

City Council Meeting Work Session Transcript – 10/1/2013

>> COLE: I'D LIKE TO CALL TO ORDER THE WORK SESSION. MAYOR LEE LEFFINGWELL IS OUT OF TOWN ON CITY BUSINESS AND MIKE MARTINEZ MAY BE JOINING US LATER. THE FIRST ITEM ON THE AGENDA IS THE PRESELECTED AGENDA ITEMS. ITEM 56 PULLED BY COUNCILMEMBER MORRISON AND ITEM 57 ALSO PULLED BY COUNCILMEMBER MORRISON. AND I WANT TO LET MY COLLEAGUES KNOW THAT I WILL BE POSTPONING ITEM NUMBER 57 TO HAVE MORE TIME WITH STAFF. SO WE -- WE'LL HAVE A NEED TO DISCUSS THAT ONE. COUNCILMEMBER MORRISON?

>> Morrison: I WOULD LIKE TO DISCUSS THAT. I HAD A GOOD CHAT WITH STAFF. I THINK TO GET THE ISSUES ON THE TABLE WOULD BE HELPFUL BEFORE WE POSTPONE IT?

>> COLE: I WANTED TO LET YOU KNOW. ITEM 56.

>> Riley: COUNCILMEMBER MARTINEZ ISN'T HERE BUT HE WILL BE HERE LATER. CAN WE TAKE IT UP LATER IN THE WORK SESSION. I KNOW HE'D LIKE TO DISCUSS IT.

>> Morrison: CAN WE GO TO ITEM 57 BRIEFLY?

>> COLE: GO TO IT BRIEFLY.

>> Morrison: GREAT. THIS IS AN ITEM BROUGHT, I BELIEVE, BY MAYOR PRO TEM AND COUNCILMEMBER RILEY. IT'S A STEP TO GET US TO INTEGRATE THE DOWNTOWN DENSITY PLAN. AS I UNDERSTAND IT AND I FIRST LIKE TO CONFIRM, THE AFFORDABILITY SECTION OF THE STREET IS INTENDED TO STAY AS IT IS. AND IT'S JUST A MATTER OF THE OTHER BONUS ELEMENTS THAT ARE GOING TO BE SYNCED UP WITH THE DOWNTOWN DENSITY BONUS PROGRAM. IS THAT CORRECT?

>> COLE: I THINK THAT THE INTENT AS YOU PASS THAT RESOLUTION IS TO KEEP THAT RESOLUTION INTACT AND NOT THE CONFLICT WITH THAT. BUT I WANT TO MAKE SURE THAT AS WE GO FROM 15 TO 1 AS WE HAVE IN THE DOWNTOWN AUSTIN PLAN WE DO THAT WITH THE CODE. AND IT'S CONFLICTING PROVISIONS THAT ARE COMING TO PLAY AND I WANT TO VISIT WITH STAFF ABOUT THEM.

>> Morrison: GREAT. YESTERDAY I ASKED STAFF TO COME VISIT WITH ME. I WAS WONDERING WHAT DOES THAT MEAN TO SYNC IT UP. BECAUSE THE -- BECAUSE IT MAKES SENSE WITH REGARD TO EXTRA SQUARE FOOTAGE FOR SOME OF THE COMMUNITY BENEFITS, BUT WHEN IT COMES TO AFFORDABLE HOUSING, SINCE AFFORDABILITY IS AN ESSENTIAL COMPONENT OF THE DOWNTOWN DENSITY BONUS PLAN, WHAT WASN'T CLEAR TO ME WAS WHAT HAPPENS -- HOW DO YOU ACTUALLY INTEGRATE THOSE TWO? SO ARE YOU GOING TO BE ACHIEVING UP TO 8-1 WITH THE RAINY STREET AFFORDABILITY? AND IF YOU WANT TO GO OVER EIGHT, YOU STICK WITH THE RAINY STREET FOR THE AFFORDABILITY FOR THE DOWNTOWN DENSITY BONUS PROGRAM? OR DO YOU THEN CONFER IT OVER TO THE DOWNTOWN DENSITY BONUS ONE AND I THINK THAT THAT'S PROBABLY WHAT YOU'RE TALKING ABOUT, MAYOR PRO TEM.

>> COLE: THE OVERARCHING FWOEL IS TO MAKE IT A CLEANUP PROVISION. I NEED TO VISIT WITH STAFF ABOUT THE CODES TO ACCOMPLISH THAT.

>> Morrison: OKAY. TO ME THOSE ARE IMPORTANT ELEMENTS. I DON'T KNOW IF STAFF IS HERE.

>> COLE: I DON'T BELIEVE THEY ARE.

>> THEY'RE HERE.

>> COLE I SEE IN THE BACK, JIM IS HERE.

>> Morrison: I APPRECIATE IT IF WE CAN GET THE ISSUES ON THE TAPE BEFORE WE GO OFF AND POSTPONE IT SO WE CAN ALL THINK ABOUT THIS THING SINCE WE'RE ALL GOING TO HAVE TO ADOPT IT IN THE END. I WONDER IF WE CAN HAVE STAFF LAY OUT WHAT THE DIFFERENT ISSUES ARE?

>> COLE: WILL YOU COME UP. PLEASURE UNDERSTAND THE ITEM IS POSTPONED.

>> GOOD MORNING, JIM ROBERTSON, PLANNING AND DEVELOPMENT REVIEW. I'LL TRY -- IT -
- I'VE GIVEN THIS A FAIR AMOUNT OF THOUGHT. IT STILL GETS CONFUSING TO ME SOMETIMES. BUT I'LL TRY TO SUMMARIZE SORT OF THE DIFFERENT PROVISIONS AND HOW THEY RELATE TO EACH OTHER AND POTENTIALLY OVERLAP. THE EXISTING RAINY DENSITY PROGRAM, WHICH IS A PRODUCT OF THE WATERFRONT OVERLAY, EMBEDDED IN THE WATERFRONT OVERLAY AND RAINY IS A SUB DISTRICT OF THE WATERFRONT OVERLAY. THE MAJORITY OF THE PROGRAM KICKS IN FOR ANY PROJECT WISHING TO GO ABOVE 40 FEET. SO ONCE A PROJECT WANTS TO GET TALLER THAN 40 FEET, THE RAINY PROGRAM REQUIRES THAT 5% OF THE UNITS ON THE SITE BE AFFORDABLE TO A FAMILY AT 80% OF MEDIAN FAMILY INCOME. SO BY PROVIDING THOSE UNITS, A PROJECT HAS THE RIGHT TO THEN GO TALLER THAN 40 FEET. THE RAINY -- THE DOWNTOWN PROGRAM, OF COURSE, DOES NOT EVEN KICK IN UNTIL BEYOND 8-1 FAR. THE FAR OF CDB ZONING. SO BETWEEN 40 FEET AND 8-1 FAR, THERE'S NO OVERLAP BETWEEN THE TWO PROGRAMS. THE RAINY PROGRAM IS THE ONLY PROGRAM THAT HAS AN EFFECT IN THAT DELTA BETWEEN 40 FEET AND WHATEVER 8-1 WOULD WORK OUT TO BE. NOW THE RAINY PROGRAM CONTINUES TO GIVE PROJECTS ADDITIONAL ENTITLEMENTS ABOVE 8-1 ABOVE THE MAXIMUM FAR OF 12-1. AND THE WAY A PROJECT CAN GO BEYOND ITS BASE A TO 1, WHICH IS WHAT IT HAD AS A RESULT OF CBD IS THROUGH A POINTS SYSTEM. THE PROJECT HAS TO PROVIDE CERTAIN BENEFITS AND VIA THE BENEFITS ACCUMULATE THE MINIMUM OF 65 POINT IN THE POINTS SYSTEM. SO ONCE THE PROJECT GOES BEYOND 8-1 FAR UNDER THE CURRENT RAINY PROGRAM, [CELL PHONE RINGING]

>> I APOLOGIZE.

>> IF IT'S FOR ME, I'M NOT HERE.

>> ACTUALLY, MR. GURNSEY. IT IS FOR YOU. AND -- AND SO ONCE A PROJECT IN THE RAINY, UNDER THE EXISTING RAINY PROGRAM GOES BEYOND 8-1, IT CONTINUES TO PROVIDE THE AFFORD ABLG UNITS AND GETS TO 12-1 BY ACCUMULATING 65 POINTS. SINCE THE DOWNTOWN PLAN PROGRAM, THE DENSITY BONUS KICKS IN AT 8-1, THERE'S AN OVERLAP BETWEEN THE TWO PROGRAMS IN THE GAP BETWEEN 8-1 FAR AND 12-1, F.A.R. AND THAT PROGRAM HAS AN AFFORDABILITY REQUIREMENT THAT IS STILL APPLYING IN THAT GAP, IF YOU WILL. AND THE JOUB TOWN PLAN HAS ITS OWN AFFORDABILITY REQUIREMENTS THAT KICKS IN AT EIGHT. THEY'RE EXPRESSED IN TWO DIFFERENT WAYS, RAINY EXPRESSES IT AS FIVE UNITS ON THE SITE. THE DOWNTOWN PLAN EXPRESSES IT AS SQUARE FEET. YOU ACCUMULATE BONUS AREA, BONUS SQUARE FOOTAGE BY PROVIDING A CERTAIN AMOUNT OF EACH SQUARE FOOT OF AFFORDABLE HOUSING. SO, AS WE MOVE FORWARD AND DECIDE TO MESH THESE PROGRAMS, I THINK IT WOULD BE -- IT PROBABLY WOULD BE HELPFUL FOR STAFF AS WE MOVE FORWARD IF EVERYBODY CAN ARRIVE AT THE SAME PLACE AS TO HOW WE WANT TO HANDLE THAT SPACE BETWEEN 8-1 AND 12-1, IN TERMS OF IF WE WANT TO TERMINATE THE -- ESSENTIALLY SAY THE RAINY PROGRAM DOESN'T ACQUIRE ANYTHING ABOVE EIGHT. THE DOWNTOWN PLAN KICKS IN. THE RAINY PROGRAMS GETS TO 12 AND THE RAINY PROGRAM KICKS IN BELOW THAT. IF I MIGHT, I WOULD NOT RECOMMEND JUST SAYING LET'S MAKE THE RAINY PROGRAM GO TO 12 AND THE DOWNTOWN PLAN WILL KICK IN 12 TO GO TO 15. FROM THE ADMINISTRATIVE POINT OF VIEW, I'M NOT SURE IT'S GOOD FOR STAFF OR THE APPLICANTS, ESPECIALLY WHERE WE'RE TRYING TO MAKE A PROCESS THAT CAN BE HANDLED ADMINISTRATIVELY AND PREDICTABLY AND EFFICIENTLY. NOT SURE IF IT WILL HAVE TWO DIFFERENT PROGRAMS. THE PROJECT WOULD HAVE TO PROVE UP THE 5% UNITS, PROVE UP THE 65 POINTS IN THE POINTS SYSTEM. IT WOULD HAVE TO PROVE UP THE GAIT KEEPER PROGRAMS IN IF DOWNTOWN PROGRAM. IT HAS TO PROVE UP THE OTHER COMMUNITIES WHERE IT GETS ADDITIONAL SQUARE FOOTAGE UNDER THE DOWNTOWN PLAN. I DON'T -- MY THOUGHT AS A STAFF AND I OFFERED MY UNSOLICITED OPINION WITH YOU, IS IT'S PROBABLY NOT A GOOD PROGRAM WHERE YOU'RE TRYING TO CREATE A PREDICTABLE PROGRAM THAT YOU HAVE TO WORK A MAZE TO GO THROUGH.

>> COLE: LET ME ASK YOU A COUPLE OF QUESTIONS ABOUT WHAT YOU JUST SAID. MY UNDERSTANDING UNDER THE CODES THAT THE ON SITE AFFORDABILITY IS REQUIRED WHEN YOU GO FROM 40 FEET TO 18 MONTHS.

>> MY READING -- THIS IS SOMETHING THAT CAME UP WITH COUNCILMEMBER MORRISON YESTERDAY. I READ THE REQUIREMENT OF THE RAINY PROGRAM TO DO EXACTLY WHAT YOU SAY, TO GET HER FROM 40 FEET TO EIGHT TO F.A.R. AND YOU GO BEYOND EIGHT, YOU TO ACCUMULATE THE 65 POINTS. THE AFFORDABILITY REQUIREMENT ENDED AT EIGHT. ON SECOND LOOK, AT LOOKING AT THAT, IT SAYS THE WORDING OF THE -- THE -- THE RAINY ONE, IT SAYS 5% -- 5% OF THE DWELLING UNITS ON THE SITE ARE AVAILABLE TO PERSONS BLAH, BLAH, BLAH. I DON'T SEE THAT AS A REQUIREMENT THAT ENDS AT ANY PARTICULAR HEIGHT OR F.A.R. IT SEEMS TO BE A UNIVERSAL REQUIREMENT THAT SAYS -- IF YOU WANT TO GO ABOVE 40 FEET, 5% OF YOUR UNITS ON THE SITE HAVE TO BE AFFORDABLE UNITS. I THINK I WAS WRONG IN MY INITIAL READING AND I APOLOGIZE TO YOU AND YOUR STAFF AND SO FORTH FOR GOING ALONG AND CREATING THE IMPRESSION THAT ESSENTIALLY THAT ENDED AT EIGHT. I'M READING NOW AND WE CAN GET PAID LAWYERS TO COME IN AND WEIGH IN ON THIS. LEGAL HAS NOT WEIGHED IN HAVE THEY? HAVE YOU VISITED WITH LEGAL ABOUT IT?

>> THIS CAME UP YESTERDAY AFTERNOON. THIS JUST CAME AROUND. I HAVEN'T SOLICITED WITH LAW JUST YET WHETHER THEY AGREE WITH THE READING THAT MY SORT OF PLAIN ENGLISH MIND --

>> COLE: THAT'S ONE OF THE REASONS I WANTED TO POSTPONE?

>> RIGHT.

>> Spelman: MAYOR PRO TEM?

>> COLE: COUNCILMEMBER SPELMAN?

>> Spelman: IF I WANTED TO BUILD A COMMERCIAL OFFICE BUILDING AT RAINY STREET, I'M NOT PUTTING ANY RESIDENTIAL UNITS IN IT AT ALL. AM I STILL DOWN BY THE AFFORDABLE HOUSING UNITS?

>> NO. THE RAINY -- THE CODE THAT APPLIES TO RAINY STREET SAYS FOR A RESIDENTIAL OR MIXED USE BUILDING. I ASSUME THEY MEAN ONE THAT'S RESIDENTIAL AND NONRESIDENTIAL, IT'S 40 FEET. IT'S NOT A PURE COMMERCIAL BUILDING. THERE'S NO AFFORDABILITY REQUIREMENT THAT KICKS IN FOR THAT ONE.

>> Spelman: NO SUCH REQUIREMENT FOR A COMMERCIAL OFFICE BUILDING, THEN IT SEEMS TO ME THAT THAT'S A PROVOCATION FOR DEVELOPED IN OFFICE BUILDINGS AND NOT RESIDENTIAL BUILDINGS IN RAINY STREET. DOES IT STRIKE YOU THAT WAY? IT'S GOING TO BE CHEAPER.

>> THERE'S AN OBLIGATION THAT THE RESIDENTIAL BUILDING HAS THAT A RESIDENTIAL BUILDING WOULDN'T. I DON'T KNOW IF THAT WOULD OVERRIDE MARKET FORCES. IT'S A CARRYING COST IF YOU WILL IF YOU WOULD EXPAND TO A RESIDENTIAL BUILDING THAN IN NONRESIDENTIAL WOULD HAVE TO CARRY.

>> Spelman: IN ORDER TO GET A DENSITY, I WANT TO MAKE SURE COUNCILMEMBER TOVO CAN HEAR ME. IF WE -- IF SOMEONE BUILDS A OFFICE BUILDING IN THE -- UNDER THE DOWNTOWN PLAN DENSITY PROGRAM, THEY WOULD STILL HAVE TO PAY IN TO THE FEE IN LIEU OF AFFORDABLE HOUSING PROGRAM, WOULD THEY NOT?

>> NO.

>> Spelman: THEY WOULD NOT. ONLY FOR RESIDENTIAL BUILDINGS FOR DOWNTOWN AND RAINY STREET?

>> THAT'S CORRECT.

>> Spelman: IT'S CONSISTENT BETWEEN THE TWO. I REMEMBER WE HAD SOME PROBLEMS. WE'RE GIVING AN INCENTIVE FOR DEVELOPERS TO BUILD OFFICE BUILDINGS AND NOT RESIDENTIAL BUILDINGS BECAUSE THE RESIDENTIAL BUILDINGS ARE MORE EXPENSIVE. THAT CARRIES TURNOVER RAINY STREET.

>> THE MODELLING WE DID FOR THE DOWNTOWN PLAN INCLUDING THE UPDATE WE DID IN THE LAST FEW MONTHS PROVED UP ONCE AGAIN THAT THE -- THAT THE ECONOMICS, THE FINANCING, AND SO FORTH AND THE RETURNS ARE DIFFERENT BETWEEN RESIDENTIAL AND OFFICE. SO OUR RECOMMENDATION CONTINUED THAT IT APPLIED TO RESIDENTIAL BUILDINGS BUT NOT TO NONRESIDENTIAL BUILDINGS.

>> Spelman: THANKS FOR THE REMINDER. DO YOU HAVE ANY RECOMMENDATIONS AS TO THE PROPER WAY TO HANDLE THAT EIGHT TO 12 AND BEYOND? TO MAKE RAINY AS CONSISTENT AS THE DOWNTOWN PLAN WHILE MAINTAINING THE DECISION WE MADE IN THE WATERFRONT OVERLAY THAT WE WANTED TO ASSURE ON SITE AFFORDABILITY TO SOME EXTENT.

>> I DON'T KNOW IF I CAN SIT HERE TODAY AND SAY MY RECOMMENDATION IS. I SAT DOWN LAST NIGHT AND TRIED TO DIAGRAM IT OUT AND IN ORDER TO BEGIN TO FORM THAT. IT'S A LITTLE BIT APPLES AND ORANGES. THE KEY AREA IS THIS GAP OR THIS MARGIN BETWEEN EIGHT F.A.R. AND 12 F.A.R. WHERE THE TWO PROGRAMS OVERLAP. IN THAT MARGIN, IF YOU WILL, THE RAINY AFFORDABILITY PROGRAM REQUIRES ON SITE AFFORDABLE HOUSING. IT DOES NOT HAVE A FEE IN LIEU. IT REQUIRES 5% OF THE UNITS. THAT'S THE APPLES, IF YOU WILL. THE DOWNTOWN PLAN IN THAT SAME MARGIN, A, ONE DIFFERENCE IS ALLOWS PROJECTS TO PROVIDE ON SITE AFFORDABLE HOUSING OR PAY A FEE IN LIEU AFTER DISCRETION OF THE PROJECT. SO THAT'S A DIFFERENCE AND THAT MAKES THEM A LITTLE BIT APPLES AND ORANGES IN THE SENSE THAT WE HAVE GIVEN PROJECTS UNDER THE DOWNTOWN PLAN THAT CHOICE. I THINK THAT MAY BE MORE OF A POLICY TYPE OF RECOMMENDATION THAN ME SAYING ONE IS BETTER THAN THE OTHER. NOW THE DOWNTOWN PLAN DOES FULL PROJECTS THAT WORK TO PROVIDE ON SITE AFFORDABLE HOUSING IS A 10% REQUIREMENT RATHER THAN 5%. YOU GET FOR EVERY ONE SQUARE FOOT OF AFFORDABLE HOUSING PROVIDED, YOU GET TEN BONUS SQUARE FEET. IN ESSENCE, ALL 10% OF YOUR BONUS AREA HAS TO BE IN THE FORM OF AFFORDABLE HOUSING. SO IN THAT SENSE, IT'S SLIGHTLY MORE AGGRESSIVE THAN THE RAINY PROGRAM, ALTHOUGH THERE IS THAT DIFFERENCE THAN HAVING A FEE IN LIEU OR BE MANDATE IN THE RAINY PROGRAM OF ON SITE AFFORDABLE HOUSING. SO I DON'T NECESSARILY SIT HERE AND HAVE A RECOMMENDATION FOR YOU. THERE'S SOME POLICY TO MY MIND, PERHAPS SOME POLICY CALLS THAT NEED TO BE MADE IN THAT MARGIN.

>> YOU DO RECOMMEND THAT YOU DON'T GO TO 12 WITH THE RAINY PLAN AND BEYOND THAT. THAT'S JUST TOO COMPLICATED.

>> I WOULD BE REMISS IN PROBABLY SAYING WE HAVE TO HANDLE THESE TYPES OF CASES.

>> Spelman: MIGHT NOT BE HAPPY. I JUST THINK -- ONE OF THE MANTRAS, I CAN'T THINK OF THE LEGISLATIVE HISTORY. IN THE DOWNPROGRAMS, PREDICTABLE AND ADMINISTRATIVE. AND YOU SET UP AN ENTITLEMENT PROCESS TO MY MIND, THERE ARE SO MANY DIFFERENT ELEMENTS PROVED UP BY THE APPLICANT VERIFIED BY THE STAFF, THE 5% AFFORDABLE HOUSING, THE 65-POINT -- THE 65-POINT SORT OF ALLAH CART BENEFIT SYSTEM. THE GATEKEEPER REQUIREMENTS UNDER THE JOUB TOWN PLAN. OTHER COMMUNITY BENEFITS UNDER THE DOWNTOWN. THAT MAY BE HISTORIC PRESERVATION, ON SITE OPEN SPACE, ENHANCED LEVELS OF GREEN BUILDING, THAT IS QUITE A GAUNTLET TO ASK THE STAFF TO ADMINISTER IN AN APPLICANT TO PASS THROUGH, I THINK.

>>.

>> Spelman: COULD YOU LAY OUT SOME OPTIONS FOR US IN THE NEXT COUPLE OF WEEKS?

>> YES.

>> Spelman: GREAT, THANK YOU.

>> COLE: I SEE DAVID BACK THERE. I KNOW YOU LOOKED AT THIS THIS MORNING. BRAINSTORMING SOME OPTIONS AND I'D LIKE FOR YOU TO HEAR A BIT ABOUT THAT AGAIN.

>> GOOD MORNING. AS I'VE LISTENED TO WHAT MR. ROBERTSON IS SAYING THIS MORNING AND LISTENING TO THE DISCUSSION HERE, I WOULD POTENTIALLY AGREE THAT I WOULD ALSO BENEFIT FROM HAVING MORE TIME TO DISCUSS SOME OF THESE POTENTIAL CONFLICTS YOU MIGHT BE CREATING OR I, IF YOU WOULD, AS THE 2KR569ER WOULD BE CREATING BETWEEN THE RAINY PROVISIONS THAT WOULD BE LEFT INTACT OR MODIFIED AND AS THEY ARE APPLIED AT THE SAME TIME TO THE DOWNTOWN DENSITY BONUS PROGRAM. I WANT TO EXPLORE FURTHER WITH MR. ROBERTSON THE DIFFERENT SCENARIOS HE'S LAID OUT THIS MORNING THAT THERE MAY BE ADDITIONAL CONFLICTS. I APPRECIATE THE ADDITIONAL TIME. WOULD YOU LIKE ME TO TOUCH ON THIS?

>> COLE: IF YOU WOULD FEEL BETTER ABOUT VISITING WITH MR. ROBERTSON BEFORE PUTTING AN OPINION OUT THERE, DO THAT.

