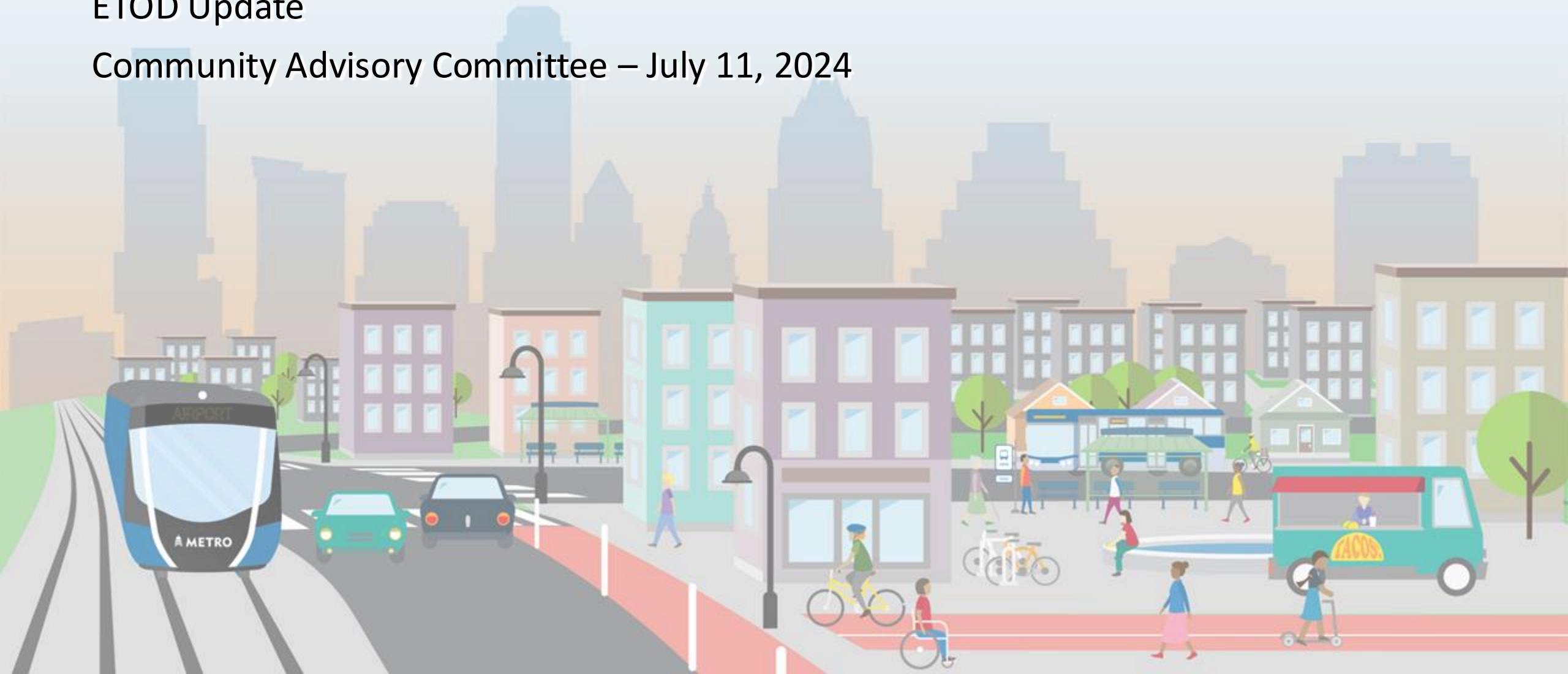


Equitable Transit-Oriented Development

ETOD Update

Community Advisory Committee – July 11, 2024



Agenda

- 1 ETOD Overlay Phase 1
- 2 ETOD Overlay Phase 2
- 3 ETOD Station Area Planning Team



