

Planning and Neighborhoods Committee Meeting Transcript – 06/09/2015

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[2:49:15 PM]

*** This meeting is joined in progress

Three minutes.

>> Chair and members of the committee, I still and who I was three minutes ago. I want to speak with you about accessory dwelling units and ordinance number 200-18-0131-132 which the council adopted as a result of recommendations from the affordable housing incentive taskforce and the second is a document I've given you before but never reappears in your backup called kiss two houses on one lot. The kiss stands for keep it simple, Stewart. There are 12 bullets I'm asking you to act on and recommending that the council repeal the 2008 ordinance because there's a provision no one used related to accessory dwelling units and affordable housing and that ordinance also would allow for an increase in impervious cover, so I ask you when next week when you take this up at council, you recommend repealing part five of that ordinance than you do all of the things on kiss two homes on one lot that I'm good B to walk through with you. I agree with the staff recommendation to prohibit type two short-term rental and I want to replace the repealed ordinance with an ordinance that allows usdas on sf 2, 3, 5 city wide unless there's a deed restriction or deed restricted covenant. I want to allow water submeters equivalent to buying separate water and sewer taps like in multifamilies. We should do that with ads, the balance of the suggestions I've given to you before.

[2:51:20 PM]

Track Adu size based on lot size. I think it's a reasonable approach to not allow ads one size fits all when we've got lots of different. And the final thing I want to suggest, we delete the building separation standards and the zoning ordinances because they are not -- they don't reflect what is currently in the international residential code about what level of fire resistance you need based on how close two homes are to each other. I think the irc standards are the appropriate standards because at some point, you trigger duplex standards if you get the homes too close together. Those are my suggestions. And I also want to point occupant the fiscal impact of this could be positive if you have more adus built on more lots and more zoning district, the gap we discussed at council last Thursday how we pay for the 6% homestead tax exemption can be narrowed not because we've have massive Numbers of these, but everything contributes a little bit. Thank you very much for your time.

>> Casar: Thank you. And I think councilmember Gallo has a question for you.

>> Gallo: I enjoy your suggestions because they're very I'm sorry I have a question on number two. Two. Deed restrictions and restrictive covenants that are valid. I know in theory this should be important but I don't know that the city has a process to be able to evaluate or if they do, it's currently not done

because I know that we seem to hear about situations where the building permit and what's being done is complying with code but it's not complying with deed restrictions and so neighborhoods and neighbors have to go through the court process to enforce those themselves. So are you by including number two, are you saying that we need to change the process that we issue all permits under?

>> Yes. Is the short answer and we did that in the last century, it was a line on the application that didn't require the staff to confirm whether these are still valid but said on the part of the applicant I have reviewed my restrictive covenant subdivision plat notes and deed restrictions and I affirm that the application I'm submitting to the city of Austin is not in conflict with any of those.

[2:53:47 PM]

Therefore, if I build my building and the neighbors sue me successfully, before occupancy because I have violated those, I was put on notice up front this could happen. I'm not asking the city to take on the burden of reviewing these plat notes but if we allow adus or any other kind of construction, we tell people they have a duty to check those private restrictions because as a city, we don't want to waste time conducting inspections for buildings that ultimately can't be occupied because they violate private restriction. That's my suggestion in number two.

>> Gallo: I guess my question is how this proceeds through the process because what we're being made aware of there are situations where perhaps someones has said it's in compliance where it's actually not and after the fact, something has happened or it's in the process of being built and the neighbors realize it's in violation of the deed restrictions and who is responsible if the city asks for a statement that says from the an owner it's in compliance with deed restrictions and it's not and the city allows a permit to be issued and maybe this is a legal question more than a Stewart question, sorry about this, but the city allow it is to continue forward and it turns out that the information is not correct on the building permit, what responsibility does the city have at that point?

>> Building inspection was that if we got notify notified there was a lawsuit that was pending we would issue a stop-work order on that permit until the courts had made a decision one way or the other. Therefore, we weren't knowingly allowing people to proceed -- to complete their building knowing that the court might reverse it. So that was -- I'm not a lawyer, but we never got challenged when we did it that way.

[2:55:48 PM]

Your attorney might -- but I think that's the simplest way to do it, when we get notice guarantee did you have situations where it was notice 0ed and then --

>> Yes garment what happened this that case?

>> We went to the court.

>> Gallo: The city?

>> We were sued and the judge asked us what we would do if the court ruled we had issues these in violation and I said if they couldn't come into compliance, we would seek a demolition order to tear the improvements down.

>> Gallo: Okay, thank you.

>> And the judge seemed to be satisfied with that.

>> Gallo: Thank you.

>> Casar: Any other questions for Mr. Hirsch? I had something about the order of items, how much testimony we would allow, and a few other procedural questions, because the planning commission is sitting here at 6:00. I know some councilmembers may have to leave at 5:00. So I just wanted to hear from each of you all, because we have about two hours' worth of testimony scheduled for item number

3. We also have a vote on the nonpeak-hour concrete installation with downtown. And councilmember Gallo requested an item, I believe, on recommendations relating to the city's visibility requirements. So, I would like to hear from you all what your schedules are, what your preferences are for taking votes or actions when you might have to leave so that I can, perhaps, suggest how we handle our agenda, considering our time.

>> So I guess the question I would have is, the items that we're taking up, are they already scheduled for this week's council agenda, or a future council agenda?

[2:57:50 PM]

>> Casar: My understanding on each -- I'll run through each item briefly. On additional dwelling units, staff has placed this on the council's agenda for consideration for the 18th of June. We do have a meeting, or at least I believe that's what my council staff informed me of. We have another committee meeting on the 15th of June. We scheduled two meetings of this committee this month because we knew we were going to have such a heavy lift. On the concrete pouring ordinance, we have an interim ordinance expiring. I don't want to misspeak by guessing on the date. Perhaps Mr. Guernsey can help me out with that.

>> Zoning department. The -- June 30th. This item is set on the council agenda for June 18th. The information is posted online. Right now it's subject to some change, because the staff is going to go over an amendment to the staff for recommendation that you'll hear --

>> Casar: Dwelling units recommendation will be coming forward on the same council agenda?

>> Yes.

>> Casar: Okay, thank you. So, councilmember Gallo, I guess the answer to your question on both of these is that it's on the June 18th agenda for this committee to consider it, and at least vote on -- whether we have a recommendation or not, if not at today's meeting, then at least on the 15th. And then on the visibility item, I do not recall any item upcoming on a calm agenda about this. My recollection is that as chair of the committee, we received a request from your office to have this on the agenda, so, it is on the agenda.

>> Gallo: The concern with the visibility is there is a portion of it that has been delayed, but, the implementation is going to start fairly soon. I'll see when that is. July. So, one of the options that we were going to suggest -- because I think there is some additional information that we definitely need to hear about this -- is the possibility of postponing the start of that.

[3:00:01 PM]

But that would take a council directive. So it would need to come back before the council.

>> Casar: On the 18th, our last meeting. It would have to be recommended out of this committee today, or be an item from the manager's office, or be an item with four council cosponsors. So, I think that basically makes the case for why all three, why we scheduled all three of these for today. And we do have the date on the 15th. Of course, we could always extend the interim ordinance on concrete pouring. We can find ways to extend time. But I think all these items are on today's agenda because there are some timelines associated with them. I want to get a feel on how we will handle it.

>> Gallo: If we started, we would still have the 15th to complete the discussion?

>> Casar: Correct, except the ads and the concrete pouring are both already on the 18th agenda. We don't need a recommendation to put it on the agenda. But it would be helpful, I think, and instructive for the rest of the council for the visibility item. You would need a recommendation out of this committee to put it on the agenda, short of the manager or four cosponsors doing so themselves before the posting deadline.

>> Gallo: Thank you.

>> Casar: Mayor pro tem.

>> Tovo: I have a couple questions. The accessory dwelling unit item scheduled for council on the 6/18, I'm not sure what's driving that particular scheduling. I mean, I know we have an interim ordinance expiring for the concrete, it makes sense that needs to be on the 18th, but the accessory dwelling unit, I'm not sure is time-sensitive. I understand stakeholders may want us to take it up right away, but it's not in the same order of scheduling as the concrete. And I would say with the visibility, boy, we had, you know, several very long, very involved public hearings with regard to the visibility ordinance. And lots and lots of discussion.

[3:02:03 PM]

And I know we have some people here today to speak to it. But delaying implementation of it would be akin, in my book, to reopening the whole discussion of it. And it's not going to be a quit matter.

