.6 or higher.

4. For all other street facing facades, at least 25 percent of the wall area between two and ten feet above grade shall consist of glazing. Doors shall not be considered for the purpose of meeting this requirement.

B. Development containing only residential units that is not along an active edge shall satisfy the following:

1. At least 25 percent of the principal street ground floor wall area between two and ten feet shall consist of glazing; and
2. The second floor façade along the principal street must provide a minimum of 25 percent glazing between the finished second story floor and the finished third story floor or building eave (see Figure 5-1).



Figure 5-1: Commercial or mixed use building meeting glazing requirements

C. The maximum sill height for any ground floor glazing necessary to meet the minimum glazing standards of this section shall be 4 feet.

D. Any façade that is built up to an interior mid-block property line is not required to have glazing on that

façade if not prohibitions and no contractual or legal impediments exist that would prevent a building being constructed on the adjacent property up to the wall of the façade.

E. The requirements in this section shall not apply if the Building Code prohibits windows on such facades.

F. The requirements in this section may be reduced if the required level and/or location of glazing conflicts with the Energy Code and/or Green Building Program Standards. Shading devices and/or the use of fritted glass are encouraged to mitigate solar impacts, particularly on south and west facing facades.

5.5. SHADE AND SHELTER

5.5.1. Applicability

Article 5 Building Design Standards	Applies to:	Application Details:
Section 5.5 Shade and Shelter	All mixed use and non-residential development and development along an active edge	Required along the principal street and along parking adjacent to a building facade

5.5.2. Purpose

Austin's climate requires shade and shelter amenities in order to accommodate and promote pedestrian activity. These amenities will provide greater connectivity between sites and allow for a more continuous and walkable network of buildings. Projects subject to this section shall meet the following shade and shelter requirements:



Figure 5-2: Example of an ADA ramp with shade structure

5.5.3. Standards

A. A shaded sidewalk shall be provided alongside at least 50 percent of the following:

1. All building frontages adjacent to or facing the principal street.
2. All building frontages adjacent to off-street parking.

B. When adjacent to off-street parking, the shaded sidewalk shall be raised above the level of the parking by way of a defined edge. ADA ramps along the building must also be shaded (see Figure 5-2).

C. On active edges, a shaded sidewalk shall be provided along at least 80 percent of the active edge designation.

D. Building entrances shall be located under a shade device, such as an awning or portico.

E. For emergency service providers, Alternative Equivalent Compliance may be sought for relief from the principal street shaded sidewalk requirements of Subsections A and C above to the extent necessary for emergency service vehicle and overhead door access.

5.6. BUILDING FAÇADE ARTICULATION

5.6.1. Applicability

Article 5 Building Design Standards	Applies to:	Application Details:
Section 5.6 Building Façade Articulation	Building facades greater than 100 feet in length	Required along the principal street
	Building facades greater than 40 feet in length	Requirement must be met on all building facades adjacent to any roadway type

5.6.2. Standards

So as to provide visual interest and create community character and pedestrian scale, a building shall comply with the following façade articulation requirements:

A. Along the principal street, building facades greater than 100 feet in length shall:

1. Include at least one vertical change in plane with a depth of at least 24 inches (see Figure 5-3).
2. The distance from the inside edge of a building projection to the nearest inside edge of an adjacent projection shall not be less than 20 feet and not greater than 100 feet (see Figure 5-4).
3. For the purposes of meeting the requirements of this section, changes in plane shall not be deducted from the net frontage length requirement in Section 4.4 Building Placement so long as they do not exceed the maximum allowable supplemental zone standards as established in Subsection 4.4.4.



Figure 5-3: Shows façade articulation with a change in plane and also change in color and material.

B. Along all streets, building facades, or portions of building facades, greater than 40 feet in length shall include at least one discernible architectural element such as, but not limited to (see Figure 5-4):

1. Changes in material, color, and/or texture either horizontally or vertically at intervals not less than 20 feet and not greater than 100 feet; or
2. Bay windows, display windows, arcades, balconies, cornices, bases, pilasters, and columns.