ETOD Overlay Phase 1

1

Community Engagement

- **Mailed Notices:** 39,084
- **SpeakUp Page:** 3,300 views
- **Open Houses:**
 - 4/17 Central Library: 90 attendees
 - 4/20 Zoom: 75 attendees
 - 5/6 Anderson High School: 25 attendees
 - 5/8 George Washington Carver Museum and Cultural Center: 100 attendees
- **Public Hearings:**
 - 4/11 City Council and Planning Commission Joint Meeting
 - 4/30 Planning Commission
 - 5/16 City Council

ETOD Overlay Goals

- **Increase opportunities to live and work near transit**
- **Provide for more affordable, income-restricted housing opportunities near transit**
- **Preserve existing affordable housing and priority business/services**
- **Prevent increase in uses that limit transit effectiveness**
- **Maximize Austin's transit investments by pairing them with supportive land use regulations**

ETOD Overlay Overview

- On 5/16/2024, City Council adopted, as amended, the ETOD/DBETOD Phase I Overlay/Combining Districts through [Ordinance No. 20240516-005](#). Amendments included in red
 - The ETOD Overlay Combining District (ETOD) restricts non-transit-supportive uses
 - The ETOD Density Bonus District (DBETOD):
 - Allows residential uses, modifies various site development standards (including compatibility), increases maximum building heights (up to 120 feet), and supersedes more restrictive regulations within Neighborhood Conservation Combining Districts (NCCDs) and Conditional Overlays (COs)
 - Requires affordable housing, redevelopment protections for certain existing residents and businesses, and higher mixed use building design standards
- Goes into effect July 15, 2024

