

1 **RESOLUTION NO.**

2 **WHEREAS**, the City of Austin has encouraged transit-oriented  
3 development (TOD) since 2005, to create attractive, walkable, and sustainable  
4 development patterns around high-capacity transit that maximizes Capital Metro's  
5 system ridership and offers Austin residents abundant housing choices and  
6 convenient access to jobs, services, and diverse amenities; and

7 **WHEREAS**, the City of Austin's Transit Oriented Development (TOD)  
8 Ordinance No. 20050519-008 (the "TOD Ordinance") established a two-phase  
9 process for identifying the location, boundaries, and implementation of a TOD in  
10 City Code (the "TOD Process"); and

11 **WHEREAS**, Phase I identifies TOD district locations and boundaries and  
12 applies as an overlay interim City Code regulations affecting issues such as land  
13 use, parking, and building setbacks to the properties within the TOD district  
14 boundaries; and

15 **WHEREAS**, Phase II involves development of a Station Area Plan and  
16 accompanying Regulating Plan through the Neighborhood Planning Process and  
17 replaces the interim regulations with land use regulations specific to the properties  
18 within the TOD boundaries; and

19 **WHEREAS**, the TOD Ordinance was codified in the Land Development  
20 Code, Chapter 25-2, Subchapter C, Article 3, Division 10 and Appendix D, and  
21 participation in the preparation of Station Area Plan and accompanying Regulating  
22 Plans by neighborhood plan contact teams, neighborhood organizations, business  
23 owners, property owners, and other affected persons is specified in City Code  
24 Section 25-2-766.21; and

25           **WHEREAS**, the TOD Ordinance established districts around selected stops  
26 along the Capital Metro MetroRail and Park & Ride locations, linking Capital  
27 Metro’s MetroRapid Bus Transit; and these locations are as follows:

28           Original TOD Districts established in 2005:

- 29           • The Northwest Park & Ride
- 30           • North IH-35 Park & Ride
- 31           • Lamar Blvd./Justin Lane
- 32           • MLK Jr. Blvd
- 33           • Plaza Saltillo
- 34           • The Convention Center; and

35           additional TOD Districts added by amendments in 2006 (Boundaries TBD):

- 36           • Oak Hill (Ordinance No. 20060309-057)
- 37           • South IH-35 Park & Ride (Ordinance No. 20061005-052)
- 38           • Highland Mall (Ordinance No. 20061005-052); and

39           **WHEREAS**, to date, three of the TODs have gone through both Phase I and  
40 Phase II of the TOD Process and have adopted Station Area Plans and  
41 accompanying Regulating Plans; and these TODs include:

- 42           • Plaza Saltillo TOD
- 43           • MLK TOD
- 44           • Lamar/Justin TOD; and

45           **WHEREAS**, City policies, processes, and City Code sections related to  
46 TODs may need to be updated to accommodate Project Connect investments, the

47 recommendations from the studies, and reflect population growth to meet housing  
48 demands and maintain an accessible housing market; and

49 **WHEREAS**, the 2012 Imagine Austin Comprehensive Plan envisions a  
50 compact and connected city that encapsulates household affordability,  
51 environmental protection, and complete communities, with easier, greener,  
52 healthier transportation options linking residents to jobs, arts and culture, parks,  
53 schools, health care, shopping, and other destinations; and

54 **WHEREAS**, the 2017 Austin Strategic Housing Blueprint established a goal  
55 of building 135,000 new housing units and preserving 10,000 affordable units over  
56 a ten-year period, and recommends allowing affordable options in all parts of town  
57 as well as helping Austinites reduce household costs by encouraging housing  
58 developments and the preservation of affordable housing that connect with diverse  
59 transportation options; and

60 **WHEREAS**, the 2019 Austin Strategic Mobility Plan sets a goal to have 50  
61 percent of commuters utilize modes other than single-occupant vehicles by 2039,  
62 including 25 percent of commuters taking transit, biking, or walking to work; and

