

KITCHEN AMENDMENT - VERSION 2

Item 41, May 6th Agenda

RESOLUTION NO.

WHEREAS, ~~T~~the City of Austin has encouraged transit-oriented development (TOD) since 2005, to create attractive, walkable, and sustainable development patterns around high-capacity transit that maximizes Capital Metro's system ridership and offers Austin residents abundant housing choices and convenient access to jobs, services, and diverse amenities; and

WHEREAS, the City of Austin's Transit Oriented Development (TOD) Ordinance No. (20050519-008)(the "TOD Ordinance") established a two-phase process for identifying the location, boundaries, and -implementation of a TOD in City Code (the "TOD Process"). Phase I identifies TOD district locations and boundaries and applies as an overlay interim code regulations affecting issues such as land use, parking, and building setbacks to the properties within the TOD district boundaries. Phase 2 develops a Station Area and Regulating Plan through the Neighborhood Planning Process and replaces the interim regulations with land use regulations specific to the properties within the TOD boundaries. The TOD Ordinance is codified in the Land Development Code, Chapter 25-2, Subchapter C, Article 3, Division 10 and Appendix D. Participation in the preparation of Station Area and Regulating Plans by neighborhood plan contact teams, neighborhood organizations, business owners, property owners, and other affected persons is specified in Code section 25-2-766.21.

- **WHEREAS**, the TOD Ordinance established districts around selected stops along the Capital Metro MetroRail and Park & Ride locations, linking Capital Metro's MetroRapid Bus Transit. These locations are as follows:

Original TOD Districts established in 2005:

- The Northwest Park & Ride
- North IH-35 Park & Ride
- Lamar Blvd./Justin Lane
- MLK Jr. Blvd
- Plaza Saltillo
- The Convention Center

Additional TOD- Districts added by amendments in 2006 (Boundaries TBD):

- Oak Hill (Ordinance No. 20060309-057)
- South IH-35 Park & Ride (Ordinance No. 20061005-052)
- Highland Mall (Ordinance No. 20061005-052)

WHEREAS, to date, three of the TODs have gone through both Phase I and Phase II of the TOD Process and have adopted Station Area Plans and accompanying Regulating Plans. These TODs include:

- Plaza Saltillo TOD Regulating Plan
- MLK TOD Regulating Plan
- Lamar/Justin TOD Regulating Plan

WHEREAS, the 2012 Imagine Austin Comprehensive Plan envisions a compact and connected city that encapsulates household affordability,

environmental protection, and complete communities, with easier, greener, healthier transportation options linking residents to jobs, arts and culture, parks, schools, health care, shopping, and other destinations; and

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

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

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

WHEREAS, encouraging development around Austin's transit network promotes safer, more environmentally sustainable transportation options that reduce household costs associated with car ownership; and

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

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

WHEREAS, in 2020, Austin voters approved the implementation of Project Connect, a citywide investment in high-capacity transit that includes two new light rail lines (Orange and Blue Lines), a new commuter rail line (Green Line), expanded regional rail (Red Line), ~~a bus rapid transit line, additional MetroRapid BRT-lite lines~~ four new MetroRapid routes (Gold Line, Expo Center, Pleasant Valley, Burnet/Oak Hill/Menchaca), three new MetroExpress regional routes (Four Points, Oak Hill, South MoPaac), additional Park and Ride facilities, the full electrification of Capital Metro's fleet, and a historic \$300,000,000 investment ~~in transit-supportive anti-displacement strategies, including the preservation and creation of affordable housing along transit corridors; and in~~ financing tools and other anti-displacement strategies related to the implementation of Project Connect; and the acquisition of real property related to the Project Connect anti-displacement strategies; and

WHEREAS, through Project Connect, ~~certain corridors along light rail, commuter lines, and MetroRapid lines~~ will have bus service frequencies and ridership comparable to rail lines in many cities; and

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

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

WHEREAS Capital Metro was awarded a \$900,000 grant from the Federal Transit Administration (FTA) to complete an Equitable Transit Oriented Development (eTOD) study (“eTOD Study”) along segments of the northern portion of the Orange Line in order to support transit-oriented development and anti-displacement efforts for Project Connect; and

WHEREAS, the eTOD Study, which includes northern sections of the Project Connect Orange and Blue Light Rail Transit lines as a study area, will yield data- and community-informed, context-sensitive policy and land-use recommendations for these sections, and will be used by Capital Metro to update the agency’s TOD Tool Kit used for both rail and bus services; and