>> THANK YOU.

>> COLE: COUNCILMEMBER TOVO?

>> Tovo: THANK YOU FOR BEING HERE, AND THANK YOU TO THE SPONSORS FOR AGREEING TO DELAY IT. I WOULD LIKE MORE DEVELOPMENT, BUT PART OF IT WAS A COMPROMISE STRUCK. BECAUSE IT HAD BEEN A MIDDLE INCOME WORKING CLASS HISPANIC RESIDENTIAL NEIGHBORHOOD. BUT PART OF WHY WE HAVE THIS PROVISION HERE IS TO PRESERVE SOME DIVERSITY OF SOME ECONOMIC DIVERSITY AMONG THE RESIDENTS OF RAINY STREET. SO I THINK IT IS A CRITICAL PROVISION TO HAVE ON SIGHT AFFORDABILITY RATHER THAN JUST A FEE IN LIEU. I WISH WE HAD AN ON SIGHT REQUIREMENT, FRANKLY, FOR ALL OF OUR DOWNTOWN DENSITY BONUS PROGRAMS. BECAUSE THAT IS THE ONLY -- THAT'S GOING TO BE THE BEST WAY OF CREATING UNITS DOWNTOWN THAT ARE NOT MARKET READY. YOU KNOW, WHEN WE HAVE A FEE IN LIEU, IT'S ALMOST NEVER SET AT -- I WOULD SAY UNIVERSALLY, IT HASN'T BEEN SET AT A PRICE THAT WOULD ENCOURAGE PEOPLE TO BUILD ON SITE UNITS. AND SO I WOULD JUST ENCOURAGE THE SPONSORS TO REALLY CONSIDER CONTINUING THAT PIECE OF IT SO THAT IT SEEMS TO ME THERE ARE WAYS TO ALLOW THE RAINY STREET CONSTRUCTION TO GO UP WITH DENSITY BONUSES TO 15-1, BUT STILL TO KEEP AS THE WAY TO ACHIEVE THAT THROUGH ON SITE AFFORDABILITY THROUGH THE PERCENTAGE OF THE UNITS RATHER THAN A FEE IN LIEU WHICH DOESN'T HELP US GET A DIVERSITY OF HOUSING DOWNTOWN.

>> COLE: WE NEED TO CLARIFY RIGHT NOW WE HAVE A CHOICE UNDER THE DOWNTOWN PLAN.

>> YES.

>> COLE: OKAY.

>> DOWNTOWN PLAN OFFERS -- IT'S A CHOICE EXERCISED AT THE DISCUSSION OF THE APPLICANTS. BUT NOT WITH RAINY STREET. THAT WAS A DELIBERATE BALANCE WE STRUCK. WE NEED TO PRESERVE THAT.

>> COLE: COUNCILMEMBER MORRISON?

>> --

>> Morrison: I WANT TO THANK YOU FOR DELVING INTO IT AS WE DID YESTERDAY AFTERNOON. PEELING BACK THE LAYERS. JUST THE WAY THE COMMUNITY BENEFITS, BESIDES THE AFFORDABLE HOUSING, WE HAVE TWO COMPLETELY DIFFERENT SETTLES OF RULES AND TO FIND A WAY TO ALIGN THOSE IS GOING TO BE IMPORTANT AND DELICATELY DEAL WITH THE AFFORDABLE HOUSING COMPONENT. I WOULD BE INTERESTED IF YOU COULD DO SOME KIND OF WORK TO HELP US GET A SENSE OF WHAT IT TAKES TO EARN, IF YOU WILL, EXTRA SQUARE FOOTAGE UNDER THOSE BENEFITS IN THE RAINY STREET IN TERMS OF THE BUILDING AND ALL THOSE THINGS. VERSUS WHAT WE'RE COMING UP WITH IN THE DENSITY PLAN. IT WOULD BE INTERESTING TO ME IF IT'S TWICE AS RIGOROUS FOR INSTANCE UNDER THE RAINY STREET PROGRAM VERSUS WE DON'T EVEN HAVE A BENEFIT PROGRAM IN FRONT OF US YET, THE DETAILS OF IT. BUT I THINK THAT WILL BE INTERESTING TOO. AND MAKE SURE WE ALIGNED THE STEPS THAT WE TAKE WITH THE ORIGIN UNANIMOUS INTENT OF RAINY STREET WHICH IS VERY SPECIAL AREA. SO I FULLY SUPPORT POSTPOEB POENING IT. I APPRECIATE THAT. AND BASICALLY IF THAT CAN HELP US FIGURE OUT WHAT THE POLICY OPTIONS ARE, THAT'S GOING TO BE REAL HELPFUL.

>> I'LL WORK ON TRYING TO FIG YURT THE OPTIONS TO THE EXTENT THAT I'LL SORT OF TRANSLATE THOSE OPTIONS INTO HOW THE PROJECT THAT SOUGHT TO CAME THROUGH UNDER THOSE OPTIONS WOULD BE HANDLED. THAT WAY YOU KIND OF SEE IT IN A REAL WORLD EXAMPLE OF HOW IT WOULD PLAY OUT.

>> COLE: THANK YOU, GENTLEMEN.

>> Spelman: QUICK QUESTION. JIM, WHEN YOU FRAMED THE MOST RECENT VERSION OF THE DOWNTOWN PLAN, YOU RELIED HEAVILY ON THE EARLIER VERSIONS OF THE DOWNTOWN DENSITY BONUS PLAN. BUT I'M GUESSING THAT YOU WERE INFORMED AT LEAST TO SOME EXTENT BY THE ALLAH CART, 65-POINT REQUIREMENT IN THE RAINY STREET PROGRAM. IS THAT ACCURATE? YOU WERE AWARE OF IT. DOES THAT PLAY ANY ROLE OF THE FRAMING THE DOWNTOWN DENSITY BONUS PROGRAM?

>> WE CERTAINLY LOOKED AT IT. IT PLAYED A ROLE TO THE EXTENT THAT WE LOOKED AT WHAT ARE THE TYPES OF COMMUNITY BENEFITS THAT WE THOUGHT SHOULD BE USED AS MECHANISMS TO ACHIEVE BONUS AREA WITHIN THE DOWNTOWN PLAN. AND THERE'S A LOT OF OVERLAP BETWEEN THOSE TWO. THERE'S NOT PERFECT ONE-TO-ONE CORRESPONDENCE BETWEEN THE TWO. BUT THE RAINY PROGRAM HAS BENEFITS FOR HISTORIC PRESERVATION AS DOES THE DOWNTOWN PLAN. THE RAINY PROGRAM HAS BENEFITS FOR CERTAIN TYPES OF PARKS AND OPEN SPACE AMENITIES WHICH THE DOWNTOWN BILL DOES. THE RAINY PROGRAM INCLUDES PROVISION WHICH THE DOWNTOWN DOESN'T ABOUT PUTTING PARKING ABOVE GRADE OR BELOW GRADE AS OPPOSED TO SURFACE PARKING IN GENERAL IN THE DOWNTOWN, MOST PROJECTS THAT ARE OCCURRING TODAY DO NOT UTILIZE PARKING. WE DID NOT REWARD PEOPLE FOR PROVIDING SOMETHING OTHER THAN SURFACE PARKING. THAT'S A DIFFERENCE. ONE OF THE -- AND CERTAINLY TO THE EXTENT THAT THE DOWNTOWN PROGRAM AND YOUTH COUNCILMEMBER -- THE PRIMARY AUTHOR IS THE SPELMAN AMENDMENT, WHICH IS NOW EMBEDDED IN THE DOWNTOWN DENSITY PROGRAM, AND WHICH IS IN ITS ESSENCE A PROVISION THAT ALLOWS PROJECTS TO PROPOSE COMMUNITY BENEFITS NOT LISTED IN THE PROGRAM AND HAVE THOSE PROPOSALS EVALUATED. ANY OF THE BENEFITS THAT ARE IDENTIFIED IN THE RAINY PROGRAM COULD BE BENEFITS THAT COULD BE EVALUATED THROUGH THAT SORT OF OPEN-ENDED OTHER BENEFITS CLAUSE OF THE DOWNTOWN PLAN

>> Spelman: WHEN FRAMING THAT, INCLUDING THE FAMOUS SPELMAN AMENDMENT, YOU COULD HAVE CHANGED THE DOWNTOWN DENSITY PROGRAM SO IT WAS IDENTICAL TO THE RAINY PROGRAM, BUT YOU DIDN'T DO THAT.

>> CORRECT.

>> Spelman: I GUESS YOU DIDN'T DO THAT BECAUSE THE RAINY PROGRAM, THE 65-POINT REQUIREMENT WAS RELATIVELY RESTRICTIVE AND YOU WERE LOOKING FOR SOMETHING THAT WAS A LITTLE SOFTER AROUND THE EDGES. IS THAT RIGHT? OR IS THERE A BETTER EXPLANATION?

>> I THINK THE RAINY PROGRAM -- THERE WERE SOME THINGS IN THE RAINY PROGRAM THAT EITHER, A, WE DIDN'T THINK NEEDED TO BE INCENTIVEIZED OR REWARDED IN THE DOWNTOWN PROGRAM. THERE WERE SOME THINGS IN THE RAINY PROGRAM THAT WE RECOMMENDED BE HANDLED IN DIFFERENT WAYS. THE RAINY PROGRAM, ONE OF THE WAYS YOU CAN ACQUIRE LATER 65 POINTS IS PROVIDING STREET ESCAPING IMPROVEMENTS. WE WEREN'T GOING TO AWARD BONUS AREA FOR THAT. IN THE RAINY REQUIREMENT, THERE'S A WAY TO ACCUMULATE POINTS BY PUTTING PRIMARY ENTRANCES ON THE STREET AS OPPOSED TO I GUESS AROUND THE CORNER OR IN THE BACK OR WHATEVER. FIRST OF ALL, IN THE DOWNTOWN PLAN, THAT'S NOT GENERALLY A PROBLEM WE HAVE. GENERALLY PARCELS HAVE A STREET FRONTAGE. THEY BRING THE BUILDING ALL THE WAY TO THE STREET AND THEY PUT THEIR ENTRANCES ON IT. THEY DID NOT SEE FIT TO REWARD THAT BY PROVIDING BONUS AREA. SO THERE WERE SOME WAYS WE HAD -- THERE WERE SOME WE DIDN'T THINK WERE ENTIRELY APPLICABLE THROUGHOUT THE ENTIRETY OF DOWNTOWN. SOME WE DIDN'T THINK REALLY MERITED USING THOSE ELEMENTS AS A -- TO REWARD BONUS AREA.

>> Spelman: WOULD IT BE AS A ROUGH CUT THE ALLAH CART MENU WOULD BE THE FIRST DRAFT OF THE DENSITY PROGRAMS OF THE DOWNTOWN PLAN.

>> I THINK THAT --

>> Spelman: SOMETHING TO PUT YOUR MIND ON? GO AHEAD.

>> I'M MAY BE TOO OBTUSE TO SEE WHERE YOU'RE GOING WITH THIS. BUT I THINK THAT WOULD BE A LITTLE BIT OF A STRETCH. WE LOOK AT OTHER CITY PROGRAMS, WE LOOK AT THE SO-CALLED INTERIM DOWNTOWN DENSITY PROGRAM. THAT'S PROBABLY THE MORE THAN ANYTHING ELSE. SO IT WAS A COMBINATION OF THINGS. SO I DON'T THINK IT WOULD BE FAIR TO SAY WE STARTED WITH RAINY AND THEN PRUNED AND DICED AND PAIRED.

>> Spelman: A LOT OF OTHER STUFF THAT WENT INTO THAT AS WELL.

>> Spelman: TRYING TO FIGURE OUT MUCH WEIGHT DO WE GIVE TO RAINY AND OTHER STUFF DOWNTOWN. FROM GREG'S POINT OF VIEW, WE SAY WE KNOW WHAT THE FIRST DRAFT IS. WE KNOW WHAT WE NEED TO GIVE INCENTIVES FOR, WHAT WE DON'T. TO SOME EXTENT, IT MAKES MORE SENSE TO PAY ATTENTION TO THE DOWNTOWN PLAN, AND REPLACE IT WITH THE DENSITY PROGRAM WITH RESPECT TO THE DOWNTOWN PLAN. THAT LEAVES US WITH THE AFFORDABILITY PLANS.

>> YEAH, A LOT OF THE PROJECTS ARE SIMILAR OR DUE TO POLITICAL OF ELEMENTS THAT ARE EMBODIED WITHIN THE DOWNTOWN PLAN. THERE WERE SOME THAT WERE LEFT BEHIND AND NOT ADDRESSED VIA THE DOWNTOWN PLAN. I GOT MAYBE -- AS I SAID, I DON'T CLAIM TO KNOW THE LEGISLATIVE HISTORY OF THE RAINY PROGRAM. DON'T TAKE ANY OF MY COLLEAGUES AS SAYING THIS WAS THE INTENT. THERE WERE SOME THAT MAY REFLECT WHAT WERE SEEN AS THE CONCERNS AT THAT PLACE, RAINY STREET, AT THAT TIME. AND I CAN'T SPEAK AS TO WHETHER THOSE REMAIN VALID. TO ME, THE ON SITE AFFORDABLE HOUSING OR THE FEE IN LIEU. BUT I CAN'T SPEAK TO THE LEGISLATIVE HISTORY. SFOIP LET ME TRY AGAIN. THE DIFFERENCES MIGHT BE -- WE'RE TALKING ABOUT DIFFERENT PLACES, RAINY TO DOWNTOWN. THERE MIGHT BE DIFFERENT TIMES WHEN WE WROTE THE RAINY STREET STUFF VERSUS LAST YEAR WHEN WE WROTE THE DENSITY PROGRAM. IT COULD REFLECT THE DIFFERENCE OF OPINION BETWEEN WHO WROTE THE RAINY STREET PROGRAM AND YOU AND US WHEN WE WROTE THE DOWNTOWN DENSITY PROGRAM. MY REFERENCE TO THIRD DRAFT IS NOT APPROPRIATE.

>> I SUPPORT IT'S WHERE WE ARE.

>> COLE: WE LOOK FORWARD TO WORKING ON THE OPTIONS TO BRING CONSISTENCY WITH THE DOWNTOWN PLAN TO THE RAINY STREET AREA.

>> Spelman: THANK YOU.

>> THANK YOU.

>> COLE: NEXT, COUNCIL ITEMS OF INTEREST BECAUSE WE'RE WAITING ON ITEM 56 BECAUSE WHETHER OR NOT COUNCILMEMBER MARTINEZ WILL MAKE IT. HE HAS A FAMILY EMERGENCY. SO THAT'S GO AHEAD AND MOVE TO THE ITEM OF INTEREST OF COUNCIL.

>> Tovo: I HAVE A QUICK ANNOUNCEMENT. ITEMS 58, 59, AND 60 WILL LIKELY -- WELL, I'LL SAY WE'LL BE ASKING FOR POSTPONEMENT OF THOSE, WORKING WITH STAKE HOLDERS AND ALSO CODE COMPLIANCE TO GET ADDITIONAL DATA. NOW THAT THEY'RE BROKEN TO THREE SEPARATE ORDINANCES, WE HAVE THE OPPORTUNITY TO MAKE EACH OF THOSE ORDINANCES A LITTLE DIFFERENT. COUNCILMEMBER RILEY, YOU TALKED ABOUT PROVISIONS THAT IF THEY HAD BEEN STRONGER, THAT WOULD HAVE MADE A DIFFERENCE FOR YOU. AND I THINK WE DO HAVE OPTIONS FOR DOING THAT. BUT IT WILL TAKE MORE TIME THAN WE HAVE BETWEEN NOW AND THURSDAY, I WILL BE ASKING FOR A POSTPONEMENT. I HAVE A QUESTION I HOPE YOU ALL WILL TAKE A LOOK AT. Q&A PROCESS. COMPARING OUR STAFFING LEVELS HERE IN AUSTIN TO HOUSTON AND DALLAS THAT HAVE FEWER STAFF FOR CITYWIDE PROGRAMS THAN OUR STAFF HAVE PROPOSED USING FOR THE PILOT PROGRAM. HOPEFULLY WE'LL HAVE INFORMATION COMING BACK. OUR STAFF SAID IT WOULD TAKE SEVEN TO DO THE PILOT PROGRAM. HOUSTON DOES THEIRS WITH FOUR, DALLAS DOES THE CITYWIDE PROGRAM WITH SIX. SO HOPEFULLY CODE COMPLIANT WILL GIVE US INFORMATION ABOUT WHY WE WOULD NEED MORE STAFF TO DO A MUCH MORE LIMITED GEOGRAPHIC AREA HERE. THOSE WILL BE POSTPONED ON THURSDAY.

>> COLE: ANY OTHER COMMENTS? OTHER COUNCIL ITEMS OF INTEREST TO DISCUSS?

>> Morrison: MAYOR PRO TEM?

>> COLE: COUNCILMEMBER MORRISON?

>> Morrison: I HAVE QUESTIONS AND COMMENTS I WANT TO SHARE ON ITEM SIX. WHICH IS THE -- I WAS GOING TO SAY THE HUD AFFORDABILITY.

>> COLE: WHAT ITEM?

>> Morrison: 96. THE HUD ORDINANCE AT THIS POINT ADDRESSES THE PUD AND THIS CHANGES THE BONUS SQUARE FOOTAGE OF THE PUD. ONE OF THE ISSUES IS ABOUT THE BASELINE ZONING. THAT IS HOW DO YOU DECIDE WHAT THE BONUS SQUARE FOOTAGE WOULD BE. A CHANGE IN THE BASELINE ZONING THAT CHANGES IT TO BE DETERMINED BY THE REGULATIONS PROVIDED IN THE BASE ZONING DISTRICT, COMMA, COMBINING AND OVERLAY DISTRICTS FOR DETERMINING THE DEVELOPMENT DISTRICTS. AND THAT'S A LITTLE AMBIGUOUS TO ME. WHEN I THINK ABOUT AN OVERLAY DISTRICT, I THINK ABOUT, FOR INSTANCE, YOU KNOW, WHICH GIVES YOU IN SOME CASES AN EXTRA 15 FEET IN HEIGHT.

>> COLE: ARE YOU DIRECTING THAT TO LEGAL?

>> THE COUNTY COMMISSION ADOPTED A VERSION THAT SAID THE BASELINE SHOULD BE BASED ON EXISTING ZONING. THE QUESTION THEN WAS WHAT DID THAT MEAN? THEY WEREN'T FLUSHED ON THE PLANNING COMMISSION. WE WORKED WITH GREG AT PDRD. AND CAME UP WITH WHATEVER THE EXISTING ENTITLEMENT UNDER ZONING WERE. AND THAT IS WHAT -- THAT IS INTENDED TO CONVEY. SO IF -- YOUR QUESTION IS, YES, THEY CAN GET AN ADDITIONAL 15 FEET, BUT DO THEY HAVE TO DO THE THING TO GET THE 15 FEET.

>> Morrison: IF YOU LOOK AT THE IDEA OF BASING IT ON THE EXTRA 15 FEET, JUST CONTINUE WITH THAT. IF WE'RE GOING TO DO THAT, IT WOULD SEEM TO ME THERE COULD BE NO WAIVERS TO THE OVERLAY -- THE OVERLAY. NO WAIVERS FOR THE OVERLAY. NO WAIVERS TO THE OVERLAY, THEN IT COULD BE CONSIDERED AN ENTITLEMENT.

>> FOLLOW THAT.

>> Morrison: TO FOLLOW MY LOGIC, NO WAIVERS TO THE OVERLAY, IF WE WERE LOOKING AT, FOR EXAMPLE, 211 SOUTH LAMAR, THERE IS IN FACT A WAIVER TO THE OVERLAY THAT IS NOT YET IN THE ORDINANCE THAT IS NEEDED. AND THAT IS -- THAT IS -- AND I WILL SHARE THAT WITH YOU. THE WAIVER TO 25-2-733-H1 WHICH IS THE MAXIMUM HEIGHT IS THE STRUCTURES LOCATED NEAR BARTON SPRINGS ROAD, THE LOWER OF 96 FEET OR THE MAXIMUM HEIGHT IN THE ZONING DISTRICT. AS YOU RECALL, I ASKED THAT QUESTION OF YOU, IS WOULD -- DOES THIS HUD PROPOSITION SATISFY THIS, AND THE ANSWER IS NO. IT DOES NOT SATISFY IT BECAUSE IT'S 96 FEET AND 60 IS THE LOWER OF 96. AND THE BASE ZONING DISTRICT.

>> AT THIS POINT, THERE'S NO PROVISION WAIVING THAT AT THIS BUTTED.

>> Morrison: THE SECOND QUESTION I HAVE IS WHAT WE HAVE IN FRONT OF US IS COMBINING IN OVERLAY DISTRICTS. ARE YOU SAYING THAT THAT IS JUST A FILLING OUT OF THE PLANNING COMMISSION OR DOES THE PLANNING COMMISSION WANT THAT IN THERE.

>> THE PLANNING COMMISSION SAID EXISTING ZONING WOULD BE THE BASELINE. AND THEY'RE -- SO THEN THE QUESTION FOR EVERYBODY IS WHAT IS THE EXISTING -- IS IT BASED -- IS IT THE EXISTING BASE ZONING? OR IS IT EXISTING ZONING WITH A STRING ATTACHED? THE EXISTING ENTITLEMENTS THAT YOU HAD UNDER ZONING. EXISTING BASE ZONING ONLY, IF THERE WAS A C.O. THAT LIMITED THE HEIGHT. NOT LOOKING AT ANY PROJECT, BUT WHAT WAS THE RANGE OF ZONING ENTITLEMENTS. IT'S HOW WE CONVERTED IT. IT'S A QUESTION -- I DON'T KNOW IF EXISTING ZONING MEANT BASE ZONING OR THE ENTIRE STRING. WE PICK SOMETIME.

>> Morrison: SO YOU PUT IN COMBINING AND OVERLAY. THE OVERLAY, WE HAVE SOME EXPLICIT IN THE CODE, WATERFRONT OVERLAY, UNO, AND THE CONDITIONAL OVERLAYS THAT WE HAVE THAT ARE PARTICULAR -- ON A PARTICULAR PROPERTY? IT WOULD BE -- I TRIED TO DO A LITTLE REVIEW OF THE CODE. THERE AREN'T THAT MANY OVERLAYS THAT HAVE THE INCREASED ENTITLEMENTS WITH STRINGS ATTACHED IN THE CODE. LIKE THE CAPITOL VIEW OVERLAY. IT WOULD BE INTERESTING JUST TO UNDERSTAND WHAT WE'RE REALLY PLAYING WITH HERE. THANKS.

>> I NOTE THAT THE PROVISION YOU JUST READ, I THINK THAT WHOLE FIRST PART THAT CONTINUES TO TALK ABOUT THE APPLICANT AND THE DIRECTOR IDENTIFYING WHAT THE APPROPRIATE DISTRICT IS. I DON'T THINK THAT'S APPLICABLE WITH THE PLANNING DISTRICT NEGOTIATION. I'M GOING TO STRIKE THAT.

>> Morrison: THAT MAKES SENSE.

>> Tovo: I DID NOT UNDERSTAND YOUR LAST POINT.

