

The TOD Two-Step: Staff's Recommended Approach for a Transit-Oriented Development Ordinance

After a review of what other cities have implemented in the way of TOD ordinances, the literature on TOD, a look at existing TODs across the nation, as well as an examination of the existing conditions and current regulations, staff favors a two-step approach:

- Define an interim TOD overlay district around the ten stations by early 2005 (see details below).
- Within a stakeholder process and in partnership with Capital Metro, create individual station area plans for the TODs and adopt a final, TOD base zoning district tied to these plans during 2006 - 2007.

STEP ONE

1. **Establish a TOD *Overlay* district** approximately ¼- to ½-mile around Capital Metro's ten, City of Austin jurisdiction station locations. (Generally, the boundary of the TOD would be drawn to include or exclude full parcels, rather than be a strict radius distance from the edge of the station platform.) Within the TOD Overlay, uses considered not supportive of transit would be prohibited. A few site development regulations would also be modified, such as the amount and location of off-street parking and the provision of maximum – rather than minimum - building setbacks. (See attached *Proposed TOD Development Standards*.)

The City's Compatibility Standards and all other base or underlying zoning district regulations would still apply throughout Step One. The minimal new TOD Overlay regulations and use prohibitions are intended to prevent development that does not support transit from occurring until a station area planning process can be undertaken for each of the station areas. (The Step Two, Station Area Plan will describe the location and massing of buildings, describe targeted mix of uses and illustrate the design of key public rights-of-way and spaces throughout the TOD.)

(Site and building plan permits for parcels within the TOD Overlay would be processed normally.)

2. **Identify the TOD "type" for each station** in order to relate a general scale or intensity of development appropriate to that station. Staff has developed the following typology, that are listed from least intensity/lowest scale to highest intensity/scale. (For each of the four types below, an approximate idea of what levels of TOD-wide, residential density these types would be expected to achieve are given: this will be supplemented with approximate commercial square footage equivalents or floor-to-area ration (FAR), as it is undetermined as to what the mix of residential and commercial uses will be.)
 - **Neighborhood Center:** located at the commercial center of a neighborhood. Desired average density of approximately 15 to 25 dwelling units per acre (net). Typical residential uses could include small lot single-

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family, single-family with accessory unit, townhouse and low-rise apartment or condominium. An example of this type of station is the MLK station.

- **Town Center:** located at major existing or future commercial, employment or civic centers. Desired average density of 25 to 50 dwelling units per acre (net). Typical residential uses include townhouses, low-rise and mid-rise apartments and condominiums (generally 4 to 8 stories). Examples of this type of station include Highland Mall, Plaza Saltillo and the Northwest Park and Ride.
- **Regional Center:** located at the juncture of regional transportation lines, major commuter and employment node with a desired average density of greater than 50 dwelling units per acre (net). Typical residential uses include mid-rise apartments and condominiums (4 stories and greater). An example of this type of station is the Pickle Campus/Braker Lane Station.
- **Downtown:** located in Downtown Austin with an overall density of greater than 75 dwelling units per acre (net). Typical residential uses include mid-rise and high-rise apartments and condominiums. An example of this type of station is the Convention Center station.

Although these designations have no regulatory effect during Step One, they will be included in the TOD Overlay ordinance in order to define the general parameters for the Step Two Station Area Planning process. (See attached *Proposed Development Intensities/Scale per TOD Type & Zone.*)

3. **Identify scale zones within each TOD** in order to allow the most site-responsive, “fine-grained” scaling of the TOD. Staff proposes a possibility of three zones within a TOD. The “Transition Zone” ensures that the TOD is compatible with surrounding, existing and/or planned development. The “Midway Zone” increases in scale from lower intensity development areas toward the most intense development immediately surrounding the transit station platform, the “Gateway Zone”. Downtown is a unique situation wherein the entire TOD would be treated as the Gateway Zone.

- **Gateway Zone:**

This is the area immediately surrounding the station *platform*, where passengers enter or exit buses or trains. Typically, this area encompasses land that is about 300’ to 500’ from the platform edges. This zone is characterized by achieving the highest level of “transit integration”, that is, the highest-quality design of public streetscapes connecting to the transit platform and buildings that orient toward the station and provide ground-floor, pedestrian-oriented uses with employment and/or residential uses above. Compatibility Standards would not apply in the Gateway Zone in Step II Station Area Plans.

- **Midway Zone:**

This is the area between the Gateway and Transition zones, generally between 300’ - 500’ and 1000’ - 1500’. The Midway Zone may be characterized by a

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predominance of residential uses, including a variety of multi-family building types such as courtyard apartments, live-work units, townhomes, etc. Compatibility Standards would not apply in the Midway Zone in Step II Station Area Plans.

