(1) Where open space is provided as a community benefit for a TOD special district permit, it must meet the following minimum qualifications:
   (A) The area dedicated to open space must be at least 2,000 contiguous square-feet, or an area equal to at least five percent of the maximum permitted floor area on the lot, not including floor area bonuses being sought, whichever is greater;
   (B) The land dedicated to open space may include required yards, provided all open space must have a minimum average width and depth of 20 feet and a slope no greater than 10 percent across the open space;
   (C) Quality open space will involve publicly accessible, highly usable parks and gathering spaces. These spaces should be pedestrian-oriented and provide public accommodations, such as, but not necessarily limited to, benches and seating, shaded areas, restrooms, trash and recycling receptacles, facilities for recharging electronic devices, telecommunications facilities, and bicycle facilities. Open space must be surfaced with a combination of trees, landscaped groundcover, and hardscape materials. It must include benches or other seating, shade structures, drinking fountains, water features, public art, trash receptacles, information kiosks, performance areas, or other similar amenities; and
   (D) The open space may be provided on-site, off-site within the same special district, or through a combination of both;
(2) Where affordable housing is provided as a community benefit for a TOD special district permit, the affordable housing must be in addition to the affordable housing requirements of Chapter 38; and
(3) Where streetscape improvements are provided as a community benefit for a TOD special district permit, the improvements must be in compliance with any adopted "complete streets" guide, manual, or ordinance.

(Added by Ord. 17-54)

**Sec. 21-9.100-10 Planned development-Transit (PD-T) projects.**

The purpose of the PD-T permit is to provide opportunities for creative, catalytic redevelopment projects within a TOD special district that would not be possible under a strict adherence to the development standards of this chapter. Qualifying projects must demonstrably exhibit those kinds of attributes that are capable of promoting highly effective transit enhanced neighborhoods, including diverse employment opportunities, an appropriate mix of housing types, support for multimodal circulation, and well-designed publicly accessible and usable spaces. Flexibility may be provided for density, height and height setbacks, yards, open space, landscaping, streetscape improvements, parking and loading, and signage when timely, demonstrable contributions are incorporated into the project benefiting the community, supporting transit ridership, and implementing the vision, goals, and objectives of the TOD special district stated in Section 21-9.100-6. Reflective of the significance of the flexibility represented by this option, it is appropriate to approve projects conceptually by legislative review and approval prior to a more detailed administrative review and approval by the department.

(a) Eligibility. PD-T projects may be permitted on zoning lots that meet the following standards:
   (1) PD-T projects are permitted on zoning lots with a minimum project size of at least one acre. Multiple lots may be part of a single PD-T project if all of the lots are under a single owner or lessee holding leases with a minimum of 30 years remaining in their terms. Multiple lots in a single project must be contiguous; provided that lots that are not contiguous may be part of a single project if all of the following conditions are met:
      (A) The lots are not contiguous solely because they are separated by a street or right-of-way; and
      (B) Each noncontiguous portion of the project, whether comprised of a single lot or multiple contiguous lots, must have a minimum area of 20,000 square feet.

      When a project consists of noncontiguous lots as provided above, pedestrian walkways or functioning design features connecting the separated lots are strongly encouraged to unify the project site. Multiple lots that are part of an approved single PD-T project will be considered and treated as one zoning lot for purposes of the project without requiring a separate conditional use permit-minor for a joint development.

(2) This subsection does not apply to landscape lots, right-of-way lots, or other lots utilized for similar utilitarian (infrastructure) purposes.

(b) Standards for Review.
  (1) All of the development standards of a TOD special district will apply to PD-T projects, unless otherwise noted in this section. Greater height and density bonuses are available to PD-T projects and the development standards may be modified in any way that would normally be allowed through a special district permit. The degree of flexibility sought through the PD-T process must be reasonably related to the community benefits provided. The highest degree of flexibility may be authorized by this permit for those projects that demonstrate those standards enumerated in Section 21-9.100-8(a)(1)(E) and described in Section 21-9.100-9(b).
  (2) PD-T projects must be generally consistent with the approved neighborhood TOD plan for the affected area.

(c) Site Development and Design Standards. The standards set forth by this subsection are general requirements for PD-T projects. When applicants seek the modification of TOD special district standards, the modification must be for the purpose of accomplishing the goals and objectives of the TOD special district. Also, the modification must be commensurate with the contributions provided in the project plan, and the project must be generally consistent with the neighborhood TOD plan for the area.
  (1) Density. Pursuant to Section 21-9.100-8(a)(1)(A), the maximum allowable density will be as follows:
    (A) In BMX-3 and B-2 districts, the maximum FAR may be up to seven;
    (B) In the apartment and apartment mixed use districts, the maximum FAR may be up to twice that allowed by the underlying zoning district; and
    (C) In the IMX-1 and I-2 districts, the maximum FAR may be up to twice that allowed by the underlying zoning district.
  (2) The maximum height cannot exceed the bonus height limit shown as the parenthetical number on the zoning maps.
  (3) Transitional height or height setbacks may be modified where adjacent uses and street character will not be adversely affected.
  (4) PD-T projects proposing more than 10 residential dwelling or lodging units, or both, must satisfy the affordable housing requirements of Chapter 38. If affordable housing is provided as a community benefit to justify flexibility with respect to development standards, the affordable housing must be in addition to the affordable housing requirements of Chapter 38.

