

City Council Work Session Transcript –11/04/2014

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>>> >>> >> test test test this is a test. Abcdefg. >>> >>> >>> >>> >>> city council work SESSION ON NOVEMBER 4th, 2014.

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14-'15, I would like to call to order this meeting of the austin city council work session. Mayor leffingwell is away on city business and will not be here for the work session. I think that we have a fairly light agenda, councilmembers. We have no preselected agenda items. And it's my understanding that we have no briefings. So that will move us right to council items of interest. >> I have one. I promise to make it quick. It's just some thoughts that I wanted to share with you all that, you know -- to be able to contemplate over the next two days before we get to it because thursday is crazy. I wanted to talk a little bit about -- it's 128 microunits and there's a -- so we have the -- the ordinance in backup, which is really helpful, I appreciate that. I just wanted to bring up four different points, so stop me if you feel like it. The one is I continue to be concerned about no parking requirements at all and I went back and listened to a little bit of the conversation and councilmember riley, one of the points that you made was that the example that we have so far is that people downtown don't live in efficiencies and one bedrooms, 20% of them don't have cars. That on the flip side means that 80% of them do have cars and union staff had mentioned that they wanted to -- their recommendation was to set a floor there and when I -- when I would look back and a lot of what I've done is think about how this compares to vmu what this does to vmu and, you know, vmu for one thing, there's a program that says for areas that have vmu, they get expedited rpp. I think that we can fully expect some people to have cars. It won't be zero, if there

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are microunits, there is no accommodation if it happens to be in an area that's -- that doesn't have fee. And I guess my -- my concern is that -- some people will have cars. They will park in the neighborhoods. There's no protection for that. While we might be working toward an ideallistic world where people can really live on core transit corridors and not have cars, like nobody has cars, I think that it really makes

sense for us to consider a more graceful transition to that, which would mean not just jumping out and saying no, zero parking requirement. But having a lowered parking requirement, so that's where I am on that, I just wanted to -- to throw that out there. >> Sure. >> Cole: Any comments, councilmember riley. >> Riley: I appreciate that. To be clear about the 20% figure regarding downtown units, what we have heard is that at one particular building, the whitley, that the people moving into efficiencies and one bedrooms, 20% are choosing not to pay for a parking space. Of course, that is -- the parking is -- is separated from the unit so you have the option, if you want a parking space, you pay an additional amount and 20% are saying, no, don't need it. There may well be more people who are paying for a parking space just for the convenience of having one there, but not necessarily have cars, maybe other people who have cars and don't use them very often. But I take your point that -- that there may well be people who would want to live in a smaller unit on a core transit corridor who would want to bring a car with them. That's -- that's a fair point. I can understand that. My -- my belief is that there are many people who would -- who would like to have the opportunity to live in a smaller unit on a core transit corridor and not have a car and that that would be a significant advance for affordability

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and traffic issues, if we were able to make those options available. It would be less expensive to provide a small unit without a parking space. Than with. Especially since the places we're talking about, you would typically see structured parking and the cost of structured parking space alone can be in the range of 20 to \$40,000. So taking that out of the cost of housing would be a significant advance in terms of affordability. But to get that to the -- to the -- I think where you're going with this, in terms of whether we should support this or not. I think you mentioned possible implications for the neighborhood and in terms of people parking on the street. I would be happy to include language that would direct staff to monitor parking in any area around a -- anyplace where a -- where a microunit is provided with no parking. And we can -- we could see -- we could consider whether residential permit parking is warranted. Many of the places we're talking about already are within vmu areas that would have expedited rpp already. But for those that aren't, we could certainly look at that and then make rpp available in the event that parking on the street becomes a problem around the place where the microunit is located. >> Morrison: Mayor pro tem, if I may. Have you considered the possibility of -- that sounds like -- one thing that could be done, I'm not sure how effective that will be. Down on south congress they do have expedited rpp so even the question of that is -- it's still a question mark. Did you - - have you considered the possibility of instead of saying no parking, having a reduced amount of parking but having a requirement that it be separated from -- from the rent? So that you can't -- so that -- so that one would have to pay for more so