>> If you can hold your thought for one moment, before we go into this part of the discussion, we have several people signed up to speak on concrete pouring. However, we already had this open for public comment. We are working with city staff to try to make very clear on the posted agendas what items are open for public comment and which are not. Since there may be people here waiting to speak on the concrete pouring item, perhaps before we go into the conversation, we need to give those folks the courtesy of whether or not we are going to take that public comment. They could stick around for questions. I would be interested in asking some of these people questions. But, that's also sort of on my mind, procedurally, for this meeting.

>> I don't have any. I'm going to be here all day long. All night long.

>> Casar: Same here. I am also here until 6:00, and I am, you know, happy to move speaker testimony from three minutes to two or do whatever we have to do. But I would like to hear from each of you about your schedule so that we can move on from talk of the procedure and get into full gear here. Councilmember Gallo.

>> Gallo: Maybe. There you go. I think my suggestion would be, since we have had public hear on the concrete pouring at a previous meeting, and we will also have limited citizens conversation at the council meeting, and it would be limited, that perhaps we not do the citizen communication with that, but have those people available to answer questions if we have specific questions.

[3:04:12 PM]

>> Casar: So, can I take your suggestion as a motion to --

>> Gallo: I think. Unless I'm interpreting --

>> Casar: It's not a motion. You're right. It is already -- that is already our process. So, you're right. It's not a motion.

>> Gallo: I would suggest --

>> Casar: We should probably just communicate to those who signed up on item number 4, the concrete pouring item, that we already took public comment. And that we will take public comment again in front of the full council, if this goes before the full council, which I imagine it will. And we'll have slots for eight folks in front of the full council. But, I would suggest some of the experts in the room perhaps stick around. I think both councilmember Gallo and I may want to call some of those experts up if we have questions. So, we cleared that up. What about hearing adus, the amount of testimony, and the other? Your own schedules. Mayor pro tem?

>> Tovo: I have a 6:00 commitment on the other side of town. I have to leave very, very close to 5:00. So, I apologize to those of you I may not hear. I'll have to catch you on the rerun. My suggestion would

be, too, just to make a note that because the staff have brought us forward a revised ordinance -- it's not included in backup and was just distributed here today -- we should be very open to public testimony on the concrete issue at council, because we've had -- while we had public testimony, it was for a much earlier iteration. And frankly, the same may be true of the Adu issue. So, I'll make that as a note. I'm fine with in the having public testimony today for concrete, but I'm going to insist on a sufficient amount of it at council, because of the various changes the ordinance is going through. I don't know what to do about two hours of testimony, unless we want to try to break this up over two days, this time and the next meeting, and tell some individuals that they may not have an opportunity to speak today, and may want to schedule themselves for next time.

>> Casar: Councilmember Gallo, what are your schedule restrictions?

[3:06:14 PM]

>> Gallo: I have a meeting scheduled at 5:00, assuming this was going to be finished at 5:00.

>> Casar: Councilmember tovo, you have to leave at 5:15?

>> Tovo: I would say by 5:15.

>> Casar: Here's what I will propose. Let me know what you think.

>> Gallo: We will have one more meeting after the 18th.

>> Casar: We may, but we may be in a similar situation at the next meeting.

>> Gallo: I mean council meeting. The visibility could come through our committee on the 15th.

>> Casar: If it comes through our committee on the 15th, I don't know if they'll be able -- I always have trouble with the posting and when it has to be legally posted. I don't know if we can add the item if we vote it out at 5:00 P.M. On Monday the 15th. I don't know the answer to that question.

>> For Thursday. But then we have one more council meeting.

>> Casar: On the 25th?

>> Gallo: Mmhmm. I think. That's the rumor I'm hearing.

>> Casar: In that case, my suggestion is we take up the concrete pouring item and decide if we want to vote on it, and ask the folks that are here for concrete pouring any questions. My hope is we can get that done by 3:30. And then, after that, go to additional dwelling units and hear the testimony out until 4:30. Then at 4:30, wherever we are in the testimony, take a break, not from the dais, but take a break from testimony and get a feel on the dais on how people are feeling, and whether we want to take a vote or not. I imagine with the amount of testimony we have and the complexity of the issue, what we may decide is to actually take a final vote at our June 15th meeting, or continue considering it after the June 15th meeting and just keep on taking citizen testimony after that. But at least we'll get a good chunk of the testimony in before we have a deliberation on the dais about whether we want to take any action today or not.

>> Gallo: How many speakers do we have signed up for the visibility?

[3:08:19 PM]

>> Casar: Visibility, we have -- sorry. We have one, two, three, four, five, six, seven. I'm not sure if this person's handwriting, five or six or seven.

>> Gallo: Since that has a time constraint, as far as the timeframe, if the council wants to consider extending that portion, in the accessory dwellings does not at this point, I wonder if it might be more appropriate to do the visibility after the concrete, just because it's a timeline issue?

>> Casar: Thoughts? Okay, we'll do that, then.

>> Perfect.

>> Casar: We'll just try to hurry through what we've got. If staff will come out and lay out the concrete

pouring item, we'll move to that item, which I believe is item number 4. I know that there've been, perhaps, some changes or further clarification since the last time we had this committee hearing, so I would love to hear that.

>> Thank you chair, members of the committee. Greg Guernsey, planning and zoning. From the last presentation that you received, there are two things that you should have on your dais, although I mislabeled. It says item three, it's actually item four. It talks about additional staff recommendation information, and you should also have some additional survey information from some other cities. And so I'm going to be very brief on this. After the last neighborhood committee, I worked with the development services, department of staff, and the music office and actually kind of finalized, today, with the music office director, some additional recommendations regarding concrete pours.

[3:10:23 PM]

So, in addition to the staff recommendation that I presented previously, staff would offer the following information -- that there would be an upper limit on decibels from 7:00 P.M. To various times in the evening Sunday through Wednesday. And that would be until 10:30, to 11:00 P.M. On Thursday, and 12:00 midnight on Friday and Saturday. The decibel limit would be set at 75 decibels. That's very similar to what the downtown commission had established. And then, for those points of time after those respective times of 10:30 Sunday through Wednesday, 11:00 P.M. On Thursday, or midnight on Friday and Saturday, the sound level would vary, but would be no more than ten decibels above the noise level of the applicants' location, which would most likely be less than 75, particularly later in the evening as that goes. Ambient sounds, all-encompassing sounds in a given environment, usually composite of sounds near and far. So, when we go into this, you would have a limitation that would be actually set by the environment where the site is located. The sound management group is a subgroup of the economic development department. The music, entertainment division. And they would set the ambient sound level in the downtown area on a quarterly basis. We may default at the beginning, because they don't have those sound levels, and we probably wouldn't have that available on the 18th.

[3:12:23 PM]

But we would certainly have it for when an application that would come in. So, that's the only change to the staff recommendation from at the previous time. And that would be, again, 75 decibels. The permit only goes from 7:00 P.M. To 6:00 A.M. Under the staff recommendation, we make a distinction for special circumstances between 2:00 A.M. And 6:00 A.M. For doing the special pours, not unlike the public library. We did a 24-hour pour necessary for the foundation of the library building. We have not actually had one that had been submitted since the effective date of the approval of the last ordinance, back last year starting in December. No one's requested a new permit under the ordinance between 2:00 and 6:00. That's not to say that the ones that were grandfathered in may have been asking for those between 2:00 and 6:00. So, I think you've got the information here. I've got extra copies if you don't have one. For those in the audience.

[Off mic]

>> Casar: Does anyone have a question for Mr. Guernsey about what he's just laid out?

>> And don is here from the music office, if you'd like to ask don any questions since it's their office, would be the one that would set the ambient sound level.

>> Casar: Councilmember Gallo.

>> Gallo: My question would be for the companies that do the concrete pouring. I know this is a little different than what we talked abbefore. They had expressed some practical concerns about limitations. And so, at whatever appropriate time, I'd like -- if there's someone here.

>> Casar: I think we can ask them questions while we have Mr. Guernsey standing here. Are there any questions for him? I only have one for him.

[3:14:26 PM]

Mr. Lindsey, have you codified what -- how you would explain what the exceptions are between 2:00 and 6:00 A.M.? I know that at the last hearing, you said exceptional situations, mat pours. Have we written that out? There was some concern about how conservative or liberal we would be with those exceptions.