>> IN ADDING THE PLANNING COMMISSION RECOMMENDATION TO I THINK IT'S 1.3, THE EXISTING 1.3 INITIALLY HAD A -- WAS WRITTEN SO THAT THE APPLICANT AND THE DIRECTOR MADE A DETERMINATION ABOUT WHAT THE APPROPRIATE DISTRICT WOULD BE AND THEREFORE MADE A DETERMINATION ABOUT WHAT THE ALLOWABLE AND THE EXISTING ALLOWABLE ENTITLEMENTS WERE. THE PLANNING COMMISSION RECOMMENDATION -- I BELIEVE THIS IS ALSO CONSISTENT WITH THE CDC RECOMMENDATION, WAS TO REMOVE THAT DISCRETION FROM THE APPLICANT AND THE DIRECTOR AND TO JUST FLAT OUT SAY, IT'S THE EXISTING ZONING. THAT INITIAL -- THAT LANGUAGE THAT WAS ALREADY THERE ABOUT THE DISCRETION OF THE DIRECTOR DIDN'T COME OUT. AND IT NEEDS TO COME OUT. IT DIDN'T COME OUT AT THE VERY BEGINNING. YEAH, ALL THAT. IT SHOULD COME OUT. IT'S JUST INCONSISTENT WITH THE -- IT'S JUST UNNECESSARY. IT DOESN'T ADD ANYTHING ANYMORE.

>> Tovo: I NEED TO TRY TO UNDERSTAND THE RATIONALE FOR THAT. WAS THERE ANY THOUGHT TO GOING BACK TO THE PLANNING COMMISSION AND ASKING THEM TO CLARIFY WHAT THEY MEANT? I WOULD BE INTERESTED TO KNOW -- BECAUSE IT HAS BEEN SUCH A CRITICAL ISSUE, YOU KNOW, NOT JUST IN THIS RECENT GO-ROUND, BUT WE TALKED ABOUT IT ENDLESSLY IN THE STAKE HOLDER MEETINGS DONE IN THE PROCESS. IF THERE'S ANY AMBIGUITY, IT WOULD BE INTERESTING TO HEAR THE PLANNING COMMISSION'S RECOMMENDATION?

>> COLE: COUNCIL DIRECTED THE STAFF TO DO THAT, WE COULD REDO THAT.

>> Morrison: I HAVE ONE MORE QUESTION. I KNOW WITH THE 211 SOUTH LAMAR HUD WAS LAST HEARD, THE IDEA WAS TO BRING IT BACK ONCE WE HAD CHANGED THE PUD ORDINANCE. BUT THE PUD ORDINANCE, IF IT HAD PASSED ON THREE READINGS, IT WOULDN'T BE AFFECTED FOR TENDAIINGS, IS THAT CORRECT?

>> THAT'S CORRECT.

>> Morrison: IF WE WANT TO MAKE FOR THE PUD ORDINANCE TO TAKE EFFECT BEFORE THE 211 SOUTH LAMAR IS VOTED ON FOR THIRD READING, THE IDEA WOULD BE WE WOULD HAVE TO POSTPONE.

>> COUNCIL, THAT MIGHT NOT BE A BAD IDEA BECAUSE THERE'S A POSTING ISSUE WITH REGARD TO 211 SOUTH LAMAR. IT'S POSTED FOR SECOND READING ONLY. AND AS YOU KNOW, YOU'VE DONE SECOND READING. AND SO WE WERE -- WE HAVE BEEN DISCUSSING WITH THE DEPARTMENT THAT PROBABLY WOULD HAVE TO BE POSTPONED.

>> Morrison: SO IT WOULD ALL SYNC UP?

>> COLE: ANOTHER ITEM? COUNCILMEMBERS? TO DISCUSS? OKAY, THEN WE'LL TO OUR BRIEFING, BRIEFING ON THE PROPOSED AMENDMENT TO THE CITY'S ENVIRONMENTAL AND DRAINAGE REGULATIONS. MATT. MATT, I KNOW YOU'VE BEEN WORKING HARD ON THIS, ARE YOU DOING IT BY YOURSELF? OKAY.

>> GOOD MORNING, COUNCILMEMBERS. I'M MATT HOLLAND WITH WATERSHED PROTECTION. JOINED BY GENE DREW AND AARON WOOD, OUR TEAM. AND ACTUALLY THE TEAM IS MUCH BIGGER THAN BEING REPRESENTED HERE. SO MIGHT HAVE A CHANCE TO RECOGNIZE A FEW OTHER FOLKS HERE IN A LITTLE BIT. PRESENTING TO YOU ON THE WATERSHED PROTECTION ORDINANCE FROM STAFF AND 200 OTHER STAKE HOLDERS ARE WORKING ON FOR A 2 1/2 YEAR PERIOD, BACK IN JANUARY OF 2011, Y'ALL KICKED US OFF WITH A COUNCIL RESOLUTION THAT CAME ON THE HEELS OF A YEAR-LONG STUDY BY THE ENVIRONMENTAL BOARD RECOMMENDING THE SAME PROCEDURE. WE'RE YEAR 3 1/2 AS WE SIT HERE TODAY IN THIS PROCESS. SO THERE'S A LOT TO TALK ABOUT. I'M GOING TO TRY TO MAKE THIS AS SHORT AS WE CAN MAKE SOMETHING THIS LONG. AND THEN OPEN IT UP FOR QUESTIONS. THE DEVELOPMENT PATTERNS WE SEE TODAY ARE GOING STAY WITH US FOR A LONG TIME AS WE KNOW. WE WOULD LIKE TO SET UP THE PATTERNS TO BE AS POSITIVE AS POSSIBLE IN THE NEW AREAS OF GROWTH. WE BASICALLY DO NOT HAVE A SUPERIOR CREEK PROTECTION AT THIS TIME. WE HAVE AN EXEMPLARY SYSTEM IN MOST OF THE WEST. WE HAVE A GREAT SYSTEM IN THE CENTER PART OF THE CITY IN THE URBAN WATERSHEDS. THAT WAS A LITTLE TOO LATE IN SOME WAYS TO BE EFFECTIVE. BUT IN THE EAST AS WE'LL SHOW SOME PICTURES, WE'RE NOT DOING AS GOOD A JOB. WE HAVE TO CLOSE THAT GAP. WE WANT TO HAVE SUPERIOR PROTECTION CITYWIDE WITH THIS ORDINANCE. THE SCIENCE HAS BEEN AROUND SINCE THE '70s. PEOPLE WERE DOING THINGS BEFORE 1970 FOR DRAINAGE. WE LEARNED A TON IN THE LAST 30 YEARS. WE WANTED THE CODE TO ACTUALLY REFLECT THE VAST IMPROVEMENTS IN THE LAST 20, 25 YEARS. THE THEME I'M GOING HAVE IS WE NEED TO QUIT CREATING PROBLEMS FASTER THAN WE CAN FIX THEM. WE NEED TO SHUT OFF THE VALVE, WE NEED TO SHUT OFF THE LEAKING PIPE BEFORE WE CLEAN UP THE WATER ON THE FLOOR. THAT'S THE KEY PART OF OUR REGULATORY STRUCTURE IS TO STOP THAT. AND A BIG THEME, OF COURSE, IS GOING TO BE THE FITTING OF THE IMAGINE AUSTIN STRUCTURE. A LOT OF FOLKS HAVE RIGHTFULLY ASKED US, WHY ARE YOU DOING THESE VAST AND SWEEPING ORDINANCE CHANGES RIGHT BEFORE YOU'RE GOING TO BE LOOKING AT THE LAND DEVELOPMENT CODE REVISIONS. BUT GOING TO BE WORKING ON IN THE NEXT TWO OR THREE YEARS. SO THE ANSWER IS -- COUNCIL KICKED US OFF AND SAID GO GET IT DONE. WE'VE BEEN CLOSELY COORDINATING IT WITH THE STAFF, THE STAKE HOLDERS, MAKING SURE THIS FITS TOGETHER WELL. AS YOU HEARD MANY TIMES ABOUT THE IMAGINE AUSTIN PLAN, GREEN INFRASTRUCTURE, COMPACTED DEVELOPMENT AND CONNECTIVITY. THOSE AREN'T NICKLY THE PRIORITY PROGRAMS. BUT SOME OF THE FIRST TWO ARE. COMPACT AND CONNECTED IS ONE OF THEM. THEN A SERIES OF OTHER ONES THAT HAVE TO DO WITH HEALTH AND WELL BEING. I WOULD ARGUE THIS ORDINANCE TRIES TO HIT ON EVERY SINGLE COMPONENT OF THE IMAGINE AUSTIN PLAN. SO IT WAS REALLY -- THIS HAS BEEN A DELIBERATE PROCESS. SPEAKING ABOUT DELIBERATE PROCESSES. WE GOT THE KICKOFF FROM Y'ALL. WE MET WITH STAKE HOLDERS 26 TIMES IN -- OVER THE LAST TWO YEARS. AND SO THERE'S FOLKS IN THE AUDIENCE HERE THAT ARE STURDY TYPES THAT HAVE BEEN -- MOST OR MANY OF THESE MEETINGS. WE REALLY TRIED TO GO TO THE DETAIL OF THIS THING TO GET IT RIGHT. WE'RE RECOGNIZING THIS ORDINANCE IS A VERY SWEEPING DOCUMENT. WE WENT TO ENVIRONMENTAL BOARD AND PLANNING COMMISSION THIS SUMMER AND RECEIVED UNANIMOUS SUPPORT FROM THOSE BODIES. TODAY THE BRIEFING AND POSTED FOR A HEARING THIS COMING THURSDAY. AND SO WE'LL SEE WHICH WAY WE

GO. THE HISTORY OF WATERSHED PROTECTION IS A LONG ONE. WE'LL TALK ABOUT IT FOR A LONG TIME. I'LL REDUCE IT TO ONE SIDE. BASICALLY WE START IN THE EARLY '70s IN THE FIRST IN 1974 WITH THE WATERWAY ORDINANCE. WE HAVE BAR ON THE CREEK AND WILLIAMSON CREEK AND THE '79, '80 RANGE. BY 1986, AUSTIN WAS READY FOR THE FIRST ORDINANCE AS IT WAS CALLED, THE CEO OF WATERSHED ORDINANCE. AND THAT WAS A CITYWIDE ORDINANCE. AND WE ARE BASICALLY REVISING THAT ORDINANCE HERE 25 PLUS YEARS LATER. AND SO IT'S KIND OF A BIG DEAL AND A PRIVILEGE FOR US TO BE WORKING ON THIS, AGAIN, WITH A LOT OF HELP FROM HUNDREDS OF STAKE HOLDERS. I'M GOING BE RECOGNIZING THE SHAPE. THIS IS THE CITY OF AUSTIN JURISDICTION. THE DIFFERENT AREAS FROM TOWN. THE WATERSHED CLASSIFICATIONS IN THE CODE. YOU TREAT THEM DIFFERENTLY. THE URBAN CORE HAS CERTAIN REGULATIONS. EVERYBODY -- MOST PEOPLE ARE FAMILIAR WITH THE BARTON SPRINGS ZONE WHERE THE WATER DRAINS TO THE BAR ON THE SPRINGS. THAT HAS HIGH LEVEL OF PROTECTION. THE RED AREAS HAVE HIGH LEVELS OF PROTECTION. THE GREEN AREAS ARE THE DESIRED DEVELOPMENT ZONE. THEY HAVE BASICALLY HISTORICALLY A LESS PROTECTIVE ENVIRONMENTAL STRUCTURE. SO MOSTLY TALKING ABOUT THE SUBURBAN WATERSHEDS TODAY. 54%, OVERHALF OF THE JURISDICTION IS IN THE SUBURBAN WATERSHEDS. AND, IN FACT, MOST OF THE UNDEVELOPED LAND, KIND OF THE GREEN FIELDS IF YOU WILL WILL BE URN THE SUBURBAN WATERSHEDS WHERE SH-130 HAS BEEN BUILT. SO 3/4 OF THE UNDEVELOPED LAND WILL BE THERE. REDEVELOPMENT ALL ACROSS TOWN. BUT THE DEVELOPMENT IS LARGELY GOING TO BE IN THIS AREA. THIS IS NOT AN AREA WITH EXEMPLARY PROTECTIONS. SUH BURR BAP AREAS ARE DIFFERENT GEOLOGICALLY. THEY HAVE MUCH LARGER FLOOD PLAINS THAN THE COUNTERPARTS AND IN THE WEST WHEN YOU HAVE STEEP CANYONS AND SO FORTH. IN THE EAST, YOU HAVE MORE ROLLING HILLS AND BROADER FLOOD PLAINS. THEY'RE TEMPTING TO TRY TO FILL THEM IN AND DEVELOP ON THEM. THAT'S ONE OUT OF SIX ACRES BUT UNFORTUNATELY THERE'S A LOT OF ENVIRONMENTAL AND FINANCIAL RISKS OF DOING THAT. WE'LL TALK ABOUT THAT WHEN THE ORDINANCE HITS ON THAT HIGHLY. THIS IS ONE OF THE MOST EROSION AREAS OF TOWN. IN MOST PARTS OF AUSTIN, HEAVY CLAY SOILS. THE HEAVIEST OF THE HEAVY CLAY ARE IN THE EAST. SO WE HAVE A LOT OF STRUCTURAL FOUNDATION PROBLEM, ROADWAY, BASE PROBLEMS. ON AND ON. AND WE HAVE A LOT OF EROSION IN THE CREEKS THEMSELVES. TALK ABOUT THAT. I'M GOING TO BRIEFLY -- THE COUNCIL RESOLUTION YOU PASSED IN 2011, HAD SEVEN COMPONENTS. I WILL BRIEFLY TOUCH ON EACH ONE OF THE SEVEN IN THIS PRESENTATION. THE FIRST TWO ARE THE LONGEST. THEN WE'LL KIND OF CLIP THROUGH THE LAST FIVE QUICKLY AS WE GET THROUGH ONE AND TWO. SO THE FIRST -- THE FIRST ELEMENT WAS TO -- TO -- FOR CREEK PROTECTION, TO INCLUDE BUTTER REQUIREMENTS, TO PROTECT WATER QUALITY AND REDUCE EROSION, FLOODING, LONG-RANGE COST AND STRUCTURE MAINTENANCE. THE CURRENT DEVELOPMENT UNDER THE ROLES NOT PROVIDING THE EXEMPLARY PROTECTION THAT WE'RE HOPING FOR. THIS IS THE EROSION PROBLEM THAT THE CITY OF AUSTIN EVEN THOUGH WE APPROVED THIS DEVELOPMENT ARE GOING TO END UP FIXING OR REPAIRING IN THE FUTURE. HERE'S STACY PARK, WHICH HAS EXISTED SINCE THE '20s, MAYBE BEFORE. SOME GOOD IDEAS AROUND FOR A LONG TIME. A GREAT IDEA TO SET ASIDE A SPACE AROUND A CREEK, ONE CREEK IN THIS CASE. THIS IS GOOD DEVELOPMENT FOR TIMES TO COME. WE HAD ENTIRE SESSIONS, 126 SESSIONS ABOUT WHY IT'S A GOOD IDEA TO PROTECT

CREEKS. AND IT, AGAIN, CUT THIS SHORT. BASICALLY, IT'S A REALLY GOOD IDEA. AUSTIN PLAN TALKS ABOUT INTEGRATING IT IN THE CITY. AND SOME OF THE MOST BELOVED NEIGHBORHOODS AND AREAS OF TOWN HAVE THEM PROTECTED. ALL OF THE MISSIONS FOR OUR DEPARTMENT, FLOOD, WATER QUALITY, EROSION. INTEGRATION, GREEN INFRASTRUCTURE IS ONE WE'RE TRYING TO DO. THIS SLIDE SHOW IS THE LARGEST CREEK IN TOWN. IF YOU EXTEND THEM OUT TO THE HEAD WATERS, THINGS LIKE THIS, THE LIGHT BLUE CREEKS ARE GOING TO APPEAR ON HERE. NOT HALF OF THE CREEKS ARE WHAT WE CHARACTERIZE AS HEAD WATER CREEKS, THE SMALLER SYSTEM KIND OF LIKE THE CAPILLARIES IN YOUR BLOOD SYSTEM AS OPPOSED TO THE ARTERIES. YOU WOULD NOT WANT TO ELIMINATE THE CAPILLARIES JUST BECAUSE THEY'RE SMALL. WE WOULD LIKE TO DO THAT WITH THE CREEKS AS WELL. UNFORTUNATELY, OUR PROTECTION SYSTEM AS YOU CAN SEE ON THE RED HERE, THOSE ARE HEAD WATERS THAT ARE NOT CURRENTLY PROTECTED. IN THE WEST, THERE ARE A FEW THAT DOES NOT EXTEND OUT THE A 64-ACRE DRAINAGE AREA THRESHOLD. I'LL TALK ABOUT THAT MORE, USUALLY A CONFUSING TERM, IN A SECOND. BUT BASICALLY WE COUNT OUR STREETS STARTING AT 64 ACRES OF DRAINAGE AND THEN UNTIL THEY GET TO 320 ACRES OF DRAINAGE, WE CALL THEM HEAD WATERS. SO IN THE EAST, NONE OF THOSE ARE PROTECTED. WE WOULD LIKE TO HAVE THAT CHANGE. THAT'S IT -- SO FRANKLY AN EQUITY ISSUE AMONG OTHER THINGS. WE WOULD LIKE TO PROVIDE EXEMPLARY PROTECTION IN THE WEST, NOT JUST IN THE MIDWEST. LOTS OF MODIFICATION, LOTS OF ARMORING. THESE CREEKS DO NOT HAVE WHAT WE CALL CRITICAL WATER QUALITY ZONE BUTTERS. YOU CAN GRADE THEM WITH BULLDOZERS. THEY GET COMPACTED, STRAIGHTENED, SO FORTH. WE END UP WITH DRAINAGE PROBLEMS. WE'LL TALK ABOUT THAT IN A LITTLE BIT TOO THAT WE HAVE TO FIX. WE'RE OUT THERE MOWING AND SPENDING MONEY AND SUPPRESSING THE NATURAL FUNCTION OF THE CREEKS AT THE SAME TIME. THAT'S A BAD DYNAMIC. IN URBAN AREAS, ALREADY AT 64. IN THE URBAN AREAS, 64. SO ONE OF THE THINGS YOU ASKED US TO DO WAS TO -- WAS TO MINIMIZE THE INDIVIDUAL AND COLLECTIVE IMPACTS OF THE CHANGES OF THIS ORDINANCE ON LAND DEVELOPMENT. 10-01-13 AUSTIN CC 10-10:45AM

>> AND, SO, ALL OF THIS AREA IN RED IS NOT PROTECTED AT THIS CURRENT TIME. YOU CAN GET IN WITH YOUR BULLDOZER AND SO FORTH, STRAIGHTEN THE CREEK, DO WHAT YOU WANT, ET CETERA, AND END UP WITH THOSE PICTURES WE SAW EARLIER. ANYTHING DOWNSTREAM, YOU HAVE TO STAY BACK AND A RESPECTFUL DISTANCE. YOU CAN SEE THE DARK BLUE AND LIGHT BLUE BUFFER SYSTEM THERE THAT SHOW THE CRITICAL WATER QUALITY IN THE WATER QUALITY TRANSITION ZONES. THAT'S WHAT WE HAVE NOW. GO HALF A SQUARE MILE, 320 SQUARE MILES AND STOP. ANYTHING ABOVE THAT IS UNPROTECTED BY THESE BUFFERS. THE NEW SYSTEM LOOKS LIKE THIS. WE JUST OVERLAID IT ON TOP OF THIS AND WANT TO HAVE A SHOUT OUT TO AARON AND AARON AND JEAN, PLEASE CHIP IN NOW OR THE FUTURE AS WE ASK QUESTIONS AND SO FORTH. THIS IS -- AARON DID THESE GRAPHICS. SO, WHAT WE'RE DOING BASICALLY GOING WITH SLIGHTLY SKINNIER BUFFERS, THOUGH THEY DON'T EXTEND OUT TO THE SAME EXTEND THE WATER QUALITY TRANSITION ZONES DID, BUT WE'RE GOING UP TO THE AREAS. HERE IS THE PROPOSAL. HERE IS WHAT IT LOOKS LIKE WITHOUT THE THING BEHIND IT. IN THE CITY AND DEVELOPMENTS. AND, SO WE SEE KIND OF A MORE FORESTED YOUR OR POSSIBLY GRASSLANDS NEAR THE CREEK, AND IT TAPERS DOWN TOWARDS THE DEVELOPED AREA. WE'RE ACTUALLY INCORPORATING THINGS LIKE ROADWAY CROSSINGS, TRAILS, UTILITY LINES, GREEN WATERS AND EVEN ATHLETIC FIELDS TO THE EAST IN THE AREAS WITH SOME ADDITIONAL CONDITIONS AND PROTECTIONS. BUT, BASICALLY, WE'RE RECOGNIZING THIS BUFFER AS A PLACE WE DON'T WANT DEVELOPMENT SUCH AS ROADS AND PARKING LOTS AND SO FORTH, BUT WE DO ACKNOWLEDGE THESE ARE GOOD AREAS FOR SOME ADDITIONAL AND SO FORTH LIKE THE PARK AMENITIES. THERE IS THE CRITICAL WATER ZONE ITSELF. OKAY, SO I TALKED ABOUT STOPPING, CREATING MORE PROBLEMS FASTER THAN WE CAN FIX THEM, SO THERE ARE SOME EXAMPLES. WE HAVE ALMOST A THOUSAND EXAMPLES LIKE THIS IN TOWN. WE HAVE A THOUSAND PLACES IN TOWN THAT LOOK LIKE THIS THAT ARE WAITING ON A LIST THAT WILL TAKE MANY, MANY DECADES TO FIX AND WE WOULD LIKE TO STOP THIS BEFORE WE CREATE ANY MORE. AUSTIN SPENT MONEY FIXING CREEKS LIKE THIS SO WE WOULD LIKE TO END THAT IN CREATING THE NEW ONES. WE'VE COME IN WITH WHAT WE'RE CALLING THE EROSION HAZARD ZONE PROTECTION. THIS HAS BEEN MAJOR FOCUS OF THE STAKEHOLDERS. HOW DOES THIS WORK? WHAT IS GOING TO HAPPEN? AND SO FORTH. BASICALLY, IT IS POSSIBLE NOW TO DEFINE AN AREA THAT IS IN HARM'S WAY IN TERMS OF FUTURE EROSION AND DOWN CUTTING OF THE CREEK. WE'RE ASKING FOLKS TAKE THIS INTO CONSIDERATION WHEN THEY FIGURE OUT WHERE THEY WANT TO PUT BUILDINGS AND OTHER HARD-DEVELOPED INFRASTRUCTURE, INCLUDING WASTE WATER LINES AND UTILITIES. HERE IS JUST SHOWING THE VARIOUS FEATURES. ALL RIGHT. GO TO THE SECOND IDEA. WHICH IS FLOOD PLAIN PROTECTION. THE COUNCIL RESOLUTION ASKED US TO PROMOTE, ENCOURAGE AND/OR REQUIRE THE PRESERVATION AND RESTORATION OF FLOOD PLAINS AND STREAM BUFFERS AS WELL AS THE BENEFICIAL REPURPOSING OF MINING QUARRIES. IF YOU WENT BACK MANY, MANY HUNDREDS OF YEARS, THIS WHOLE THING WOULD BE FORESTS AND MUCH MORE PROTECTED. BUT IT HAS BEEN GRAZED AND HAY BAILS THERE AND SO FORTH. SO, HERE IS ACTUALLY A SUBDIVISION, THE RANCH HERE IN THE MIDDLE IN AUSTIN, AND THEY'VE ACTUALLY ALLOWED THE NICE RESTORATION OF THEIR AREA. THIS IS MUCH MORE LIKE WHEN WE'RE HOPING FOR, RESTORES ALL KINDS OF NATURAL FUNCTION. SO, OUR FLOODPLAIN PROTECTION ORDINANCE BASICALLY RELIES ON THE DON'T MESS WITH MOTHER

NATURE RULE, AND WE'RE BASICALLY SAYING WE WOULD LIKE TO RESTRICT FLOODPLAIN MODIFICATIONS WHERE POSSIBLE, AND WE'RE REQUIRING SOME MORE OBJECTIVE ANALYSIS OF NEW AREA THAT IS PROPOSED TO BE MODIFIED WITH WHAT WE'RE CALLING A FUNCTIONAL ASSESSMENT. FOR THE STAKEHOLDERS LISTENING, THERE ARE A LOT OF QUESTIONS ABOUT WHEN ARE THE CRITERIA COMING OUT AND SO FORTH. WE HAVE THE DRAFT CRITERIA AS OF TODAY, AND THERE WILL BE A PROCESS OVER THE NEXT MONTH WHERE WE WILL LOOK AT THAT CRITERIA AND GET STAKEHOLDER INPUT AND SO FORTH, SO WE WILL HAVE A 30-DAY PERIOD AFTER THE ORDINANCE GOES INTO EFFECT TO GET THAT CRITERIA IN PLACE. WE DO -- WE'RE WELCOMING ADDITIONAL INPUT AND COMMENT ON THAT. WE KNOW THAT NOT EVERY PROJECT THAT PROPOSES MODIFICATIONS IS GOING TO BE ABLE TO MITIGATE ON SITE, SO WE HAVE OFF-SITE PROVISIONS. AGAIN, WE'RE TALKING ABOUT VISION. IN THIS CASE, VISIONS OF ACTUAL RESTORATION OF THESE DEGRADED CREEKS. HERE IS AN EXAMPLE OF A FARM THAT WAS REDEVELOPED OUT IN KIND OF PAST THE AIRPORT, OUT IN EAST AUSTIN. FAR EAST AUSTIN. STARTED OUT WITH THIS KIND OF MEANDERING CREEK GOING THROUGH A WIDE FLOODPLAIN. THE FLOODPLAIN SHOWN IN BROWN. THE PROJECT THAT GOES IN VERY DRAMATICALLY NARROWS DOWN THE CREEK.