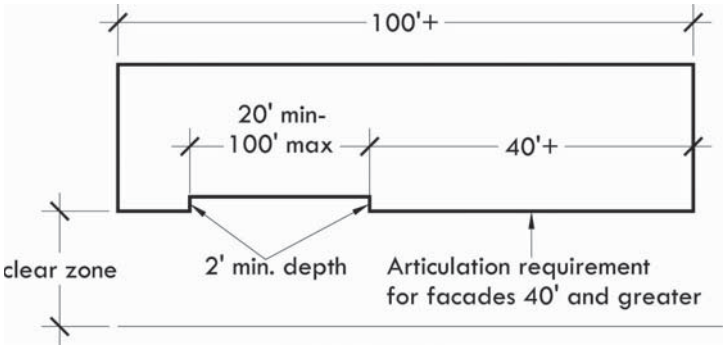


Figure 5-4: Illustration showing building façade articulation requirements.

C. Civic Buildings

In order to provide greater flexibility to create a distinctive architectural statement, civic buildings, as defined in Article 6 Definitions, are not required to meet the building façade articulation standards in this section. For buildings of a civic nature that do not fall under the definition of Civic in Article 6, Alternative Equivalent Compliance, as described in Article 1, may be sought for relief from the building placement standards in this section. Alternative Equivalent Compliance may be granted if the intent of this Document is met.

5.7. ACTIVE EDGES

5.7.1. Applicability

Article 5 Building Design Standards	Applies to:	Application Details:
Section 5.7 Active Edges	Development along all active edge designations	Specific use and design requirements apply

5.7.2. Ground Floor Spaces

For that portion of a building façade that is along a street frontage designated as an active edge, the ground floor of the building must contain a non-residential use and be designed and constructed according to the Active Use Area standards below (see Figure 5-5).

A. Active Use Area

Each ground-floor space shall be designed according to the following standards (see Figure 5-6):

1. An entrance that opens directly onto the sidewalk according to Section 5.3;
2. A depth of not less than 24 feet measured from the street frontage wall;
3. A height of not less than 12 feet, measured from the finished floor to the bottom of the structural members of the ceiling; and
4. A front façade that meets the window glazing requirements in Section 5.4.

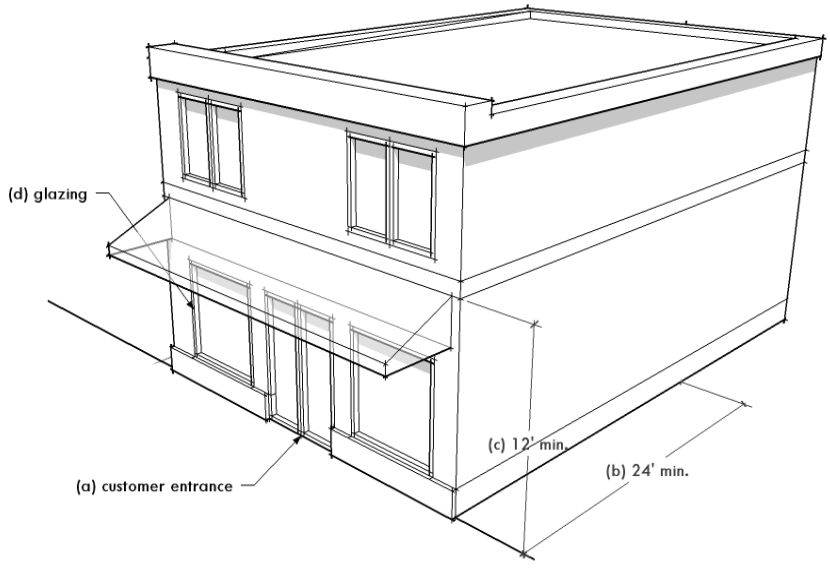


Figure 5-6: Along an active edge, a building must be designed to accommodate pedestrian-oriented non-residential uses (illustrates active use area).