63 **WHEREAS**, transportation in the form of cars, buses, and trucks accounts  
64 for more than a third of the region’s carbon footprint, and the 2014 Austin  
65 Community Climate Action Plan calls for the city to reach net-zero community-  
66 wide greenhouse gas emissions by 2050; and

67 **WHEREAS**, encouraging development around Austin’s transit network  
68 promotes safer, more environmentally sustainable transportation options that  
69 reduce household costs associated with car ownership and as the Austin Strategic  
70 Housing Blueprint states, “when developing in transit corridors and nodes, every

71 attempt should be made to ensure that development does not reduce transit  
72 ridership;” and

73 WHEREAS, the Austin Strategic Housing Blueprint states further that a  
74 “common pattern is that as transit is added, housing becomes more expensive.  
75 Wealthier residents move into the neighborhood, often pricing out existing core  
76 transit riders, while vehicle ownership becomes more common and transit ridership  
77 is actually reduced despite increases in density. Policies should encourage the  
78 preservation of affordable housing near transit corridors; and

79 **WHEREAS**, a study commissioned by the US Department of  
80 Transportation determined that by 2025, 14.6 million households will demand  
81 homes within walking distance to public transit and rail systems; and

82 **WHEREAS**, the City’s currently adopted station area plans for TOD  
83 districts exist along the commuter rail line; and

84 **WHEREAS**, in 2020, Austin voters approved the initial investment in  
85 Project Connect, a citywide high-capacity transit plan that includes two new light  
86 rail lines (Orange and Blue Lines), a new commuter rail line (Green Line),  
87 expanded regional rail (Red Line), four new MetroRapid routes (Gold Line, Expo  
88 Center, Pleasant Valley, Burnet/Oak Hill/Menchaca), three new MetroExpress  
89 regional routes (Four Points, Oak Hill, South MoPac), the full electrification of  
90 Capital Metro’s fleet, and a historic \$300,000,000 investment in financing tools  
91 and other anti-displacement strategies related to the implementation of Project  
92 Connect; and the acquisition of real property related to the Project Connect anti-  
93 displacement strategies ; and

94 **WHEREAS**, in 2018, Council approved Resolution No. 20180308-010,  
95 which directed the creation of a “right to return / right to stay” policy to grant

96 prioritization for affordable housing and other resources to households with  
97 generational ties to Austin; and

98 **WHEREAS**, through Project Connect, certain corridors will have bus  
99 service frequencies and ridership comparable to rail lines in many cities; and

100 **WHEREAS**, a 2010 study published by the University of California  
101 Transportation Center, determined that frequent all day bus service requires  
102 approximately 17 residents and jobs per gross acre, and light-rail systems need 56  
103 residents and jobs per gross acre to achieve and sustain the high ridership and  
104 productivity needed for a cost effective transit system; and

105 **WHEREAS**, Capital Metro was awarded a \$600,000 grant from the Federal  
106 Transit Administration to complete TOD study along the Green Line between  
107 Austin and Manor in 2018, and the city has provided coordination and support to  
108 that effort which resulted in a Green Line TOD Study in 2020; and

109 **WHEREAS**, Capital Metro's Green Line TOD Study was accompanied by a  
110 review of existing regulations to determine if they support and advance the goals of  
111 the Green Line TOD Study and the review identified opportunities to improve the  
112 production of meaningful, equitable, transit-oriented development and anti-  
113 displacement strategies; and

114 **WHEREAS** Capital Metro was awarded a \$900,000 grant from the Federal  
115 Transit Administration (FTA) to complete an Equitable Transit Oriented  
116 Development (eTOD) study along the entire Blue Line and the northern segment of  
117 the Orange Line ("eTOD Study") in order to support transit-oriented development  
118 and anti-displacement efforts for Project Connect; and

119 **WHEREAS**, Capital Metro intends to apply for additional grant  
120 opportunities from the FTA to complete eTOD studies for the southern section of

121 the Orange Line, and potentially other sections of Project Connect rail, commuter,  
122 and MetroRapid corridors; and

