

Council Agenda Items 18 and 19
Transit Oriented Development Ordinance and Resolution Option Summary
TOD Ordinance Summary of Issues

4-28-05
#18

1	Second Reading TOD Ordinance		Approve third reading of the TOD Ordinance	Recommended
Ordinance Change Requested by Mayor Pro Tem Goodman				
2	Section 25-2-766.21 Page 7, Line 19	(A) The director shall prepare a station area plan for each transit oriented development (TOD) district. The director shall permit Capital Metropolitan Transportation Authority, the neighborhood plan contact team, if any, neighborhood organizations, and other affected persons to participate in the preparation of a station area plan.	(A) The director shall prepare a station area plan for each transit oriented development (TOD) district. The director shall permit Capital Metropolitan Transportation Authority, the neighborhood plan contact team, if any, neighborhood organizations, business-owners and property-owners, and other affected persons to <u>may</u> participate in the preparation of a station area plan.	Recommended. Staff also recommends adding: <u>Austin San Antonio Intermunicipal Commuter Rail District</u>
Ordinance Changes Requested by Council Member Alvarez				
3	Section 25-2-766.21 Page 7, Line 19	(A) The director shall prepare a station area plan for each transit oriented development (TOD) district. The director shall permit Capital Metropolitan Transportation Authority, the neighborhood plan contact team, if any, neighborhood organizations, and other affected persons to participate in the preparation of a station area plan.	For stations located in neighborhood areas that have adopted neighborhood plans and that have defined gateway, midway and transition zones (e.g., MLK TOD District and Lamar TOD District): (A) conduct a station area planning process for gateway and midway zones only. Apply the site development restrictions for the gateway and midway districts as recommended by staff.	The Neighborhood Plans primarily address land use and zoning. The Station Area Plans (SAP) are intended to address other issues including analyses of transportation, infrastructure, housing, drainage, parking, streetscape improvements, and urban design. Restricting SAPs to the Gateway and Midway Zones may limit the effectiveness of the SAPs. Most neighborhood stakeholders have not been concerned with SAP in the TOD, but are mainly looking for assurance that they will be included in the planning process.

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4	Section 25-2-766.21 Page 7, Line 19	(A) The director shall prepare a station area plan for each transit oriented development (TOD) district. The director shall permit Capital Metropolitan Transportation Authority, the neighborhood plan contact team, if any, neighborhood organizations, and other affected persons to participate in the preparation of a station area plan.	For stations located in neighborhood areas that have adopted neighborhood plans and that have defined gateway, midway and transition zones (e.g., MLK TOD District and Lamar TOD District): (B) Designate the neighborhood plan contact team as the stakeholder group that will be responsible for developing and approving the station plan.	The draft ordinance proposes a broad-based participation process that includes all interested stakeholders. In areas with an adopted Neighborhood Plan the Neighborhood Plan Contact Team is an integral part of this process. Staff recommends the language cited in Row 3 above: (A) The director shall prepare a station area plan for each transit oriented development (TOD) district. Capital Metropolitan Transportation Authority, the neighborhood plan contact team, if any, neighborhood organizations, business-owners and property-owners, and other affected persons may participate in the preparation of a station area plan.
5	Appendix D Page 11	The map for Plaza Saltillo TOD does not identify the 11-acre CMTA property as Gateway, Midway or Transition Zone.	For stations located in neighborhood areas that have adopted neighborhood plans and that do not have defined gateway, midway and transition zones (e.g., Plaza Saltillo TOD): (A) designate the Capital Metro owned property as the gateway.	Recommended.