WHEREAS, CapMetro intends to apply for additional grant opportunities from the Federal Transit Administration (FTA) to complete Equitable Transit Oriented Development (eTOD) studies for the southern section of the Orange Line, and potentially other sections of Project Connect rail, commuter, and MetroRapid corridors; and

WHEREAS, the City is a key participating agency and partner, supporting the eTOD Study; and

WHEREAS, City policies, processes, and code sections related to TOD designations and land uses may need to be updated to accommodate Project Connect investments, the recommendations from the eTOD Study, and reflect population growth to meet housing demands and maintain an accessible housing market in areas the Council designates as additional TOD Districts along the Project Connect light rail, commuter rail and MetroRapid lines; and

WHEREAS, the City policies, processes, and code sections related to areas designated as TODs may be further improved to promote affordability in communities for both residents and small businesses; and

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

WHEREAS, Capital Metro's Project Connect presents the opportunity to create thoughtful, equitable transit-oriented development in areas along the Project Connect light rail, commuter rail, and MetroRapid Lines; and

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

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

WHEREAS, when centered on racial inclusion and community wealth building, eTOD can be a driver of positive transformation for more vibrant, prosperous, and resilient neighborhoods connected to opportunities throughout the city; **NOW, THEREFORE**,

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

The City Council directs the City Manager to contribute actively to the ongoing eTOD Study, in partnership with Capital Metro, to help ensure the study outcomes serve as a guide for revising the City's ~~may be considered by Council if the Council adopts updates to~~ existing TOD processes and station area plans or, as well as providing recommendations to initiate relevant land use amendments in the eTOD Study area.

BE IT FURTHER RESOLVED:

The results of the studies and additional analysis shall inform options for the creation of a citywide eTOD Policy Plan, ~~which shall be presented to Council for adoption.~~ The eTOD Policy Plan shall set forth recommendations to update the City's existing TOD Ordinance and TOD Process, and shall be presented to Council for consideration and adoption. The eTOD Policy Plan should be an action-oriented policy document, providing options for ~~reconciling and~~ updating and aligning the City's various TOD-related Code, policies, action items, and plans. The eTOD Policy Plan shall serve to both measure the success of the City's policies to encourage development near-in areas designated as TODs ~~transit corridors~~ and to explore opportunities to further support transit, affordable housing, and equitable development through transit-oriented development ~~and other~~ incentives for TODs.

BE IT FURTHER RESOLVED:

The eTOD Policy Plan should propose options to achieve the following goals through the City's neighborhood planning processes developed with people living in TOD Districts and strategies for engaging businesses located in TOD Districts , particularly local, small businesses. The eTOD Policy Plan should propose any areas for Council to designate as TODs in addition to those designated in Appendix D and for Council to initiate development of Sstation Aarea and Regulating Pplans in accordance with the TOD Process in the Land Development Code, Chapter 25-2, Subchapter C, Article 3, Division 10:

- a. Identify methods to address potential displacement of residents, small businesses, cultural institutions, and community organizations from transit-induced pressures, advance transit opportunities to existing communities, and ensure that housing near transit remains available to as many people as possible;
- b. Encourage the creation of diverse housing options near transit that is accessible at every income level and prioritizes affordable housing;
- c. Incentivize housing options for families of many sizes and various income levels around station areas and high-capacity transit, provides social and economic opportunity for current and future residents, and increases access to employment, health and educational centers. Encourage a variety of housing choices near transit facilities to accommodate a wide range of ages, incomes, and access accommodations needed for people with disabilities;
- d. Provide entitlements that increase housing capacity and maximize affordable housing opportunities to further the Austin Strategic Housing Blueprint Goals;

- e. Explore additional opportunities for funding affordable housing such as tax increment financing;
- f. Encourage and incentivize the development of flexible, affordable commercial space to ensure local businesses, ~~and~~ nonprofits, and creative organizations can remain in their communities. Incorporate retail into development, if viable at a particular location, ideally drawing customers from within the TOD and from major streets surrounding the TOD;
- g. Promote sustainable economic activity that supports the immediate area and the city as a whole;
- h. Promote equitable planning efforts, centering racial and economic equity, in all aspects of the policy, including surveying opportunities for future equity assessments;
- i. Provide opportunities for enacting right to stay and right to return policies;
- j. Explore the possibility of creating different development typologies that respond to local market and community conditions. Recognize that all TODs have their own circumstances and are not the same. Each development is located within its own unique context and serves a specific purpose in the larger context. Each TOD's specific development typologies are based on Station Area and Regulating Plans developed through the Code's planning processes;
- k. Disincentivize the use of single-occupancy vehicles through travel demand management and responsible land use practices that support the multimodal transportation context, such as unbundled parking, eliminating parking requirements, and/or establishing parking maximums. Promote development strategies that focus on accommodating pedestrians, including people with disabilities, without excluding people traveling by vehicle. Consider creative

parking strategies to allow the accommodation of vehicles without dividing a site such that parking is the dominating design factor;