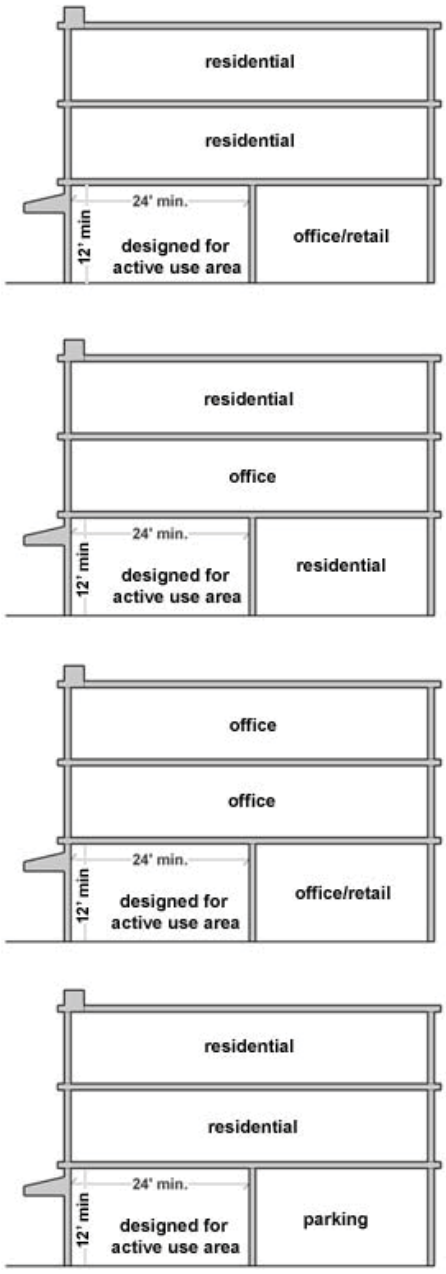


Figure 5-5: Showing required active use area along an active edge with possible mixed use building use combinations.

B. Parking

Off-street surface parking is prohibited along an active edge designation. Structured parking may be located along an active edge but it is not permitted in the required active use area described in this section.

ARTICLE 6: DEFINITIONS

Active Edge
An active edge imposes specific land use and design requirements for development in a TOD Mixed-Use Subdistrict. The locations of active edges are shown on the Land Use Concept Plan map (Figure 2-1). It requires building facades to be located adjacent to or near to the clear zone, building entrance and window treatment oriented to the street, and active ground floor uses (or their accommodation through building design and construction) along the street frontage, including, but not limited to: commercial, retail, restaurant, entertainment, and lobbies for civic, hotel, or multi-family uses.

Building
A structure that has a roof and walls, which is constructed in a permanent position on the ground. A building also includes parking structures that may or may not have fully enclosed walls.

Civic Buildings
For purposes of this Document, civic buildings shall consist of the following:

- College or University facilities
- Community Recreation (Public)
- Cultural Services
- Local Utility Services
- Parks and Recreation Services (General)
- Postal Services
- Public Primary Education Facilities
- Public Secondary Education Facilities
- Safety Services
- Transportation Terminal

Clear Zone
The area dedicated for an unobstructed sidewalk.

Commercial Use
A use that appears in Section 25-2-4, C*ommercial Uses Described*, of the LDC.

CP&R Zone
The Community, Preservation, and Revitalization Zone is a geographic area in Central East Austin where City efforts are being made to mitigate gentrification pressures.

Director
Unless otherwise specified, the Director of the Watershed Protection and Development Review Department, or his or her designee.

Fully-Shielded Light Fixture
A lighting fixture constructed in such a manner that the light source is not visible when viewed from the side and all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

Full Cut-off
A luminaire light distribution where zero candela intensity occurs at or above an angle of 90 above nadir. Additionally, the candela per 1000 lamp lumens does not numerically exceed 100 (10%) at or above a vertical angle of 80 above nadir. This applies to all lateral angles around the luminaire.

Glazing
The panes or sheets of glass or other non-glass material made to be set in frames, as in windows or doors.

Hardscape
Nonliving components of a streetscape or landscape design, such as paved walkways, walls, sculpture, patios, stone and gravel areas, benches, fountains, and similar hard-surface areas and objects.

Internal Block
One or more lots, tracts, or parcels of land bounded by streets, railroads, or subdivision boundary lines.

Joint Use Driveway
Refer to Section 25-6-417 of the Land Development Code.

LDC
The City of Austin Land Development Code.

Light Fixture
The complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket); a light fixture.

Maximum Extent Feasible
No feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

Maximum Extent Practicable
Under the circumstances, reasonable efforts have been undertaken to comply with the regulation or requirement, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from the noncompliance.

Mixed Use Building
A building containing more than one type of use. This may include, but is not limited to, a combination of residential, commercial, light manufacturing, office, and/or civic land uses.

Net Frontage Length
Determined by subtracting required streets to meet block standards, compatibility setbacks, easements, drive aisles, sidewalks, and stairs that occur at the building perimeter from the total property length, as measured along the front lot line from property line to property line (see Figure 6-1). In the case of a curved corner, the Director may determine the end point for purposes of measuring net frontage.