6	Section 25-2-766.21 Page 7, Line 19	(A) The director shall prepare a station area plan for each transit oriented development (TOD) district. The director shall permit Capital Metropolitan Transportation Authority, the neighborhood plan contact team, if any, neighborhood organizations, and other affected persons to participate in the preparation of a station area plan.	For stations located in neighborhood areas that have adopted neighborhood plans and that do not have defined gateway, midway and transition zones (e.g., Plaza Saltillo TOD): (B) Recognize the Citizens Advisory Group (CAG) appointed by the City and Capital Metro as the stakeholder group that is responsible for developing the (Plaza Saltillo TOD) station plan and, in the event that the station plan developed by the CAG deviates from the development restrictions that are currently in place, require that any such changes to the current restrictions be approved by the East Cesar Chavez Neighborhood Planning Team.	Staff recommends maintaining the Saltillo CAG as the advisory group for the 11-acre CMTA property and a broad-based SAP participation process including all interested stakeholders for the larger Plaza Saltillo SAP.
7		Not in March 24 th draft ordinance	In TOD Districts that provide increased density beyond what is currently allowed, require that 25% of the residential units within a specific TOD be affordable at the "Area Median Family Income" or at 80% of the Median Family Income for the City, whichever is lower. With "Area Median Family income" being defined as the median family income for the area that is within the TOD district and within a mile of the TOD district.	Add a new subsection to 25-2-766.22 (B) A station area plan: <u>(9) may establish a program of development incentives and appropriate affordable housing requirements.</u>
8		Not in March 24 th draft ordinance	In TOD Districts that do not provide increased density beyond what is currently allowed, adopt a resolution stating that the desired affordable housing goal for projects within specific TODs is that 25% of the residential units will be affordable at the "Area Median Family Income" or at 80% of the Median Family Income for the City (whichever is lower) and that the City will pursue various strategies to help the developer(s) achieve this goal. Furthermore, the City will commit to make the affordable housing requirements outlined above mandatory if any public funds are expended for the purpose of facilitating development within a TOD District.	Add a new subsection to 25-2-766.22 (B) A station area plan: <u>(9) may establish a program of development incentives and appropriate affordable housing requirements.</u>
Ordinance Changes Requested by Council Member Slusher				

9	25-2-766.23 Page 8, line 22	Revise Section 25-2-766.23 (B) to read: <u>Amendments to a station area plan may be proposed by land owners not more than once per calendar year per property owned.</u>		<p>Staff recommendation: For areas within an adopted neighborhood plan, the Station Area Plan will follow the Neighborhood Plan amendment process.</p> <p>For areas outside an adopted neighborhood plan, (Language for areas not included in neighborhood plans is adapted from the Neighborhood Plan Amendment Ordinance 030320-03)</p> <p>1) The director shall process an amendment to a station area plan as follows: A) Except as provided in Subsections (B) through (E), the director may accept an application to amend a station area plan not earlier than one year after the adoption of the plan. After the one year anniversary of a plan adoption, the director may accept an application to amend a plan recommendation relating to an individual property not more frequently than once every 12 months. An application may be filed only during the month established by the director under Part 10. B) The director may accept an application to amend a station area plan at a time other than as provided in Subsection (A) if the director determines that: i) prohibiting the filing would result in a hardship to the applicant; and ii) the development proposed by the applicant will not adversely affect public health, safety, and welfare.</p>
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9		<p>Revise Section 25-2-766.23 (B) to read: <u>Amendments to a station area plan may be proposed by land owners not more than once per calendar year per property owned.</u> (Continued)</p>		<p><u>C) The director may accept an application to amend a station area plan at a time other than as provided in Subsection (A) if a clerical error regarding the designated use of the subject property exists on the future land use map of the station area plan or in the text of the plan.</u></p> <p><u>D) The director may accept an application to amend a station area plan at a time other than as provided in Subsection (A) if the amendment allows for the development of a S.M.A.R.T. Housing certified project in which at least 40 percent of the proposed units are reasonably priced.</u></p> <p><u>E) The director may accept an application to amend a station area plan which:</u></p> <p>—</p>
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9		Revise Section 25-2-766.23 (B) to read: <u>Amendments to a station area plan may be proposed by land owners not more than once per calendar year per property owned. (Continued)</u>		<p><u>i) provides environmental protection that is superior to the protection that would otherwise be achieved under existing zoning and development regulations; or</u></p> <p><u>ii) promotes the recruitment or retention of an employment center</u></p> <p><u>2) An amendment of a station area plan may be initiated by:</u></p> <p><u>A) for an amendment regarding an individual property, the owner of the subject property, the Council, the Planning Commission, or the director; and</u></p> <p><u>An application to amend a station area plan must be submitted in February for a station area plan west of I-35 and an application to amend a station area plan must be submitted in July for a station area plan east of I-35.</u></p>
10		Not in March 24 th draft ordinance	Review Section 25-2-766.02 concerning the minimum height as it applies to sites of less than 8,000 square feet.	In an earlier version of the ordinance this section provided an exemption for smaller sites from the minimum building height requirements. The minimum building height requirements and related exemptions have been deleted from the ordinance.
Ordinance Changes Requested by the Austin Transit Communities Coalition (ATCC)				