123 **WHEREAS**, the current and potential future eTOD studies will yield data-  
124 and community-informed, context-sensitive policy and land-use recommendations,  
125 and will be used by Capital Metro to update the agency’s TOD Tool Kit used for  
126 both rail and bus services; and

127 **WHEREAS**, the City is a key participating agency and partner, supporting  
128 the Green Line TOD Study and the eTOD Study; and

129 **WHEREAS**, the City policies processes, and code sections related to TOD  
130 may be further improved to promote affordability in communities for both  
131 residents and small businesses; and

132 **WHEREAS**, equitable transportation practices integrate transit into  
133 walkable, accessible, livable, and affordable land use practices to enhance healthy  
134 living within low-income communities and communities of color; and

135 **WHEREAS**, Capital Metro’s Project Connect presents the opportunity to  
136 create thoughtful, equitable transit-oriented development; and

137 **WHEREAS**, eTOD is development that enables all people regardless of  
138 income, race, ethnicity, age, gender, immigration status or ability to experience the  
139 benefits of dense, mixed-use, pedestrian-oriented development near transit hubs;  
140 and

141 **WHEREAS**, eTOD elevates and prioritizes investments and policies that  
142 close socioeconomic gaps; and

143 **WHEREAS**, when centered on racial inclusion and community wealth  
144 building, eTOD can be a driver of positive transformation for more vibrant,

145 prosperous, and resilient neighborhoods connected to opportunities throughout the  
146 city; **NOW, THEREFORE,**

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

148 The City Council directs the City Manager to contribute actively to the  
149 ongoing studies, in partnership with Capital Metro, to help ensure the study  
150 outcomes serve as a guide for revising the City’s existing TOD process and station  
151 area plans, as well as providing recommendations to initiate relevant land use  
152 amendments in the eTOD Study area, areas designated as TODs, ~~and high-capacity~~  
153 transit areas and along the Metrorapid, Metrorail, and light rail lines include in the  
154 Project Connect initial investment.

155 **BE IT FURTHER RESOLVED:**

156 The results of the studies and additional analysis shall inform the creation of  
157 a citywide eTOD Policy Plan to update the City’s existing ordinances and  
158 processes, which shall be presented to Council for consideration and adoption. The  
159 eTOD Policy Plan should be an action-oriented policy document, providing  
160 options for reconciling and updating the City’s various TOD-related City Code  
161 provisions, policies, action items, and plans. The eTOD Policy Plan shall serve to  
162 both measure the success of the City’s policies to encourage development and  
163 preservation of income-restricted and non-income restricted affordable housing  
164 (both multi-family and mobile homes) near transit corridors and in areas currently  
165 designated as TODs, and to explore opportunities to further support transit,  
166 affordable housing, and equitable development through transit-oriented  
167 development.

168 **BE IT FURTHER RESOLVED:**

169 The City Manager is directed, in coordination with Capital Metro, to include in the  
170 eTOD Policy Plan proposed tiers for eTOD designation and a proposed  
171 implementation timeline. The eTOD Policy Plan shall include context-sensitive  
172 criteria for designating such tiers on high-capacity transit areas, including type of  
173 transit service, street level, likelihood that the transit service may change, existing  
174 uses, risk of displacement, and any other appropriate criteria that will help meet the  
175 goals of this Resolution. Such tiers may include recommendations of not  
176 designating certain areas as eTOD, or providing recommendations related to  
177 transit-supportive land use that do not include zoning an area as TOD and/or  
178 eTOD. All such recommendations must prioritize affordability, increasing transit  
179 ridership, and displacement prevention.