>> A DRAINAGE PLUME. HERE IS A PICTURE OF THE DRAINAGE PLUME. THEY'VE ELIMINATED THE NATURAL FUNCTION, THERE IS UNANIMOUS AGREEMENT FROM THE DEVELOPMENT COMMUNITY TO THE ENVIRONMENTAL COMMUNITY ON LET'S DO SOMETHING DIFFERENT AND BETTER. LET'S MOVE TO DEVELOPMENT PATTERNS AND GREENWAYS. ONE OF MY PERSONAL FAVORITE TOPICS. THAT IS NOT AN EXEMPLARY PLACE FOR NATURE AND PEOPLE. WE WANT TO EXPLORE OPPORTUNITIES TO ENCOURAGE A DEVELOPMENT PATTERN THAT BETTER PROTECTS PUBLIC AND ARE PRIVATE PROPERTY, PRESERVES FLOODPLAINS, CREEKS AND OPEN SPACES, AND PROVIDES ACCESS AND CONNECTIVITY WITH GREENWAYS AND TRAILS. THIS IS A PLACE THAT IS A BACKYARD, ARMORED. HERE IS ANOTHER EXAMPLE IN THE MIDDLE OF A NEIGHBORHOOD. THERE IS HOUSES AND ROADWAYS OFF THE EDGE, THE RIGHT SIDE OF THE EDGE OF THIS SCREEN, BUT THIS DEVELOPMENT HAS PROTECTED THEIR CREEK AND ALLOWED THE NATURAL BEAUTY AND INTEGRATED TRANSPORTATION AND RECREATION SYSTEM THERE WITH THAT TRAIL/SIDEWALK. SO, WHAT WE'VE DONE ACTUALLY GONE IN THE ENVIRONMENTAL SECTION ONLY OF THE PUD ORDINANCE AND EXPANDED THE 10 EXISTING OPTIONS TO 23 AND GIVEN THEM GREAT NEW CHOICES. THIS WAS A FUN MEETING, A HAPPY MEETING. [LAUGHTER] WE TALKED ABOUT A LOT OF GOOD NEW THINGS WE WILL BE OFFERING. A LOT OF OTHER THINGS YOU'VE SEEN FOR THE PROJECTS THAT HAVE COME THROUGH RECENTLY TO THE COUNCIL BECAUSE WE'VE BEEN TRYING TO INTEGRATE THOSE IN IN THE LAST NUMBER OF YEARS, SO ACTUALLY PUTTING IT IN WRITING. WE'RE IMPROVING TRANSFERS AND DEVELOPMENT OPTIONS SO PEOPLE CAN -- SO WHEN THE CENTERS AND CORRIDORS ARE BUILT IN THESE AREAS, WE'RE EXPECTING PEOPLE TO WANT TO TRANSFER IN SOME EXTRA DENSITY AND BULK AND IMPERVIOUS COVER, SO HOW DO YOU MITIGATE OFF SITE? WE'VE HAD INTERESTING WAYS OF DOING THAT TO CLEAN THAT UP AND MAKE IT LESS PONDEROUS. YOU ALL, EXPLICITLY, THIS IS SOMETHING WE WERE LOOKING AT IN THE ORDINANCE ITSELF BECAUSE IT WAS PART OF THE ENVIRONMENT CHAPTER, BUT THE COUNCIL ASKED US TO LOOK AT THE REDEVELOPMENT EXCEPTION, THE MOST FAMOUS IN THE BARTON SPRINGS ZONE. IT WAS PASSED IN 2007 AND WAS ONLY USED TWICE. BASICALLY TAKE A PIECE OF PROPERTY AND REDEVELOP IT, IN THIS CASE, THE HOME PROJECT NEAR 360 AND MOPAC, NEAR THE MALL, BARTON CREEK SQUARE MALL. THEY TOOK AN EXISTING OLD CINEMA AND REDEVELOPED IT AND PAID OFF-SITE MITIGATION AND PERMANENTLY PROTECTED SOME LAND WITH THAT. WE EXTENDED THAT OPTION, WE'RE PROPOSING TO EXTEND THAT TO THE LAKE AUSTIN, BULL CREEK KINDS OF AREAS, TO ALLOW RENOVATION OF THOSE AREAS AND SO FORTH WITH ON-SITE PROTECTIONS AND OFF-SITE MITIGATION. AND, THEN, WE'VE ACTUALLY WORKED CLOSELY WITH OUR TRANSPORTATION AND PUBLIC WORKS FRIENDS AND REALIZE THERE IS A LOT OF -- A LOT OF ROADWAY IMPROVEMENTS, THEY ARE VERY SMALL SCALE. THEY DON'T HAVE A LARGE WATER QUALITY IMPACT BUT THEY ARE HINDERED BY OUR STRUCTURE, ORDINANCE STRUCTURE, SO WE'RE PROPOSING THAT ROADWAY PROJECTS THAT ARE SMALLER THAN 5,000 SQUARE FEET OF IMPERVIOUS COVER, NOT BE HELD TO IMPERVIOUS COVER OR WATER QUALITY REQUIREMENTS, SO WE'RE GOING TO BE -- THEY'RE ACTUALLY LIMITED TO BIKE LANES, INTERSECTION IMPROVEMENTS, PUBLIC TRANSPORTATION, AND ROADWAY CROSSINGS AT CREEKS. SO, THOSE ARE SOME KIND OF CLEAN-UP ITEMS WE THINK ARE GOING TO FACILITATE OTHER IMPROVEMENTS. HERE IS A SEQUENCE OF -- OKAY, THIS IS UNFORTUNATELY NOT GOING TO BE POSSIBLE IN THIS PRECISE AREA, BUT IT IS AN AREA OF TOWN THAT IS FAMOUS AND KNOWN TO MOST. WALLER AND

SHOAL CREEKS. HERE THEY ARE. DRAINING ALONG. AND, SO, THE AUSTIN CREEK'S PLAN, BACK IN 1976, NO NEW IDEAS, APPARENTLY, WE'VE BEEN DOING THIS A LONG TIME, WE'VE BEEN WANTING TO HAVE BUFFERS FOR A LONG TIME. THEY PROPOSED A SYSTEM THAT LOOKED JUST LIKE THIS. WE TOOK THE PLAN AND STUCK IT IN THE SLIDE. THAT'S WHAT THEY WANTED. YOU CAN SEE SOMEBODY WOULD BE ABLE TO REALLY USE THAT AREA ALONG THE CREEK TO WALK AND SO FORTH. UNFORTUNATELY, A LOT OF THAT AREA WAS ALREADY DEVELOPED OR ENCROACHED, PRIVATE PROPERTY AND WHAT HAVE YOU, WE WEREN'T ABLE TO ACQUIRE THAT ONE WAY OR ANOTHER SO THAT IS WHAT WE HAVE TODAY, A VERY DOES CONNECTED GREENWAY SYSTEM. HAD THESE TWO WATERSHEDS HAD THE BUFFER SYSTEM THAT WE'RE PROPOSING FOR THE SUBURBAN WATERSHEDS IN THE EAST, IT WOULD HAVE LOOKED LIKE THIS SO YOU COULD HAVE WALKED OR RIDDEN YOUR BIKE FROM THE RESOURCE CENTER DOWNTOWN AND MOVED ALL SORTS OF PLACES WITH ALTERNATIVE TRANSPORTATION AND BIKING AND SO FORTH WITH THIS SYSTEM. I THINK THIS SHOWS A LOT MORE VISION AND COMPATIBILITY WITH THE IMAGINE AUSTIN PLAN THAN THE CURRENT SET UP. ALL RIGHT. I'LL HIT THIS ONE BRIEFLY. IN JANUARY, WE'RE REQUESTING TO BE TALKING TO OUR STAKEHOLDERS YET ANOTHER TIME OR SERIES OF TIMES ABOUT STORM WATER CONTROLS AND HYDROLOGY. WE PUT KEY PIECES INTO THE ORDINANCE TO BETTER MODERATE RUN-OFF AND HELP STREAM BANK EROSION. IT IS NOT DOING WELL IN THE DROUGHT. HERE IS A BETTER IDEA. GO WITH RAIN GARDENS IN SMALLER SCALE, GREEN INFRASTRUCTURE THAT DOESN'T TAKES A MUCH MAINTENANCE AND WATER FROM A CONSERVATION STANDPOINT. WE'RE DOING A SERIES OF THINGS. WE'RE ADJUSTING THE WAY -- AND SOME STAKEHOLDERS MAY WANT TO COMMENT ON THIS. I THINK THE REAL ESTATE COUNCIL WAS INTERESTED IN DISCUSSING THIS 5,000 SQUARE FOOT ITEM MORE BUT WE'RE ASKING ANY NEW DEVELOPMENT THAT HAS AT LEAST 5,000 SQUARE FEET OF IMPERVIOUS COVER TO PROVIDE THE CONTROL. THERE USED TO BE A THRESHOLD OF HOW THAT WORKED. WE WILL ALLOW PEOPLE TO PUT WATER QUALITY ON TOP WAS EACH OTHER TO STACK THEM. A SPACE-SAVING MOVE FOR SOME PROJECTS THAN IS JUST SOMETHING THAT THE CODE BLOCKED IN THE PAST. WE ALSO FOCUSED ON MAINTENANCE AND INSPECTION IN A COUPLE DIFFERENT WAYS, INCLUDING THOSE FOR SUB SURFACE CONTROLS. ALL RIGHT. SO, YOU, COUNCIL, ASKED US TO LOOK AT MITIGATION OPTIONS. AND, SO, I THINK THIS IS VERY MUCH SOMETHING WE'RE GOING TO BE LOOKING AT WITH THE IMAGINE AUSTIN'S COMPREHENSIVE PLAN. WE DID PROPOSE CHANGES, I WILL SHOW NEW A SECOND, BUT BASICALLY, MAINLY, WE'VE KIND OF HELD BACK ON THIS ONE KNOWING WE REALLY NEEDED TO BE -- INTEGRATE MORE IN LIGHT OF THE PROCESS, THE COMMUNITY ON THAT, SO WE HAVEN'T MADE ANY SWEEPING CHANGES HERE. BUT WE'RE OFFERING MITIGATION OPTIONS IN THE WAY WE'RE MITIGATING FLOODPLAINS. AND I MENTIONED THE REDEVELOPMENT OPTIONS FOR LAKE AUSTIN AND BULL CREEK AND SO FORTH AND SOME OTHER IMPROVEMENTS IN THE BARTON SPRINGS AREA. ALL RIGHT. OUR REGULATIONS ARE DENSE AND THICK. YOU SAW THE ORDINANCE HISTORY. IT IS SORT OF A SERIES OF ACCRETION OVER TIME WITH THESE ORDINANCES GOING IN, SO WE REALLY TRIED TO TAKE A LOOK AT HOUSE THE STUFF WORKED TOTAL IN ARE THERE WAYS TO SIMPLIFY IT. WE'VE GONE FROM SIX DIFFERENT STREAM BUFFER SYSTEMS DOWN THREE WITH THE ORDINANCE. WE ACTUALLY LOOKED AT MAKING THAT TWO OR EVEN ONE, BUT THAT WAS GIVEN THE WAY THE CITY HAS ALREADY BEEN DEVELOPED OUT AND THE WAY THE IMAGINE AUSTIN PLAN DIRECTING

GROWTH, WE THOUGHT THE THREE WAS THE BEST OPTION. AND, SUPPORTED BY THE STAKEHOLDERS. SO, WE ALREADY TALKED ABOUT MOST OF THESE. WE'RE LIMITING ANY WATER QUALITY TRANSITION ZONE IN THE EAST, WANT TO BE CLEAR. IN THE WEST, WE'RE CONTINUING TO HAVE THE SAME BUFFER, EVERYTHING. THE SAME CRITICAL ZONE, SAME WATER QUALITY TRANSITION ZONES, IN THE WEST ONLY, BUT, FOR THE EAST, WE'RE SIMPLIFYING THINGS BY GOING TO ONE BUFFER, AND OFFERING BUFFER AVERAGING. WE'RE ELIMINATING A CONCEPT WE CALL BOUNDARY STREET REDUCTION, WHICH IS A COMPLICATING FACTOR FOR SOME DEVELOPMENTS. IT DOESN'T AFFECT THE IMPERVIOUS WATER COVERAGE ON A WHOLE, AND WE CAN TALK MORE ABOUT THAT IF YOU LIKE BUT THAT IS SOMETHING WE THINK IS AN OVERDUE SIMPLIFICATION. AND, THEN, THERE'S REALLY DOZENS AND DOZENS OF SMALLER CLARIFICATIONS AND CORRECTIONS. IF YOU'RE REALLY IN A IT, YOU CAN LOOK AT OUR 44-PAGE TABLE AND LOOK AT EVERY SINGLE CHANGE WE MAKE IN THE ORDINANCE, BUT THERE WAS LOTS OF CLEAN UP NECESSARY AFTER 30 OR 40 YEARS OF CODE WRITING. ALL RIGHT. AND, THEN, IN THE END, AGAIN, YOU ASKED US TO MINIMIZE THE INDIVIDUAL AND COLLECTIVE IMPACT OF THESE ORDINANCE CHANGES ON LAND DEVELOPMENT, SO WE ACTUALLY WENT IN AND DID A PRETTY EXTENSIVE GIS MAPPING ANALYSIS OF HOW THIS WORKED AND WHAT WAS AFFECTED BY WHAT LEVEL BY THE DIFFERENT BUFFER SCENARIOS. AND THE SELECTED ALTERNATIVE, WE COULD REALLY DIVE INTO THIS MORE, THE DEVIL IS IN THE DETAILS ON THE ASSUMPTIONS AND THE MODELING AND SO FORTH. BASICALLY, IF EVERYBODY WENT COMPLETELY CRAZY AND BUILT SUBURBAN DEVELOPMENT, WHICH IS NOT GOING TO HAPPEN, IT IS GOING TO BE A MIX. IF EVERYBODY TRIED TO MAX OUT, TESTING THE LIMITS HOW MUCH WE WILL AFFECT ANY INDIVIDUAL PROPERTY, WE WOULD GET A SLIGHT GAIN, FOUR TO 5% OF IMPERVIOUS COVER, AND THEN IN MOST PROPERTIES WOULD NOT BE PERFECTED AT A HIGH LEVEL. A FEW WOULD. A FEW WOULD HAVE HEAD WATERS ACROSS THE MIDDLE OF THEM, OR THEY WILL HAVE A NEW MAJOR BUFFER EXTEND UP THROUGH THEM OR WHAT HAVE YOU. BUT, THE MAJORITY HAVE MINOR IMPACTS. ACTUALLY, 70%, NUMERICALLY, HAD NO IMPACT WHAT SO EVER BECAUSE MOST PROPERTIES DON'T HAVE A CREEK ON THEM. BUT WE WERE ABLE TO MINIMIZE THE IMPACT OF THE -- FOR MOST PROPERTIES, AND ACTUALLY, ON AVERAGE, PEOPLE PICK UP SLIGHTLY. AND, SO, WE ACTUALLY -- AND WE WORKED CLOSELY WITH THE NEIGHBORHOOD HOUSING DEPARTMENT AND LOOKED AT AFFORDABILITY IMPACT STATEMENTS. A LITTLE MORE COMPLICATED THAN USUAL, BUT WE'RE ACKNOWLEDGING SOME IMPACTS TO PROPERTIES BUT ALSO ALL SORTS OF COMMUNITY BENEFITS AND COST SAVINGS OVER TIME. THE STATE REQUIRE WE DO A TAKINGS IMPACT ASSESSMENT AND WE DID THAT. WE MADE THAT AVAILABLE TO THE COUNCIL. WE HAVE COPIES AND WE WILL POST THAT TO OUR WEBSITE. WE'RE SHOWING A POSITIVE INTERCHANGE HERE FROM THE WAY WE STRUCTURED THE ORDINANCE. ALL RIGHT. WE'RE ALMOST DONE. AND, THIS IS A NICE PICTURE SHOWING THE IMPACTS. THE GREEN SHOWS WHERE -- SHOW WHERE PROPERTY HAVE PICKED UP SLIGHTLY OR MORE, SLIGHTLY THAN IMPERVIOUS COVER. RED SHOWS WHERE THE IMPERVIOUS COVER OF A PROPERTY IS GOING DOWN WITH THE ORDINANCE SO WE'RE TRYING TO MINIMIZE THE RED OR AT LEAST KEEP IT NEUTRAL AS MUCH AS POSSIBLE. AND, SO, AGAIN, WE SHOW THAT MOST PROPERTIES, BY NUMERICALLY, SEE NO CHANGE, THE 70%. BY LAND AREA, 34% SEE NO CHANGE. 54% GAIN, MOST KIND WAS MODESTLY, AND 12% OF LAND AREA LOSES IMPERVIOUS LAND COVER. IF COUNCIL PASSES THIS ORDINANCE, IT WILL

GO TO THE TRAVIS COUNTY COMMISSIONER'S COURT TO BOOKEND THIS THING. BUT, ANYWAY, THEY'VE -- AND THAT'S GONE WELL, AND THEY'VE BEEN -- AND WE'VE ALSO INTERACTED WITH YOU TCEQ. NEXT STEPS IS SEEING YOU THURSDAY, POSTED THURSDAY FOR A HEARING. AND, WE WILL -- I WANTED TO SHOW ONE OTHER SLIDE. I DIDN'T PUT IT INTO THE -- WE WILL ALSO BE GIVING YOU GUYS A MOTION SHEET, SORT OF TOWARD THE END BUT AFTER WE PUBLISHED THE ORDINANCE. WE HAD ONE SMALL CHANGE ONE OF THE STAKEHOLDERS BROUGHT FORWARD WHICH WE AGREE WITH AND WE TALKED TO A NUMBER OF PEOPLE ABOUT IT AND HAS TO DO WITH THE WATER SUPPLY. THE WATERSHEDS, RIGHT NOW, IF YOU HAVE A PIECE OF PROPERTY THAT YOU CAN ONLY HAVE 20% IMPERVIOUS COVER IN THIS AREA OF TOWN, SO RIGHT NOW YOU HAVE TO HAVE 40% OF THAT PROPERTY IN NATURAL CONDITION, AND THE REQUIREMENT TODAY IS THAT THAT 40% NATURAL BE DOWNSLOPE OF WHATEVER YOU BUILD SO THE WATER DID GO IN AND SOAK. SOUNDS GOOD, MAKES SENSE. IN THE OLD DAYS, THAT WAS THE WAY THE WATER GOT TREATED. NOW WE HAVE ONE THAT SAYS THOU SHALT PUT IN GRADED FOR MOST OF THE DEVELOPMENT SO THE POND, PLUS THE BIG 40% AREA. YOU DON'T HAVE TO HAVE THAT IN THAT ORDER. IF SOMEONE WANTED IT UP SLOPE, 40% BUFFER, PUT IT CLOSER TO THE ROADWAY AND WHAT HAVE YOU, THEN TREAT IT IN THE POND, THAT IS FINE. WE WILL BE PRESENTING THAT IN THE MOTION SHEET. WE WELCOME ADDITIONAL QUESTIONS, IF YOU'VE GOT THAT, TOO. THAT WAS REALLY IN THE WEEDS, BUT I'M DONE WITH MY PRESENTATION AND WELCOME QUESTIONS.

>> THANK YOU, AND YOUR TEAM FOR THE PRESENTATION. I UNDERSTAND -- WILL IS GIVING YOU A BIG THUMBS UP, AND THAT MEANS WE HAVE HAD A LOT OF COMMUNITY INPUT. I SEE HERE YOU'VE WILL 15 STAKEHOLDER MEETINGS WITH INPUT AND 15 OTHERS STAKEHOLDER MEETINGS JUST ABOUT THE ORDINANCE.

>> YES. 15 AND 11, YEAH. 15 ON THE -- RIGHT. INPUT. HEAR SOME IDEAS, WHAT DO YOU THINK. AND 11 WERE, ONCE WE WROTE UP A DRAFT ORDINANCE, WE HAD 11 MEETINGS TO REALLY HASH THROUGH THE DETAILS OF THE PROPOSAL. AND, WE MADE A LOT OF CHANGES AS A RESULT OF THE STAKEHOLDER INPUT.

>> DO YOU REMEMBER WHEN THIS RESOLUTION WAS PASSED?

>> I THINK IT WAS JANUARY 13, 2011.

>> 2011.

>> 2011, SO ABOUT TWO AND A HALF YEARS AGO.

>> I WAS TRYING TO REMEMBER. COUNCIL MEMBER RILEY, WAS THIS YOUR RESOLUTION?

>> I THINK IT WAS MARTINEZ AND THE MAYOR.

>> VERY GOOD WORK. I MEAN, WE ALL VOTED FOR IT. COUNCIL MEMBER SPELMAN, WAS THAT YOU? WE ALL VOTED FOR IT SO WE CAN ALL TAKE SOME CREDIT.

>> ABSOLUTELY.