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11	Section 25-2-766.22 Page 8, Line 12	(B) A station area plan: (7) shall include a housing affordability analysis and feasibility review that describes potential strategies for achieving a goal of 25 percent of new housing to serve low and moderate income families, including home ownership opportunities for families at or below 80 percent of median family income and rental housing opportunities for families at or below 60 percent of median family income;	Revise Subsection to read: (B) A station area plan: (7) "shall include a housing affordability analysis and feasibility review that describes potential strategies for achieving a goal of <u>at least 25% of new housing within each TOD serving families at the following income levels: home ownership opportunities for families at or below 80% Median Family Income ("MFI") and rental housing serving families at or below 50% MFI."</u>	Revise subsection to read: "shall include a housing affordability analysis and feasibility review that describes potential strategies for achieving a goal of 25 percent of new housing within each TOD <u>serving families at the following income levels: home ownership opportunities for families at or below 80 percent of median family income and rental housing opportunities for families at or below 60 percent of median family income;"</u>
12	Section 25-2-766.21 Page 7, Line 19	Not included in ATCC version of draft ordinance provided to Council at 2 nd reading	Add the following language to the ordinance: " <u>For rental units, the 25% affordability goal includes at least 10% of units at 40-50% MFI, 10% of units at 30-40% of MFI and 5% of units at less than 30% of MFI. For homeownership units, the 25% affordability goal includes at least 10% of units at 70-80% of MFI, 10% of units at 60-70% of MFI and 5% of units at less than 60% of MFI.</u>	No change recommended. Staff recommends replacing stratified goals with the area median income goal proposed by Council Member Alvarez. Stratified goals not recommended for ordinance or resolution.
13	Section 25-2-766.21	Not in version of ordinance provided to Council at 2 nd reading.	Add the following language to the ordinance: " <u>The City Manager is directed to adopt and implement policies and programs to achieve the affordability goals.</u> "	Not recommended. However, similar language is appropriate for the resolution, and is recommended below.
Ordinance Changes Requested by the Real Estate Council of Austin				

14	Section 25-2-766.12 Page 5, Line 23	(D) A use with a drive-in service is prohibited.	(D) A use with a drive-in service <u>located more than 300 feet from an arterial roadway</u> is prohibited	Not recommended. In many of the TODs permitting drive-in services within 300' of an arterial roadway would include a majority of the property within the TOD. Prohibiting drive-in services is consistent with the goal of creating a more pedestrian friendly environment in TODs. Alternate option: Allow drive-in services as a Conditional use.
Ordinance Changes Recommended by the Planning Commission				
15	Section 25-2-147 Page 1, Line 18	Transit oriented development (TOD) district is the designation for an identified transit station and the area around it. The district provides for development that is compatible with and supportive of public transit and a pedestrian-oriented environment.	Transit oriented development (TOD) district is the designation for an identified transit station and the area around it. The district provides for development that is compatible with and supportive of public transit, a pedestrian-oriented environment, and <u>S.M.A.R.T. Housing.</u>	This reference is not necessary. Section 25-2-766.22 (B) (7) discusses housing.
16	Section 25-2-766.21 Page 7, Line 25	(B) A station area plan must be included in an adopted neighborhood plan, if any. An amendment to an adopted neighborhood plan to include a station area plan must be reviewed and approved in accordance with the neighborhood plan amendment process established by council.	(B) A station area plan must be included in an adopted neighborhood plan, if any. A neighborhood plan amendment must be reviewed and approved in accordance with the neighborhood plan amendment process established by council.	The City charter requires any zoning change to be consistent with the Comprehensive Plan. The ordinance language adopted on first reading accomplishes this objective.
17	Section 25-2-766.21 Page 7	Not adopted at 2nd reading.	Add new paragraph (C): <u>A Station Area Plan must feature 100 percent S.M.A.R.T. Housing.</u>	Maintain status of S.M.A.R.T. Housing as a voluntary initiative. (S.M.A.R.T. Housing standards such as Green Building and Accessibility / Visitability could be required of applicants who take advantage of any development incentives established during Station Area Plan process.)