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that -- because it sounds like what you are saying is these are going to be places that are built for people that don't have a car. And so that's -- that's -- and can live without a car. So there's two things on that. One is it might -- some people might just move in with car and park on the side street. But some people - - but that's a very narrow group of people and it would open it up, but still allow for the affordability

benefit, if you separate it. So that people who don't have cars from a realistic point of view, could do that, save money. People that do have cars could still live there. We wouldn't be cutting them out of the population that this would be a choice for. >> Riley: But if I may ... Bear in mind that the ordinance is crafted in a way that contemplates microunits being added so -- as part of the mix in complexes that would include -- apartments of larger sizes. And so typically in outside the cbd and the west campus area, parking is -- is bundled with apartments. Now, I fully support decoupling wherever possible. There has been some resistance to that in areas outside of downtown because when you apply that on a large scale, you would -- there is a risk that you see more people parking on the street. But I would -- you would be happy to support to move in that direction if that's the suggestion. That -- generally, I think decoupling is a very positive step because it leads towards assigning parking costs to the actual users of the parking, as opposed to generalizing the cost among the whole population of residents. So I would be happy to consider including language requiring decoupling for either this specific microunit or for the many

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complex -- any complex where a microunit is located if that's the desire of the council. >> Morrison: That's my concern is that there's no requirement for parking. >> Riley: Right. I -- I understand that. >> Morrison: Yeah. >> Cole: Do you think that you guys can get to some mutual language on that? >> Morrison: Oh, maybe, we'll see. [Laughter]. >> Cole: Starting to sound like it. Councilmember tovo? >> Tovo: I have a couple of questions about the conversation that just transpired. You talked about the whitley apartments, that 20% do not pay for parking. >> Riley: 30% choose not to have a parking space, right. >> Tovo: Has anybody gone back to survey them to make sure that they are not paying to park somewhere else? >> Riley: Not to my knowledge, no. >> Tovo: It just occurs to me, you know, when I was a college student the college parking was pretty pricey and so some students with cars paid other kinds of parking to have their car nearby. So anyway I would just be interested to know if that's going to be our measure of how much -- what the parking demand is for units of that sort. To be sure that that's really a good measure. Are there any other projects that -- that you or anybody else has studied that would suggest that 30% is a good number? >> Riley: 30%? >> Tovo: I thought that I just heard you say 30% don't pay for parking. >> Riley: 20% are choosing not to have parking spaces. >> Tovo: That's what I thought I heard you say the first time, then I thought that I just heard you say 30. But anyway do you have a sense of whether 20% is a pretty good number based on any other austin models. >> Riley: I have not done a formal survey, no. To me the important thing is that we are providing the option for those who don't want to have cars, that they can live more affordably without paying for parking spaces. Essentially -- we have seen that pattern spread. First place has we started -- that we started doing that was west campus,

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the west university overlay, which requires decoupling, the practice has spread to units in uno, standard practice downtown. Essentially provides a built-in incentive for people living in those places not to have cars. And it's an exciting thing because if we -- I would hope that that would be a growing number. The

latest, 20% is just one figure we heard from one complex. In fact I was encouraged by that. I'm hopeful that we will continue to see a growing number of people make use of the opportunity to -- to live in a setting where they don't need to rely as much on a car and in fact can -- can chooses to avoid the expense of owning and maintaining a car and use the alternatives that we have available in these transit oriented plagues. Plagues -- transit oriented places. >> Tovo: My question was a concrete example -- >> Riley: No, anecdotal reports of people being able to afford places downtown as a result of decoupling. But no, I don't know of any comprehensive study. >> Tovo: Okay. Thank you. >> Morrison: I'll move on to my second point. The other thing that I was thinking about in terms of relative to vmu, one of the things that vmu has as a requirement, if you want to go with the incentive of unlimited density, which is one of the vmu incentives, is that there will be retail on the first floor. And so I just heard you say that what this ordinance contemplates is that these units will be in a mix of others. Is there -- I'm looking at how this could be used, is there anything that requires their bm -- >> Riley: No. >> Morrison: That's sort of what you are thinking. I have heard stories in portland where this went into place of, you know, a 100% microunit building that has obviously caused a lot of co consternation, especially as it comes with no parking.