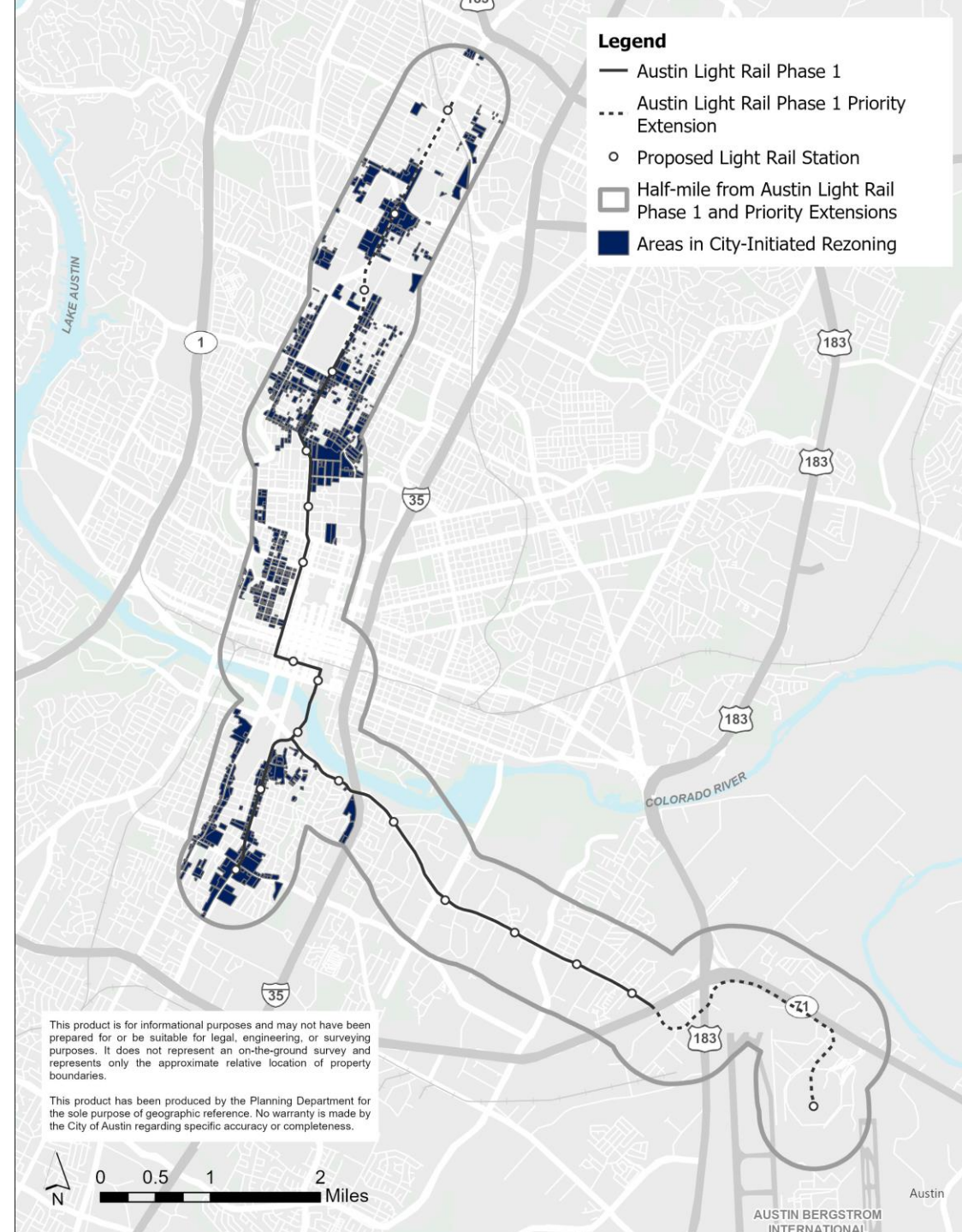
City-Initiated Rezoning

- Applied the combining districts to certain areas* (in dark blue) within a ½ mile of the proposed Phase 1 Austin Light Rail and Priority Extensions

**Only eligible land areas that were entirely (100%) within the ½-mile area were rezoned as part of the City-initiated rezoning. Certain areas outside of the ½ mile boundary were not rezoned but are eligible for future rezoning through standard process*



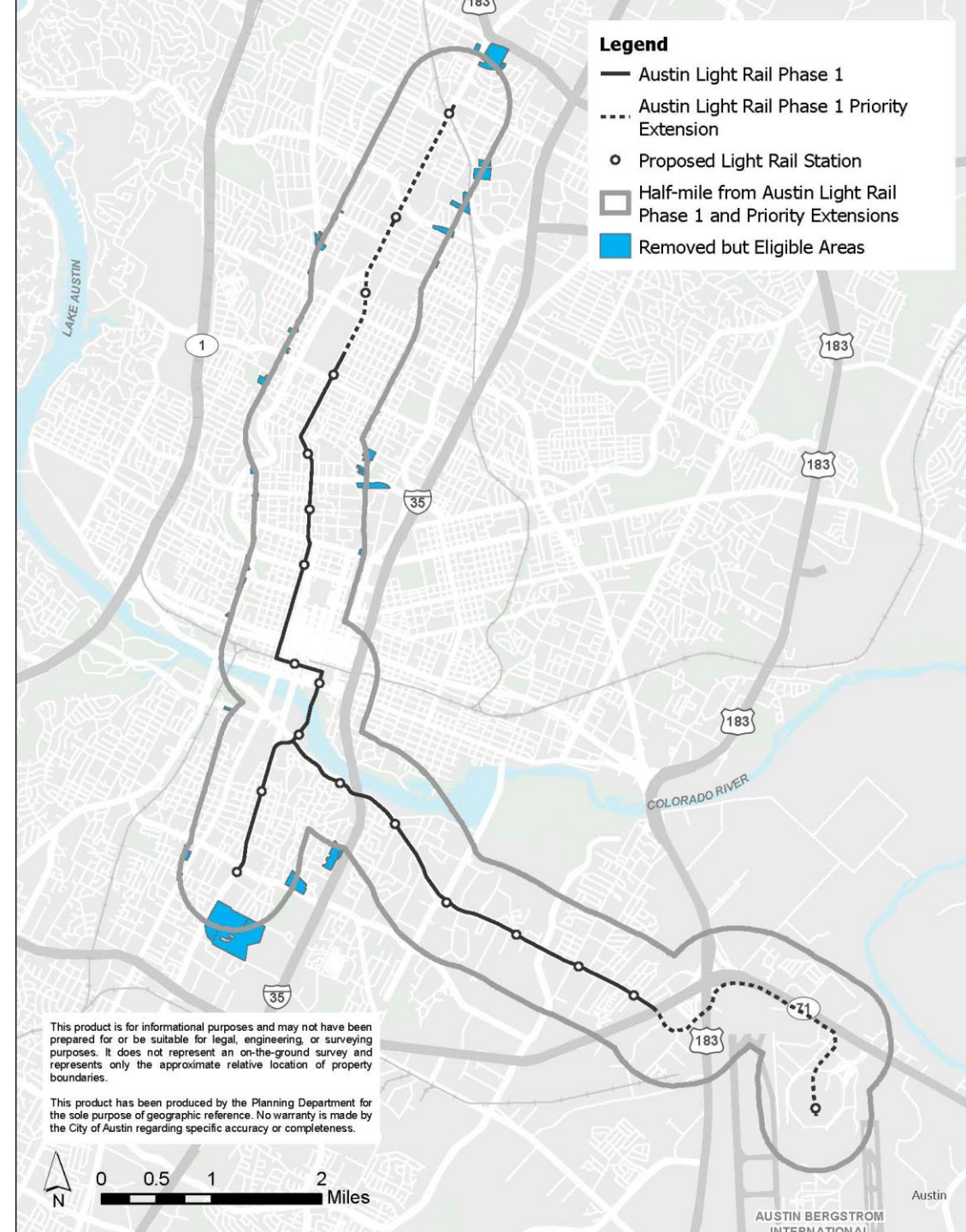
**Equitable Transit
Oriented Development**