>> It would have to be a circumstance. Granted, we haven't had one that has been brought to us. But, it would have to be something unique to that structure. And we'd be looking at the type of pour that might be necessary for certain concrete pours for garages, or the initial foundation work. It probably is not as important as you get so some of those other levels of the building. As the footprint of the building is reduced, it becomes easier for them to stay within the 7:00 to 2:00 A.M. Range. There was a very massive footprint for the entire city block, then you might have instances for the pouring for a slab for those first levels until you get to the thinner parts of the building when that might be a concern. So, I think it would be best to kind of leave it open. I think, really, the goal of this ordinance is not so much about how late, as it is people getting a decent amount of sleep and not disrupting business on public streets. I think that really is the goal. That people can sleep through the night, and we're not disrupting traffic. I think it goes a long way to making this ordinance a success.

>> Casar: Thank you. Any other questions for Mr. Guernsey before we talk up questions for some citizens? All right, councilmember Gallo.

>> Gallo: Is there someone here that can address these proposals from a concrete pouring company standpoint? I know we had someone at our last -- oh, okay, thank you.

[3:16:34 PM]

>> Gallo: Since I know very little about the concrete pouring business, and the technical aspects of it, I want to make sure when we -- you know, as we sit up here, it's a balance between neighbors' concerns, citizens' concerns, and the practicality of being able to do what needs to be done from a construction process, too. I know this changed a little bit, and you gave us some presentations at the last meeting. Have you seen a copy of what's been presented?

>> He's got a copy. I do not have a copy. I have not seen it.

>> Gallo: You addressed issues about the length of time that you had to be able to get the concrete from where it was put in the trucks to where it was being poured, and the temperature issues you had from a worker safety standpoint. If you could look at what's being proposed by staff, and let us know if that still works within your business model, or if there's issues we need to be aware of.

>> Casar: Before you speak, if you could each of you introduce yourselves for the record, and keep your comments brief. I don't know if you heard our discussion about how tight the agenda is today. If you could keep it to 60 or 90 seconds, that would be appreciated.

>> Tom, a general contractor doing business downtown.

>> Rich, I represent the concrete producers/suppliers who supply the concrete into downtown.

>> To give kind of a quick answer, I've said before in this committee, this whole thing is a delicate situation. If you're pouring during heavy traffic areas, your ability to be able to pour yardage that you need to be able to pour is greatly reduced because of traffic. An example of that is, we poured the other night starting at 2:00 in the morning. We averaged 70 cubic yards per hour. The other day, we poured at 6:00 because we had some mechanical difficulty.

[3:18:35 PM]

And our ability to pour went down to a little over 50 cubic yards per hour. A 20-cubic-yard difference, mainly because of traffic. What that does is, that now extends your whole time out on how long it takes to pour. I calculated the other day that if you've got about a 500-yard pour, it's going to take about seven hours to pour out. So, if you have a law in downtown Austin that says I can't start stacking trucks until 7:00, and I have to be through pouring by 11:00, I can't make a pour. So, what you're doing is now you're forcing me to go to daytime pours. 9:00 in the morning, I've poured through the heat of the day. >> To echo on to that, you also have that same prohibition between 4:00 P.M. And 7:00 P.M. In the afternoons. Past 7:00 P.M., our drivers are out of hours. They're only allowed to drive a maximum of 15 hours per day. They must have a mandatory eight hours law. That's federal nonnegotiable law. If our drivers come into a plant because there are other people -- or if Tom want his concrete at 7:00 P.M. At night, because he's allowed to stack trucks, we don't have the ability to supply it because the drivers don't have the hours capable of doing it. So, those are the big, critical issues in terms of that. What Tom is basically saying is, he has between 9:00 A.M. And 4:00 P.M., the heat of the day, in which to do construction. Everybody is in the heat of the day. All of those trucks are in traffic. All of those things are causing congestion in downtown Austin.

[3:20:35 PM]

>> And that causes a lot of different things. For instance, we have to add ice to all the concrete in order to try to keep it cool enough so it doesn't heat up on us. We have now, the workers. We have the safety of the workers working through 100° temperature on a hot deck that's probably 130 degrees during the summertime, and you're pouring 90-degree-heat concrete on top of that, which just causes a lot of safety problems.

>> Councilmember Gallo, last time you asked a specific question about concrete temperatures. We provided that information to you about the city of Austin's own spacecation for its own concrete, the city of austin-owned structures. We can't meet some of those temperatures during the daytime even with ice. We're now having to go to possibly a liquid nitrogen situation if we had to supply the same concrete during the day that we couldn't supply at night. So, there is a very real possibility that we couldn't even meet city of Austin specifications for its own structures if we had to supply concrete during the day.

>> Casar: Thanks. Councilmember Gallo, does that answer your questions?

>> Gallo: I think it actually even confuses me more. Sorry about that.

[Laughing]

>> Gallo: I'm trying, I'm trying. So -- and I guess, staff, this is kind of a question for you guys, also. So, it looks like the additional staff recommendations allow for pours in the evening and overnight. But the pours have decibel limits. And so my question would be to the concrete pourers, can they pour within the decibel limits that you're proposing? It sounds like -- it look like we're allowing them to pour in the evenings and overnights. I'm hearing a pretty strong argument for a need to do that.

>> The staff recommendation does not change the hours of the permits. The permits still could be issued, under the usual staff recommendation, from 7:00 P.M.

[3:22:37 PM]

To 2:00 A.M. In those special circumstances, if it's an unusual pour after 2:00 A.M. And 6:00 A.M. So that doesn't change in the staff recommendation. But, what did change in what we brought you, they're seeing for the first time, we set some decibel limits for the upper end for the work that's being done. So

they already have to -- between 7:00 A.M. And to various times in the late evening, they would be limited to 75-decibels. And then, after those particular times, whether it's 10:30, 11:00, or midnight on Fridays and Saturdays, they could pour into later into the evening, but they cannot go over ten decibels above the ambient sound level. We talked to the music office. There are certain places downtown, at 6th and congress, it's much noisier than 3rd and San Antonio, for instance. So, the ambient noise level could be different because you're in different parts of downtown. This has worked for our music venues, live music venues. They feel that they have the equipment and talent that they could go through and set these levels for the different parts of downtown. It's a quarterly basis because different times of the year, sound reacts differently. You heard testimony at the last meeting. If it's wintertime or summertime, sound travels differently. And so, this would also take that into account. The permits are only good for three days. That allows us to make variations between to make sure they can get the concrete in, and we can make sure people get a good night sleep.

>> Casar: Councilmember Gallo, I think that the gist of your question was whether or not this new piece of paper that Mr. Guernsey has handed out impedes the business model these two folks that you've called.

[3:24:39 PM]

And if so, how much. And my suggestion, might be, perhaps they could sit down, take a look at the piece of paper, and come back with a succinct answer on that.

>> I think we'll be able to. But with the understanding that there's only six business days between now and when this is up for city council. This is the first time we've seen this, and haven't had a chance to speak to anyone. We can give you off the cuff comments, but that's not what you're looking for.

>> Casar: Thank you so much. Mr. Guernsey, I have a quick question. I got a chance to look at the comparisons with other cities you had listed here. In your staff interviews, there's several places it says, whatever city you called, city of Houston, Chicago, was unaware of a provision for after-hours construction/concrete installation noise. Does that mean that there was no late-night concrete allowed to be poured, or that there was no regulation as to how loud it could be?

>> If there was an exception that would allow for a deviation, a lot of the cities we contacted didn't provide it.

>> Casar: Under city of Houston, the staff was unaware of any provision, the exception is none --

>> Correct.

>> Casar: Or in Chicago, the same thing. The exception is emergency or civic construction. That -- the reason that was confusing for me was that fort Worth, for example, it says the staff interview says the city confirmed after-hours construction and concrete installation is not permitted citywide. It seems more clear in the fort Worth example it's not permitted. In the other examples, it says the city was unaware of provisions for the noise at night, but it makes it a little bit unclear --

>> I think, you know, we want wentback in. The same staff person I asked about construction downtown and concrete pour, initially when we did the survey we were talking only about concrete pour.

[3:26:47 PM]

We opened it up to all types of construction. That could be --

>> Casar: So, this means that in the -- according to y'all in the city of Houston, city of San Antonio, Chicago, and Fort Worth from the ones I have skimmed, there's not concrete pouring at night?

>> It's not permitted by code. I'm not saying it doesn't go on.

>> Gallo: I would be really interested in hearing specifically from the concrete companies if -- I can't imagine there is not pouring in those cities. That surprises me.

>> Our research shows -- and we have the same ordinances they do -- we're allowed to pour concrete in multiple Texas cities overnight. Let's see, Dallas. We're allowed adjacent to a residential with a permit. You have to get a special permit to do that. In Fort Worth we're allowed in a nonresidential zone. In Houston we're allowed subject to decibel limits. You can do it in Houston overnight. In San Antonio, it's allowed with specific decibel limits, subject to a waiver. In Atlanta, which was another example given, it's allowed. Boston, Chicago, allowed. Los Angeles, Nashville, it's allowed. Portland, allowed. All the city examples. You can do it. We are doing it in other Texas cities.