- **Transition Zone:**

This is the area at the periphery of the TOD where the scale is adjusted in order to be compatible with existing or future development scale/intensity just outside the TOD. Here, Compatibility Standards would apply in the Step II Station Area Plans.

Staff will propose final boundaries for each zone, based both on existing zoning, existing and future land uses, as well as on-the-ground conditions for each TOD. *Generally*, the TOD district boundaries will “break” at the parcel level, meaning that an individual tract would be entirely within one or another zone.

Like the TOD typological designations, these TOD scale zones will have no regulatory effect during the Step One Overlay, yet they will be included in the TOD Overlay ordinance in order to clearly define the scale parameters for the Step Two station area planning process. (See attached *Proposed Development Intensities/Scale per TOD Type & Zone*.)

STEP TWO

1. **Conduct a Station Area Planning process.** “Station Area Plan” (SAPs) with specific design standards and development goals. The base district designation and accompanying regulations could be developed within the scope of the upcoming, larger Zoning Update effort.
2. **Prepare detailed “Station Area Plans” (SAP) for each transit station**, prioritizing those as private or Capital Metro development proposals arise. The SAP process would carefully consider the specifics of each area:

Existing conditions:

- o New development versus redevelopment site
- o Size of station area
- o Socio-economic conditions
- o Market conditions (conduct a market study per TOD)
- o Existing environmental conditions
- o Cultural and historic resources
- o Infrastructure conditions (utilities, drainage)
- o Transportation network connectivity and conditions (roads, sidewalks, transit, bike facilities – conduct TIA per TOD)

Station Type/Modes Served:

- o Urban Commuter Rail and Bus Transfer
- o Urban Commuter Rail and Bus Transfer with Park & Ride
- o Bus with Park & Ride

Land Ownership Disposition:

- o Primarily Capital Metro
- o Primarily single private-entity land owner
- o Multiple property owners

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3. **Implement Station Area Plans and final TOD base district designation through re-zonings and Neighborhood Plan amendments.** Determine what regulations (district-specific design standards for buildings and for public ROWs) – if any - should be tied to the new TOD base district zoning designation, versus what could simply be tied to an adopted Station Area Plan. A new base zoning district would be created during the Zoning Update effort, replacing the overlay with a new “TOD” base district that is tied directly to the Capital Metro Board- and City Council-adopted Station Area Plan.

The City and Capital Metro would jointly conduct the Station Area Planning process. We recommend that an urban design consultant team be retained to conduct the Station Area Planning process, assisted by a City of Austin and Capital Metro technical team comprised of Transit and Transportation Planning, Neighborhood Planning, Urban Design, Economic Growth and Redevelopment Services, Public Works, Neighborhood Housing and Community Development and Watershed Protection & Development Review.

4. **Once a SAP is adopted, developers would submit site development permit plans and building permit plans that demonstrate consistency with the SAPs** as determined first by the Urban Design Office. This review would be integrated into the One Stop Shop review and inspection processes.
5. **The City and Capital Metro should partner with others (ie, UT, ULI), to develop a cost/benefit analysis of TODs and to monitor and measure the results/impacts of TODs.** (Use Sustainability Indicators Project measures?)

BENEFITS OF THE TOD TWO-STEP

Establishing the initial TOD Overlay has the following benefits:

1. **Gets TODs on the map.** The Step One Overlay designation publicly identifies those ten districts in Austin where TODs should be developed and where more detailed planning needs to occur in a Step Two. Signals the development community of Capital Metro’s and the City’s support for high quality, dense, mixed-use environments
2. **Keeps land uses that do not support transit out of the TOD District.** The overlay would prohibit certain non-transit-supportive uses and apply a few urban design and building standards to ensure that whatever development occurring prior to the full station area planning effort, would be generally transit-oriented. (See list of use prohibitions and site development standards in the TOD Ordinance Elements.)
3. **Sits better with the public.** This initial quick step quantifies and demystifies the proposal, demonstrating that what is really changing are very small, manageable areas of the city. This allows the community time to buy-in to the process, “digest” the initiative and respond with the creation of planning teams and development teams to focus on these unique opportunities.

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4. **Fits in with already adopted Neighborhood Plans (NPs).** Three of the ten stations exist in areas within adopted NPs. The overlay would be designated over areas and augment already existing “Mixed Use” (MU) overlays and “Special Infill Uses”, such as the Neighborhood Urban Center and the Mixed Use Building. These two voluntary options as well as the MU Overlay already provide for the possibility for transit orientation.
5. **Allows time for station-specific planning to occur.** The Overlay approach acknowledges that a more concerted planning effort is needed for each and every station area, that addresses the character and conditions of each place. This planning effort would be tailored to different station locations (neighborhood, CBD, regional transfer, etc.), different existing conditions (physical, economic, social, infrastructural) of each station area and to different land ownership dispositions (multiple property owners vs. single landowner). The end product of this effort would be a Station Area Plan (SAP), which would be adopted by the Capital Metro Board and the City Council.
6. **Achieves generally transit-supportive development in the interim, until SAPs are complete.** Projects could move forward with no special additional process/review as long as they comply with the general regulations applied through the TOD Overlay.
7. **Adapts to market.** The interim TOD Overlay District regulations would not specify intensity or scale of development, nor mixes and percentages of various land uses, as the Station Area Plans would, and hence, have more flexibility in responding to the market than the immediate adoption of more prescriptive standards that may overreach or miss the mark in terms of uses, proportional mix of uses and overall densities.