Applicability

- Certain areas **outside** of the ½ mile boundary were removed from initial proposal*
- These areas (in light blue) are **eligible to apply for ETOD/DBETOD** through the standard rezoning process

These are the **only areas outside of the ½ mile boundary that would be eligible to rezone into ETOD/DBETOD.*



Applicability

- **ETOD/DBETOD cannot be applied to:**
 - Properties with the following base zones:
 - Any **special purpose** base district
 - *North Burnet Gateway (NBG), East Riverside Corridor (ERC), Transit-Oriented Development (TOD), PUD, P, or AG*
 - Any **Single-Family** base zone (SF-1 through SF-6) or similar (MH, LA, RR)
 - **Pecan Street Overlay**
 - Certain other combining districts such as PDA and PS
 - Any property outside of the ½ mile boundary (**aside from properties that were removed from initial proposal**)

Use Restrictions in ETOD

- **The ETOD combining district restricts uses by making them prohibited or conditional**
 - **No residential uses** are further restricted
 - Code generally allows existing uses to **continue as nonconforming uses**
- **Governs over a conflicting provision unless the conflicting provision is more restrictive**

Use Restrictions in ETOD

Prohibited Uses in ETOD

Commercial

- Automotive Sales
- Agricultural Sale and Services
- Automotive Rentals
- Automotive Repair Services
- Building Maintenance Services
- Campground
- Carriage Stable
- Convenience Storage
- Drop-off Recycling Collection Facility
- Electronic Prototype Assembly
- Electronic Testing
- Equipment Repair Services

Commercial (cont.)

- Equipment Sales
- Exterminating Services
- Funeral Services
- Marina
- Recreational Equipment Maintenance & Storage
- Recreational Equipment Sales
- Research Assembly Services
- Research Testing Services
- Research Warehousing Services
- Scrap and Salvage
- Service Station
- Stables
- Vehicle Storage

Industrial

- Basic Industry
- General Warehousing and Distribution
- ~~Limited Warehousing and Distribution~~
- Recycling Center
- Resource Extraction

Agricultural

- Animal Production
- Crop Production
- ~~Horticulture~~
- Indoor Crop Production