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The reality is that we need to understand that we have one goal of having walkability and mixed use and you've got services and all of that on the -- on core transit corridors. This is removing the specific incentive, removing the specific scenario that we contemplated to incentivize having retail on the first floor. That is there's no requirement. So I just wanted to point out that an unintended consequence may be that we see less ground floor retail on core transit corridors, because we have on the one hand we're looking at the goal here with microunits is find more places for people to live. And we had another goal which is walkability and these two could be in conflict. So that's a concern of mine. You look like you're not quite following my -- I apologize if I'm not being clear. >> Cole: I apologize for giving you that face. [Laughter]. We had a policy of ensuring density and as -- as hand-in-hand with that, ground floor retail. >> Morrison: Incentivizing density. We said that you can have unlimited number of units. But as part of that deal, you have to have ground floor retail. What this says is you can have unlimited density and don't have to have ground floor retail. >> Cole: As long as you have microunits. >> Morrison: If you are doing the microunit thing. >> Cole: Gotcha. >> Morrison: I just wanted to point out we have conflicting goals here, which might be an unintended consequence of weighing in favor of this goal and the -- and the related point that I want to make is that we also have a goal and this is for me I think a dire goal because we have more and more families living, leaving central austin.

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We also have a goal of -- of making sure that we're building family friendly housing. Microunits are not family friendly housing. What's family friend housing is larger units with other things around it, but in order to -- I just think we need to realize that we are now weighing this goal of finding more places for people to live on core transit corridors, which I appreciate as a goal. But my concern is that we're not balancing them. We haven't evaluated the balance and what this will do. Because I think that, you know,

basically what we could do in tandem would be to say you know what? Let's also at the same time remove all density limits, if you are doing three bedroom apartments. So my question is why aren't we thinking about these globally. Why are we picking one goal over another. And that's -- that's a very serious concern to me. We have -- I haven't seen any analysis. I know that it's challenging to -- to get a movement toward family living on core transit corridors. But the reality is, if we want to be the city we say we want to be, we need to make it -- make it possible and attractive for families to live in that dense -- environment. So that's sort -- that sort of gets to the crux of my concern about this is that we have other goals. We have goals for ground floor retail, we have goals for family friendly housing and we have goals for densifying and finding places for people to live. And this puts the priority on the one and we could be as a result losing any product -- not any, but losing progress, losing steam on being able to achieve the other goals. Just giving it some thought, that's -- that's sort of my core concern. >> Cole: Councilmember riley? >> Riley: Yeah, I appreciate the concern. First in regard to retail.

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There were certainly no intent to undermine any requirements for ground level retail. I can see your point that with -- we might get vmu without this ordinance, then we might be getting vmu that included retail, this ordinance might result in getting a project that just has microunits with no rail. I would be happy to include language that -- that actually clarifies look into that and try to provide language to make sure that we're not removing any kind of requirement for retail where it would otherwise be required. Secondly, with regard to family friendly housing, we are trying to do better, with this ordinance, we are trying to do better at a demand we have been seeing for smaller units on transit corridors. I'm not sure that we have been seeing that same demand for family friendly units in those same locations. I think one issue that we have seen is that students and others who have been wanting to live in smaller places have been displacing family friendly places, like -- including regular old bungalows in areas where we have old traditional family friendly houses being taken away for stealth dorms because we have not been able to meet the demand for units like this. I think it would be -- if we were able to provide more of these units, we would see a greater supply of family friendly housing. I would also be happy to consider language, as you suggested, that would say that if you want to include a family-friendly unit in a project like this, then that -- that would not be subject -- that could also be done with -- with consistent with -- with the provisions of this ordinance. So -- so I would be has open to consider an amendment -- I would be happy to consider an amendment if you would like to offer or I can work