>> Casar: That's helpful for me to know. During the public comment on this last time, there were folks saying that it didn't happen in Austin until recently. We have different examples. I just feel like it can't be the first city dealing with concrete pouring in a newly residential downtown. That has been the crux of my difficulty in figuring out what a good stance would be. So.

>> I hesitate to use anecdotal evidence in this. If there was an issue in other Texas cities, we would know that. We would be shut down. We would not be pouring overnight. We wouldn't -- that's not the case.

>> Casar: All right, thank you so much.

[3:28:47 PM]

Are there other questions from committee members for anyone in the public, or city staff?

>> Gallo: I would like for you to sit down with city staff and particularly look at the decibel limits that allows the pouring overnight to make sure that that is a situation that will actually allow you to pour overnight in the areas that you would be prone to be pouring in. You know, just because we have a music area that reduces down to nothing doesn't necessarily mean it's not going to be the site of new construction. So if you would look at the areas that you feel like future, existing or future construction is more likely to be done downtown, and if the decibel limits would still allow you to pour at night, I'd like to see that information.

>> We'll get our staff on the research, to make sure.

>> Casar: I think the mayor pro tem had a question. Had raised her hand?

>> Tovo: I have a couple questions. I'm madly trying to assemble my materials. We came directly from our work session. So if you see my staff in and out, we're trying to find the materials we need for this meeting. So I guess my question -- I'm trying to go through the new ordinance we just got here at today's meeting, Mr. Guernsey, and compare it to what we heard from some of the stakeholders, from some of the residential stakeholders in terms of their requests. So, let's talk for just a minute about the pouring of a mat slab. It's my understanding that the downtown Austin neighborhood association -- and maybe we have some individuals here who could speak to this -- that they would like to see permit -- they would like to see pouring outside of stipulated hours be, really, in just extraordinary circumstances. And those would be -- those would include the pouring of a mat slab. And so, I wonder -- I see someone coming up to speak. And so I'll ask him to address. I know that you have had a very limited opportunity to look at the ordinance that just got distributed today, but if you could help talk us through some of the issues that may still be of concern in the new ordinance, and then I'll switch to Mr. Guernsey and ask questions.

[3:31:07 PM]

>> Neighborhood association. I'm also a resident of downtown. I also have 25 years of experience in the commercial and general contracting business, including pouring reinforced concrete structures. To answer your question, yes. There are specific circumstances that do require overnight and round-the-clock pours. Mat slabs are one. In fact, you've heard Mr. Guernsey say that since the pouring of the library mat slab, he selected very carefully chosen words. No other permit has been applied for. And yet,

Mr. Woods, on the curb block, I believe it's number 2, the office building that's now under construction, poured a mat slab. 26 hours. Necessary? Absolutely. There was no permit. All right? So, some of the information that you're getting is shaded. Is it reasonable to have sound limits? Yes. Is it reasonable to provide for exceptions? Yes. Is anybody asking for a prohibition, an absolute prohibition? Dana is not. Our position has been very consistent. We want a hard stop. You know, whether that's 10:00, 11:00, midnight, you know, our position is 10:00. Can construction be done?

[3:33:07 PM]

Yes, it is being done. I think it's very, very important that y'all give consideration to the residents who are living downtown and who are being asked to come downtown to live. It's important to our city. It new construction important? Absolutely. But there has to be -- there have to be reasonable limits. There has to be a notice regiment in place. And most importantly, ladies and gentlemen, there has to be some effective enforcement mechanism. There is not one now. There is not one proposed. I've not heard any rumors of one. And unless and until you have an effective enforcement mechanism, it doesn't matter what you put on the books. It really doesn't. If nobody wants to badly enough, if it's convenient enough, economically convenient or otherwise convenient, they're going to thumb their nose at the ordinance and pay the fine. Thank you.

>> Casar: Mayor pro tem, thank you for your comments, Mr. Lewis. It sounds like mayor pro tem may be ready to ask you a question here in a moment. But considering our constraints on time, I wanted to get a temperature check from the committee about whether or not there was going to be a motion made to forward this along or not. The reason being, I understand staff has proposed something new. I don't know how amenable members of the committee are on that. We can continue to have the interchange, but I want to know if the sense on the dais is that we're going to postpone this to another meeting or take action now. If folks are thinking about taking action today, we can continue figuring out the facts if that's going to inform the votes today.

[3:35:14 PM]

If it's not to inform the vote because they need more time for a week, we can move on to another item. If there's going to be a motion to recommend, I'm happy to entertain more discussions and questions. I hope you all find that reasonable.

>> Renteria: I believe that I'm going to need a little bit more time on this item, because I just -- we just received this one, this new one on item three. And I would like to have a little bit more time. I can't make a decision today on this.

>> Casar: Councilmember Gallo.

>> Gallo: I think there's a little bit of a timeline issue. We need to get it before council. If there's a way to recommend that it move forward to council, I would not be supportive of what's been presented by staff at this point until staff and the stakeholders have a chance to visit and talk, and make sure that what's being recommended is actually something that works. And I appreciate your comments, too. You may even want to be involved in that conversation with them.

>> Given an opportunity, we will be involved.

>> Gallo: Okay, thank you. But I think that I'd like to at least give them the chance to have the opportunity to make sure that what staff is proposing is able to be done during the hours in the evening and overnight. So, I guess what I'm saying is, I think it should be moved forward to the full council to hear. I don't think it needs to come back to us, but I would be reluctant to move forward with a recommendation, because I think there's some issues that staff still needs to discuss with the stakeholders, based on what was presented today.

>> Casar: Councilmember, my understand is this is already posted on -- interim or implement staff recommendation as amended, or is it only that we would --

>> I could probably work with the law department and have that as an extra item just in case, for council's consideration.

[3:37:20 PM]

So you would have the option to do either one.

>> That would be good. We want to be very sensitive to the neighborhoods that are impacted by the sound, but also to make sure we're coming up with a viable solution that actually allows the work to be done in a sound-conscious way.

>> Casar: Well if the preference is for us to hear it on the 18th, we will be the most informed members of the council body and make a decision then. That will give us time to talk about this new language that was brought to us. I do want to thank staff for having brought it, because I think it does clarify your original recommendation. It sets out some times as the neighborhood association asked, and I appreciate your explanation for why you need to be sort of open about the exceptions, while still being strict in making sure there are exceptions. So, I appreciate your work on this. I just do understand why this committee may feel uncomfortable making a recommendation on something that we just got now. But we can think through it, and have four speakers on each side on Thursday. And then we'll either choose to extend the interim or to pass, either staff's recommended, or recommended as amended.

>> Revised rca, a request for council action would be a change, so you would have that posted on Friday. I'll also be including a lot of information from stakeholders, from Dana, from the concrete contractors, that will be in your backup, as well. Downtown Austin alliance. They have all weighed in some opinions. And they'll probably have additional opinions that they would like to make sure to get in the backup before it gets posted, before the end of the week.

>> Casar: Thank you. It was difficult to get this to us earlier, probably. But any opportunity to get this to us earlier is helpful. I want to urge my committee members to recommend things up or down when we can.

[3:39:24 PM]

We've heard a lot about this item. I know it's difficult on this with the information being so late, but I think that we owe it to our colleagues to do our best to make recommendations when we can. That will take us to the visibility item. Councilmember Gallo, I see that we have a presentation here from staff on the visibility ordinance, but I would prefer that we not run through the whole presentation right now. The reason being that the ads item, we have so many people that have been here to come and speak. Even though it's not, you know, urgent in that we don't have a deadline on the 18th to pass this or not, I know this conversation has been ongoing and postponed quite a bit. I want to get to those speakers. If you could lay out your concerns or call up a speaker to explain those concerns, so we don't have to have a long and broad conversation about visibility, I understand you have specific concerns. So if you could lay that out to the committee so we can understand it, that way we don't have to go through -- I appreciate staff having a presentation for us, but, we have some constraints on being able to hear the whole thing. I'd rather just hear what the issues are.

>> Absolutely. Thank you. The concern that I have -- I mean, it's been all of our concerns that we sensitively, in a sensitive way, support ordinances that have a good effect on this community. But also we're hearing the citizens want us to be very sensitive with doing things that cause an economic impact and decrease affordability, increase housing costs, and availability of housing, and increases the cost of that housing. And the concern that I had with this was actually the exterior visibility ramps being

implemented, which comes into effect soon, and was part of the original ordinance, but the implementation was delayed until just now or in the next couple weeks.

