

# Items x and y

## Transit Oriented Development Ordinance and Resolution Option Summary TOD Ordinance Summary of Issues

Ordinance Description	Language Adopted 1 <sup>st</sup> Reading	Proposed Change	Staff Comments/ Recommendation
<b>1</b> First Reading TOD Ordinance		Approve second reading of the TOD Ordinance	Recommended
<b>Ordinance Change Requested by Mayor Pro Tem Goodman</b>			
<b>2</b> Section 25-2-766 Page 7, Line 22	(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. <del>The director shall permit Capital Metropolitan Transportation Authority, the neighborhood plan contact team, if any, neighborhood organizations, business and property-owners, and other affected persons to</del> <u>may participate</u> in the preparation of a station area plan.	Recommended
<b>Ordinance Changes Requested by Council Member Alvarez</b>			
<b>3</b> Section 25-2-766 Page 7, Line 22	(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 could 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.

Ordinance Description	Language Adopted 1 <sup>st</sup> Reading	Proposed Change	Staff Comments/ Recommendation
<p>Section 25-2-766</p> <p>Page 7, Line 22</p>	<p>(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.</p>	<p>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):</p> <p>(B) Designate the neighborhood plan contact team as the stakeholder group that will be responsible for developing and approving the station plan.</p>	<p>Staff recommends a broad-based SAP 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 1 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 and property-owners, and other affected persons may participate in the preparation of a station area plan.</p>
<p>Appendix D</p> <p>Page 11</p>	<p>The map for Plaza Saltillo TOD does not identify the 11-acre CMTA property as Gateway, Midway or Transition Zone.</p>	<p>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):</p> <p>(A) designate the Capital Metro owned property as the gateway.</p>	<p>Recommended.</p>

Ordinance Description	Language Adopted 1 <sup>st</sup> Reading	Proposed Change	Staff Comments/ Recommendation
<p>Section 25-2-766</p> <p>Page 7, Line 22</p>	<p>(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.</p>	<p>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):</p> <p>(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.</p>	<p>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.</p>

**Ordinance Changes Requested by the Austin Transit Communities Coalition (ATCC)**

<p>Section 25-2-767</p> <p>Page 8, Line 16</p>	<p>(B) A station area plan:</p> <p>(5) 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;</p>	<p>(B) A station area plan:</p> <p>(5) must prescribe requirements for affordable housing and include a plan for achieving the affordable housing requirements;</p>	<p>Previous drafts of ordinance included term "may establish"; the change adopted at 1<sup>st</sup> Reading establishes that housing affordability goals will be addressed in all Station Area Plans.</p>
<p>Section 25-2-766</p> <p>Page 7, Line 21</p>	<p>Not adopted at 1<sup>st</sup> reading</p>	<p>Insert a new Section 25-2-766 and renumber the following sections accordingly:</p> <p>(A) Affordable and accessible housing must be included in every Transit Oriented Development (TOD) district. A baseline for affordable housing within each TOD district will require that:</p> <p>(1) a quarter of the new homeownership units within each TOD district will be affordable and made available to households making 80 percent</p>	<p>Language now in the draft resolution addresses this request:</p> <p>"The goal of transit-oriented development should be that 25% of the new housing in each TOD is affordable to low and moderate income families. Housing providing</p>