Conditional Uses in ETOD

Commercial

- Alternative Financial Services
- Automotive Washing
- Bail Bond Services
- Commercial Blood Plasma Center
- Commercial Off-Street Parking
- Communications Services
- Construction Sales and Services
- *Electric Vehicle Charging**
- Kennels
- Monument Retail Sales
- Off-Site Accessory Parking
- Pawn Shop Services
- Pedicab Storage and Dispatch
- Special Use Historic

Industrial

- Custom Manufacturing
- Light Manufacturing
- ~~Limited Warehousing and Distribution~~

Agricultural

- Horticulture

**EV Charging permitted by-right if converting an existing or former service station use*

DBETOD Combining District Overview

- **Grants additional building height in exchange for income-restricted housing**
- **Modifies compatibility standards and site development regulations**
- **Preserves certain existing residential and non-residential uses**
- **Allows residential uses on formerly non-residential uses**
- **Can only be applied on sites where ETOD has also been applied**
- **Governs over conflicting provisions**

DBETOD Combining District Overview

DBETOD Requirements

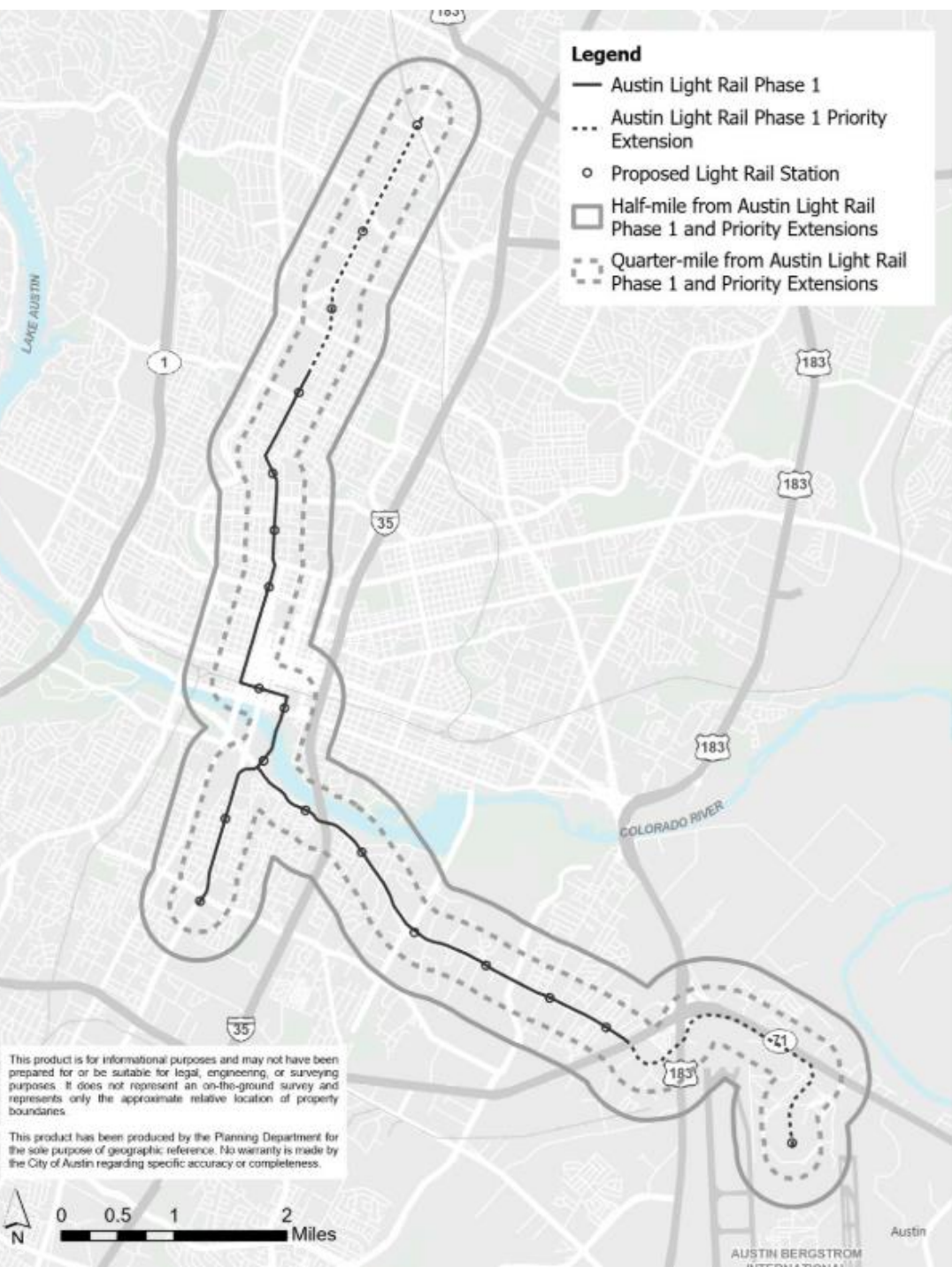
- Affordable housing requirements
- Redevelopment requirements
 - For existing tenants of affordable housing
 - For certain small businesses
- Vertical Mixed Use (VMU) style building design standards:
 - **Allowing civic uses to meet requirements**
 - **Not allowing performance venues or cocktail lounges above 2nd floor or above residential**