[3:41:31 PM]

And so, I just wanted us to revisit that component of it, because I want to make sure that there are not unintended consequences that the cost of houses goes up, number one. And also, produces an impact where something is required on every house that may not be needed on every house, and still allows homeowners to have the freedom and option to be able to add those components when they're building, but doesn't force them to add when they're building if it increases the cost and it's not something that they would be interested in, and that they would also have the ability to evaluate the cost of it versus their affordability and their cost in their mortgage payment. So I think we have some speakers that were going to address that. If --

>> Casar: We can take up --

>> Gallo: Just from a standpoint of helping us understand the fiscal, visual impact of this. There's multilayers of how it impacts. If there are trees that are impacted in a front yard, that the ramping would need to go around. There's a slope height, in some of the areas, particularly the western part of Austin. We have topography that has a lot of slope to it, and what that means as far as the amount of ramping that would be required. There's simple solutions in some site plans. There's more difficult solutions from an environmental tree standpoint on other properties. The other thing that I was concerned about is that when you add concrete ramps, that you are also increasing the coverage of the lot. And so as we talk about flooding issues and things like that, we need to be sensitive to requiring things that, certainly, add to the impervious coverage on our properties.

>> Casar: Okay. Well, we have -- let me tell you how many speakers we have. We have one, two, three, four, five, six, seven, eight, nine, ten, eleven speakers signed up for this item.

[3:43:43 PM]

That will mean that a couple of our committee members won't be able to hear more than three or four speakers on the ads issue. So, it's at the pleasure of this committee how we handle this. But my recommendation, perhaps would be that we limit speakers to a couple of minutes so that we can move on to see if this committee has any recommendation. If not, this will be implemented July 1. If we have a recommendation, it will be passed to council. If not, it will take four councilmembers or the city manager to put something on the council agenda. That way, we have time to take a vote.

>> Gallo: Would you -- and the speakers can help us with that?

>> Casar: That would be helpful.

>> Gallo: As I've heard about the different components of this, it's very complicated. And I think that we need to have a little bit more time to work through the process and really understand what the implementation of this section of the ordinance would produce, both from a fiscal standpoint, and also from a neighborhood standpoint, a propertyowner standpoint. So, my recommendation would be that we extend the implementation of this for the amount of time we would need to actually be able to get a really good briefing from staff before the full council, and also hear from the stakeholders. I mean, this was something that was adopted and done with our council, and I think we have so many new members here that since this is -- that are out there about the implementation, and just giving us a little bit more time to do that, and make our decisions as far as what we want to do with this particular section of the ordinance, I think it would be very helpful.

[3:45:50 PM]

So, my suggestion would be that we would send it to council with a recommendation that this component be extended for, I guess, since July is not really a meeting month, for maybe two to three more months to be able to give all the stakeholders and staff --

>> Casar: Just to clarify, you would want to extend the period of time before implementation of visibility on the exterior route issue alone?

>> Gallo: Mmhmm.

>> Casar: Councilmember tovo.

>> Tovo: I had the benefit of being involved in the earlier discussions. And so I can understand that it would be challenging to come into a situation where there's something in place and you're hearing from stakeholders concerns and you didn't have an opportunity to be part of that decision-making process. So I appreciate the concerns. But I just have to say, from the outside, I'm not going to support delaying the implementation of this. We had a very long stakeholder process leading up to the adoption of the visibility ordinance, and I know we have stakeholders who were very involved in that and can speak to the details. But, what the council passed happened as a result of lots of stakeholder input and compromises, and a good deal of public discussion at the council. And so, you know, I believe that it's really critical to move forward with the timeline that was agreed upon. The exterior route was a point of much discussion, but we did adopt that ordinance and I believe it's important to move forward with it, for all the reasons I imagine we're going to hear from some of our stakeholders.

>> Casar: So, councilmembers. Considering that the recommendation most likely coming from councilmember Gallo is not for us to take any particular action -- or your recommendation is going to be for slowing the implementation phase.

[3:47:53 PM]

So, considering that that is going to be your recommendation, but also considering that we have limited time on this council agenda, would you oppose us moving forward with having speakers speak for two minutes -- close the public hearing at the council level if this does, indeed, move on to the full council, such that, you know, because this is -- you're bringing this forward as an urgent item that the council probably would benefit, and the public would benefit from everybody being able to come? Okay, so I would feel all right supporting that motion to limit folks to a minute and a half, considering people would all be able to have three --

>> Gallo: What I want to hear from the speakers. And I think it would be helpful is the issues -- unintended consequences for just this small portion of this ordinance that I think needs to be extended until we have a chance to really vet it and hear about it more thoroughly.

>> Casar: Time from three minutes to a min and a half would take a motion from someone. I would entertain such a motion if someone wants to make it.

>> Tovo: I'm happy to make that motion with the understanding that this does not preclude a full public hearing at council.

>> Gallo: Just to clarify that, full public hearing would be the three minute per speaker, and unlimited number of people, right?

>> Casar: That's right.

>> Gallo: Because we have so many layers of restrictions.

>> Casar: So councilmember tovo makes a motion that we reduce the speaking time from three minutes to a minute and a half, with the understanding that we will not limit speakers at the full council if this item moves to the full council.

[3:49:56 PM]

Is there a second? You moved and there's no second, or did you second?

>> I moved. No second.

>> Casar: A motion to reduce the speaking time to 90 seconds, seconded by councilmember Renteria. All in favor say aye? Aye. Opposed? It passes unanimously on the dais. We'll get going. Our first speaker on item number 5 is Jennifer Mcphail. Hi, you have 90 seconds.

>> Hi, I'm very opposed to postponing -- okay.

>> Thank you.

>> My name is Jennifer, I'm very opposed to postponing the deadline for implementation of the visibility ordinance. The requirement for a no-step entrance or ramp doesn't necessarily mean that you have to extend or require more impervious cover. You can do it through the garage entrance by simply making the level entrance through the garage. You can do a lot of creative things to comply with that requirement. And it means a life and death improvement for people with disabilities who, right now, are being forced to live in substandard housing and not being able to get out of their homes unless there's someone around to help them out. If they happen to be unfortunate enough to live in an inaccessible home, which is most of us, since most of us don't benefit from the programs that you already have in place for affordable housing.

[3:52:01 PM]

Affordable housing developers have been required to provide visibility for 16 years, and have done so very successfully. And we have a packet of information that shows you that developers are in support of doing that. What it meant was that there was only an increase -- if there was an increase -- of 200 to \$250 per home. Over a 30-year mortgage, that's one dinner out per month. That means a lot --
[beeping]

>> Improvement for people with disabilities. That means people are not being forced into institutions. We want it fair and square.

>> Casar: Thank you so much, Ms. Mcphail.

[Applause]

>> Casar: And our next speaker is Danny S. I'm sorry, your handwriting is better than mine, but I couldn't read the rest of your last name. I apologize.

>> Hello, I'm Danny Sines. And I'm going to tell you my experiences have been, growing up with a disability. There's a lot of times where I wasn't able to visit friends. I wasn't able to participate in my community because of the friends' house was inaccessible to me. Even now when I visit friends who are not disabled, oftentimes, I have to think about how long I'm going to be there. Am I going to be able to get into the bathroom? Am I going to need to ask them, would you mind emptying my urinal, I can't get into the bathroom. It cuts me off from being part of the community. I've lived here for almost 30 years now. And I've tried to integrate and be part of the broader community, but like I said, there's been times where I can't go to somebody's house party. And you all are going to have campaign events at somebody's house.

[3:54:05 PM]

I wouldn't be able to get in there. I don't even think about it. I know there's going to be steps in there. It cuts me off from being fully part of the community. And we've already fought -- we already won this. It's a done deal. I mean, you can look at it for yourself. But we need to implement it at the time it needs to be implemented. Thank you.

>> Casar: Thank you. And next we have bob Kafka.

[Applause]

>> My name is bob Kafka, also with adapt. I just want to say that we would've been more than glad, councilmember Gallo, had we gotten a phone call to answer some of your questions before it got to this stage. So, again, when you're talking to stakeholders, it might have been a good idea to really get some of the people that worked on it in the beginning. We would've been more than glad to visit with you. But, I just also want to say, we're in very, very support of the timeline because of exactly what council person tovo said. This was vetted. It's compromise. There's waiver applications. We have sent similar letters of other states, as well as the Guadalupe development corps here in town, that there is minimal if any -- the home-builders are just knee-jerk against anything that's different. Again, I really want to emphasize how really, the mayor's committee of people with disabilities weren't even notified about this. We only found out about this hearing because Eleanor Smith, who was the person who came up with the concept of visibility, had gotten a phone call.