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18	Section 25-2-766.22 Page 8	Not adopted at 2nd reading.	Add new subsection: (B) A station area plan: <u>(9) shall include estimates of increased ridership from local residents</u>	The Station Area Plan will address this issue without mandating it in the ordinance.
19	Section 25-2-766.22 Page 8	Not adopted at 2nd Reading.	Add new subsection: (B) A station area plan: <u>(10) shall include consideration of public and civic art in and near transit stations.</u>	The Station Area Plan will address this issue without mandating it in the ordinance.
Ordinance Changes Recommended by the Zoning and Platting Commission				
20	Subpart B Page 4, Line 24	Initial district regulations (prohibited, conditional uses and revised site development regulations) apply in Gateway, Midway, and Transition zones	Initial district regulations shall apply in the Gateway Zone only	Not recommended. The effectiveness of the initial TOD overlay will be minimized by removing Midway and Transition zones.
21	Section 25-2-766.04 Page 4, Line 3	(A) Transit oriented development districts (TOD) are established and classified as follows: (7) The North IH-35 Park & Ride TOD district is established as a town center TOD district.	Delete the North IH-35 TOD from the TOD ordinance	Not recommended. The North IH-35 TOD is integral in establishing TOD districts along the CMTA rapid bus line.

TOD Housing Resolution Summary of Issues

Resolution Changes Requested by the Austin Transit Communities Coalition (ATCC)

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22	Resolution: Section A	Each station area plan should include a feasibility analysis of potential strategies and policies to achieve affordability periods of 10 years for home ownership units and 30 years for rental units.	Change language to read: "Each Station Area Plan should include a feasibility analysis of potential strategies and policies to achieve affordability periods of <u>at least</u> 10 years for homeownership units and <u>at least</u> 30 years for rental units."	This requested change is redundant with existing language in Section D, which states that the city will "pursue policies, programs, or funding sources that may be available to achieve or exceed housing goals." No change recommended.
23	Resolution: Section C	For rental units those goals include 10% of units at 30-40% of MFI and 5% of units at less than 30% of MFI.	The last sentence should be modified to state: "For rental units those goals include <u>10% of units at 40-50% MFI</u> , 10% of units at 30-40% of MFI and 5% of units at less than 30% of MFI."	Delete Section C. Change Section A to read: "The goal of transit-oriented development should be that 25% of the new housing in each TOD area is affordable to <u>families at or below the area median income (the median family income for the Census block groups within and immediately surrounding the TOD area)</u> . Where area median income is higher than 80% of the city's median family income level, the goal is for 25% of all new residential units to be <u>affordable, with affordable homeownership units serving families at or below 80% Median Family Income ("MFI") and rental housing serving families at or below 60% MFI</u> ."
24	Resolution: Section B	The housing goals for each Station Area Plan may be modified during the Station Area Planning Process to establish affordability percentages and MFI levels appropriate to each Station Area.	Change language to read: "The housing goals for each station area plan may be <u>increased</u> during the station area planning process <u>to reflect the incomes of the surrounding residents and allow surrounding residents to be able to afford housing in the Station Area</u> ."	No change recommended. While the intent of the resolution is to establish a benchmark of 25% affordability in each TOD area, the City should preserve flexibility in TOD areas with high land values such as the Convention Center TOD.
25	Resolution: Section C	n/a	Change language to clarify that the City Manager is responsible for pursuing policies to make affordability goals a reality in coordination with multiple city departments.	Change text in paragraph D to state, " <u>The City Manager will pursue policies, programs or funding sources that may be available to achieve or exceed housing affordability goals within the area of each Station Area Plan</u> ."