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on language like that myself. >> Morrison: Thank you. I appreciate those considerations. The last point that I have to make, that is that what this does, also, is include -- multi-family zoned property in the incentive. And the concern that I have about that is that -- that when we did vmu, the neighborhoods, we did the opt in/opt out process. And the neighborhoods and the council really, three of us here, were on the council when I think the last vmu opt in/opt out came through. I know it was sort of a painful process. But many of the neighborhoods did a -- a really comprehensive and detailed at the same time

analysis of where does it make sense to incentivize increased density. The sums was we weren't talking about mf properties. At that time. So the concern that I have is that this sort of undermines that whole process that folks went through because it's -- it's removing one of the assumptions that that analysis and that decision making was based on. And that is that there was only an analysis -- there was only the understanding that we're talking about increased density on the mu on the commercial parts of it. The other thing is that when neighborhoods went through this, there was -- it was really interesting what different areas picked up on. There were concerns that on small properties, that there were a bunch of small properties with local businesses, that if we put vmu there, that it would -- that it could incentivize the -- what's the word? Accumulation? Of properties and incentivize tear-downs in areas that just based on other goals and values that we have that we didn't want to tear down. What this does is it doesn't

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allow for that kind of consideration on now the -- the mf properties. It just gives a blanket okay, you can do unlimited density on those properties. I think that there might be some discussion about this really being something that goes through an opt in/opt out process, instead of just a blanket that you get it everywhere. But I think in terms of respecting the integrity and maintaining the integrity of the process that so many people went through previously, that if there were to go through, to have it be under the auspices of an opt in/opt out process I think would be to the benefit of this community. >>

Councilmember riley. >> Riley: To be fair this ordinance would apply to multi-family use located in a transit oriented development district or a core transit corridor or future trans corridor. So we're not talking about mf properties generally. We're talking about multi-family zoned properties on -- in those areas where we really hope to see -- the advancement of the very same goals that -- that this -- that this ordinance is aimed at. Having a greater number of housing options, including in particular affordable housing options. And so I -- so I -- my sense is that there is a real alignment between this ordinance and the goals of our transit corridors in general, what we're trying to achieve in transit oriented development districts. >> Morrison: I understand that it's limited. It's not off of those areas, which is good. But the processes that I was talking about was focused on core transit corridors. >> Mayor pro tem? >> Martinez: The only last comment that I'll add, I'm

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okay with an opt in, I'm not generally opposed to that. There are some concerns that are out there that we may not -- may not be fully aware of them until those projects come before us or actually being put in place and contemplated in certain areas along these transit corridors. One of the things that happened in vmu that I think was, I won't call it a mistake, I think it was an oversight. We granted residential permit parking, before any vmu occurred, before any structured parking occurred. What I would like to tie it to is the actual development and construction of what is triggering the residential permit parking. We had a bunch of neighborhoods come in right after vmu was adopted and there was really no structured parking in place. So it caused some problems for our local small businesses along those corridors. I want to keep those things in mind. If we get to a point where we're going to adopt this proposal that we align the parking with the actual development and not just with a vote of the council in

terms of approving it. >> Cole: I [indiscernible] agree with that, because a lot of times we're sitting here as councilmembers trying to make policy without a comprehensive policy. Not only with our perspective like you talked about impeding goals like we have, affordability and retail, but also the fact that maybe families are having issues with the school system. So they don't -- we might say this is a family friendly area or family friendly unit, but we haven't really even considered the quality of the school system. So the families - or the families that would actually live there. We would need to have I think more contract -- so that -- just because we make a three bedroom unit, it doesn't mean there's going to be the demand for that unit. I would hope that we would do the homework up front to determine that. I don't know how the developer actually goes about that determination, but I wouldn't like to see us saying that this needs to be three bedrooms up front before we actually have that