[3:56:11 PM]

And so, we wouldn't have even had an opportunity to be here to testify. So, I just really want to say that we've done it --

[beeping]

>> And to delay it any longer is only to, you know, again, go through the same information that we gave over, almost, now, ten years. So, appreciate your time. Thank you very much.

>> Casar: Thank you, sir. Councilmember Gallo.

>> Gallo: And I really do appreciate your comments. And I appreciate all of the time and effort that went into this before. One of the things that the committees do is not necessarily make policy area recommendations, but it's a chance for us to get briefings on items that are getting ready to happen, or getting ready to come before council. So because the majority of us, except for mayor pro tem were not around for a lot of those discussions, I'm sorry that in this rushed format we're not actually getting a briefing from city staff. Because that was -- and this isn't a question, it's just my explanation of why I wanted to put this on the agenda, was not to set alarm in the community, but just to have a chance for those of us in this committee to increase our knowledge with a briefing from staff.

>> Casar: We appreciate your comments, but we have to keep it to a minute and a half.

>> Brought this to your attention and had you just picked up the phone, people -- we could've avoided wasting a lot of city council time, and money, I would say.

>> Casar: Thank you, Mr. Kafka.

>> So, again, you know, we appreciate your interest in that, but in future disability issues, sometimes you can avoid, you know, the controversial when there isn't one there if you just picked up the telephone.

>> Casar: Next, we have Emily lubbers.

[3:58:15 PM]

>> Good afternoon, Emily, CEO of the homebuilders' association. I have our vp of public policy, who I'd like to give my time to to give you a brief summary.

>> Casar: His name?

>> Jeffrey.

>> Casar: Jeffrey, you have three minutes, cumulatively, then.

>> Thank you, Mr. Chair, members. So, what I wanted to talk to you about today, I'm going to see if I can get the presentation up, is there are two particular concerns that we have. And what has come into play is, you know, obviously when these ordinances get put through, you know, they don't necessarily have

the detail or the meat, if you will, of the enforcement. We've been working with the city and planning department to kind of figure out how the variance and a couple other things would work. The building handbook for criteria came into play, stating how the process should work. We've discovered there's going to be more significant costs than we were originally anticipating, as well as a couple stopgaps. And I'm going to give my time to John, who's one of our members, who has been working with the planning department and has kind of dealt with some of these situations already.

>> Hi, my name is John, I'm the division president of standard pacific homes in Austin. We're one of the largest-volume home builders in Austin, also a member of hba. There's too many points I want to focus on. First, our concern has always been the long-term issue with affordability. And we want to be very clear. The only items that we have concerns about in this ordinance are the last two, which is the no-step entrance and the exterior route. We know for a fact that this could add anywhere from two to \$5,000 in cost. The no-step entrance alone, the flashing that is required that we're currently putting in is \$350 alone.

[4:00:17 PM]

Granted, you can go through the garages. That's more cost-efficient. But, we have a lot of -- in Austin. A great example, one of my communities, 163 lots, less than 10% could go through the garage. I'd have to build an exterior ramp from two to \$5,000. So, the affordability is huge long-term concern. Our short-term concern is, there's still not clarity on how it is going to be executed. For an ordinance to be implemented correctly and executed at a high level, the staff, city, and home builders have to understand how it's going to be interpreted and executed. Several of the issues we have is, they're already enforcing the no-step entrance in a variety of communities. In some they're not. We do not know why -- do not have a clear waiver process on how, if we want to get a waiver under the 10% rule, or the switchback rule -- and all of the issues we have in permitting, we need to be very clear in how this is going to be executed. We're adding fuel to the fire on an already understaffed planning department. Other issues that we have is, the heritage ordinance conflicting with this, how is this going to be handled? We experience a lot of issues with trees. On many, many occasions, the --

[beeping]

>> Casar: You'll get another 60 seconds here.

>> Many times, the staff -- have to build shallower homes, less one-story homes, last homes with masters down, and it's going to eat up more impervious cover. If we have less homes with master units down and less one-stories, I would think that contradicts what someone with accessible needs would desire. We still have a lot of issues in regards to stamping our plans with an approved architect.

[4:02:22 PM]

Right now, we're not required to do that in the permitting process. Staff is telling us that will be a requirement on July 1st. We were just made aware of this. For me to have an architect stamp all my plans, that could take 12 months, I need a lot of time. It doesn't clearly state that that is a requirement. But staff is telling us that it is. There's some definitions within the building criteria manual and the ordinance -- supposed to provide the clarity says it applies to any dwelling unit as defined by the irc.

[Beeping]

>> Any dwelling unit is a huge, huge definition of what this would apply to. It would apply to multifamily as well, and create a lot more issues. So, we are asking that these two items be delayed. We would request that it be delayed up to a year so we can work through these issues and find more practical solutions. New homes only count for 2% of the overall homes bought every year.

>> Casar: Sir. I need you to wrap up.

>> Donate his time, as well, Andrew?

>> Casar: Yes. I think you probably talked for -- I gave you a good 30 seconds of leeway.

>> We think there's better solutions that provide for a lot more homes as opposed to the 2% this would impact. Thank you.

>> Casar: Thank you. I think the mayor pro tem has a question for you.

>> Tovo: I have a question for the home builders association generally. I'm looking quickly through some of our past discussion about this. As I recall, the homebuilders raised concern about the no-step entrance and the exterior path during the process, as well.

>> We raised those concerns, yes. We have raised these concerns multiple times over the years.

>> Tovo: Okay. And I'm looking at a letter to the editor that Mr. Sabio published in the statesman.

[4:04:28 PM]

And it talked about just those very issues. So these aren't really new concerns. You had an opportunity to raise them during --

>> They're not necessarily all new, but the short-term and how this is going to be executed are. Because on how this is going to be executed, it just came out in the last 30 days. The brief was June 2nd to the hba.

>> Tovo: Okay, thanks.

>> Casar: Our next speaker is Stuart Hirsch.

>> I still am who I am. I'm about to irritate both the home builders and the accessibility community. I administered waivers under the old visibility ordinance for ten years. The builders are wrong when they say this is going to have a significant cost impact. That is only true if you don't grade your lot to take this into account. Councilmember Gallo's right. We have a lot of slope in town. And we have broader exemptions under the code amendments that were passed by the council than we had under the old visibility ordinance. Many more people can claim waivers. It is also true when the homebuilders say that the rules that have been drafted so far don't make a clear, simple path for people to comply. And that's because all the people who or in the room today were not in the room when we talked about the new rules. The rules that came out didn't involve everybody who has a stake in this participating. I don't recommend a delay. I did recommend two years. I thought this would happen. It turns out it did. But the problem is that our rules for people to follow, both in topography and in flatter lots, are not as clearly written as they were under the old visibility ordinance. And I am happy to help rewrite those so that people can clearly know what the standards are. We don't need another blood-letting like last code adoption on this issue was.

[4:06:28 PM]

It was nasty. There was no middle ground. Most people walked out of here --

[beeping]

>> Totally drained. And so, let's get some rules that everybody can clearly follow so that this can be implemented sooner rather than later.

>> Casar: Thank you. Councilmember Gallo.

>> Gallo: You're so experienced in all of this from your past history. How long do you think it would take to actually go through the process to make sure the rules are written clearly?

>> If we could put adapt and the homebuilders representatives all in the same room, within three meetings I think we could all agree what compliance looked like. And so the applications that are going to be submitted for new building permits, which is what this affect, won't have been reviewed. And so in 30 days, we could make sure that nobody who's filing a permit by the new date is negatively impacted

by the fact that the rules aren't as clear as they could be. I think in a month, by the time you all came back from your July council recess, we could have a report right when you get the new budget as to how this is being successfully implemented.

>> Gallo: If we extended this for a month to two months --

>> I'm not recommending that. I'm saying we could all be invited and try to work this out and report back to you at your next meeting in July or when you come back after July recess.

>> Gallo: But if there are components of the ordinance that cause confusion in the rules, do you have to go back and fine-tune the components of the ordinance to clarify?

>> No.

>> Gallo: Do you feel like you could do that outside the ordinance?

>> Nobody should be required to comply with that element of the ordinance yet, because it only affects building permits filed after a certain date, which I understand is July 1st. If people are being told they have to comply with this, they're being told they have to meet a law that doesn't exist.