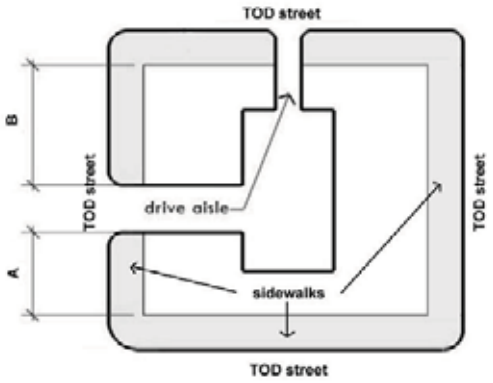


Figure 6-1: The net frontage length for this property is the total of lengths A and B. Required streets, drive aisles, and perimeter sidewalks are not included.

Net Site Area
Refer to Section 28-8-62 of the Land Development Code.

Pedestrian-Oriented Business or Use:
A business or use which is commonly accessed by pedestrians from the street sidewalk and have a high customer use rate.

Principal Building
A building in which is conducted the principal use of the lot on which it is located.

Principal Entrance
The place of ingress and egress most frequently used by the public.

Principal Street
In this Document, the principal street of a lot or site is the street with the highest priority that is adjacent to the lot or site. Street priorities are as follows, from highest to lowest:

- TOD Core Transit Corridor;
- TOD Pedestrian Priority Street; and
- TOD Local Street.

If a lot is adjacent to more than one street of equal priority, the principal street is the street with the highest level of transit service, as determined by the Director; or, if the streets do not have transit service or the level of transit service is equal, the street designated by the lot owner.

Shaded Sidewalk
For purposes of this Document, a shaded sidewalk shall be either of the following:

- A sidewalk at least five feet in width with street trees at 30-foot intervals; or
- A sidewalk at least five feet wide covered with weather-protection materials such as awnings.

Significant Stand of Trees
Three or more Class 1 or Class 2 tree specimens with a minimum measurement of two-inch Diameter at Breast Height, meeting the standards outlined within Section 3.5.2 of the Environmental Criteria Manual and a minimum of 150 square feet of critical root zone preserved.

Streetscape
The elements within and along the street right-of-way that define its appearance, identity, and functionality, including street furniture, landscaping, trees, sidewalks, and pavement treatments.

(TOD) Station Area
A defined area within approximately ½ mile of a transit stop. Station Area boundaries were initially established by the TOD Ordinance adopted by the City Council in May 2005. A Station Area Plan establishes final Station Area boundaries. For the purposes of this Document, a Station Area is synonymous with TOD District.

Station Area Plan (SAP)
A Document that creates a development vision and plan specific to a TOD District, developed through the Station Area Planning process and adopted by the City Council. A SAP also includes new design and development standards and regulations (i.e. zoning) for all properties with the TOD District.

Story
That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story. For the purposes of this Document, a story is a minimum of 8 feet in height.

Street
For the purposes of this Document, a street includes public and private streets and private drives, but does not include alleys.

Street-Facing Facade
A wall of a building that is within 60 degrees of parallel to a street lot line; and is not behind another wall, as determined by measuring perpendicular to the street lot line. The length of a street-facing façade is measured parallel to the street lot line.

Street Tree/Furniture Zone
An area adjacent to the curb in which street trees may be planted. The zone is also intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.

Supplemental Zone
An area between the clear zone and the building edge for active public uses such as a plaza, outdoor café or patio.

Transit-Oriented Development (TOD)
Transit-oriented development (TOD) is the functional integration of land use and transit via the creation of compact, walkable, mixed-use communities within walking distance of a transit stop or station. A TOD bring together people, jobs, and services and is designed in a way that makes it efficient, safe, and convenient to travel on foot or by bicycle, transit, or car.

TOD District
A defined area within approximately ½ mile of a transit stop. TOD District boundaries were initially established by the TOD Ordinance adopted by the City Council in May 2005. A Station Area Plan establishes final TOD District boundaries. For the purposes of this Document, a TOD District is synonymous with TOD Station Area or Station Area.

TOD Subdistrict
A designation of land within the TOD District used for applying design and development standards within a specific part of the TOD. The following is a listing of TOD Subdistricts:

- TOD Low Density Residential Subdistrict
- TOD Medium Density Residential Subdistrict
- Live/Work Flex Subdistrict
- TOD Mixed-Use Subdistrict
- Corridor Mixed-Use Subdistrict