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information in front of us. >> Morrison: I don't think anyone was suggesting that there be a requirement for family friendly. I was saying we incentivize them in a manner similar to incentivizing the other goals that we have. >> Cole: I misunderstood you. Any further comment? >> Tovo: I wanted to understand my colleague's comment. Councilmember martinez, were you suggesting that you would be supportive of an opt/in opt out on a neighborhood by neighborhood, neighborhood planning basis. >> Martinez: Absolutely. >> Cole: Any further comments? Councilmember morrison? >> Morrison: I think that I will probably prepare a motion unless you have one already. >> Martinez: I was just giving you the green light. >> Morrison: Excellent. >> Cole: Any other items to be considered? [Multiple voices] >> Morrison: I'm sorry, go ahead. >> Martinez: I'm trying to find it. It's the source of income. Here it is, item 27. So we made some amendments to this on first reading that -- that quite honestly are troubling to me. A lot of work put into this and we just basically erased a ton of that work by applying this only to multi-family structures. I do intend to -- to make some amendments and hope -- hopefully gain a fourth vote to put the original intent back in. -- Original intent back in. I am certainly sympathetic to some of the issues being brought forward by the realtors, am happy to incorporate some of those, but I think when we take out duplexes and four-plexes and all single family dwellings it really is going completely and contrary to what we are trying to accomplish here. For the first time in a long has actually opened up the waiting list to allow people to sign up to get on the waiting list for vouchers. This would be completely counter intuitive to trying to get those folks into an affordable living environment in our city. So I'm -- you know, I'm

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supportive of amendments or I'm going to also try to make some amendments to expand it, if you will, to more properties than just multi-family. >> Cole: Thank you, councilmember martinez. As a co-sponsor of this item and having worked on it some, I will say that that amendment to apply it to multi-family only was -- was, of course, you know, welcomed by some of the apartment association and real estate communities. But it actually came as best practices for actual implementation in some of the peer cities that have done this. And also from -- from the [indiscernible] also suggested that also. We can just be prepared to discuss that on thursday. >> Tovo: Did you say the housing authority was supportive of

limiting it in that way? >> Cole: Yes. The idea was kind of a gradual approach as sort of like if you hit them with too much, it's not going to work and it creates too much of bureaucracy. So -- >> Tovo: I certainly heard that argument from the apartment association and the realtors. But I didn't hear that argument -- [multiple voices] -- from the housing authority. >> Cole: My understanding was the housing authority was agreeable to that amendment before we put it in there. But I will double check that to make sure. >> Tovo: It would just be interesting to know what their position is on that and why they owe. >> Cole: I will give that to you -- >> Tovo: What their rationale is for really limiting people's options for housing in some ways because what we're trying to do is make it more possible for people with those vouchers to have more opportunities throughout the city and so -- >> Cole: I'm a strong proponent of this, I'm a co-sponsor of it, actually being able to stop discrimination based on housing vouchers and understand that the va has offered more housing vouchers and the line has been so long, councilmember spelman and I have spent a lot of time with the various stakeholders. But this particular amendment came up as -- as a way to try to appease more

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of the stakeholders and come to a common ground that would actually make it workable so that we could get the system going as opposed to just making a broad statement and not -- not having any results. >> Tovo: Well, thanks if you will let us know about the housing authority, that would be great. >> Cole: Yeah. >> Tovo: As somebody would voted against that amendment, I'm very interested to see councilmember martinez the adjustments that you are suggesting come forward on thursday. >> Morrison: I just wanted to mention, I was talking to mandy demayo this morning, she sent us an email with suggested language last weekend, I would certainly be happy to take a look at her suggestions. >> Cole: She sent an email this morning? >> Morrison: Last week. I think she sent to everybody, I'm not sure, probably still in my in-box. >> Cole: It was something that the stakeholders have been working on a while. >> Morrison: In terms of trying to address, back off on some of the limits that there is right now. >> Cole: Yeah. Councilmember riley. >> Riley: I would be happy to clarify. I have here the letter from housing works dated october 29th, SHE SUGGESTS A MORE Effective approach would be to focus on the small property owners. The potential amendment could exempt any landlord who owns less than five rental units. As opposed to exempting particular properties of one to four units. She suggests focusing on the owners, on behalf of housing [indiscernible]. >> Cole: Councilmember martinez, how do you feel about the housing works proposal? >> Martinez: That's exactly the amendments that I intended to make was the suggestion by ms. Demayo. I got the same email. >> Cole: Let me look into that. [Multiple voices] >> Morrison: I just wanted to throw one more thing out there. That is we have the bicycle plan in front of us this week. Frankly I haven't read it. >> Cole: We all have. [Laughter]. >> Morrison: Good, you guys are all in front of me, I'm sure. One of the things that's