[4:08:31 PM]

That's wrong. For everybody who's going to apply July 1st, there's an opportunity to hold up the decision on approving their plans until this is all worked out in a clearer fashion, and therefore, there wouldn't need to be a code change or a delay in implementation.

>> Gallo: But it would have -- it could possibly have the effect of delaying the building permits from being issued?

>> Yes, and so could -- yes, that's correct. But so could being told that now you have to put a ramp in that you weren't planning to. So, it's six of one, half a dozen of another.

>> Gallo: Thank you for clarifying.

>> Casar: Our next speaker is David Whitworth, and then Julie Hatfield. Also not present? Albert mets. Sara -- sorry about that. And if we could --

>> I'll interpret. Just say what you have to say. They're giving you extra time to say what you have to say.

[4:10:34 PM]

It's hard to find places that are accessible. And the home builders don't understand that. That's why they're -- thank you.

>> Casar: Thank you. Sara Watkins.

>> My name is Sara Watkins, and I would like to echo commentary from previous folks that have spoken, reiterating that this needs to go into implementation in July as previously decided. We've been working on this issue for years, and it seems like every time with come up with a new implementation, or something happens where there is room, perhaps, to push the implementation deadline back, that this comes up again, and again. I live in district 7. And I used to live on the border, and I often walk my dog in crestview. And you walk your dog in crestview, and every time I turn around, a lot of those old homes in that area are being knocked down. And they're being replaced with brand new homes, right. So this claim that this is only 2% of new homes that are being impacted, as the city ages and as structures continue to age, this is going to continue to be an issue.

[4:12:37 PM]

People have talked about accessibility being an issue in this town, and it really, really is. If you have a disability right now, there's not too many people who can live in single-family homes that have been constructed, because of issues with steps and that kind of thing. And as far as cost is concerned, if you

want to spend \$10,000 on a ramp, you can, but it doesn't have to be that expensive. There's no reason to delay the implementation any further.

[Beeping]

>> Thank you.

>> Casar: Thank you. There were a couple of names that signed up to speak that did not have the item of the number next to it. Did I miss anybody that wished to speak to this item? Come on up, sir.

>> Hello. I'm also with adapt. And I want to echo mayor pro tem's statement that this issue was vetted significantly with all the stakeholders. And I also echo what Mr. Hopkins said. And I will echo to all the community members. If there ever is an issue like this -- come before a body, you could've picked up the phone and called us if you had issues. And I encourage you to do that in the future. But also, I want to talk about another part of the community that we haven't really mentioned today. People who are aging. People who are aging, you know, this ordinance will allow them to stay in their homes, which will mean that they, you know -- you or I or anybody else in this room will age in place, basically.

[4:14:37 PM]

And you don't have to go into a costly nursing home or leave your home, or, you know, you get to be part of the community until you leave this planet. Thank you.

>> Casar: Thank you. The other folks that signed up that didn't put an item number next to their name, is there anybody else that wanted to speak to number 5? If not, then committee members, this is up for discussion and possible action.

>> Casar: We are in debate.

>> Casar: No comments from anyone? You don't have to.

>> Renteria: Well, when I was in the community development commission, I read through all of this for years and years.

[Laughing]

>> Renteria: So I know exactly. And when I built my -- you know, secondary unit, I did build it from the ground floor to be accessible. And with the doors and all that. It wasn't that very much expensive when I did that. So I am supporting this, but I know we have a brand new city council. And I wouldn't want to rush this through, especially if there's going to be -- someone not knowing anything about this ordinance, and have a chance that there might be some people that are going to vote against it. So, that's the only thing. But I do support, you know, continuing on with this, implementing this ordinance.

[4:16:43 PM]

>> Casar: Councilmember Gallo.

>> Gallo: There we go. And I appreciate the speakers that were here expressing concerns on those sides. It's just my constant vigil to try to address affordability issues in this community. I did have some discussion with the homebuilders to talk to them about alternatives that we could propose that would allow funds to be placed in an account that could be used, not just in new construction homes, but in existing construction homes, which wouldn't be impacted by this, so that if there were situations where other homes needed to be made accessible, then there would be funds available to do that, also. So -- and once again, I use this committee --

>> This is wrong! We went through this already and you know it! You know it, and they know it! This whole thing is wrong!

>> Gallo: And if I may finish, it seems like one of the things that we look for with our committee meetings is briefings from staff to increase our knowledge, particularly for the councilmembers that have not been on the dais. Mayor pro tem does have an advantage over all of us in that she's been

through a lot of these discussions, particularly for the more recent ordinances. I thank everyone for being here. It doesn't seem like there is interest on the council, within the committee, to proceed forward with this. So, at that point, I would say, thank you for being here, and I appreciate the concern and the questions, and the interest. And it does look like Mr. Hirsch, back there, it does look like, though, that there is some concerns with the implementation and the rules. And we want to make sure - I think this committee feels very strongly -- that we want to make sure that as we go through the process of permitting and planning, that the rules are easily understood and equally enforced.

[4:18:48 PM]

It does sound like we need some discussion. I'm not sure that perhaps this committee can address that component of this, because I do think that that's an area that everyone would be in agreement that we want to make sure that that works properly so what's being done gets done, and gets done in an understandable way. So, maybe, chair, you could you could recommend a route to move forward for a recommendation. I think Mr. Hirsch's suggestion of bringing the stakeholders together to talk about that over the next month or so might be a good recommendation from this committee.

>> Casar: Let me see if I understand your reference to Mr. Hirsch's recommendation, being that I am going to be happy to post this again on the committee agenda in August for any clarifications to the visibility ordinance and its enforcement, and exactly what individual words mean. I'm sure if the committee recommended we get stakeholders together, if there's any part of the ordinance that is unclear as to what we are expecting, then my guess is that I would be very interested in hearing from stakeholders how, you know, how we could clarify any piece that is -- you know, that in the implementation isn't working out because the ordinance isn't functioning. At the same time, I'm reluctant to delay implementation of something that was so thoroughly discussed by the last council. So if a group of people wants to come together and recommend certain changes to the ordinance in particular, I'd always be open --

>> Gallo: And I think based on what I've heard to this point, both from presentations on both sides and also from the dais, is that at this point, I wouldn't recommend extending the implementation. But what I would recommend is that we direct staff to have a meeting -- or it sounds like a series of meetings with both the homebuilders and the other people that were here addressing some concerns so that they can actually go over the rules and determine which areas are conflicting, confusing, waivers, heritage tree ordinance.

[4:21:04 PM]

It sounds like there's many delayers that have not quite been vetted through the permitting, planning process as far as implementation. So, that would be my recommendation. Not to delay this, but to direct staff to convene a meeting with both groups to address the concerns that I've heard with implementation on this, and that they report back to this committee in August with the results of that. So, where is staff?

[Chuckling] Staff is buried back there.

>> Thank you, council. Rodney Gonzalez, director for development services. It seems like the concerns are coming from the homebuilders association. It might help if they would delineate the concerns in a memo to all of us so we have a document to work from, and we can circulate. At that point, we can convene both sides. But, you know, the concerns that have been raised are not really specific other than general in nature. We hear a waiver process. We hear of rules. We hear of conflicting with trees. We hear of impervious cover. We hear of architect stamping being required. It would really help us if they would delineate all of their concerns in a memo to us so we have something to go by before we have a

meeting with both sides.

>> Gallo: That's great. Since we have the whole group there, does that -- okay. So that's what I would suggest, is that we address this between the two parties. And -- so we make sure that the process is very clear as we implement this new --

>> I think that's what you're hearing from the stakeholders, is what are the specific concerns that are being raised, you know, with some success safety. We can combine both sides, the homebuilders and stakeholders from adapt so we can listen clearly from the homebuilders associations, what are the concerns.

[4:23:10 PM]

I have those same sentiments. This was discussed in detail previously. And that's how we got to this point. And from the staff perspective, we're ready to implement the ordinance. If there are concerns the homebuilders association has with regard to implementation, we would like to have those specifics.

>> Gallo: Okay. And I think can this be done within the next month? Do you think we can get those addressed to staff --

>> It depends on when the memo comes to us from the homebuilders association so we can get started. Based on the timing -- or the time availability of both sides, we would endeavor to get it done, at least the first meeting. I can't say specifically what would be the outcome. It could be a difference of opinion or a difference with regard to what those concerns are. And that might be their response back to council, is that even though those are concerns that are being raised by the homebuilders association, that there is a difference or a disagreement as to those concerns.

>> Gallo: That would be great information either way, however it comes back. There's the meeting, there's the discussion, and then it comes back to council if we need to address specific aspects.