Ordinance Description	Language Adopted 1st Reading	Proposed Change	Staff Comments/ Recommendation
		<p>or less of the Austin Area Median Family Income for a period of at least 10 years; and</p> <p>(2) a quarter of the new rental units within each TOD district will be affordable and made available to households making 50 percent or less of the Austin Area Median Family Income for a period of at least 30 years.</p> <p>(B) Households occupying the affordable units shall spend no more than 30% of total household income on housing costs. The affordability levels will be adjusted beyond the above baseline levels where necessary to insure that housing within a TOD is affordable to members of the surrounding census tracts, based on the Median Family Income for those census tracts. In addition to the provision of affordable housing within each TOD district, steps must be taken to preserve affordability for existing residents and businesses in the vicinity of each TOD district.</p> <p>(C) TODs will be developed within the framework of the City's neighborhood planning process and will be enacted only as amendments to neighborhood plans, with approval of neighborhood planning teams in new-designated TOD sites. In the absence of a neighborhood planning team, the TOD planning process will include other neighborhood representatives to ensure neighborhood compatibility.</p>	<p>home ownership opportunities for families at or below 80% Median Family Income ("MFI") and rental housing serving families at or below 60% MFI is considered affordable.</p> <p>Families occupying affordable units should spend no more than 30% of total household income on housing. 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. Affordable units should generally be evenly dispersed throughout each transit-oriented development district."</p>
<p>Section 25-2-762</p> <p>9 Page 5, Line 24</p>	<p>(D) A use with a drive-in service is prohibited.</p>	<p>(D) A use with a drive-in service located more than 300 feet from an arterial roadway is prohibited</p>	<p>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</p>

**Ordinance Changes Requested by the Real Estate Council of Austin**

Ordinance Description	Language Adopted 1 <sup>st</sup> Reading	Proposed Change	Staff Comments/ Recommendation
<b>Ordinance Changes Recommended by the Planning Commission</b>			
10 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 S.M.A.R.T. Housing.	This reference is not necessary. Section 25-2-767 discusses housing.
11 Section 25-2-766 Page 7, Line 27	(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 consistent with 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
12 Section 25-2-766 Page 7, Line 31	Not adopted at 1 <sup>st</sup> reading.	Add paragraph (C): A Station Area Plan must feature 100 percent S.M.A.R.T. Housing.	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.)

Ordinance Description	Language Adopted 1 <sup>st</sup> Reading	Proposed Change	Staff Comments/ Recommendation
13 Section 25-2-767	Not adopted at 1 <sup>st</sup> reading.	Add new subsection: (B) A station area plan: (9) shall include estimates of increased ridership from local residents	The Station Area Plan will address this issue without mandating it in the ordinance.
14 Section 25-2-767	Not adopted at 1 <sup>st</sup> Reading.	Add new subsection: (B) A station area plan: (10) shall include consideration of public and civic art in and near transit stations.	The Station Area Plan will address this issue without mandating it in the ordinance.
<b>Ordinance Changes Recommended by the Zoning and Platting Commission</b>			
15 Subpart B Page 4, Line 25	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	The effectiveness of the initial TOD overlay will be minimized by removing Midway and Transition zones.
16 Section 25-2-753 Page 4, Line 5	(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	The North IH-35 TOD is integral in establishing TOD districts along the CMTA rapid bus line.

## TOD Housing Resolution Summary of Issues

Resolution Description	Language in March 4 <sup>th</sup> Draft Resolution	Proposed Change	Staff Comments/ Recommendation
<b>Resolution Changes Requested by Councilmember Alvarez</b>			
17	Not in March 4 <sup>th</sup> draft resolution	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 text to resolution stating: "Station Area Plans shall include an analysis of the area MFI of the neighborhood(s) surrounding the each TOD area, and - where the area MFI is lower than 80% of the City MFI - will identify tools and strategies to achieve the goal of 25% of new housing to be available to household at or below the area MFI. The Station Area Plan will also assess the potential fiscal impact of these tools and strategies."
18	The goal of transit-oriented development in a Neighborhood Center, Town Center, or Regional Center should be that 25% of new housing is affordable to low and moderate income families. Housing providing home ownership opportunities for families at or below 80% Median Family Income ("MFI") and rental housing serving families at or below 60% MFI is considered affordable. Families occupying affordable units should spend no more than 30% of total household income on housing. Affordable units should generally be evenly dispersed throughout each transit-oriented development district.	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.	(Same as above :) Add text to resolution stating: "Station Area Plans shall include an analysis of the area MFI of the neighborhood(s) surrounding the each TOD area, and - where the area MFI is lower than 80% of the City MFI - will identify tools and strategies to achieve the goal of 25% of new housing to be available to household at or below the area MFI. The Station Area Plan will also assess the potential fiscal impact of these tools and strategies."