(d) Application Requirements. An application for approval of a PD-T project must contain:
  (1) A project name;
  (2) A location map;
  (3) A site plan showing property lines, the locations of buildings and the other major structures on the same and adjacent lots, building access and activity zones, the proposed open space and landscaping system, access and circulation for vehicles, bicycles, and pedestrians, bus or trolley stops, and other major activities;
  (4) A narrative description of the overall development and urban design concept; the building height and density; the basic form and number of structures; the relationship of buildings to each other and the streets; the general mix of uses; the estimated number of proposed dwelling or lodging units; the proposed mix of housing types; the ways the project positively contributes to TOD; the ways the project is consistent with the applicable neighborhood TOD plan; the usable, publicly-accessible space and landscape plans; how the project supports walking, bicycling, and active living; proposals to enhance multimodal circulation and access; the proposed off-street parking and loading; and the possible impacts on security, public health and safety, infrastructure and public utilities;
  (5) Details of the project, including calculations of proposed floor area, FAR, height limits, open spaces, landscaped areas, areas dedicated to parking, and any other significant calculations;
  (6) A narrative description of the proposed public amenities and community benefits the project will provide. The narrative must describe how the amenities and benefits are commensurate with the design flexibility being requested, and how they will benefit the TOD special district and the neighborhood;
  (7) An open space plan, showing the reservation of land for public, semi-public, and private open space, including parks, plazas, and playgrounds, and an integrated circulation system plan, showing the proposed movement of vehicles, goods, pedestrians, and bicyclists within the project area and adjacent

areas, including streets and driveways, sidewalks and pedestrian ways, bicycle lanes, bicycle tracks, and multi-use paths, off-street parking, and loading areas;

(8) A discussion of any impacts to any cultural or historic resources, as well as any public view protected by law or ordinance;
(9) A parking and loading management plan or transportation demand management plan, or both;
(10) A wind and shadow study to analyze the effects of mid-rise and high-rise structures, particularly anticipated effects at the ground level. Where adverse effects are anticipated, mitigative measures must be included in the proposal;
(11) If applicable, a discussion of how the proposed project will satisfy the affordable housing requirements of Chapter 38; and
(12) Any other information deemed necessary by the director to ascertain whether the project meets the requirements of this section.

(e) Procedures. Applications for approval of PD-T projects will be processed in accordance with Section 21-2.110-2. Fees will be as enumerated for Planned Development applications in Section 6-41.1(a)(19).

(f) Conceptual Plan for a Project. The council must approve the conceptual plan for the project before the final PD-T permit approval can be granted. The approved conceptual plan must set forth the allowable uses and the site development and design standards for density, height, transitional height and street setbacks, yards, open space, landscaping and screening, parking and loading, bicycle parking, and signs if the uses and standards depart from the uses and standards applicable in the underlying zoning district or TOD special district. If applicable, the approved conceptual plan must also show how the proposed project will satisfy the affordable housing requirements of Chapter 38.

(g) Guidelines for Review and Approval of the Conceptual Plan for a Project. Prior to or concurrently with its approval of a conceptual plan for a PD-T project, the council shall find that the project concept, as a unified plan, is in the general interest of the public, and, that:
(1) Requested project boundaries and requested flexibility with respect to TOD special district development standards and use regulations are consistent with the TOD special district objectives stated in Section 21-9.100-6, and this section; and
(2) Requested flexibility with respect to development standards and use regulations to allow up to 10 dwelling units in the IMX-1 district is commensurate with the public amenities and community benefits proposed.

(h) Deadline for Obtaining Building Permit for a Project.
(1) A council resolution approving a conceptual plan for a PD-T project must establish a deadline within which the building permit for the project must be obtained. For multiphase projects, deadlines must be established for obtaining building permits for each phase of the project. The resolution must provide that the failure to obtain any building permit within the prescribed period will render null and void the council's approval of the conceptual plan and all approvals issued thereunder; provided that in multiphase projects, any prior phase that has complied with the deadline applicable to that phase will not be affected. A revocation of a building permit pursuant to Section 18-5.4 after the deadline will be deemed a failure to comply with the deadline.
(2) The resolution must further provide that a deadline may be extended as follows:
(A) The director may extend the deadline for one year if the applicant demonstrates good cause;
(B) If the applicant requests an extension beyond one year from the initial deadline and the director finds that the applicant has demonstrated good cause for the extension, the director shall prepare and submit to the council a report on the proposed extension, which must include the director's finding, recommendations and a proposed resolution approving the extension;
(C) The council may approve the proposed extension or any extension for a shorter or longer period, or deny the proposed extension by resolution;
(D) If the council fails to take final action on the proposed extension within the first to occur of:
(i) 60 days after the receipt of the director's report; or
(ii) The applicant's then-existing deadline for obtaining a building permit;
the extension will be deemed to be denied; and
(E) The director shall notify the council in writing of any extensions granted by the director that do not require council approval.

(i) Further Processing by Director. If the council approves the conceptual plan for the PD-T project, the application, as approved in concept by the council, will continue to be processed by the director as provided under Section 21-2.110-2. Additional documentation may be required by the director as necessary. The following criteria must be used by the director to review applications:
   (1) The project must conform to the approved conceptual plan and any conditions established by the council in its resolution of approval. Any significant change to the conceptual plan will require a new application and approval by the council. The director may approve changes to the project that do not significantly alter the size or nature of the project, if the changes remain in conformance with the conceptual plan and any conditions established by the council; and
   (2) The project must implement the goals and objectives of this section.

(Added by Ord. 17-54)

**Sec. 21-9.100-11 TOD special district–Project classification.**

Refer to Table 21-9.8 to determine whether specific categories of projects will be classified as major, minor, or exempt. For the purposes of this section, in addition to Section 21-9.20-2(c), the term "exempt" means projects that are in full compliance with the standards and objectives of a TOD special district.