>> I WANT TO RECOGNIZE WHOEVER TOOK THE LEADERSHIP ROLE ON IT. COUNCIL MEMBER MORRISON, WHOEVER IT WAS. WE ALL VOTED FOR IT. WE WILL LEAVE IT ALONE. I HAD A QUESTION ABOUT THE CREEK PROTECTION ORDINANCE PROPOSAL AND THE GROWTH SITE AREA BASIS FOR IMPERVIOUS COVER. CAN YOU EXPLAIN THAT TO ME, THE GROWTH SIDE AREA VERSES THE DENSE SIDE AREA AND IMPERVIOUS COVER.

>> ABSOLUTELY. IN FACT, WE HAVE A BACK-UP SLIDE JUST IN CASE THIS CAME UP. SO AARON IS GOING TO HELP GET THAT UP THERE. BASICALLY, I'LL START TALKING ABOUT IT BEFORE IT COMES, THE SLIDE COMES UP. BASICALLY, IF YOU HAVE A PIECE OF PROPERTY AND IT DOESN'T HAVE A CREEK ON IT OR ANY BUFFERS OR ANY STEEP SLOPES OR ANYTHING ELSE, IT IS BLANK, YOUR GROSS SIDE AND NET SIDE ARE THE SAME. ONCE START HAVING THINGS LIKE BUFFERS ON THEM. HERE WE GO, HERE IS THE NICE SLIDE HERE THIS PARTICULAR CARTOONY EXAMPLE SHOWS A PROPERTY THAT HAS A NEW HEAD WATERS BUFFER ON IT. IN TODAY'S WORLD THEY WOULD TAKE THAT BLUE AREA AT THE TOP AND EXCLUDE THAT FROM THE AREA THAT THEY USE TO CALCULATE THEIR IMPERVIOUS COVER. SO, THEY'VE GOT ONE ACRE OF LAND, SO INSTEAD OF TAKING -- AND, SO, IN THIS TAKE CASE, THEY'RE IN THE ETJ OF THE SUBURBAN WATERSHEDS AND THEY WANT TO PROPOSE SOMETHING COMMERCIAL, SO THEY WOULD GET 65% IMPERVIOUS COVER, MAXIMUM. BUT THEY ONLY GET 65% OF THE UPLANDS, OF THE PART NOT IN THE BUFFER. NOT IN THE STEEP SLOPES. SO, EMPTY EXAMPLE, THEY'RE REALLY ONLY GETS 65% OF THE NET. SO THE DENOMINATOR OF THIS EQUATION CHANGES IT KIND OF COMPLICATED.

>> IS THAT WHAT THE RED LINE MEANS?

>> YES. THE RED LINE, YES, THANK YOU. THE RED LINE IS THE UPLANDS AREA AND THAT'S THE PART YOU USE TO CALCULATE YOUR 65%. IT IS SAD THAT IT TAKES A HALF HOUR TO DESCRIBE THIS AND PART OF WHY WE WANT TO GO TO THE GROWTH-SIDE AREA BECAUSE IT IS SIMPLER AND MORE STRAIGHT FORWARD. WE DON'T WANT PEOPLE IN THE BUFFER. WE DON'T WANT PEOPLE DEVELOPING IN THE CREEK, BUT -- SO, IN THE NEW PROPOSAL, YOU STILL CAN'T BUILD IN THE BLUE, THAT'S THE BUFFER, BUT YOUR IMPERVIOUS COVER COULD BE POTENTIALLY 65% OF THE SITE IN THIS CASE.

>> AND YOU MENTIONED THAT THIS HAPPENED INTO EAST AUSTIN A LOT, PARTICULARLY.

>> IT HAPPENS EVERYWHERE IN TOWN EXCEPT THE CURRENT SAID. THE EAST AUSTIN BUFFERS DOESN'T EXTEND AS FAR UPSTREAM AS THE CURRENT COUNTER PARTS.

>> OKAY. I ALSO HAD A QUESTION ABOUT, YOU SHOW THAT THE PICTURE ALREADY OF AVERY RANCH AND YOU LIKE THE IDEA IT IS RESTORED?

>> THAT IS THE THEME OF THE ORDINANCE. YOU CAN KNOCK YOURSELF OUT WITH PLANNING AND IRRIGATION LINES, BUT WE'RE LOOKING AT A PRETTY LOW KEY PASSIVE RESTORATION METHOD, WE'RE NOT LOOKING AT ANYTHING ACTIVE AND EXPENSIVE, WE'RE SAYING LEAVE IT ALONE AND LET THINGS COME BACK. SEEDLINGS AND SAPLINGS, A BUCK OR TWO A POP, BUT WE'RE LOOKING AT SOMETHING MORE PASSIVE, IF LANDOWNER DESIRES.

>> SO WE'RE ENCOURAGING THAT?

>> THAT'S RIGHT.

>> OUR ALLIES WITH THE CONSERVATION EFFORT WOULD APPRECIATE THAT, SAVING WATER.

>> AND COSTS.

>> DEFINITELY.

>> OKAY. YOU SHOWED US AN EXAMPLE OF A FARM IN EAST AUSTIN AND TRYING TO WORK WITH IT, WITH THE FLOODPLAIN AND OFF-SITE MITIGATION OPTIONS.

>> YEAH, THEY ACTUALLY DIDN'T USE OFF-SITE MITIGATION. OF COURSE, THEY JUST BUILT THEIR PROJECT AND THEN NARROWED DOWN THE FLOODPLAIN IN THAT ONE. IN THE FUTURE, IT MIGHT BE, IF THEY PROPOSE SOMETHING LIKE THAT, UNDER OUR NEW ORDINANCE, SINCE THEY WERE MODIFYING DIRECTLY IN WHAT WOULD NOW BE THE CRITICAL WATER QUALITY ZONE, THEY WOULD HAVE TO GO THROUGH THE BOARDS AND COMMISSIONS PROCESS TO GET A VARIANCE. THEY COULDN'T DO THAT PROJECT WITH THE NEW ORDINANCE. IN THE PAST, THEY WOULD JUST GO FOR IT UNDER TODAY'S RULES AND CODE, BUT WITH THE NEW ONE THEY WOULD HAVE TO COME THROUGH THE BOARDS AND COMMISSIONS PROCESS TO DO THAT NARROWING AND THEY WOULD PROBABLY NOT BE WELCOMED WITH THAT SUGGESTION AT THIS POINT, JUST BECAUSE IT CREATES ALL THESE NEGATIVES.

>> OKAY. SO, THE BOARDS AND COMMISSIONS PROCESS IS DESIGNED TO INFORM AND HOPEFULLY STOP BAD EFFORTS AND MITIGATION?

>> RIGHT. THEY MIGHT SUGGEST ADDITIONAL MITIGATION MEASURE OR SOMETHING THAT WOULD FIT THAT PARTICULAR SITE. I THINK ONE OF THE INTERESTING THINGS WILL BE TO LOOK AT THE IMAGINE AUSTIN CENTERS AND CORRIDORS AND HOW DO WE WANT TO HANDLE THOSE. THOSE ARE INTENSIVE AREAS, SOME NEAR CREEKS. WE'RE HOPING TO HAVE OUR CAKE AND EAT IT TOO, GOOD ENVIRONMENTAL PROTECTION AND SOME GOOD OFF-SITE MITIGATION IN ASSOCIATION WITH THOSE PROJECTS.

>> THAT'S WHERE WE'RE HEADING.

>> YES.

>> OKAY. YOU TALK ABOUT THE AFFORDABILITY IMPACT STATEMENT ASSESSMENT AND HAVING A NEGATIVE AND POSITIVE IMPACT. AND I WANTED TO GET A BETTER FEEL FOR WHAT YOU MEANT BY THAT.

>> YOU BET. LET ME SEE WHAT ORDER THESE BACK-UP SLIDING -- I'VE GONE ONE THAT ACTUALLY SHOWS -- HERE IT IS. NEXT SLIDE. AWESOME. OKAY. THIS IS ACTUALLY -- THIS IS AN ACTUAL PROJECT DONE BY THE NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT. IT IS A GOOD PROJECT, BUT IN OUR OPINION, THEY PUT A LOT OF LOTS -- THE GREEN BUFFER IN THIS SLIDE IS THE HEAD WATERS BUFFER. AGAIN, THEY DIDN'T HAVE TO DO ANYTHING BECAUSE THE RULES TODAY DON'T MAKE THEM SET BACK FROM ANY KIND OF BUFFER. IN THIS CASE, THEY WENT AHEAD AND PUT A WHOLE BUNCH OF HOUSES RIGHT IN NEXT TO THE CREEK. LET'S SEE. I THINK WE HAVE A PICTURE OF THIS. WE ZOOM IN AND YOU CAN SEE THERE ARE SOME OF THESE -- THEY PROVIDED ABOUT A 25-FOOT SET BACK FROM THE CENTER LINE OF THE CREEK. THE CREEK IS NOT JUST ZERO FEET WIDE, SO WE'RE ALREADY SEEING EROSION AND LOSS OF FENCES AND COMPLAINTS FROM NEIGHBORS IN THIS PROJECT. IT IS NOT VERY OLD. YOU'VE GOT A DYNAMIC, THE AFFORDABILITY IMPACT STATEMENT HAS TO SHOW THERE IS IMPACT. YOU USED TO BE ABLE PUT IN MORE HOUSES. WITH THE NEW BUFFER, YOU WOULD BE ABLE TO STEP BACK, IN THIS CONFIGURATION, SO THERE IS IMPACT.

>>COLE: THE DIFFERENCE WHEN YOU'RE TALKING ABOUT IMPACT ON EXISTING HOUSES VERSES ABILITY TO ACTUALLY PUT IN NEW HOUSES, YOU'RE CALLING THAT AN IMPACT, RIGHT?

>> YEAH. THE IMPACT WE'RE TALKING ABOUT IT ON NEW, NEW STUFF. IF YOU ALREADY HAVE A HOUSE ON A LOT, YOU'RE DONE. THERE IS NO -- THIS ORDINANCE HAS NO IMPACT ON YOU. YES, EXACTLY, IT WOULD BE THE NEW DEVELOPMENT.

>> AND, SO, WHEN THE STATE IS TELLING YOU TO DO A TAKING ANALYSIS, WHAT DO THEY MEAN?

>> ERIN, DO YOU WANT TO TAKE THIS ONE? SHE ACTUALLY WORKED THE MAJORITY OF THIS.

>> ERIN, WATERSHED PROTECTION. WE'RE REQUIRED BY LAW TO DO THIS TAKINGS IMPACT ANALYSIS IF WE THINK -- WELL, FIRST OF ALL, ANY OF OUR REGULATIONS WE'RE ADOPTING IN OUR ETJ ARE BEING DONE DIFFERENTLY, SO IF WE'RE ADOPTING IN THE EASTERN WATERSHEDS OTHER THAN THE WESTERN, WE'RE REQUIRED TO TAKE THE IMPACT ANALYSIS UNDER STATE LAW. WE GO THROUGH AND IF THERE IS ANYTHING THAT MAY IMPOSE A BURDEN ON A PARTICULAR PROPERTY WE'RE REQUIRED TO GO THROUGH AND TALK ABOUT THE BENEFITS TO SOCIETY AND WHY WE THINK THE REGULATIONS NEED TO BE IN PLACE, AND SOME WAYS WE'RE OFF-SETTING THAT POTENTIAL BURDEN, GROWTH-SIDE AREA, VARIANCE PROCESS.

>>COLE: I SEE, YOU HAVE TO LAY OUT THE COSTS AND BENEFITS AND MAKE THE CASE TO THE STATE.

>> EXACTLY.

>> ANY OTHER QUESTIONS?

>> I WANT TO MAKE SURE HOW THE REGULATION ARE APPLYING. WHAT IS THE GEOGRAPHIC LOCATION OF THIS?

>> THIS IS TOWARDS THE AIRPORT, CARSON CREEK, NEAR RIVER SIDE DRIVE. NORTH AT RIVER SIDE DRIVE.

>> IF WE LOOK AT YOUR SLIDE 36 BE, WHICH SHOWS THE STREAM BUFFER SYSTEMS.

>> OKAY.

>> THE 100-FOOT SET BACK THAT YOU'RE SHOWING HERE AS THE WPO BUFFER IS BASED ON THE FACT THAT THIS IS A MINOR STREAM AND IT IS THE CRITICAL WATER QUALITY ZONE AND THE SUBURBAN WATERSHED, IS THAT RIGHT?

>> YES.

>> HELP ME UNDERSTAND THE DIFFERENCE BETWEEN THE CRITICAL WATER QUALITY ZONE AND WATER QUALITY TRANSITION ZONE.

>> SO, HISTORICALLY, WE'VE HAD TWO BUFFERS. THE CRITICAL WATER QUALITY IS KNOWN AS THE CORE BUFFER CLOSEST TO THE CREEK, THAT IS THE ONE SHOWN IN DARK BLUE ON THE OTHER SLIDE. IT, BASICALLY, ALLOWS VERY LIMITED DEVELOPMENT. YOU CAN HAVE A ROAD CROSS IT OR YOU CAN HAVE A PICNIC BENCH AND SO FORTH IN LOW-KEY TRAILS, BUT THAT WAS PRETTY MUCH IT. THE TRANSITION ZONE WAS, AS THE NAME IMPLIED, A TRANSITIONAL BUFFER BETWEEN THE CRITICAL ZONE AND THE UPLANDS AREA, WHERE MOST OF THE DEVELOPMENT IS. DEPENDING WHERE YOU ARE IN TOWN, YOU COULD PUT 30% IMPERVIOUS COVER IN THAT TRANSITION ZONE, CURRENTLY. SO 70% UNDEVELOPED AND 30% DEVELOPED. THE IN THE UPLANDS YOU HAVE YOUR FULL DEVELOPED.

>> IN THE DRINKING WATER PROTECTION ZONE, THERE IS THE ADDITIONAL ZONE.

>> THAT'S CORRECT. WE'RE PROPOSING THAT.

>> AND HERE WE'RE TALKING ABOUT THE CRITICAL WATER QUALITY.

>> RIGHT. WE'RE TRYING TO SIMPLIFY THIS SO BEDON'T HAVE TO HAVE ANY LONGISH CONVERSATIONS BUT THERE IS NO WATER QUALITY TRANSITION ZONE TODAY SO WE WILL HAVE AN URBAN AND SUBURBAN SYSTEM THAT LOOK SIMILAR.

>> OKAY. YOU SHOWED, IN THAT GRAPHIC, YOU SHOWED A STRAIGHT 100-FOOT SET BACK. HELP ME UNDERSTAND HOW BUFFER AVERAGING COULD WORK IN A SETTING LIKE THIS.

>> I'M NOT SURE IF WE HAVE -- WE HAD AN EXAMPLE. OKAY, SO, ACTUALLY, LET'S DO IT IN THE -- I'M GOING TO GO TO THAT SAME SLIDE. SORRY, GUYS. HERE WE GO. OKAY. SO, IN THIS PARTICULAR CASE, OKAY, SO THAT SHOWS THE 100-FOOT-WIDE BUFFER IN GREEN. WE WILL HAVE ANOTHER -- AND WE WILL HAVE ALL THIS STUFF ON THE WEB SO PEOPLE CAN LOOK AT THE PARTICULAR PIECE OF PROPERTY AND SEE WHAT IS GOING ON. WE HAVE A CONCEPT CALLED THE HALF BUFFER, WHERE, IN THIS ORDINANCE, WHERE WE BASICALLY SAY THE INNER PART OF THAT, CLOSEST TO THE CREEK, 50 FEET EACH SIDE IS KIND OF JUST -- THAT'S THE MOST CRUCIAL PART. YOU SAW THE BIGGEST TREES IN THERE. WE DON'T WANT TO DO ANYTHING IN THERE. WE DON'T WANT THE TRAIL IN THERE, ON AVERAGE. AND, SO, THAT'S GOING TO BE KIND OF MUCH HARDER TO GET AROUND. AND, THEN, THAT TOP HALF OF THE BUFFER, THE UPPER 50 FEET, WE'RE GOING TO ALLOW PEOPLE TO USE BUFFER AVERAGING AND SO FORTH IN THERE. YOU WILL PROVIDE THAT MINIMUM 50-FOOT BUFFER BUT IT WILL BULGE HERE AND IN HERE, YOU COULD SQUEEZE IN YOUR BUFFER IN ONE SPOT AS LONG AS YOU PROVIDED AN EQUIVALENT AREA SOMEWHERE ELSE ON YOUR SITE.

>> AND THAT CAN BE APPROVED ADMINISTRATIVELY.

>> THAT'S CORRECT.

>> GOT IT.

>> AND, WE HAVE -- OH, GREAT. WE WILL HAVE CRITERIA AVAILABLE FOR REVIEW, AS WELL, FOR THAT. IT IS PRETTY STRAIGHT FORWARD. WE CAN PASS AROUND THE GRAPHIC HERE SHORTLY.

>> AND, THEN, LET ME JUST MAKE SURE I UNDERSTAND THE UNDERLYING CLASSIFICATION. WHAT IS THAT BASED ON? IS THAT SOMETHING THAT WAS SAID AT SOME POINT AND IT JUST --

>> YES.

>> AND WILL NOT CHANGE AT ALL? OR IS THAT SOMETHING THAT IS SUBJECT TO ADJUSTMENT BASED ON CHANGES IN THE FLOODPLAINS?

>> THAT WAS SET BACK IN THE 80S, AND BY THE -- THE WATERSHED ORDINANCE, THE SYSTEM WE HAVE TODAY, WAS LOCKED IN AND SO BASICALLY, IT HAS TO DO WITH THESE DRAINAGE AREAS. ONCE YOU ACCUMULATE A CERTAIN AMOUNT OF DRAINAGE AREA UP ABOVE A CERTAIN POINT ON A STREAM, THEN YOU GET -- THERE IS OUR BUFFER AVERAGING PICTURE WE WILL SHOW IN A SECOND. ANYTHING DOWNSTREAM OF THAT POINT GETS THAT PARTICULAR BUFFER. THE LARGEST BUFFERS ARE ON THE LARGEST PARTS OF THE CREEK. IF YOU HAVE 640-ACRES, WHICH IS A SQUARE MILE, THAT IS A PRETTY BIG AREA, ANYTHING BELOW THAT WE'RE GOING TO GO WITH THE LARGEST 300-FOOT BUFFER IN THIS CASE. ANYTHING HALF OF THAT, 320, WE WILL PROPOSE A 200-FOOT BUFFER THERE. ANYTHING FROM 320 TO 64, WHICH PRESUMABLY WAS SELECTED BACK IN THE DAY BECAUSE 640, 1/10 OF THAT IS 64. THAT TURNS OUT TO BE ABOUT WHERE HE START RELIABLY SEEING CREEKS APPEAR IN THE LANDSCAPE. IF IT IS REALLY TINY, 10-ACRES OF DRAINAGE, IT IS JUST WATER SOAKING IN THE GRAND AND YOU CAN'T SEE ANY BANK AND SO FORTH. BY THE TIME YOU GET TO 64, YOU USUALLY SEE CREEK. HISTORICALLY, THAT'S WHAT WE USE AND WE'RE PROPOSING TO STICK WITH THE SAME SYSTEM. THE SUBURBAN WATERSHEDS WILL HAVE THE EXACT SAME GEOMETRY, CITY WIDE, EXCEPT FOR THE SUBURBAN. ERIN, WHY DON'T YOU WALK THEM THROUGH THIS.

>> BASICALLY, TWO WAYS THAT YOU CAN MEET THE REQUIREMENTS OF BUFFER AVERAGING THAT YOU'RE ACTUALLY, YOU KNOW, EQUALING OR THE SERVICE AREA OF THE BUFFER THAT IS REQUIRED IS BY WIDENING THE BUFFER IN CERTAIN PLACES. IT IS NOT MENTIONED, THERE MIGHT BE PLACES UNIQUE FOR PROTECTION, WHERE YOUR FLOODPLAIN COMES OUT, YOU ARE YOU CAN EXTEND THE BUFFER FURTHER UP, LIKE WE WERE JUST DISCUSSING. GOING TO 64. THERE MIGHT BE PLACES WHERE YOU DO GET A DEFINED CHANNEL A LITTLE FURTHER UP, MAYBE TO 32-ACRES. SO YOU CAN ACTUALLY, YOU KNOW, EXTEND A SMALLER BUFFER UP A LITTLE FURTHER. THEN, IN PLACES WHICH ARE MAYBE A LITTLE MORE DEGRADED OR SUITABLE FOR DEVELOPMENT, YOU REDUCE IT DOWN SO YOU END UP WITH SOMETHING A LITTLE MORE TAILORED TO YOUR SITE.

>> SO THE BLACK BUFFER IN THIS, HEAVY BLACK BUFFER, THIS IS A BOILERPLATE SPECIAL WITH 100 FEET EACH SIDE, AND THEN THE BLUE IS POTENTIAL, THE APPLICANT COULD COME IN AND SAY, LOOK, USING YOUR CRITERIA, I CAN GET NOT ANY SKINNIER THAN HALF THE BUFFER BUT THEN BULGE IT OUT HERE. WE THINK IT IS GREAT, BECAUSE WE WILL CONTINUE TO HAVE EROSION HAZARD. IF THE CREAK IS HITTING A BEND, IT WILL HAVE MORE EROSION SO LET'S NOT MAKE IT NARROWER IN THAT SPOT SO THERE IS INTELLIGENCE BUILT IN SO THAT WE CAN MAKE SURE WE GET THE PROTECTIONS WE NEED BUT THEY GET THE FLEXIBILITY THEY CAN USE, IF NECESSARY.

>> YOU CAN INTRUDE INTO THAT SET BACK AS LONG AS YOU PROVIDE ROOM FOR THE CREEK TO EXPAND IN OTHER PLACES?

>> RIGHT. EXACTLY.

>> AND TO OFF SET ANY OTHER INTRUSIONS.

>> HOPEFULLY, PEOPLE WILL USE IT TO PROTECT TREES AND OTHER THINGS LIKE THAT ON THEIR SITE.

>>RILEY: RIGHT. OKAY. I WANT TO GO BACK TO ONE OF THE LAST POINTS YOU MADE IN YOUR PRESENTATION ABOUT THE 40% NATURAL AREA BEING LOCATED ANYWHERE ON THE SITE.

>> YES.

>>RILEY: I THINK YOU SAID YOU'RE FINE WITH THAT?

>> WE ARE FINE WITH THAT. THAT MAKES SENSE. YOU KNOW, AGAIN, LIKE WE'RE TRYING TO LOOK AT THE WHOLE CODE TOGETHER AND MAKE SURE THERE ARE NOT UNINTENDED CONSEQUENCES. THIS IS ONE WE SAID, OKAY, LEAVE THAT SYSTEM ALONE AND ALSO MAKE SURE EVERYBODY PUTS IN THESE WATER QUALITY CONTROLS EVERY TIME. WE DIDN'T REALIZE WHAT THAT WAS GOING TO DO WITH THESE SITES.

>> BUT THAT REQUIRE A CHANGE TO THE CURRENT DRAFT?

>> THAT'S CORRECT. OUR ATTORNEY HAS ALREADY DRAFTED UP A MOTION SHEET FOR YOU FOR WHEN THE HEARING OCCURS.

>>RILEY: WE CAN CONSIDER THAT AS A POTENTIAL AMENDMENT.

>> YES.