180

181 **BE IT FURTHER RESOLVED:**

182 The eTOD Policy Plan should provide recommendations on how to achieve  
183 the following goals:

- 184 a. Identify methods to address potential displacement of residents, small  
185 businesses, cultural institutions, and community organizations from  
186 transit-induced pressures, advance transit opportunities to existing  
187 communities, and ensure that housing near transit remains available to as  
188 many people as possible, including but not limited to, identifying  
189 methods for land banking around high-capacity transit and station areas,  
190 the acquisition of occupied affordable multifamily and mobile home  
191 communities near station areas and high-capacity transit, and other best  
192 practices for robust affordable housing creation and preservation;



- 193 b. Encourage the preservation and creation of income-restricted and non-  
194 income restricted affordable multi-family housing and mobile home  
195 communities and the creation of diverse housing options near transit that  
196 is accessible at every income level, accommodates all ages, and  
197 prioritizes affordable housing;
- 198 c. Incentivize housing options for families of many sizes and various  
199 income levels around station areas and high-capacity transit,  
200 disincentivize the redevelopment of income-restricted and naturally  
201 occurring non-income restricted affordable multi-family housing and  
202 mobile home communities around station areas vulnerable to  
203 gentrification and displacement, provides social and economic  
204 opportunity for current and future residents, and increases access to  
205 employment, health and educational centers;
- 206 d. Encourage a variety of housing choices near transit facilities to  
207 accommodate a wide range of ages, incomes, and access accommodations  
208 needed for people with disabilities;
- 209 e. Provide Options for entitlements that increase housing capacity while  
210 minimizing the displacement of residents of income-restricted and non-  
211 income restricted affordable multi-family housing and mobile home  
212 communities and maximizeing affordable housing opportunities to  
213 further the Austin Strategic Housing Blueprint Goals;
- 214 f. Explore additional opportunities for funding affordable housing such as  
215 tax increment financing, and propose options for minimizing the  
216 displacement of residents of income-restricted and market-rate affordable  
217 multi-family housing and mobile home communities;

- 218 g. Identify methods to preserve and maintain the affordable rental and  
219 purchase rates of units in existing income-restricted and market-rate  
220 affordable multi-family housing and mobile home communities;
- 221 h. Encourage and incentivize the development of flexible, affordable  
222 commercial space to ensure local businesses, nonprofits, and creative  
223 organizations can remain in their communities;
- 224 i. Promote sustainable economic activity that supports the immediate area  
225 and the city as a whole;
- 226 j. Promote equitable planning efforts, centering racial and economic equity,  
227 in all aspects of the policy, including surveying opportunities for future  
228 equity assessments;
- 229 k. Provide opportunities for enacting right to stay and right to return  
230 policies;
- 231 l. Recognize that all TODs have their own circumstances and are not the  
232 same; each TOD is located within its own unique context and serves a  
233 specific purpose in the larger context; each TOD's specific development  
234 typologies are currently based on Station Area Plans and accompanying  
235 Regulating Plans developed through the City Code's planning processes;
- 236 m. Explore the possibility of creating different development typologies that  
237 respond to local market and community conditions;
- 238 n. Disincentivize the use of single-occupancy vehicles through travel  
239 demand management and responsible land use practices that support the  
240 multimodal transportation context, such as unbundled parking,  
241 eliminating parking requirements, and/or establishing parking  
242 maximums;

- 243 o. Promote development strategies that focus on accommodating  
244 pedestrians, including people with disabilities, without excluding people  
245 traveling by vehicle.
- 246 p. Consider creative parking strategies to allow the accommodation of  
247 vehicles without dividing a site such that parking is the dominating  
248 design factor;
- 249 q. Support future expansion plans of the existing street network and Project  
250 Connect while providing enhanced walkable connections to and within  
251 surrounding neighborhoods;
- 252 r. Create compact development with sufficient density to support transit  
253 ridership located within walking distance of transit stops;
- 254 s. Encourage active and livable places that serve our daily needs and  
255 provide people with a sense of belonging and ownership within their  
256 community;
- 257 t. Seek to incorporate retail into development, if viable at a particular  
258 location, ideally drawing customers from within the TOD and from major  
259 streets;
- 260 u. Strive to make TODs realistic yet economically viable and valuable from  
261 a diversity of perspectives (city, transit agency, developer, resident,  
262 employer);
- 263 v. Identify methods to support Project Connect investments through  
264 development;
- 265 w. Align policies with the Project Connect equity, anti-displacement, and  
266 Community Advisory Committee processes and recommendations,  
267 including the process for developing neighborhood level strategies that