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concerning to me is the, you know, there's a lot of detail planning all across the city. This is the map. And one of the things I'm going to be asking staff is, you know, what consider timing constraints they feel like they are under because -- because just first blush here, this seems like a perfect thing for a new district

council to look at. Because each one of them could focus in on each of the plans and -- in their district and really have more of a feel of if they are comfortable with that or not. Now, there might be push-back because people are concerned they want to get it moving much more quickly than that. I just wanted to let you all know that's just a thought that I had. And I'm -- like I'm not sure that I could get comfortable and have enough time to understand what's in this plan by thursday, frankly. >> Cole: Councilmember riley. >> Riley: I would just note for years now, that the bicycle master plan has included specific recommendations for streets throughout the city. There's -- there's [indiscernible] in the back for any street. You can look it up and see what the bicycle plan recommends. That was last updated in early 2009. So it's been around for a long time. I'm not sure the council has really to what extent the council has really burrowed into each of those recommendations on every street in the city. I will say that there has been a lot of work on this plan going to boards and commissions, to the planning commission twice. It's been pending an awful long time, coupled with the trails master plan which we already approved at a recent meeting. There was an interest in keeping those together because they are really coupled in many important ways. I could see an argument that we should have deferred action on the urban trails

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master plan, it's part of that same city-wide network contemplated in the bicycle master plan. I think given all of the work that's already been invested in the bicycle master plan. Of the like any mass it will be subject to review and potential amendments in the future, by the future council, but I don't see a reason why this council would defer action on the master plan, any more than what we should have deferred action on the urban trails master plan. >> Morrison: Mayor pro tem, if I can, on the urban trails, fair points. On the urban trails master plan, we modified it, the process, that was integrated into the urban trails master plan to ensure that there were sort of community stop points where it was really looked at to see, you know, where the community was on it with an understanding that really a lot more sort of stakeholder input needed -- was needed and I -- I have no idea if that's in here. That same kind of process. The second thing that I would say is that I think from what I gather, from my brief look at it. This master plan does take a bit of a leap into a new realm, a much broader application of protected bike lanes that I think are going to be a surprise to a lot of people. We have seen so much discussion at the community level when certain things happen. I just think that it does take us to a new level, which is good. We want to go to a new level, we don't want to have a battle street by street. So have a little more transparency into where those new kinds of kinds of facilities are being proposed at this level could be beneficial overall in terms of achieving what we need. So I'm just not sure where I am on this. >> Riley: Okay.

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We have been making progress on having separated facilities in place. They have become a national model on that. We have been featured in national discussions about -- that are highlighting the progress that we have made in places like blue bonnet lane and zilker neighborhood, pedernales in east austin, rio grande up in the west campus area. I think having those facilities really matches the goals not only of

the bicycle master plan but also the imagine austin comprehensive plan. I think we've got a lot of momentum going. Very well received, I really hope that we can keep the momentum going under this council by approving the bike master plan this week. >> Morrison: Well, if I could. I think that's great. I'm all for it. For instance making the bicycle way through downtown, rio grande versus nueces, that was a big community discussion. I just want to make sure that we're not getting out too far ahead because the bottom line is if we have to stop at each one of those and have a year-long, you know, controversial conflict management discussion, that's not going to really serve us well as far as advancing. I want to make sure we have the right balance, to keep that momentum but do it in a way that we're really going to be able to move forward and making sure that we have the right amount of buy-in and understanding in the community before we step forward as opposed to city coming in and saying "we are going to do this" and then we have a big fight. So I think that's what we need to consider. >> Cole: Okay. Any further comments, questions? Councilmember martinez? Did you have any -- okay, this meeting of the austin city council work session is now adjourned. See you thursday.

[03:41:19]

>>> >>> >>> >> [end of work session].