>>RILEY: THE LAST THING IS THE TRIGGER FOR WATER QUALITY CONTROLS.

>> OKAY.

>>RILEY: I UNDERSTAND THE PROPOSAL IS TO GO, RIGHT NOW THERE IS GENERALLY A 20% IMPERVIOUS COVER TRIGGER.

>> THAT'S CORRECT.

>>RILEY: AND THE PROPOSAL IS TO SWITCH THAT TO 5,000 FEET. YOU KNOW, SOME STAKEHOLDERS ARE SUGGESTING OR ARE QUESTIONING THAT.

>> RIGHT.

>>RILEY: AND THEY POINT OUT A 10,000-FOOT TRIGGER WOULD BE CONSISTENT WITH TRAVIS COUNTY AS ANY WATER QUALITY RULES. I WANT TO UNDERSTAND WHERE THE 5,000 NUMBER CAME FROM AND WHAT THAT POSITION WOULD BE WITH RESPECT TO A SUGGESTION ABOUT USING A HIGHER NUMBER, LIKE THE 10,000 SQUARE FEET THAT TRAVIS COUNTY USES.

>> THANK YOU FOR THAT QUESTION. BASICALLY, WHERE THE 5,000 NUMBER COMES FROM IS CURRENTLY, IN OUR KIND OF WINDING HISTORY OF THIS THING. I WILL GIVE YOU THE HOPEFULLY SHORTISH ANSWER. IN THE BARTON SPRINGS ZONE, IF YOU HAVE 8,000 SQUARE FEET, IF YOU PROPOSE 8,000 SQUARE FEET OR LESS OF IMPERVIOUS COVER IN A PARTICULAR SITE AND IT HAS BEEN PLATTED SINCE THE ORDINANCE WAS PASSED, YOU DON'T HAVE TO COME PLAY WITH THE ORDINANCE OR DO WATER QUALITY CONTROLS, SO WE INITIALLY CAME IN AND SAID TO THE STAKEHOLDERS, LET'S HAVE 8,000 SQUARE FEET OF IMPERVIOUS COVER BE THE NUMBER. WE REALIZED, RESEARCHING THIS AND THE STAKEHOLDER PROCESS, ACTUALLY, WE ALREADY REQUIRE IN OUR OWN URBAN WATERSHEDS IF YOU'RE 5,000 OR GREATER, YOU HAVE TO PUT IN A WATER QUALITY CONTROL SO WE WERE PROPOSING SOMETHING THAT WASN'T EVEN AS PROTECTIVE AS WE'RE ASKING PEOPLE TO DO IN THE URBAN WATERSHEDS NOW. SO, ERIN DID SOME MORE RESEARCH NATIONALLY AND WE FOUND OUT THAT THE U.S. EPA HAD STANDARDS FOR 5,000 AND OTHER MUNICIPALITIES HAD STANDARDS FOR 5,000 SO WE ENDED UP WITH THIS NUMBER BASICALLY CORROBORATED. A COUPLE OTHER COMMUNITIES LIKE PORTLAND THAT HAD A NUMBER THAT WAS MUCH LOWER. AND ERIN FOUND OUT THEY WERE SORT OF REGRETTING THEY HAD DONE THAT LEVEL, IT WAS ADMINISTRATIVELY DIFFICULT, SO WE THINK THE 5,000 NUMBER IS SOMETHING WE'RE ALREADY DOING, WE'RE COMFORT WITHIN THAT, IT MAKES SENSE. IT IS VERY SMALL, ADMITTEDLY, IT IS .11-ACRES OF IMPERVIOUS COVER, BUT YOU CAN HAVE IMPACTS FROM THAT IF THE FLOWS ARE NOT CONTROLLED. TRAVIS COUNTY DOES HAVE A 10,000 THRESHOLD. WE WILL BE WORKING WITH THEIR STAFF ONCE THIS ORDINANCE IS PASSED AND IN ITS FINAL FORM, AND THEY'VE ALREADY TOLD US THEY WILL BE PROBABLY ADJUSTING THEIR RULES TO MATCH OURS. IN FACT, WE MADE SOME CHANGES TO OUR OWN DRAFT THAT YOU NOW HAVE, ADDED SOME PROTECTIONS THEY WANTED IN HERE SO WE'RE TRYING TO GET THIS SQUARED UP WHEN WE GO THROUGH. I DON'T THINK THE 10,000 IS SET IN STONE. I MEAN, THE SUNRISE IS SET IF WE GO WITH 5 OR 10, BUT THE FIVE NUMBER SEEMS MORE LOGICAL FROM OUR PERSPECTIVE.

>> YOU CONCLUDED THE 5,000 NUMBER WOULD BE MORE IN TUNE WITH NATIONAL BEST PRACTICES.

>> UM-HUM.

>> AND THE AQUIFER RULES USE THE 5,000 SQUARE FOOT TRIGGER, SO IF YOU'RE IN THE BARTON SPRINGS ZONE, YOU WOULD BE REQUIRED UNDER TCEQ.

>> WE SEEMED LIKE LET'S GO WITH ONE NUMBER EVERYBODY IS GOING TO USE. SO THE 8,000 AREA FOOT EXAMPLE, IF YOU WERE COMING IN AT 7,000, YOU WOULD STILL HAVE TO PUT IN A POND, THANKS TO TCEQ SO LET'S KEEP IT CONSISTENT, I THINK, WAS OUR RATIONALE.

>>RILEY:EN YOU CONSIDER THE NUMBER A 5,000 NUMBER BEST PRACTICE?

>> YES.

>>RILEY: GOT IT. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

>> THERE ARE TWO CRITERIA. THOSE THAT ARE THE CRITICAL BATTLES. IF YOU DON'T HAVE IS THE CRITERIA IN PLACE, YOU ARE NOT SURE HOW YOU WILL GET APPROVED. WE HAVE EMERGENCY RULES IN PROCESS, IN PLACE FOR THOSE. AND THEN THE SECOND CATEGORY ARE THE THINGS THAT ARE PRETTY STRAIGHTFORWARD. YOU LOOK AT THE CODE AND IT'S SELF-EVIDENT WHAT NEEDS TO HAPPEN. IT MIGHT BE NICE TO HAVE CRITERIA TO CLARIFY BUT WE COULD GET FROM POINT "A" TO POINT "B." AND THE REVIEW DEVELOPMENT GROUP ARE HERE. HE AND THE STAFF WILL HELP US WALK THROUGH THESE THINGS. HERE ARE THE MEMBER RULES VERSIONS AND THE ONES WE CAN GET TO LATER. WE HOPE THE STAKEHOLDERS REALIZE THE ONES THAT ARE EMERGENCY RULES ARE THE ONES THEY MOST NEED TO SEE. ERIN AND THE OTHERS ARE WORKING FOR THE FLOODPLAIN EMERGENCY RULES AND THE BUFFER AVERAGING EMERGENCY RULES. AND WE HAVE THE EMERGENT HAZARD ZONE RECENTLY INCLUDED IN THE DRAINAGE CRITERIA MANUAL. THOSE ARE THE THREE MOST IMPORTANT ONES.

>> WE WILL BE DOING MAINTENANCE AND INSPECTIONS.

>> USE YOUR MICROPHONE.

>> WE ALSO HAVE AN EMERGENCY ROLE FOR THE MAINTENANCE AND INSPECTION REQUIREMENTS FOR CRITICAL ENVIRONMENTAL FEATURE BUFFERS.

2

>> THAT'S RIGHT. THE PROCESS IS WHATEVER DATE THE COUNCIL DOES THE HEARING -- IF YOU GUYS APPROVE IT, IT WILL BE ON THURSDAY. THEN THAT NEXT WEEK WILL GO BY. AND THEN THE MONDAY AFTER THAT WILL PROBABLY BE THE EFFECTIVE DATE OF THE ORDINANCE. AND THEN 30 DAYS AFTER THAT DATE, THE EMERGENCY RULES WILL GO INTO EFFECT. THE LATEST THEY CAN GO INTO EFFECT. WE WILL HAVE THE TIME PERIOD TO WORK WITH OUR STAKEHOLDERS. WE WON'T INSTANTLY PUT INTO EFFECT EMERGENCY RULES WITH NO REVIEW FROM THE PUBLIC.

>> AND YOU REALLY CAN'T GET GOING ON THE RULES UNTIL WE APPROVE THE ORDINANCE?

>> WE DO HAVE DRAFTS OF THEM. SO WE ACTUALLY PROVIDE THOSE TO THE PUBLIC TODAY. WE'LL PUT THEM ON THE WEB SITE.

>> SO THEY SHOULDN'T COME AS A SURPRISE TO ANYBODY?

>> RIGHT. AND ACTUALLY THE FLOODPLAIN RULES AND THE BACKBONE OF THE RULE WE PRESENTED IN JUNE. WE BASICALLY SAID, LOOK, OKAY IF YOU HAVE THIS, YOU ARE DOING TO DO THE RATIOS IN MITIGATION AND EVALUATE THESE KIND OF CRITERIA AND THESE KIND OF FACTORS FOR YOUR FUNCTIONAL ASSESSMENT. THEN LATER WE CAME IN RECENTLY AND FINISHED OUT THE DETAIL OF THAT.

>> AND JUST TO MAKE SURE I 3 UNDERSTAND WHAT YOU ARE REFERRING TO, IS THAT THE FLOODPLAIN MODIFICATION CRITERIA IN THE SECTION?

>> THAT'S EXACTLY RIGHT.

>> AND CAN YOU HELP ME UNDERSTAND WHY THAT'S SIGNIFICANT? WHY THOSE RULES ARE SIGNIFICANT. AND WHY SOMEONE MIGHT HAVE AN INTEREST IN SEEING THOSE RULES BEFORE WE APPROVE THE ORDINANCE?

>> YES.

>> THE MAIN THING, THE REASON THOSE NEED TO BE EMERGENCY RULES, THE CODE SAYS NOW YOU CAN MODIFY THE FLOODPLAIN IF IT'S DETERMINED TO BE IN POOR OR FAIR CONDITION BY A FUNCTIONAL ASSESSMENT OF FLOODPLAIN HEALTH. AND SO THE QUESTION IS, WHAT IS A FUNCTIONAL ASSESSMENT IN FLOODPLAIN HEALTH? AND THAT'S WHAT WE HAVE BEEN WORKING WITH STAKEHOLDERS TO DEVELOP. IT'S NOT SAYING WE DEVELOPED THE BULK OF THE FRAMEWORK, TALKING ABOUT THE RESTORATION RATIOS AND HOW MUCH YOU NEED TO RESTORE FOR OFF-SITE MITIGATION AND WHERE YOU WILL BE DOING THE FUNCTIONAL ASSESSMENT, KIND OF WHAT THE MEASURES WILL LOOK LIKE, WHAT THE TIMELINE WILL LOOK LIKE FOR THAT. THAT WAS DONE IN JUNE. AND WE MADE SOME UPDATES IN SEPTEMBER AND HOSTED A PUBLIC STAKEHOLDER MEETING ON THAT. WHAT WE'VE BEEN TYING UP IN THIS LAST MONTH IS FLESHING OUT THE METHODOLOGY FOR EACH ONE OF THOSE MEASURES.

4 WHEN YOU GO OUT, WHEN THE ENVIRONMENTAL CONSULTANT OR STAFF GOES OUT IN THE FIELD, WHAT THEY WILL BE MEASURING TO ASSESS THE HEALTH OF THAT FLOODPLAIN. AND THEN DEVELOPING SOME WORKSHEETS THAT MAKE IT EASIER TO GO OUT AND SQUARE THEM IN THE FIELD.

>> IF I WERE A STAKEHOLDER, I WOULD WANT TO KNOW WHAT THE DETAIL WAS. YES, I KNOW THAT THE FRAME FROM JUNE, BUT WHAT ARE THE DETAILS. AND I WOULD WANT TO SHOW THAT TO MY CONSULTANTS AND SO FORTH. WE'RE GOING TO HAVE ABOUT A MONTH, PROBABLY MORE TO WORK WITH THEM ON THIS. AND SO WE'RE NOT JUST STICKING SOMETHING STRAIGHT INTO THE CRITERIA MANUAL AT THIS POINT.

>> OKAY.

>> I WOULD ADD ALSO THOSE MEASURES ARE BASED ON EPA SERVICE AND STANDARD METHODOLOGY THAT WATERSHED HAS DEVELOPED IN THE PAST. THEY ARE ACCEPTED MEASURES AND NOT SOMETHING NEW THAT WE HAVE BEEN CONSTRUCTING IN THE LAST WEEK OR SO. THE ENVIRONMENTAL CONSULTANT WOULD BE VERY FAMILIAR WITH THE THINGS WE ARE PROPOSING.

>> MOST PROJECTS DON'T HAVE FLOODPLAIN MODIFICATIONS. THEY LOOK AT THE SITE AND STAY OUT OF THE FEMA FLOODPLAIN. THERE ARE OBVIOUSLY ENVIRONMENTAL AND SAFETY REASONS YOU DO THAT. SO IT'S NOT A -- PROJECTS DO PROPOSE THESE, BUT THE AVERAGE PROJECT DOESN'T

5 NECESSARILY PROPOSE THE FLOODPLAIN MODIFICATIONS. THE BUFFER WILL GET USED OVER AND OVER AGAIN. THE FLOODPLAIN, THERE IS A NICHE DEAL.

>> FROM YOUR PERSPECTIVE, YOU ARE READY FOR THIS ORDINANCE TO PASS ON ALL THREE READINGS AND THE RULES WORKED OUT OVER THE NEXT MONTH? AND THAT WOULD ENTAIL SOMETHING OF A STAKEHOLDER PROCESS SO THAT PEOPLE WOULD HAVE AN OPPORTUNITY TO PARTICIPATE AND REVIEW THE RULES BEFORE THEY FINALIZED?

>> THAT'S RIGHT. AND WE'VE GOT SEVERAL HUNDRED STAKEHOLDER LISTS AND WE WILL PUT OUT AN ANNOUNCEMENT, HEY, YOU KNOW, GO TO OUR WEB SITE. WE HAVE POSTED THESE RULES AND WE'LL HAVE A PUBLIC MEETING OR MORE IF WE NEED TO DO FLESH THIS OUT.

>> COULD THERE BE ANY VALUE IN PASSING THE RULES AND PASSING THE CODE CHANGES ON FIRST READING TO GIVE YOU ANY FURTHER -- ANY BIT MORE OF A HEAD START IN DOING THE RULES? OR WOULD YOU BE IN THE SAME POSITION?

>> WE ARE HOPING FOR EITHER ONE I THINK.

>> I THINK BECAUSE OF THE WAY OUR TIMELINES WORK FOR THE EMERGENCY RULE, BECAUSE AFTER THAT IS PASSED, IT EXPIRES, AFTER THERE'S THREE MONTHS AND THAT THREE-MONTH EXTENSION. AFTER SIX MONTHS, WE NEED TO HAVE THE FINAL RULE IN PLACE. OUR PROCESS TO GET THE FINAL 6 RULES SUBMITTED AND THROUGH THE ADOPTION AND THROUGH STAKEHOLDER VIEW IS ABOUT SIX MONTHS. SO ACTUALLY TODAY IS WHEN WE SUBMIT THE FINAL RULE FOR STAKEHOLDER COMMENT AND REVIEW. AND SO THE EMERGENCY AND FINAL ARE KIND OF MOVING TO REVIEW AT THE SAME TIME. SO REALLY THE MONTH OF OCTOBER IS WHEN THE FINAL RULE WILL BE GOING THROUGH. SO EXPENDING THE FINAL RULE DOESN'T NECESSARILY BENEFIT US BECAUSE THE FINAL RULE IS NEEDING TO GO INTO PROCESS AT THIS POINT.

>> OKAY. THERE ARE A COUPLE OF THINGS. A COUPLE OF OTHER THINGS I COULD ASK ABOUT, BUT I WANT MY COLLEAGUES TO JUMP IN IF THERE'S ANYTHING THEY'D LIKE TO ASK ABOUT.

>> COUNCIL MEMBER TOVO.

>> Tovo: I HAVE A COUPLE OF POINTS. IT SOUNDS LIKE YOUR TIMELINE IS MOST BENEFITED BY US CONSIDERING THESE AND PASSING ON THREE READINGS ON THURSDAY. IF WE PASSED IT ON FIRST READING, IT DELAYS THE RULE PROCESS TO THE EXTENT THAT IT MAKES IT CHALLENGING.

>> YES. THAT IS CORRECT.

>> THANKS.

>> Tovo: A COUPLE OF QUICK QUESTIONS ABOUT WHAT YOU HAVE PROPOSED. THANK YOU, BY THE WAY. THIS IS REALLY CLEAR THAT IT WAS A TREMENDOUS AMOUNT OF WORK AND THAT YOU HAVE REALLY DONE A GOOD JOB OF 7 WORKING WITH THE STAKEHOLDERS TO CRAFT SOLUTIONS THAT WORK WELL FOR OUR CITY AND ITS ENVIRONMENT AS WELL AS THE STAKEHOLDERS WHO ARE INVOLVED. I WANTED TO TALK FOR A MINUTE ABOUT THE PROPOSED STREAM BUFFER SYSTEMS, THE PROPOSED AND THE EXISTING. AND COUNCIL MEMBER RILEY HAS ASKED ABOUT THIS ALREADY. BUT I'M NOT SURE THAT I YET UNDERSTAND WHAT THE RATIONALE IS FOR REMOVING THE WATER QUALITY ZONE, TRANSITION ZONE FOR SUBURBAN.

>> OKAY.

>> Tovo: STREAMS. BEYOND JUST THAT IT MAKES IT CONSISTENT WITH URBAN.

>> WELL, BASICALLY, WE ARE MAKING THE CRITICAL ZONE BIGGER IN EVERY -- SO COUNCIL MEMBER RILEY WAS KIND OF WALKING US THROUGH THE DIFFERENT BUFFER LEVELS.

>> WELL, I SEE IT GOES FROM THE RANGE FOR CRITICAL WOULD BE 50 TO 100. INTERMEDIATE WILL BE SET AT 200. MAJOR TAKES THE MIDDLE GROUND BETWEEN 200 AND 400 AT 300.

>> RIGHT.

>> Tovo: THAT DOESN'T LOOK TO ME EXACTLY LIKE AN INCREASE.

>> OKAY. SO RIGHT NOW IN THE WEST, WE ACTUALLY HAVE -- RIGHT NOW IN THE WEST, IF YOU HAD THE SMALLEST MINOR CREEK, 64 TO 320, YOUR CRITICAL BUFFER WOULD BE 50 AND THE NEXT 100. WHEN THERE'S A RANGE IN THOSE WESTERN CREEKS, WE'RE 8 BASICALLY JUST SAYING GO WITH THE BIGGEST IN THOSE FIRST TWO INSTANCES. 50 TO 100, TAKE THE 100. INTERMEDIATE BUFFER. WITH THE LARGEST, THE RANGE WAS 200 TO 400. WE FELT THAT WAS TOO BIG AND DID AN ANALYSIS AND FIGURED OUT THE AVERAGE BUFFER WAS 300 SO WE WENT WITH 300. SO IT'S 100, 200, 300. IN EVERY INSTANCE THE CRITICAL ZONE PROPOSED FOR THE SUBURBAN WATERSHEDS IS AT LEAST AS BIG AS THE ONES IN THE WEST. BUT THEN WE DON'T HAVE THE SECONDARY TRANSITIONAL BUFFER. SO AGAIN WE'RE TRYING TO BALANCE THIS, YOU KNOW, IMPACTS DEAL. WE'RE COVERING THE EROSION HAZARD ZONE WITH THESE BUFFERS. WE ARE NAILING THAT. WE'RE GETTING THE WATER QUALITY AND A HIGH LEVEL OF WATER QUALITY BUFFER OUT OF IT. WE DIDN'T FEEL LIKE WE NEEDED TO EXTEND THAT WATER QUALITY TRANSITION ZONE 100, 200, 300 FEET BEYOND THAT BUFFER WE HAD ALREADY ESTABLISHED.

>> IF I COULD ADD TO THAT WATERSHED PROTECTION. WE ALSO DID A LOT OF RESEARCH WITH OTHER JURISDICTIONS AND DID A LOT OF NATIONAL LITERATURE RESEARCH. WHAT WE FOUND WAS THERE WAS A LOT OF SCIENTIFIC BASIS FOR HAVING BUFFERS EXTEND FURTHER INTO THE HEAD WATERS AND THOSE WERE SUPERIOR FROM A POLLUTANT REMOVAL 9 PERSPECTIVE FROM HAVING THE LARGER BUFFERS ON THE WATERWAYS. WE FELT LIKE THIS TALLER, SLIMMER BUFFER WAS REALLY SCIENTIFICALLY SUPPORTED IN TERMS OF THE WAY TO GO. WE HESITATED TO MAKE THIS CHANGE IN THE WEST BECAUSE THAT'S AN AREA THAT TRADITIONALLY HAD SO MUCH PROTECTION AND PUBLIC SUPPORT FOR THAT PROTECTION. BUT FOR THE EASTERN WATERSHEDS, WE FELT AS THOUGH THIS WAS REALLY A JUSTIFIED CHANGE TO MAKE REQUEST DROPPING THE ZONE AND EXTENDING THE BUFFS -- BUFFERS FURTHER UP INTO THE HEAD WATER AND SUPPORTED BY SCIENTIFIC LITERATURE.

>> Tovo: THANK YOU. MY LAST QUESTION IS, WOULD YOU GIVE EXAMPLES OF STACKING WATER QUALITY THAT YOU REFERENCED?

>> ABSOLUTELY. I WAS SAYING WE DON'T ALLOW THAT NOW. WE ACTUALLY DO HAVE ONE SYSTEM THAT WE HAVE ALLOW PEOPLE TO STAFF. AND THAT'S A WET POND. SO THE CLASSIC IN TOWN IS THE CENTRAL MARKET WET POND. JUST IMAGINE IT HAS A PERMANENT POOL OF WATER. AND WATER COMES IN DURING A STORM AND STARTS DISPLACING THE WATER THAT'S ALREADY THERE AND PUSHING IT DOWNSTREAM. THERE IS THE LEVEL THAT'S THE CONSTANT LEVEL THAT'S THE WATER QUALITY VOLUME. AND THEN IF YOU HAD, YOU KNOW, FROG STRANGLING RAIN AND A 100-YEAR STORM OR SOMETHING, THE THING IS 10 DESIGNED SO IT WOULD ACTUALLY FILL UP BEYOND THAT NORMAL POOL LEVEL AND GO UP INTO THIS EXTRA STORAGE. THOSE ARE STACKED ON TOP OF EACH OTHER. YOU COULD DO THAT POTENTIALLY WITH A RAIN GARDEN OR A SMALLER SAND FILTER OR SOMETHING. THE DESIGN NEEDS TO ACCOMMODATE THAT AND MAKE SURE IT DOESN'T GET TORN UP BY THE LARGER EVENT AND SO FORTH. WE'LL BE WORKING THROUGH IN OUR CRITERIA AND A FEELING THROUGH FROM THE MANUAL STANDPOINT. THAT'S EXCITING FROM THE DESIGN COMMUNITY AND IN SOME CASE THAT IS COULD REALLY HELP THEM.

>> Tovo: THAT'S VERY INTERESTING, THANKS. AND I ASSUME YOU'LL BE ABLE TO PROVIDE DEVELOPERS WITH THOSE KIND OF EXAMPLES SO THEY UNDERSTAND THE RANGE OF POSSIBILITIES?