- l. Support future expansion plans of the existing street network ~~and~~ in Project Connect expansion areas, including the northern and southern portions of the Orange Line, while providing enhanced walkable connections to and within surrounding neighborhoods¹;
 - m. Identify methods to support Project Connect investments through development;
 - n. Align policies with the Project Connect equity, anti-displacement, and Community Advisory Committee-processes and recommendation~~efforts~~, including the process for developing neighborhood level planning processes strategies that will guide anti-displacement funding as required by the Contract with the Voters in Resolution No. 20200807-003;
 - o. Provide a process to work with Capital Metro during land acquisition to consider how potential excess or surplus property after construction may ~~be~~ used for eTOD, as well as the dedication of proceeds from the disposition of identified excess right-of-way to provide affordable housing;
 - p. Provide recommendations to initiate amendments to streamline and simplify City Code to ~~incentivize~~ eTOD projects;
 - q. Facilitates effective coordination of City plans and programs between ~~Capital~~ Metro, City departments, and community stakeholders, including aligning with the Contract with the Voters (Resolution No. 20200807-003); and
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- r. Additional strategies for Council consideration~~measures~~ that may further the objectives of this resolution in areas the Council designates as TODs and develops station-area and regulating plans; and
- s. Ensure compatibility and consider connectivity with surrounding neighborhoods; and—
- t. Create compact development with sufficient density to support transit ridership located within easy walking distance of transit stops; and-
- u. Encourage active and livable places that serve our daily needs and provide people with a sense of belonging and ownership within their community; and-
- v. Include engaging, high quality public spaces, such as small parks or plazas, as organizing features and gathering places for the neighborhood.
- w. Strive to make TODs realistic yet economically viable and valuable from a diversity of perspectives (city, transit agency, developer, resident, employer).
- x. Prioritize multifunctional designs on publicly owned land to support maximum delivery of community benefits.

BE IT FURTHER RESOLVED:

The City Manager is directed to participate in and support CapMetro's~~the~~ eTOD Study's community engagement efforts, and create additional opportunities for citywide community engagement, ~~as necessary and~~ in partnership with Capital Metro. Community engagement shall, including a sufficient public comment period and neighborhood level planning processes, as required by the Contract

with the Voters in Resolution No 20200807-003, to ensure impacted people and stakeholder groups are included. Community engagement results shall be shared to~~and further~~ inform the study recommendations and ~~eventual~~ proposed eTOD Policy Plan, areas proposed for TOD designation by Council, and Station Area and Regulating Plan processes.

BE IT FURTHER RESOLVED:

The City Manager shall develop and publish the eTOD Policy Plan within ~~14~~ 12 months of the passage of this resolution, with an update on progress and preliminary recommendations for early adoption presented to Council at ~~7~~ 6 months.

BE IT FURTHER RESOLVED:

The City Manager is directed to bring forward an FY 2022 baseline budget that includes resources necessary to support both the ongoing study, ~~and the creation~~ development of recommendations for the eTOD Policy Plan, initiation of station area and regulating planning processes for areas the Council designates as TODs, and community engagement processes. This may include hiring additional staff, a consultant to assist in the ~~creation~~ development of the proposed eTOD Policy Plan; and a consultant to assist with community engagement processes, or other elements of this resolution.

BE IT FURTHER RESOLVED:

The City Manager shall bring forward for Council consideration during the FY 2022 budget adoption process the necessary action to initiate the station area and regulating planning processes and designation as a TOD for areas along the Project Connect rail and MetroRapid corridors. In proposing these areas, the City

Manager shall consider the Project Connect implementation schedule and prioritize areas such that station area and regulatory planning processes can be completed timely to align with Project Connect implementation processes.÷

ADOPTED: _____, 2021

ATTEST: _____

Jannette S. Goodall
City Clerk