

Agenda Questions/Responses
March 03, 2005

- 12a. Why is the target for a TOD overlay district a ¼ to ½ mile radius around the station? Please provide a map showing the boundaries of these radii and the station pinpointed. How many acres are contained within these radii and how many acres within the TOD districts as proposed? (Council Member Raul Alvarez)**

Both research and on the ground testing determined that 1/4 to 1/2 mile is the typical maximum walking distance to access high-quality transit service. This distance is roughly equivalent to 4-8 blocks in downtown Austin.

Maps illustrating the 1/4 to 1/2 mile radius for each proposed TOD and a chart listing acreage within these areas have been sent to Council Offices via email attachment.

- 12b. When we adopt neighborhood plans, individual property owners are able to petition against any condition placed against the property. So, why are they unable to petition against a restriction imposed by the TOD Ordinance? (Council Member Raul Alvarez)**

The key to the question is the difference between the zoning that accompanies the adoption of a neighborhood plan, and the adoption of the proposed TOD Ordinance. When a neighborhood plan is adopted, an individual owner's property may have been rezoned at the same time in accordance with the plan. Therefore, that owner has standing to file a petition protesting such rezoning. In the proposed TOD process, the first phase of the process is only an amendment of the text of the City Code that functions as an area-wide overlay. This is similar to the East Austin overlay, which is not rezoning. There is no formal change in zoning classification until the second phase of the TOD process, which is when the Station Area Plans are adopted.

A protest petition against inclusion in the first phase of the TOD is a protest against the text change in the Code which applies to all of the property in the TOD. Consequently, a protest petition must be filed by the owners of either 20% of the area covered by the proposed change [either a specific TOD district or all of the districts, depending upon the scope of the petition], or 20% of the land within 200 feet of the area covered by the proposed change. Once the second phase of the TOD plan is implemented, an individual owner of property affected by a Station Area Plan may file a protest petition, just as individual property owners may petition against a condition placed on their property by rezoning occurring in conjunction with the adoption of a neighborhood plan.

- 12c. Is staff proposing any changes to the staff recommendation presented to City Council in January? If so, please outline and explain. (Council Member Raul Alvarez)**

Attachments have been sent to Council Offices via email.

12d. Since making the proposed changes will affect the zoning of certain properties, were these property owners notified? If so, of what changes were they specifically notified?

Notice was sent to all registered neighborhood associations, property owners within the boundaries of the TOD districts, and property owners within 300 feet of the boundaries of the TOD districts. The notice described the establishment of a Transit-Oriented District, potential changes to site development standards and prohibited land uses.

In areas where a neighborhood plan has been adopted, which zoning restrictions would apply...the restrictions adopted through the extensive neighborhood planning process or the restrictions adopted through this TOD Ordinance process?

When the TOD Overlay District is approved (Step One) the only changes to existing zoning are:

- 1) the uses described in Section 25-2-762 of the draft ordinance are made either prohibited, conditional or permitted;
- 2) the site development regulations described in Section 25-2-763 will apply within the TOD Overlay

All other existing zoning restrictions will apply. The Station Area Planning process (Step Two) may modify the zoning or site development standards if the public process calls for changes. The revised ordinance (Draft K) includes several new provisions to address concerns that the Station Area Planning process will override Neighborhood Plans. These include the following language:

25-2-766 PREPARATION OF 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, and other affected persons to participate in the preparation of a station area plan.

(B) A station area plan must be consistent with an adopted neighborhood plan, if any. If an amendment to an adopted neighborhood plan is necessary, the amendment must be reviewed and approved in accordance with the neighborhood plan amendment process established by council.

Which proposed TOD zones are located within areas that have adopted neighborhood plans?

Three of the seven initial stations are in areas with approved Neighborhood Plans. The stations are Plaza Saltillo TOD (East Cesar Chavez and Central East Austin NPA), Martin Luther King TOD (Upper Boggy Creek, Rosewood and Chestnut NPA) and Lamar Blvd. TOD (Crestview-Wooten and Brentwood-Highland NPA).

For proposed TOD Zones that are located within areas that have adopted neighborhood plans, please outline the specific differences between the proposed TOD restrictions and the restrictions placed on the same properties through the neighborhood planning process.

Changes to existing zoning as part adoption of the TOD Overlay (Step One) are described above. Additional changes may be identified during the Station Area Planning process (Step Two) but these will be processed according to Section 25-2-766 of the draft TOD ordinance.

Does staff recommendation include an affordable housing component? If so, what is the targeted level of affordability? (Council Member Raul Alvarez)

The staff recommendation included in the draft ordinance proposes that affordable housing be addressed as part of the Station Area Plans. Staff is also recommending the Council adopt a Resolution identifying goals for affordable housing in the TODs. The proposed cumulative goal included in the Resolution is 25% of the new housing within the TOD be affordable low and moderate income families. Housing providing homeownership opportunities at 80% MFI and rental housing opportunities at 60% MFI would be considered affordable.

37. How much money has been invested in the Housing Rehabilitation Program that is funded by the Holly Good Neighbor Program since its inception?

The total investment for home repair by Austin Energy in the Holly Good Neighbor Program to date is \$1,080,000.

How many homes have received assistance with home repairs and what type of repairs have been undertaken for these homes? Please list each property individually. (Council Member Raul Alvarez)

We have served, or are currently serving 88 families in the Holly neighborhood. We anticipate serving a total of 129 households. Estimated expenditures are as follows:

4 reconstructed homes at \$78,000 a piece	\$312,000
125 home repairs at \$5,000 a piece	\$625,000

Attached are two reports NHCD/AHFC uses to track repairs. The reports are detailed by address and what repairs are scheduled in the Holly Good Neighbor area.

Z-1. For Z-1 - Z14: Are these zoning changes related to the neighborhood plan? (Council Member Raul Alvarez)

Yes, the zoning items are in accordance with recommendations made in the Old West Austin Neighborhood Plan adopted in 2000.