>> RIGHT. AND WE HAVE ALREADY STARTED HAVING CONVERSATIONS INTERNALLY WITH OUR STAFF WHAT SOME OF THAT COULD LOOK LIKE.

>> Tovo: I HAVE A BIO TRANSITION UNDER WAY TO HAVE AN ACTUAL POND THAT PEOPLE CAN GO OUT AND VISIT AND LOOK AT THE SITE PLAN FOR.

>> GOOD. THANK YOU VERY MUCH.

>> COUNCIL MEMBER SPELMAN.

>> Spelman: ONE QUESTION QUICK. I DIDN'T UNDERSTAND YOUR ANSWER TO COUNCIL MEMBER TOVO'S FIRST QUESTION. LET ME ASK YOU AGAIN IN A 11
SLIGHTLY DIFFERENT FORM. HOW WOULD PASSAGE OF THIS ORDINANCE ON ALL THREE READINGS HELP TO ENSURE YOUR RULES COME IN ON TIME? ALTERNATIVELY, HOW WOULD PASSAGE ON FIRST READING ONLY HOLD YOU UP?

>> LET'S SEE. WE HAVE A PRETTY LONG PERIOD OF TIME. WE WATERSHED USE TO MAKE SURE THAT OUR RULES GET FULL VETTING WITHIN OUR DEPARTMENT AND SO FORTH AND THEN GO THROUGH THIS PROCESS. IT TAKES MONTHS TO GET THE THING DONE. IRONICALLY, LIKE ERIN WAS SAYING, WE ARE STARTING THE EMERGENCY RULES PROCESS AND THE PERMANENT RULES PROCESS SIMULTANEOUSLY SO THAT BY THE TIME THE EMERGENCY RULES' CLOCK RUNS OUT, THEN THE OTHER PERMANENT RULES CAN ACTUALLY SLOT IN AND KEEP GOING.

>> RIGHT.

>> SO I'M NOT SURE. GENE, DO YOU HAVE ANY INSIGHT INTO WHETHER WE COULD SOMEHOW ADJUST THAT PERMANENT RULES PROCESS TO GIVE US A LITTLE EXTRA TIME? IF WE GO TWO WEEKS LATER FOR COUNCIL, HOW WOULD THAT IMPACT OUR RULES PROCESS?

>> IT REALLY WON'T HAVE AN IMPACT ON -- IT REALLY WON'T HAVE MUCH OF AN IMPACT BECAUSE THE RULES ARE DONE IN QUARTERLY CYCLES. AND IT TAKES PROBABLY A MINIMUM OF THREE MONTHS TO GO THROUGH THE RULES POSTING PROCESS. AND THAT'S REALLY ASSUMING YOU HAVE NO STAKEHOLDER 12 INPUT. THE ADDITIONAL

TIME OUR DEPARTMENT ALLOWS IS KIND OF HONORING THE FACT THAT WE KNOW WE'RE GOING TO HAVE A LOT OF STAKEHOLDER INPUT. SO WE HAVE TRIED TO BUILD IN TIME TO DEAL WITH THAT AND STILL MEET THE RULES PROCESSES THAT ARE ESTABLISHED, THE TIME FRAMES THAT ARE ESTABLISHED. AND SO REALLY THE ONLY IMPACT THAT PASSING IT ON FIRST VERSUS THIRD READING WOULD BE THAT WE TECHNICALLY CAN'T POST ANY RULES IN THE PROCESS WHICH IS A COUPLE OF MONTHS AWAY FROM US NEEDING TO DO THAT UNTIL THE ORDINANCE IS ADOPTED. WE'LL HAVE TO PULL THE RULES IF THE ORDINANCE GOT DELAYED BEYOND A CERTAIN AMOUNT OF TIME. SO, YOU KNOW, IT'S NOT GOING TO REALLY HAVE AN IMPACT IN TERMS OF THE TIMING OF THE RULES, JUST UNFORTUNATELY BECAUSE THE CYCLE FOR THE RULES IS SO LENGTHY TO GO THROUGH.

>> OKAY. SO LET ME BE SURE I GET THE SEQUENCE. IF WE POSTPONE FOR A COUPLE OF WEEKS, EVEN A MONTH, IT WOULDN'T HAVE ANY EFFECT BECAUSE YOU'RE GOING TO HAVE TO POST WITHIN TWO MONTHS. BUT THERE ARE SOME PEOPLE THAT ARE SUGGESTING THAT WE NOT TAKE THIS UP ON THIRD READING UNTIL THE RULES HAVE BEEN PROMULGATED. THAT WON'T WORK FOR YOU. YOU NEED THE ORDINANCE BEFORE YOU CAN ACTUALLY POST THE RULES.

>> RIGHT. 13 THAT WOULD POTENTIALLY ALLOW THE EMERGENCY RULES TO EXPIRE BEFORE WE HAD TIME TO ADOPT. BECAUSE IF WE WANT TO ADOPT THE EMERGENCY -- IF WE WANT TO POST PERMANENT RULES AND HAVE THEM, YOU KNOW, SMOOTHLY TRANSITION FROM EMERGENCY TO PERMANENT, WE NEED TO TAKE ADVANTAGE OF THIS POSTING CYCLE THAT'S ABOUT TO BEGIN INTERNALLY. THAT'S STILL A COUPLE OF MONTHS AWAY FROM OTHER CITY DEPARTMENTS OR ANYONE ELSE SEEING THOSE RULES. THAT WOULD BE WHEN WE START THE TIME FRAME OF MEETING WITH STAKEHOLDERS. THIS WOULD ALLOW THEM TO ALLOW OPPORTUNITY FOR INPUT TO START THIS CYCLE.

>> SO THE VERY SHORT VERSION IS A COUPLE OF WEEKS. IF SOME STAKEHOLDERS WANT ANOTHER COUPLE OF WEEKS TO TAKE A LOOK AT STUFF, THAT WOULDN'T HURT YOU A BIT.

>> NO.

>> Spelman: BUT IF WE ARE TALKING ABOUT A MONTH OR MORE THAN A MONTH, THAT WILL CRIMP YOUR STYLE A LOT.

>> RIGHT. BECAUSE WE WOULD TRYING TO FORWARD WITH THE EMERGENCY RULES TO COINCIDE WITH THE DATE. A COUPLE OF WEEKS WOULD ALLOW US TO HAVE A CONVERSATION WITH THE STAKEHOLDERS. BEYOND THAT, WE WILL BE RISKING NOT HAVING THE RULE CYCLE WITH THE SMOOTH TRANSITION FROM EMERGENCY TO PERMANENT RULE.

>> Spelman: THANK YOU. THAT WAS REALLY CLEAR.

14

>> COUNCIL MEMBER MORRISON.

>> Morrison: THANK YOU, THIS PRESENTATION WAS REALLY HELPFUL AND CLEAR. I THINK IN A NUTSHELL, THIS ORDINANCE IS GOING TO REALLY HELP US DOWN THE PATH OF EQUITY IN THIS TOWN. AND IT'S A GREAT STEP TO BE TAKING. SO I APPRECIATE THAT. I HAVE A COUPLE OF QUESTIONS, SPECIFIC QUESTIONS. WHEN YOU WERE TALKING ABOUT THE CHANGE IN THE BUFFERS, FOR INSTANCE, THAT WAS A REALLY CLEAR EXPLANATION OF THE TRADE-OFFS THAT WE WERE SEEING. CAN YOU HELP ME UNDERSTAND WHEN WE'RE GOING TO BE DOING AWAY WITH THE SIDE AREA AND CALCULATIONS THAT'S ESSENTIALLY LESSENING THE STANDARDS IN THAT AREA, IS THERE A TRADE-OFF THAT YOU THINK ABOUT THAT HELPS US UNDERSTAND HOW WE BENEFIT?

>> SURE. THAT'S A GREAT QUESTION. AND WE HAD SOME GREAT DISCUSSION ABOUT THIS IN THE ENVIRONMENTAL BOARD. IN FACT, I WANT TO MAKE A SHOUT-OUT. THE ENVIRONMENTAL BOARD HAS TRACKED THIS THING A YEAR BEFORE WE STARTED AT COUNCIL AND HAD A SUBCOMMITTEE THAT STEADILY WENT TO EVERY SINGLE MEETING IN THIS TWO-YEAR PERIOD AS WELL. SO, YOU KNOW, MY HAT'S OFF TO THE FOUR FOLKS THAT CAME TO ALMOST ALL THOSE MEETINGS. THE IMPACT OF HAVING THE NET SIDE AREA GO AWAY, ON AVERAGE, YOU'RE GOING TO 15 POTENTIALLY HAVE A LITTLE HIGHER IMPERVIOUS COVER IN THE UPLANDS. IF THEY CAN CROWD IN A LITTLE EXTRA IMPERVIOUS COVER, A LOT OF PROJECTS WILL DO SO. BUT REMEMBER THAT IN EVERY INSTANCE, THE BUFFER WILL BE AT LEAST AS BIG AS IT IS IN THE CRITICAL ZONE BUFFER. AT LEAST AS BIG AS IT IS IN THE WEST AND PROBABLY BIGGER. THE WEST AGAIN, THEY HAVE THESE NARROWER FLOOD PLAINS. IN A CHANGE OF 50 TO 100 FEET WIDE BUFFER, IT DEPENDS ON THE FLOODPLAIN IN BETWEEN. ON AVERAGE, THOSE ARE SKINNIER AND THE CRITICAL ZONES IN THE WEST ARE USUALLY AT THE LOWER END OF THAT. HERE WE'RE PROPOSING BECAUSE OF EROSION HAZARDS AND OTHER THING, THE MAXIMUM BUFFER. EVERY SITE WILL HAVE THIS PRETTY BIG CRITICAL ZONE. AND SO CRUNCHING THE NUMBERS AND ESPECIALLY ERIN AND I WORKED TOGETHER ON THIS CRAZY 100-MEGABYTE EXCEL SPREADSHEET TO CRUNCH THROUGH AND FIGURE OUT WHAT'S GOING ON WITH THE PROPERTIES.

>> YOU SHOULD HAVE BORROWED KEVIN JOHNS' SUPER COMPUTER.

>> IT WOULD HAVE BEEN A LOT FASTER. WE LOOKED AT THAT AND BY FAR THE AREA NET SIDE OF THAT ACTUALLY SPRUNG US INTO A POSITION WHERE WE COULD WITH A STRAIGHT FACE WE DON'T THINK THERE'S GOING TO BE ON AVERAGE -- THE BOARD MINIMIZING THE IMPACTS, 16 EXPENDING THE EXEMPLARY BUFFERS, WE WANT TO HAVE THEM GO UP TO 64 ACRES AND HAVE THIS WIDTH TO COVER THE EROSION HAZARD ZONE. THAT WAS THE FACTOR THAT ACTUALLY PUSHED US OVER THE EDGE.

>> Morrison: I GUESS WHAT YOU ARE SAYING IS SINCE WE HAVE STRONGER PROTECTION OF THE CREEK WITH THE BUFFER, WE CAN LOOSEN UP A LITTLE BIT ON THE MORE INDIRECT PROTECTION.

>> THAT'S RIGHT.

>> WHICH WAS MINIMIZING IMPERVIOUS COVER OUTSIDE OF THE BUFFER. THAT MAKES SENSE. AND THEN I'M CURIOUS ABOUT SLIDE NUMBER 28. YOU MENTIONED THE REDEVELOPMENT ORDINANCE. SO JUST ONE ITEM. EXPANDING THE REDEVELOPMENT EXCEPTION.

>> YES.

>> Morrison: CAN YOU HELP ME UNDERSTAND WHAT THAT REFERS TO?

>> YOU BET. LET ME SEE IF I'VE GOT SLIDES TO PUT BACK UP. OKAY. WELL, I GUESS JUST REFER TO WHAT PROBABLY WOULD BE SLIDE 5. IT SHOWS THE WATERSHED CLASSIFICATION AREAS, THE GREEN AND RED. CURRENTLY, THERE ARE TWO EXISTING REDEVELOPMENT EXCEPTIONS IN AUSTIN RIGHT NOW. ONE OF THEM WAS PASSED IN 2000 AND KIND OF IN THE SMART GROWTH ERA AND BASICALLY SAID, LOOK, IF YOU HAVE EXISTING IMPERVIOUS COVER, REDEVELOP IT AND REUSE IT ALL OVER TOWN AS LONG AS YOU PUT IN A WATER QUALITY CONTROL. ACTUALLY YOU GET OFF THE HOOK FROM A BUNCH OF OTHER STANDPOINTS. YOU DON'T HAVE TO PUT IN A BUFFER AND SOME OTHER THINGS. IT WAS REDUCED IN EFFECTIVENESS IN THE DRINKING WATER PROTECTION ZONE, THIS RED AREA AND SAID YOU CAN ONLY RATE ABOUT 25% OF YOUR EXISTING IMPERVIOUS COVER. IT WASN'T USED VERY OFTEN. THE COUNCIL BACK IN 2000 SAID LET'S HAVE A NEW ORDINANCE FOR THE GARDEN SPRINGS ZONE THAT ALLOWS YOU TO DO THE THING I WAS TELLING YOU ABOUT WITH THE TOWN HOMES AND SO FORTH. YOU CAN REDEVELOP YOUR EXISTING IMPERVIOUS COVER CAN -- IMPERVIOUS COVER AND DO MITIGATION. FOR A VARIETY OF FACTORS, THE ECONOMY, DEVELOPMENT UNCERTAINTY, ROADWAYS, NOT MANY HAVE USED THAT STRUCTURE SET UP IN 2007. SO YOU, THE COUNCIL, SAID EXPLORE OPTIONS TO MAKE IT A LITTLE EASIER TO USE THAT THING. SO WE HAVE A NUMBER OF PROVISIONS IN THE ORDINANCE. SOME OF THEM AFFECT -- SO WE STARTED WITH THE PIECE THAT SAYS WHY DON'T WE MAKE IT INSTEAD OF HAVING TO DO AN ENTIRE SITE, YOU COULD JUST REDEVELOP A PIECE OF THE SITE AND THEN DO ALL THE BELLS AND WHISTLES THAT THE ORDINANCE REQUIRES AND THEN MOVE FORWARD.

18 I THINK WE'RE GOING TO GET SOME TRACTION THERE. SOME HAVE LARGER SITES AND WANT TO USE PART OF IT. AND THEY'LL BE ABLE TO USE THAT. WE EXTENDED THE NUMBER OF PROPERTIES THAT COULD USE IT. WE STILL WON'T ALLOW YOU TO REDEVELOP A SINGLE-FAMILY DUPLEX KIND OF SITE AND USE THE REDEVELOPMENT EXCEPTION FOR THAT. BUT PRETTY MUCH ANYTHING ELSE. IF YOU HAD INDUSTRIAL, CIVIC, MULTI-FAMILY AND SO FORTH, YOU COULD REEF USE YOUR EXISTING IMPERVIOUS COVER. THEY COME IN AND SAY WE'RE ZONED COMMERCIAL. AND YOU DON'T HAVE COMMERCIAL LAND USE. THERE'S THIS WEIRD CATCH-22. WE SAID HARDLY ANYBODY IS USING THIS, LET'S GO AHEAD AND WIDEN THE NET OR WIDEN THE OPPORTUNITY HERE A BIT. WE HAVE THE TWEAKS WITHIN THE ORDINANCE. WE SAID WAIT A MINUTE, THE SAME DEVELOPMENT PATTERN AND ISSUES THAT ARE IN THE WATER SUPPLY IN THE SUBURBAN AREAS AND ON YOUR MAP, WE ARE EXTENDING NOT JUST TO THE BARTON SPRINGS AREA BUT LET EVERYBODY IN THE RED USE THIS THING. OLD GAS STATIONS AND STRIP MALLS WILL BE ABLE TO REDEVELOP AND THEY ARE FROZEN IN TIME RIGHT NOW. IF YOU WANTED TO REDEVELOP, IT'S REDUCED THE OPPORTUNITY TO REDEVELOP IN THOSE AREAS. SO NOW WE'RE ACTUALLY -- MOST OF THEM DON'T HAVE ANY

19 WATER QUALITY CONTROLS. AND SO THEY WILL REDEVELOP THE SAND FILTER OR OTHER WATER QUALITY CONTROL AND PAY THE MITIGATION BANK IF THEY HAVE A HIGH ENOUGH IMPERVIOUS SPRINGS.

>> IS THAT FOR BARTON SPRINGS?

>> THE FIRST EXAMPLE WHICH IS CIRCA 2000 VERSION, WE BASICALLY SAID YOU KNOW WHAT, LET'S NOT USE THAT IN THE RED AREA ANY MORE. THE DRINKING WATER PROTECTION ZONE. IT WASN'T THAT USEFUL THERE ANYWAY. LET'S SIMPLIFY AND USE THE ONE OPTION THAT HAS MORE MITIGATION AND CONVERT THAT INTO THE URBAN-SUBURBAN AREA. WE'RE BASICALLY TAKING THE OLD ONE AND SAYING YOU CAN STILL DO THAT BUT THERE IS NO MITIGATION REQUIRED.

>> AND WE HAVE THE PROVISION IN SUBURBAN SAYING YOU CAN'T INCREASE WITH THE CREEK OR FEATURES. IF YOU HAVE A DEVELOPMENT OUT OF THE CREEK BUFFER ALTHOUGH THEY HAVE TO PULL FURTHER BACK, THEY CAN'T GO ENCROACH FURTHER ON THE CREEK WHICH UNDER CURRENT CODE TECHNICALLY THEY COULD DO.

>> WE HAD SOME EXTRA PROVISIONS THAT WERE ADDED IN THE EROSION HAZARD ZONE, A PROVISION AS WELL. SO YOU'LL HAVE TO DO A LITTLE BIT MORE FOR THE REDEVELOPMENT IN THE URBAN-SUBURBAN. WE WANTED TO BE FLEXIBLE ENOUGH THAT PEOPLE WOULD USE IT.

20

>> WE WEREN'T REALLY SEEING ANY USE OF IT MUCH, EVEN IN THE URBAN AND SUBURBAN ZONE?

>> I DON'T THINK SO. I WAS ACTUALLY SURPRISED TO HEAR THAT. OUR ENVIRONMENTAL REVIEW STAFF WAS SAYING NO, WE'RE WORKING AROUND IT WITH THIS OTHER PROVISION. BUFF I THINK IT'S STILL A USEFUL THING FOR SOME PROJECTS. I THINK WE WILL SEE IT MORE AND MORE AS AUSTIN CONTINUES TO REDEVELOP AND GROW.

>> THE NEXT QUESTION IS I NOTICED ON THE POSTING, IT MENTIONS A CHARGE TO THE S.O.S. CODE.

>> YES. THERE ARE SOME S.O.S. CHANGES.

>> Morrison: ARE THEY POINTED OUT? CAN YOU LIST THEM?

>> OKAY. THAT'S RIGHT. THE REDEVELOPMENT EXCEPTION ITSELF IS AN S.O.S. THANK YOU, MITZI. IT'S AN S.O.S. AMENDMENT SO IT'S GOING TO HAVE TO -- ANYTHING THAT WAS JUST FOR EVERYBODY, YOU GUYS ALREADY KNOW THIS, BUT TVLAND, AN S.O.S. ORDINANCE CHANGE IS GOING TO NEED SIX OR SEVEN COUNCIL VOTES TO CHANGE THE ORDINANCE. OKAY. OKAY. SO THE S.O.S. ORDINANCE STARTS IN 25-8 TO THE 500 RANGE. SO WE'VE GOT SEVERAL AMENDMENTS. ONE OF THEM WAS JUST SAYING IN 25-8, 5-12, I DON'T KNOW IF YOU GUYS HAVE A COPY OF 21 THE ORDINANCE ITSELF. IT'S ON PAGE 66. 25-8, 5-12 SAYS -- THE ORIGINAL ORDINANCE AND THE COMMUNITY CITIZENS WERE CONCERNED THAT THE COUNCIL AT THE TIME WAS GOING TO COME RIGHT BACK AND MAKE REVISIONS TO THE ORDINANCE IMMEDIATELY. SO IT SAID YOU'VE GOT TO WAIT AT LEAST TWO YEARS TO CHANGE THE S.O.S. ORDINANCE. WELL, 20 YEARS HAS GONE BY SO WE STRUCK THAT OUT. YOU CAN LEAVE IT IN. IT WOULDN'T HAVE ANY IMPACT. BUT THAT'S FINE. IN SECTION 514, WE NO LONGER SCIENTIFICALLY, WE REALLY DON'T MEASURE FOR BACTERIA FORMS OF FECAL ANY MORE. WE USE E.COLI FOR THE MEASURING FORM AND MAKING THIS BIG CHANGE IN THE BIG LIST OF CONSTITUENTS. WE THOUGHT ABOUT SOME OTHER CHANGES BUT WE TALKED TO THE S.O.S. ALLIANCE AND DECIDED TO GO AHEAD -- WE MAY TALK ABOUT THAT MORE IN PHASE 2. BUT THOSE ARE NOT CRITICAL PATH. LET'S SEE. OKAY. THE MOST IMPORTANT ONE IS CALLED PART 61. IT'S IN 25-8, 5-16. YOU REMEMBER THAT 5,000 SQUARE FOOT ROADWAY, ZERO TO 5,000 SQUARE FEET, RIGHT NOW IF YOU ARE IN THE BARTON SPRINGS ZONE AND YOU PUT IN ONE SQUARE FOOT ON THE IMPERVIOUS COVER, TECHNICALLY, YOU'D HAVE TO PUT IN A WATER QUALITY CONTROL FOR THAT FEATURE. AND SO WE THINK JUST FROM KIND OF A -- WE THINK THERE 22 IS A DE MINIMIS AT AMOUNT OF POLLUTION AT THAT LESS THAN 5,000 SQUARE FEET, HENCE THAT BEING THE THRESHOLD FOR WATER QUALITY CONTROLS CITYWIDE AND MOST OTHER AREAS. WE FELT LIKE WITH THE PUBLIC BENEFIT, IN TALKING WITH THE TRANSPORTATION AND PUBLIC WORKS COLLEAGUES, WE FELT THAT THE PUBLIC BENEFIT OF ALLOWING .1 ACRES OF IMPERVIOUS COVERAGE OR LESS, LIKE A SMALL PIECE OF A PARKING LOT, WE FELT LIKE THAT ALLOWING THAT TO GO FORWARD WITHOUT HAVING TO GO TO COUNCIL. WE'D HAVE TO GET AN S.O.S. AMENDMENT FROM Y'ALL, THE COUNCIL, IN ORDER TO PUT IN A NEW BIKE LANE THAT'S 3 FEET WIDE TIMES 100 FEET LONG, THAT KIND OF THING. WE'RE ACTUALLY SEEING THOSE. THE TRANSPORTATION DEPARTMENT WAS BRINGING THOSE IN AND SHOWING THEM TO US. REALLY I DON'T THINK THE CROSS-BENEFIT AND SO FORTH WE'RE GETTING OUT OF THIS IS REALLY PRETTY SHAKY.

>> IS THIS 5,000 SQUARE FEET FOR THE ROADWAY?

>> YES.

>> AND BIKE LANES?