DBETOD Entitlements:

- Residential uses allowed in all base zones
- Allows for additional height, up to a total height of **either 120 feet or 90 feet, depending on the site's height subdistrict**
- Relaxation of some site development standards including compatibility
- May supersede certain more restrictive regulations (NCCDs, COs, Subchapter F)

DBETOD Subdistricts

- Maximum height determined by distance from Light Rail Alignment



Subdistrict	Distance from the Transit Alignment	Height Maximum
1 ---	Within ¼ mile	May exceed the base zone's maximum height by 60 feet except that <i>no building may exceed 120 feet.</i>
2 —	Between ¼ mile and ½ mile	May exceed the base zone maximum height by 30 feet except that <i>no building may exceed 90 feet.</i>

DBETOD Affordability Requirements*

Ownership Projects

- **12%** of total units affordable to households at **80% MFI and below**
- May be satisfied through fee-in-lieu equal to 125% of onsite req spent within DBETOD boundary

Rental Projects

Tiered approach:

- To achieve 60 feet (or utilize a non-height-related DBETOD development standard modification):
 - **10% of units at 60% MFI or less**
- To achieve 90 feet:
 - **12% of units at 60% MFI**
 - OR**
 - **10% of units at 50% MFI or less**
- To achieve 120 feet:
 - **15% of units at 60% MFI**
 - OR**
 - **12% of units at 50% MFI or less**

**All affordability requirements may be reduced by 2% if developer provides on-site transit-supportive infrastructure*

DBETOD Redevelopment Requirements

- Residential and non-residential redevelopment requirements may apply if there is an eligible existing structure(s) on a site
- Eligible existing structures include:
 - Residential structures with units affordable to households earning 70% MFI and below
 - Non-residential structures that contain certain uses that have operated for a certain number of years; and are of certain sizes

DBETOD Redevelopment Protections

- **Residential Redevelopment Protections for Certain Existing Tenants/Units:**
 - ~~Before demolition of existing structure is approved, applicant must prove that repair costs more than 50% of structure's value~~
 - ~~Prove that rents \leq 60% MFI were not raised more than 10% in past 24 months~~
 - Replace all units rented at rates affordable to households earning ~~60%~~ 70% MFI and below
 - In the previous 12 months or latest lease term
 - As income-restricted units (at 60% MFI and below) with at least as many bedrooms as existing
 - Maximum number of replaced units is 2x the affordability requirements of the bonus program
 - Tenants notified about redevelopment
 - Tenant can terminate lease without penalty
 - Tenant has security deposit returned to them
 - Tenants provided relocation benefits (4 months rent + fees AND moving expenses)
 - Tenants offered lease for at least 12 months with same number of bedrooms and size ~~and affordability level~~
 - All requirements can be waived by Council with a public hearing

DBETOD Redevelopment Protections

Non-Residential Redevelopment Protections for Certain Existing Businesses:

- Replace all existing non-residential space with comparably sized space
- Tenants notified about redevelopment
- Tenants provided relocation benefits (6 months rent)
- Tenants offered lease of comparably ~~affordable and~~ sized space of at least ~~10~~ 5 years

Business Types that Qualify for Redevelopment Protections:

- Adult care and childcare (operating for at least 12 months)
- ~~Personal improvement services (operating for at least 12 months)~~
- Creative spaces (operating for at least ~~12 months~~ 3 years)
- Cocktail lounges (operating for at least ~~12 months~~ 10 years)
- ~~Counseling services (5,000 sq ft or less and operating for at least 10 years)~~
- ~~Medical office (5,000 sq ft or less and operating for at least 10 years)~~
- Food sales (~~40,000~~ 20,000 sq ft or less and operating for at least ~~12 months~~ 10 years)
- Small-format use (general retail/personal services/restaurant/~~pet services/veterinary services/custom manufacturing~~) (~~10,000~~ 5,000 sq ft or less and operating for at least 5 10 years)

ETOD Overlay Phase 2



2

ETOD Overlay Phase 2

- **Application of the ETOD Overlay to additional geographies:**
 - MetroRapid/MetroRail
- **Community Engagement (2 phases):** Two rounds of community engagement to gather input and feedback on recommendation
- **Community Benefits- explore potential bonuses for:**
 - new non-residential spaces, outdoor/recreational benefits, transit-supportive infrastructure, historic site preservation (will be informed by community engagement)
- **Calibration:** analyze and recommend any changes from Phase 1 based on calibration of the density bonus program.
- **Development Requirements:**
 - Street Design Standards, Building Design Standards, Parking Requirements, Update Restricted Uses, Building and Façade Preservation Requirements
- **Bringing to Council for consideration Spring 2025**

ETOD Station Area
Planning Team



3

ETOD Station Area Planning Team

- **Ana Villareal (Team Lead), Kayla Simon, Tim McCarthy**
- **Oversee ETOD Projects related to Station Area Planning efforts**
 - East Riverside Corridor (ERC) Master Plan & Regulating Plan Update
 - North Lamar Transit Center Station Area (NLTC) Vision Plan
 - South Congress Transit Center Station Area (SCTC) Vision Plan



Questions?

For ETOD Overlay and Systemwide:

Lucy.Hall@austintexas.gov

**For ETOD Station Area Planning
(NLTC/SCTC, ERC):**

Ana.Villarreal@austintexas.gov

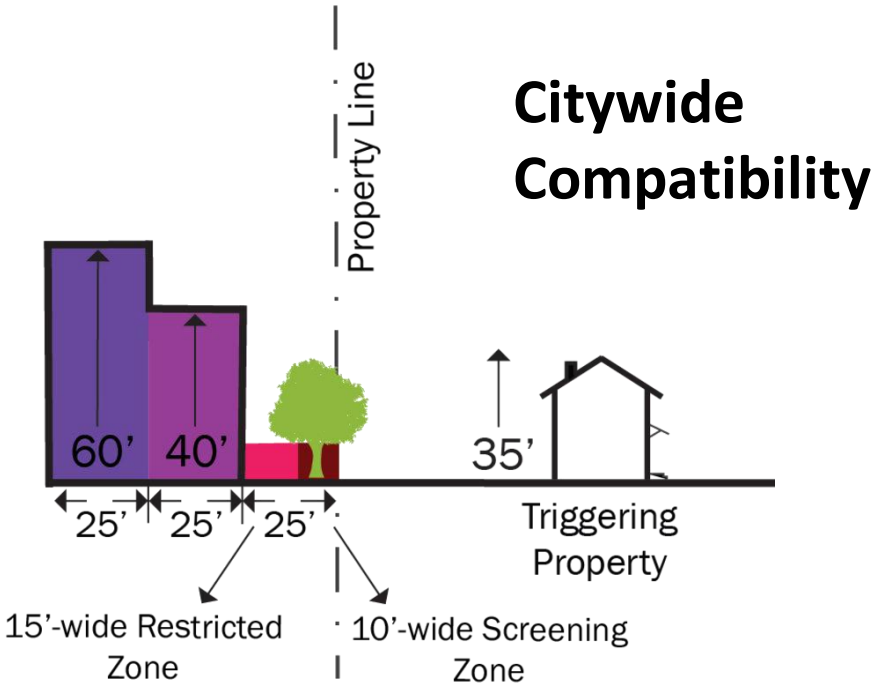
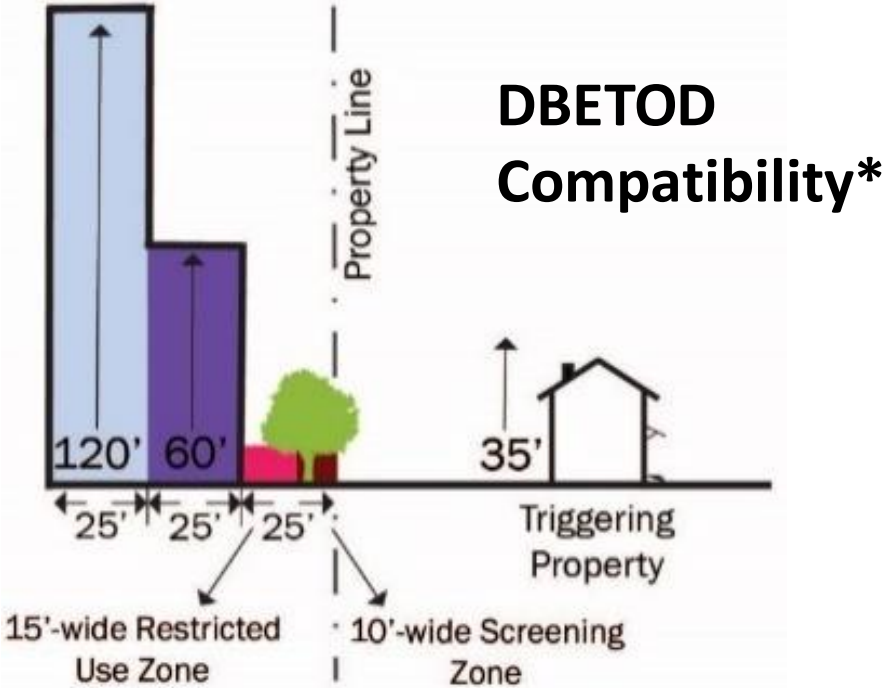
Reference Slides

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DBETOD Site Development Standards and Vertical Mixed Use (VMU) Requirements

- **Must comply with Article 2 (*Site Development Standards*) and Article 3 (*Building Design Standards*) in Subchapter E (*Design Standards and Mixed Use*)**
- **Non-residential base zoned sites abutting a principal street must provide 75% of the building frontage along a principal street as commercial or civic uses and must comply with dimensional requirements found in Section 4.3.3.C of Subchapter E.**
 - The ordinance rezoning a site DBETOD may modify this requirement.
 - Residential base zoned sites do not have to provide any non-residential uses.
 - No more than two floors can include non-residential uses.
 - Cocktail lounges and performance venues may only be on the first or second floor of a building (residential use may not be below either of those uses)

DBETOD Compatibility



Distance from Lot Line of Triggering Property:	Maximum Building Height
Less than 25'	0' (Compatibility Buffer)
Between 25' and 50'	60'
Greater than 50'	120' (Subdistrict 1) OR 90' (Subdistrict 2)

Distance from Lot Line of Triggering Property:	Maximum Building Height
Less than 25'	0' (Compatibility Buffer)
Between 25' and 50'	40'
Between 50' and 75'	60'
Greater than 75'	Set by base zoning

**DBETOD Compatibility requirements apply only to projects that opt into the bonus. Other projects with ETOD/DBETOD zoning would comply with Citywide Compatibility requirements.*