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Proposed TOD Development Standards

Standards	Step 1	Step 2
<u>Active, Walkable and Accessible Streets</u>		
Prohibited Uses	Auto Repair, Auto Sales, Auto Washing, Basic Industry, Convenience Storage, Drive-In Services, Equipment Repair, Equipment Sales, Recycling Center, Scrap & Salvage, Vehicle Storage.	Refine during Station Area Planning
Conditional Uses	Auto Rentals, Commercial Off-Street Parking	Refine during Station Area Planning
Additional Permitted Uses	Residential uses permitted above the first floor of a commercial building.	Refine during Station Area Planning
Ground Floor Pedestrian Space	Minimum first floor to ceiling height (bottom of structure) is 15 feet.*	Refine during Station Area Planning
	At least 1 entrance must face the street for all buildings set at streetyard setback	
	Ground floor glazing required for commercial or mixed-use buildings.*	
	Weather-protected sidewalks required for commercial or mixed-use buildings.*	
Parking Location	Parking is prohibited in the area between the building and the front property line.*	Refine during Station Area Planning
Required Parking	60% of the minimum required by the Tables of Off-Street Parking & Loading Requirements. Maximum of Tables allowed for surface parking, balance must be structured.	Refine during Station Area Planning
<u>Building Height and Intensity</u>		
Street Yard Setback	Minimum: 0 Maximum: 15 feet	Refine during Station Area Planning
Density	Per Base District	Based on TOD Type and Scale/Intensity Zone
Height	Per Base District	Based on TOD Type, Scale/Intensity Zone, and Development Bonus
Compatibility Standards	Normal compatibility standards apply.	Only applies in compatibility zone
Affordable Housing	Not required.	Not required; may be provided for development bonus
Green Building	Per Base District : 1-star commercial rating required only in DMU & CBD zoning districts.	Not required; may be provided for development bonus
<u>Careful Integration with Transit</u>		
Connectivity Requirements	Require driveway and sidewalk connections between parking lots of commercial sites.*	Refine during Station Area Planning
Streetscape Improvement	Not required.	Not required; may be provided for development bonus

* These requirements are part of the proposed Commercial Design Standards Code Amendments, currently being processed by NPZD.

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Proposed Development Intensities/Scale per TOD Type & Zone (With & Without Development Bonus)

Base Min. & Max. Building Height in Stories (*without* Development Bonus)

TOD Type	Gateway Zone		Midway Zone		Transition Zone	
	Min.	Max.	Min.	Max.	Min.	Max.
Downtown	6	unlimited	N/A	N/A	N/A	N/A
Regional Center	4	10	3	8	3	6
Town Center	3	8	3	6	2	5
Neighborhood Center	3	6	2	5	N/A	4

(Note: Other attributes, ie, building footprint, impervious cover, build-to lines, etc, may vary per Scale Zone. An overall SAP impervious cover limit may be established per TOD, that could be derived from underlying zoning &/or directly from the City's Watershed Master Plan.)

Additional Height Afforded through Development Bonus

TOD Type	Additional Stories Possible		
	Scale Zone		
	Gateway	Midway	Transition
Downtown	Unlimited	N/A	N/A
Regional Center	3 - 6	2 - 4	N/A
Town Center	2 - 4	1 - 3	N/A
Neighborhood Center	1 - 2	1	N/A

Development Bonus Point System

Points	Criteria
	Affordability (points are cumulative)
TBD	Min. 50% units @ 125% MFI (Median Family Income)
TBD	Min. 25% units @ 80% MFI
TBD	Min. 10% units @ 50% MFI
	Green Building (points are non-cumulative)
TBD	Min. 3 Stars GB or LEED Silver
TBD	> 3 Stars GB or LEED Silver
	Enhanced Streetscapes (see below)
TBD	Meets Minimum Standards as defined below

Enhanced Streetscape Requirements:

Either: 12' min. Sidewalk width with tree wells and grates.

Or: Min. 6' curbside planting strip, min. 8' sidewalk adjacent to commercial, min. 6' sidewalk adjacent to residential.

And: Class 1 deciduous street trees planted no more than 30' apart.

And: Benches, trash bins, bike racks, street/pedestrian lighting as determined by Urban Design Office.