>> RIGHT. AND IT ACTUALLY SPECIFIES AND SAYS ROADWAY IMPROVEMENTS ARE LIMITED TO INTERSECTION UPGRADES, ADDITIONS FOR BICYCLE LANES AND ADDITIONS FOR MASS TRANSIT STOPS. AND WE WORKED WITH THE VIRAL BOARD ON THAT LANGUAGE BECAUSE WE DIDN'T WANT IT TO JUST BE WE'RE WIDENING THE 23 ROAD. WE WANTED A SPECIFIC -- JUST WIDENING THE ROAD WOULD TAKE PROBABLY MORE THAN .11 ACRES OF IMPERVIOUS COVER. AND SOMEBODY ALREADY PUT IN ONE AND NEXT YEAR PUT IN ANOTHER ONE. THIS REALLY TAMPS IT DOWN SO WE'RE GETTING REALLY TARGETED SMALL PROJECTS.

>> Morrison: IT SOUNDS LIKE YOU HAVE IDENTIFIED PROJECTS THAT HAVE AN ENVIRONMENTAL --

>> RIGHT. INSTEAD OF STALLING OUT AT AN INTERSECTION AND IDLING FOR A LONG TIME, WE HAVE A TURN LANE. IT'S NOT A LARGE AMOUNT OF IMPERVIOUS COVER AND SO FORTH. OBVIOUSLY, WE'LL CONTINUE ENCOURAGING AND ADVOCATING FOR OUR PROJECTS THAT WE BUY LAND IN THE BARTON SPRINGS LAND AND PROVIDE RETROFIT CONTROLS AND OTHER THINGS THAT OFFSET IMPERVIOUS COVER. THESE ARE PRETTY SMALL POTATOES KIND OF THING THAT WE THINK WE'RE GETTING THESE OTHER BENEFITS THAT ARE GREATLY OUTWEIGHING THE POTENTIAL BENEFIT.

>> AND ONE QUESTION IS, ARE THERE ANY MAJOR BONES OF CONTENTION AMONG THE STAKEHOLDERS WITH WHAT'S IN FRONT OF US NOW?

>> WE HAVE NOT HEARD ANY. I WOULD SAY THAT, YOU KNOW, WE'VE GOTTEN SOME GREAT COMMENTS ALL ALONG. WE ARE TRACKING THE STAKEHOLDER COMMENTS COMING IN. IN MY VIEW, IF YOU LOOKED AT 24 THE -- IF YOU HAD A BAR CHART AND IT WAS SHOWING HOW BIG THE CHANGE WAS, WE'RE TALKING ABOUT THE LITTLE BARS AT THIS POINT. 5,000 VERSUS 8,000 VERSUS 10,000 ON THE WATER QUALITY CONTROL. OKAY. WE THINK 5 IS THE RIGHT NUMBER. BUT IT'S NOT GOING TO -- THE ENVIRONMENTAL FUTURE OF AUSTIN DOESN'T HINGE ON THESE THINGS WE ARE CONTESTING NOW. THOSE ARE GOOD THINGS WE WANT TO WORK OUT AND EXPLAIN TO THE STAKEHOLDERS. BUT WE HAVEN'T HAD SOMEBODY SAY, WELL, SOMETHING BIG LIKE THE BUFFERS WE CAN'T LIVE WITH OR WHAT HAVE YOU. THAT WAS GOOD NEWS. HENCE THE 26 MEETINGS. WE TRY TO MAKE THAT COME IN HOT AS WE ARE LANDING HERE AT COUNCIL.

>> Morrison: RIGHT.

>> SO, YOU KNOW, WHO KNOWS?

>> Morrison: I APPRECIATE THAT.

>> WE HAD 50 OR 60 PEOPLE COME TO THE MEETINGS. USUALLY 30 TO 40 PEOPLE. WE HAD MORE AND MORE PEOPLE COME TO THE MEETINGS AS WE WENT ALONG WHICH WE WERE PLEASED WITH INSTEAD OF PEOPLE TRAILING OFF AND THINKING THIS IS A WASTE OF TIME. AT THE END 60 OR 70 PEOPLE. EVERYBODY IS LIKE OKAY, GREAT. AT THE HEARINGS WE HAD FIVE PEOPLE SHOW UP OR WHATEVER. I THINK MAYBE A LITTLE MORE AT COUNCIL. BUT I'M HOPING THAT IS 25 ACTUALLY AN INDICATION THAT, GREAT, WE WORKED OUT THE -- WE AGITATED OUT THE ISSUES AND NOW WE'VE GOT CLEAN LAUNDRY HERE.

>> Morrison: I APPRECIATE THAT.

>> NO PROBLEM.

>> Morrison: NICE METAPHOR. JUST ONE LAST COMMENT. I TAKE IT YOU ARE CALLING THIS THE WATERSHED PROTECTION ORDINANCE.

>> THAT IS CORRECT. THAT'S THE NAME WE HAVE DUBBED IT AS WE HAVE GONE LONG.

>> Morrison: I GUESS MY ONLY COMMENT ON THAT IS YOU DIDN'T REALLY GET MUCH HELP WITH BRANDING ON THIS, DID YOU? [LAUGHTER]

>> WELL, THE ACRONYM IS --

>> WPO.

>> WE HAD THE COMPREHENSIVE WATERSHED ORDINANCE.

>> WE HAVE THE STICKER.

>> Morrison: IT'S OFFICIAL NOW I TAKE IT.

>> YEAH.

>> Morrison: THANK YOU.

>> THANK YOU. ANY OTHER QUESTIONS, COMMENTS? OKAY. WITHOUT OBJECTION, THIS MEETING OF THE -- YES. COUNCIL MEMBER MORRISON, YOU WANT TO BRING THAT UP?

>> I WANT TO THROW OUT A COUPLE OF THINGS BECAUSE I WANT TO SHARE SOME THOUGHTS WITH MY COLLEAGUES TO GET THEM THINKING ABOUT SOME THINGS. THIS IS A RESOLUTION TO GET STARTED ON SOME FINANCIAL PLANNING FOR URBAN RAIL 26 WHICH IS GREAT. IT GETS US ONE MORE STEP ALONG THE WAY OF THE CRITICAL PATH FOR MAKING IT A REALITY. AND I APPRECIATE THAT. THE REASON I WANTED TO TALK ABOUT IT IS BECAUSE, YOU KNOW, ONE OF THE THINGS I ALWAYS TALK ABOUT WHEN WE ARE TALKING ABOUT THE FUTURE FOR RAIL IS CONCERNS ABOUT THE PLACEMENT AND ALL. AND WE HAVE HEARD FROM OUR TRANSPORTATION DIRECTOR OVER AND OVER. BUT THE FEDS ARE ACTUALLY GOING TO BE LOOKING AT FUNDING RESTART, THEY ARE ACTUALLY GOING TO BE HAVING SOME CRITERIA FOR HOW WELL AND HOW SERIOUSLY THE CITY HAS PLANS FOR DEALING WITH AVOIDING DISPLACEMENT AND PROMOTING AFFORDABLE HOUSING. AND THE REALLY EXCITING NEWS IS THOSE CRITERIA ARE FINALLY OUT. AND I THOUGHT THAT IT WOULD MAKE SENSE FOR US, STAFF AND THE COUNCIL, TO UNDERSTAND THAT BECAUSE THE BOTTOM LINE IS WE NEED TO HAVE FINANCING TO BE, YOU KNOW, RATED EXCEPTIONAL BY THE FEDS TO ALLOW US TO BE SUCCESSFUL GETTING THE FUNDING FOR URBAN RAIL. WE ALSO HAVE TO HAVE PLANS IN PLACE, INCLUDING SOME FINANCIAL PLANS FOR AFFORDABILITY AND AVOIDING DISPLACEMENT. SO I JUST WANTED TO MAKE SURE THAT WE THINK ABOUT THAT IN CONJUNCTION WITH PLANNING FOR FUNDING FOR RAIL IN AND OF ITSELF. AND SO I HAVE HAD SOME GREAT 27 EXCITING DISCUSSION WITH STAFF WITH THE TRANSPORTATION, INCLUDING TRANSPORTATION, ECONOMIC DEVELOPMENT AND THE HOUSING DEPARTMENT ALL TOGETHER. AND IT'S BEEN GREAT TO BRING THEM TOGETHER AND HEAR THE GREAT BRAINSTORMING AND ALL. I THINK WE'LL CONTINUE THAT. AND I HOPE TO GET IT ON OUR COMPREHENSIVE COMMUNITY AGENDA TO BE ABLE TO DELVE INTO IT MORE DEEPLY. I DID ASK STAFF IF THEY WOULD BE HERE TO GIVE US A BRIEF OVERVIEW OF WHAT WE NEED TO BE THINKING ABOUT IN TERMS OF HOUSING CRITERIA, ESPECIALLY AS IT RELATES TO FUNDING AND PLANNING. THAT'S WHY I WANTED TO GET THIS ON THE TABLE.

>> SURE. COUNCIL MEMBER, TRANSPORTATION DEPARTMENT, I THINK I UNDERSTAND THE QUESTION. I'LL TRY TO BE BRIEF. WHAT THE NEW CRITERIA DO IS ASK THE COMMUNITY TO SHOW THAT THEIR PROGRAMS FOR AFFORDABLE HOUSING AS WELL AS TRANSPORTATION ARE COORDINATED. AND SO THERE'S A COORDINATION ROLE OF MAKING SURE OUR VARIOUS EFFORTS, WHETHER THEN IN TRANSPORTATION OR IN AFFORDABLE HOUSING OR ECONOMIC DEVELOPMENT ARE ALL COORDINATED. AND I THINK WE CAN SHOW THAT WE'RE DOING A REALLY GOOD JOB OF GETTING THERE. CERTAINLY IT'S A PROCESS, SO IT'S AN ONGOING PROCESS. AND THEN AS COUNCIL MEMBER MORRISON INDICATED, WE ARE
28 ALSO LOOKING FOR A FINANCIAL PLAN THAT SHOWS HOW WE ARE INVESTING IN THOSE. THOSE DON'T NECESSARILY HAVE TO BE ONE PROGRAM PAYING FOR THE OTHER PROGRAM. IT'S SHOWING THAT THE CITY HAS A COORDINATED APPROACH TO THAT FUNDING. AND SO I KNOW THAT I HAVE TALKED TO THE FINANCE DEPARTMENT WITH THE FINANCIAL DEPARTMENT AND THEY ARE AWARE OF THAT AND WILL BE CONTEMPLATING THAT AS WE FULFILL THE DIRECTION OF THE I-FC OR AS OTHER IFCS ARE BROUGHT TO US.

>> I HAVE THAT SO SOME OF YOU MIGHT HAVE SEEN THIS ALREADY. IT'S A PRESENTATION ON PROJECT CONNECT CENTRAL CORRIDOR AND TALKS ABOUT FTA AND AFFORDABILITY. I'M GOING OVER THIS BRIEFLY. EMPHASIS ON AFFORDABLE HOUSING, RECOGNIZE THAT MAINTAINING AFFORDABLE HOUSING MAKES SURE THAT FAMILIES HAVE ACCESS TO TRANSIT. THREE AND FOUR, RECOGNIZE THE HIGH QUALITY TRANSIT INVESTMENTS WITH LEAD TO THE AFFORDABLE HOUSING EFFECTS. WE HAVE OPPORTUNITIES TO WORK ON THAT AND PUT TEETH INTO OUR APPROACH ON THAT. LASTLY IT SAYS EXPLICITLY CONSIDER THE PRESENCE OF LEGALLY BINDING AFFORDABLE HOUSING AS INDICATIVE OF A COMMUNITY'S READINESS FOR NEW TRANSIT INVESTMENT. AND I AM NOT QUITE SURE WHAT THAT MEANS. I KNOW IN THE FEDERAL GUIDELINES IT MENTIONS TIFS, FOR INSTANCE. 29

WHAT ELSE WOULD THAT LOOK LIKE LEGALLY BINDING AFFORDABLE HOUSING IN TERMS OF WHAT WE ARE LOOKING AT HERE?

>> COUNCIL MEMBER, I GIVE YOU ONE EXAMPLE. OF COURSE, THE MILLER DEVELOPMENT HAS A BUILT-IN REQUIREMENT FOR A CERTAIN PERCENTAGE OF AFFORDABLE HOUSING AS PART OF THE MUNICIPAL PARTICIPATION IN THAT PROJECT. BUILDING OFF THE EXPERIENCE THAT AUSTIN HAS ALREADY DEMONSTRATED, YOU COULD ALSO DEVELOP THAT AS YOU CONSIDER THE REDEVELOPMENT OF AREAS ALONG THE IDENTIFIED PRIORITY CORRIDOR, THAT WILL BE COMING TO YOU GUYS IN OCTOBER TO START TALKING ABOUT HOW WE'RE GETTING TOWARDS A PRIORITY SUB CORRIDOR AND ALIGNMENT, BUILDING IN THOSE CAPABILITIES SO THAT AS THE COMMUNITY MIGHT CONTEMPLATE BUILDING VALUE, WE ARE BUILDING IN AFFORDABILITY. AROUND STATION AREAS, IT IS NOT UNCOMMON FOR TRANSIT PROJECTS, AS THEY DEVELOP STATION AREAS AND KEY STATION AREAS, TO DEVELOP ADDITIONAL LAND AS PART OF THAT STATION AREA, AS AFFORDABLE HOUSING. AND SO THERE'S A VARIETY OF INCENTIVES, WE ALREADY HAVE TOOLS. IT'S THINKING ABOUT REUSE THOSE TOOLS.

>> AND GET IT REINTEGRATED. AND IF THE VOTERS APPROVE A BOND, THAT COULD BE ANOTHER DEMONSTRATION THAT WE HAVE. AND INTERESTINGLY, THE FEDERAL CRITERIA SEEM TO SAY 30 WE KNOW THIS IS THE FIRST TIME WE'RE DOING THIS. AND WE LOOK FORWARD TO YOUR ALTERNATIVES. SO IT'S NOT LIKE WE ARE CLEARLY TIED TO VERY SPECIFICS. I HAVE THINK THAT'S GOOD NEWS FOR US, TOO. A COUPLE OF QUESTIONS. WE DO HAVE OBVIOUSLY OUR CURRENT STATIONARY PLANS FOR OUR TODS RIGHT NOW, AND THE RESOLUTION ITSELF IS LOOKING FOR A FUNDING PLAN FOR URBAN RAIL AND SUGGESTING WE MIGHT DO VALUE CAPTURE IN THE CURRENT TODS, EVEN THOUGH THOSE AREN'T NECESSARILY OUR URBAN RAIL STOPS. AM I UNDERSTANDING THAT CORRECTLY?

>> THE RESOLUTION DOESN'T PURPORT TO DICTATE ANY OUTCOMES OR TRANSIT STOP. IT LOOKS AT THE POSSIBILITIES AND SEE WHAT WE THINK MAKES THE MOST SENSE. THERE MAY BE CURRENT STOPS THAT WOULD SERVE ADDITIONAL FUNCTIONS IN THE FUTURE. I KNOW THERE'S BEEN SOME DISCUSSIONS, FOR INSTANCE, ABOUT THE POTENTIAL CHANGES TO CRESTVIEW OR HIGHLAND. AND SO I THINK THOSE ARE JUST ALL POSSIBILITIES THAT MAY BE ON THE TABLE.

>> AND COUNCIL MEMBER, I WOULD RESPOND THAT JUST GIVEN THE CIRCUMSTANCES OF THE MARKET, WHEN SOME OF THOSE TODS CAME ON TO THE MARKETPLACE, THAT WE WERE IN A FINANCIAL DOWN TURN IN THE ECONOMY. I DON'T KNOW, BUT I WOULD SUPPOSE THERE STILL MIGHT BE 31 VALUE IN THOSE EXISTING STATIONS THAT COULD BE EVALUATED AND CONSIDERED. I HAVE THINK THAT'S WHAT THE FINANCE DEPARTMENT WILL BE LOOKING AT.

>> LET ME ASK A RELATED QUESTION. I WAS VERY CONCERNED ABOUT THIS RESOLUTION, TOO. MOSTLY FROM THE FISCAL IMPLICATIONS. I WAS NOT CLEAR IF WE WERE SAYING WE WERE GOING TO CONSIDER VALUE CAPTURE FOR CAPITAL METRO COMMUTER RAIL, ALSO IN ADDITION TO OUR URBAN RAIL SYSTEM. BECAUSE IT SOUNDED LIKE WE WERE CONSIDERING BOTH. I WANTED TO BE CLEAR ON THAT.

>> I THINK THE GOAL OF PROJECT CONNECT IS TO PROVIDE ONE COHERENT SYSTEM. SO I DON'T THINK THAT HAVING A MECHANISM FOR VALUE CAPTURE AT A STATION IS NECESSARILY EXCLUSIVE TO EITHER URBAN RAIL OR COMMUTER RAIL. I THINK THERE MAY BE OPPORTUNITIES AT CURRENT STATIONS AND FUTURE SYSTEMS THAT COULD BENEFIT THE WHOLE SYSTEM.

>> I NOTICED THAT -- I NOTICED THAT WE CONTEMPLATED A RESERVE FUND. AND I KNOW THAT WE HAVE A FINANCIAL RELATIONSHIP EXISTING WITH CAPITAL METRO, PARTICULARLY A DEBT. AND SO I DIDN'T WANT US TO AUTOMATICALLY ASSUMING THAT WE WOULD INITIATIVE A VALUE CAPTURE SYSTEM FOR THE FUNDING THAT'S ALREADY EARMARKED FOR CAPITAL METRO COMMUTER RAIL. 32 AND I THOUGHT THAT

THIS RESOLUTION DOES NOT MAKE THAT CLEAR. AND I'M LOOKING AT THE FIRST BID RESOLVED PLAN WHERE THERE'S A FINANCING PLAN FOR THE CITY'S SHARE OF CAPITAL METRO'S COMMUTER RAIL AND PLANNED URBAN RAIL, INCLUDING BUT NOT LIMITED TO THE USE OF VALUE CAPTURE REVENUE FROM THE EXISTING RED LINE STATIONARY. BECAUSE ONE THING TO STATION ABOUT THE -- TALK ABOUT THE STATION AREAS AND ANOTHER THING TO TALK ABOUT THE TIF AND ENTER INTO A LOCAL AGREEMENT AND THE FUNDS FROM THOSE AREAS ACTUALLY DESIGNATED.

>> ASSISTANT CITY MANAGER, THE PROJECT CONNECT AND FUNDING PLAN AND ALL THESE FUNDING SCENARIOS ARE TOOLS INCLUDED IN THAT ANALYSIS. AND WE'RE TAKING THE RESOLUTION AS BEING YOU NEED TO NOW DEVELOP THE TOOLS AND THE FINANCING PLAN FURTHER AS WE CONTINUE THE URBAN RAIL DISCUSSION. SO WE'RE NOT TAKING, AS YOU ARE SUGGESTING MAYBE YOUR CONCERN -- AND MAYBE COUNCIL MEMBER RILEY WILL CORRECT ME IF I'M WRONG. WE'RE NOT TAKING A DIRECTION, AS WE READ IT, AS SAYING YOU HAVE TO USE THAT TOOL FOR THIS STATION, FOR THIS USE. IT'S NOW CONTINUE THE ANALYSIS OF THE TOOLS YOU HAVE AND BRING BACK A COMMUTER RAIL AND URBAN RAIL PROGRAM FOR YOU ALL TO CONSIDER.

33

[]START AB 11:30

>> Morrison: Two other things. One, it supports the project connect vision plan. Didn't you guys bring us a resolution?

>> We adopted it.

>> Morrison: That means we really, really support it.

>> We are thankful for that, like Lone Star as well, so you really, really like it. [LAUGHTER]

>> Morrison: The other thing is -- the way I read it, there seems to be a technical issue. It sounds like there is a little bit of disconnect between the posting language, which focuses, as I read it, on value capture as opposed to the ordinance itself, which specifically says come up with a financing plan, which might include capture and I don't know if there is an issue here, especially since you are already doing the financing plan, but I want to make sure it's all right under this that staff are going to look at all of the tools. Not just value capture. It is item 57.

>> Yes, council member. Under the posting, they are considering interlocal agreements and ordinances providing value capture revenues support of. If they are doing other things, then they are doing other things, but --

>> Morrison: So just a -- so if you read the first be it resolved, it gives direction to do other things, too.

>> Well, the posting does say -- and perhaps I will work with the sponsors to fix the resolution so that it attracts the posting.

>> Morrison: Okay. And I guess we would just want to have it real clear that that doesn't mean that's the only thing we want you to be working on, if, in fact, you have to get that aligned to that.

>> Correct.

>> Cole: I would think -- I want to ask you this question, council member Riley and then your comment. I would think that we would need language saying that the city council would support the financing plan so the city share a project connect, as opposed to just listing urban rail and Capital Metro and that would include all of the entities within project connect and make sure that we aren't establishing a particular financial relationship with Capital Metro, and then that could include the use of value capture revenue from the existing red line wording there.

>> Council member Riley is that okay?

>> Riley: That's fine. We are okay to work on the wording.

>> Cole: Anything else, council member Riley? I thought you did. Okay, any other comments, colleagues. Council member Spelman.

>> Spelman: I want to nail down what happened here. Laugh. Council member Riley and council member Martinez came up with a resolution and posting language was developed. Was the posting language developed in advance of the resolution text or was it sent in separately from the resolution text?

>> I am afraid I can't speak for council member Martinez.

>> Martinez: I may be able to help. I think the.

>> I may be able to help. I think the posting language was developed and then the resolution changed and became a little more broader.

>> Spelman: Okay.

>> I don't think that posting language tracks with what you are seeing in the IFC.

>> Spelman: So the moral of story is if you submit posting language, make sure the resolution matches the posting language. Thank you.

>> Cole: So overreaching council member Spelman. Council member Morrison.

>> Morrison: Just a follow-up question because I know we have run into this before and I am not sure the best way to work this with the law department, in terms of when is it last checked on by the law department that the posting language actually matches the last version because we do pass all of our resolutions through the law department.

>> Everything does come through and before anything goes on the agenda, both the department and the Council office agree this is what we are going to do and so that's just a matter of quality control.

>> Cole: So we should constantly, as we draft our resolution, be in touch with the law department to make sure -- from what you --

>> And the law department -- as changes are made --

>> Cole: Should be aware.

>> Morrison: We should be checking that.

>> Cole: Yes.

>> Morrison: And we could help by alerting them that we just added a whole other element to my resolution and see if the posting covers it.

>> That will always be helpful.

>> Morrison: We will do what we can.

>> That, we will.

>> Cole: Council member Tovo.

>> Tovo: I have a follow-up question on that because the posting language we try to get hard in on Wednesday and then sometimes we are still working on the resolution and I believe I heard if we need to adjust the posting language at that point on Friday, it is not that simple. We have to post an addendum. Is that accurate? But if we need to make a change to posting language that is posted, we can't edit it on Friday. We have to --

>> That is only if the agenda has posted and then there is a change but that's not normally what we are talking about. We are just talking about the posting language as it is drafted and some point between Wednesday and Friday, the resolution changed and that just means somebody has got to go back and make sure that in the end, everything matches.

>> Tovo: So if the posting language has actually posted on Wednesday --

>> It is not posting, though. That's just in the -- we publish, it's just there and everybody can see it. But the agendas state this is not the final. This is just to let everybody know what's out there and what possibly could happen but it clearly says it can change, so until Friday, when we send the final post it agenda, we can make changes up until --

>> Tovo: That is extremely helpful, thanks for the clarifying information.

>> Cole: Any questions? With that, the Austin city council work session is adjourned. [Meeting adjourned].