268 will guide anti-displacement funding as required by the Contract with the  
269 Voters (Resolution No. 20200807-003);

270 x. Provide a process to work with Capital Metro during land acquisition to  
271 consider how potential excess or surplus property after construction may  
272 be used for eTODs, as well as the dedication of proceeds from the  
273 disposition of identified excess right-of-way to provide affordable  
274 housing;

275 y. Provide recommendations on potential amendments to streamline and  
276 simplify City Code to incentivize eTOD projects;

277 z. Facilitates effective coordination of City plans and programs between  
278 Capital Metro, City departments, and community stakeholders, including  
279 complying with the Contract with the Voters (Resolution No. 20200807-  
280 003);

281 aa. Consider compatibility and connectivity with surrounding  
282 neighborhoods;

283 bb. Include engaging, high quality public spaces, such as small parks or  
284 plazas, as organizing features and gathering places for the neighborhood;

285 cc. Prioritize multifunctional designs on publicly owned land to support  
286 maximum delivery of community benefits; and

287 dd. Additional strategies for Council consideration that may further the  
288 objectives of this resolution in high-capacity transit areas and areas the  
289 Council designates as TODs and develops station-area plans and  
290 accompanying regulating plans.

291 **BE IT FURTHER RESOLVED:**

292 The City Manager is directed to participate in and support the eTOD Study's  
293 community engagement efforts and create additional opportunities for citywide  
294 community engagement, as necessary and in partnership with Capital Metro.  
295 Community engagement shall include a sufficient public comment period, and,  
296 where applicable, aligned with the process for developing neighborhood-level  
297 strategies that will guide anti-displacement funding as required by the Contract  
298 with the Voters (Resolution No. 20200807-003), to ensure impacted people and  
299 stakeholder groups are included. Community engagement results shall be shared  
300 to further inform the study recommendations and proposed eTOD Policy Plan,  
301 areas proposed for TOD designation, and station area planning.

302 **BE IT FURTHER RESOLVED:**

303 The City Manager is directed, in coordination with Capital Metro, to  
304 research and provide recommendations regarding the use of Community Benefits  
305 Agreements in TOD projects as well as other mechanisms to codify community  
306 benefits negotiated through a TOD planning process.

307 **BE IT FURTHER RESOLVED:**

308 The City Manager shall develop and publish the eTOD Policy Plan within  
309 14 months of the passage of this resolution, with an update on progress and  
310 preliminary recommendations for early adoption presented to Council at 6 months.

311 **BE IT FURTHER RESOLVED:**

312 The City Manager is directed to bring forward an FY 2022 baseline budget  
313 that includes resources necessary to support both the City's coordination with the  
314 ongoing study and the development of the eTOD Policy Plan, and relevant land use  
315 planning and community engagement processes. This may include hiring  
316 additional staff, a consultant to assist in the development of the potential eTOD

317 Policy Plan, a consultant to assist with community engagement, or other elements  
318 of this resolution.

319 **BE IT FURTHER RESOLVED:**

320 The City Manager shall bring forward for Council consideration during the  
321 FY 2022 budget adoption process the necessary action to initiate the station area  
322 and regulating planning processes and designation as a TOD for the highest  
323 priority areas along the Project Connect light rail, commuter, and MetroRapid  
324 corridors. In proposing these areas, the City Manager shall coordinate with Capital  
325 Metro to align with the Project Connect implementation schedule and prioritize  
326 areas such that station area and regulating plan processes can be completed with  
327 the Project Connect implementation processes.

328

329 **ADOPTED:** \_\_\_\_\_, 2021      **ATTEST:** \_\_\_\_\_  
330 Jannette S. Goodall  
331 City Clerk