26	Resolution: n/a	n/a	Add new Paragraph D: <u>"The goal of transit-oriented development is to achieve green building standards of Level 3 Star for residential and Level 2 Star or LEED for commercial."</u>	No change recommended. It is premature to require private property owners in TODs to meet Green Building requirements in the absence of identified incentives or subsidies.
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Task Force's Commercial Design Standards (April 25, 2005 Report) Comparison of Recommendations

#	Task Force Recommendation (April 25, 2005 document)	New reg or revision of current regs?	Staff Recommendations (received as of April 27, 2005)	Planning Commission Recommendations	Design Commission Recommendations	Environmental Board	Urban Transportation Commission, Zoning & Planning Commission
	OVERALL		<ul style="list-style-type: none">Clarify how TND, NCCD, NPCD supersede the proposed standards.State that to the extent of conflict involving life safety concerns (fire and building code) shall supersede	PC MOTION: Approve April 25, 2005 Task Force draft, with two changes listed below. PC Vote: 8-0 (DS-1*, JR-2*)	See letter from Design Commission.	EV Motion: See March 23, 2005 letter. Approve Task Force proposal goals and the following changes. EV Vote: Unanimous	UTC Motion: No action UTC Vote: n/a ZAP MOTION: Endorse the April 25, 2005 Task Force report with the following conditions and concerns: ZAP VOTE: (K.J., C.H. 2*); BB, JP, and TR- against (5-3) General Concerns: <ul style="list-style-type: none">Impacts on meeting ADA accessibility requirementsProcess for variancesFiscal impacts on small businesses and development reviewImpact on adjacent residential uses
	DEVELOPMENT ORIENTATION						

DO-1	Definitions Revise site development regulations to depend on roadway type of site.	Revision (Revise building setbacks)	<p>Accept with changes:</p> <p>Overall. The proposal to file all site plans with the County Clerk will increase the time and complexity for site plan revisions and is not necessary.</p> <ul style="list-style-type: none"> Rename "Urban and Transit Roadways" to something that does not imply two different roadway types. Suggest renaming those to Level I Roadways, and renaming Local Roadways to Level II Roadways. The definition of Urban and Transit Roadways is unclear. Does it mean all roadways within the boundaries? For Hd Country Roadways, change side setback from N/A to 10 feet. Change front setback from 50 feet to N/A (vegetative buffer requirements will determine front building setback). The footnote about Local Roadways being exempt from C-2 is unclear. Establish that there must always be a minimum of 12 feet from curb to building to accommodate sidewalks and street trees. Clarify that impervious cover limits apply, either zoning or watershed, whichever is more restrictive. Exempt parks and recreation services (general and special) and community recreation (public & private) from front maximum setback. During Zoning Code Update clarify which is front, rear and streetside of building. Clarify that the setbacks for alleys is determined by what side the alley is on (if rear, rear setback applies; if interior side, interior side setback applies). Reduced setbacks at alleys can be allowed so long as visibility at intersecting rights of way are maintained in accordance with Sec 1.3.1.D.6 of the Transportation Criteria Manual. 	Change boundaries of Urban and Transit Roadways: The north boundary would be Parmer Lane, eastern boundary would be 183, southern boundary would be Slaughter and the western boundary would be 300.			ZAP concerned about potential conflict between pedestrians and loading areas and dumpsters behind buildings built to the street.
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DO-2	Development Orientation along "Urban and Transit Roadways"	New	<p>Adopt, but add:</p> <ul style="list-style-type: none"> • Vehicle drop-off areas are permitted between the building and street and does not count as parking between the building and the street. • Delete requirement for row of shade trees (2b and 3b) because already proposed to be required for all sites under L-2. • Items 2a, 2cV, 3a and 3cV are unclear and will be complicated to administer. Clarify that the intent is to have buildings within 15 feet of the property line along 30% of the street frontage. Under LU-3, a VMU building must already be built to the property line, so the proposed 15%/25% of street frontage requirement for a vertical mixed-use building is not needed. 				
DO-3	Development Orientation on Local Roadways		<ul style="list-style-type: none"> • Delete 1a, 2a1 and 2b1 because already proposed to be required for all sites under L-2. 				
DO-4	Development Orientation on Internal Circulation Routes		<ul style="list-style-type: none"> • Delete this section. • Part 1 is redundant. Requirement for sidewalk found in C-1. • Parts 2 and 3 conflict with C-1. If parallel and/or head-in parking is permitted, and sidewalks are required how is an Internal Circulation Route different from a driveway or street. 				