>> Casar: Councilmember Gallo, I think this is sufficient in that if, rather than this committee making a motion, since we don't really direct staff, it sounds like we already have staff graciously on record saying if the memo is sent out, staff will respond. We'll be CC'd on those memos. If there's any policy action we want to take in response to those, you can submit that to me, I will post it on the agenda. That way we don't commit anybody to a timeline, since we can't commit how long the homebuilders association memo will take. It seems like this discussion has been fruitful enough we can glean information about policies changes. Mayor pro tem.

>> Tovo: I want to say, I'm now a little bit more confused by the action that we're asking you to take. I guess I would just say, it's my opinion that if people who need to comply with the ordinance have questions about it, and about its implementation, then I think it's terrific for you to take that time to address -- to ask them to delineate those concerns and to address them.

[4:25:20 PM]

But we keep -- I keep hearing language like getting both sides together. To me, that sounds like we're opening up the ordinance again and looking at the provisions. I'm not going to support doing that before we put it into place. I would say I'm happy to consider -- I mean, if the staff feel that there is something we need to discuss, then that would be one thing. But otherwise, I'm going to operate under the assumption that if there are concerns that people who are in a position of needing to comply with the ordinance have, they'll take them up with staff.

>> It's not my intention --

>> Tovo: And you'll inform us about that.

>> To open up the ordinance. I gather from council here that you're wanting to listen to what the homebuilders association's concerns are. You're wanting them to give them to us. That's the purpose of

this meeting. And we certainly can sit down with them, and we will invite the adapt stakeholders, as well. I think that they want to have an opportunity, as well, to respond to those concerns being raised by the homebuilders association. And let's be clear, the concerns they are raising are not coming from the staff level. We haven't brought any of these issues forward. We're simply responding to what the homebuilders association is saying are their concerns.

>> Casar: Committee members, considering, again, the time constraints, if there's to be no motion made, I feel comfortable moving forward, unless there's any comment, for us to move forward onto the ads item? I said we would break at 4:30 from the citizen comments on adus, but it's almost 4:30. My preference is to stake four speakers on the for side and four speakers on the against side, and take a break so we can get a consensus on if we're going to vote on the ads item.

[4:27:21 PM]

Is that all right? Are we going to hear those speakers at three minutes, or at an alternate amount of time? What do you guys think? If we do three minutes --

>> Chair. Do you want a brief overview of the proposed ordinance?

>> Casar: I think that would be good, thank you. In which case, we would probably need those speakers at two minutes, or three three on each side.

>> Good afternoon, planning and zoning department. So, this is the accessory code amendment. I'll try to be really quick. So, I'll just go through the resolution, what is an accessory dwelling unit, current regulations, proposed regulations, and where these regulations would apply. So, the resolution was passed last June. It directed staff to develop some recommendations that would reduce regulatory barriers to the development of accessory dwelling units, with the goals to provide a MIX of housing types throughout the city as imagine Austin decreed housing units with low impact to toestablished neighborhoods, and that would utilize existing infrastructure to help homeowners make ends meet and provide relatively affordable housing. So, an accessory dwelling unit is a second, smaller unit on a lot with a primary house.

[4:29:23 PM]

These photographs were taken in Austin. So you can see here, the front of the main house and the accessory dwelling unit to the rear. And you can't see the Adu from the front. And another example from Austin. The current regulations stipulate that you must have an sf3 lot at least 7,000 square feet, or if you're in a neighborhood planning area that adopted the secondary apartment info tool, you can have an sf3 lot between 5,750 square feet and 7,000 square feet. You could also have accessory dwelling units on sf2 lots that are a minimum of 5,750 square feet. The building itself can be a maximum of 850 square feet, 550 of which can be on the second floor. It has a two-story maximum and a 30-foot height maximum. Currently, the parking regulation is two parking spaces, all straight parking spaces per dwelling unit. However, with the urban core, with the 0.2 reduction, a lot inside the urban core would be required to have one space. There's a 45% maximum on impervious cover, and a 40% maximum building coverage. So, the proposed ordinance -- I'm sorry. And there's a 15-foot building separation between the primary structure and the second unit. So the proposed ordinance would reduce that 15-foot minimum to ten feet. It would allow the unit to be to the rear or side. It would allow an entrance within ten feet of the lot line. It would prohibit type 2 short-term rentals.

[4:31:27 PM]

And it would reduce the parking to one off-street space for the second unit throughout the city. And it

would remove a really confusing driveway placement requirement. So the proposal does not expand where accessory dwelling units would be allowed. They would be allowed on the very same lots that they're allowed on today. They would simply reduce some of the regulatory barriers. The planning commission has recommended the proposed ordinance. In addition, they recommended looking into the possibility of preapproved or prescreened plans. And also, to look at the option of sub-metering the second unit rather than requiring a separate meter. The community development commission also recommended the proposed ordinance, and they recommended developing strategies to lower the cost to build the units, and to develop resources to finance them. And I'll take any questions you have.

>> Casar: Councilmember Renteria.

>> Renteria: How are you planning to deal with the corner lots?

>> The base zoning requirements would apply. So on a corner lot, on the front you have a 25-foot setback. And on the side you have a 15-foot setback. So that would remain. Is that what you're asking?

>> Renteria: Yes, yes. Because when I went through the process, they required me to have a 25-foot setback.

[Chuckling] And we were arguing with them. They said, you have to go to the board of adjustment in order to get the 15-foot setback. We decided not to fight it and went with a 25. I want to clarify that it is 15 feet.

[4:33:29 PM]

>> I believe the base zoning setbacks would apply.

>> Renteria: Okay, thank you.

>> Confirmation from Greg Guernsey.

>> I've got a question.

>> Casar: Councilmember Gallo.

>> Gallo: So, just to understand, if there were a duplex instead of a primary structure with an Adu, what would be the parking, or the off-street parking requirements? Is it per bedroom? How do the parking requirements work for single family, for a duplex?

>> It's the same. Two per dwelling unit. You get the urban core reduction if you're inside the urban core.

>> Gallo: Okay. So it's not based on bedrooms? Are apartments based on bedrooms?

>> Apartments are --

>> Gallo: Why do I remember the bedroom?

>> I'm trying to remember off the top of my head. I think if you have a larger duplex with more bedrooms, it's actually, the parking requirement actually rises. And I can look that up real quick and come back with you. It's not exactly the same if you're dealing with a larger duplex. In all cases, those areas that are subject to the mcmansion regulations, that doesn't change. So, if you're in an area that's a mcmansion, those regulations apply that may limit the size of the structures. The amount of square footage you could have on your property. I want to mention that, just so everybody's aware of that.

>> Gallo: So, I guess -- my question on the off-street parking is that what we're seeing, particularly in some of the inner city neighborhoods is there's really a lot of pressure on street parking. So, I want to make sure that when we do this, we're requiring enough off-street park so that we're not adding to the pressure of the on-street parking, which we're seeing more and more in the urban core as the result of reduced parking requirements on-site.

[4:35:36 PM]

So, is staff's recommendation with the one off-street, particularly for the larger units, or just the larger-size ads trigger an additional parking space? If it's a two bedroom, 750 square feet, there could be a

possibility of two cars, two residents, two cars. So I just want to make sure that we're having a conversation that we're not adding to the on-street parking issue that we're already having.

>> The ordinance as it's coming forward would provide one additional parking space, regardless of the situation. That certainly could be a concern, especially in the older areas, we didn't have parking regulations until the mid-1950s. And then from the mid-1950s until about 1984, or 1986, they transitioned between two ordinances. We really only required one parking space per residential dwelling unit. It was only after we went to the new zoning regulations in the mid-1980s we started requiring two spaces for a unit. Currently, as being said, the parking requirement would be adding two spaces. Staff is suggesting one. Under the urban and core reduction, that was approved by council for the areas, 183 to the north, to the west, generally mopac. I mean, if you get --

>> It's on that.

>> The end result is that we required only one additional space for those older areas within the urban core.

>> Sorry.

>> I've got a question, then.

[4:37:36 PM]

>> The urban core -- does this have a pointer? Where do I point at? Well, you can kind of see it -- with what?

>> So this here, 183 comes around. 183 around Ben white, around this little nub. And up around northwest hills. This is -- so within the urban core boundary, you get the .2 reduction. So, effectively, you're not really getting a parking reduction inside the urban core.

>> Casar: Thank you. Any other questions?

>> Okay, thank you. Oh, I was just reading something on parking ratios, residential single family is two spaces per dwelling unit. Duplex or single family attached was two spaces per dwelling unit. Okay. I had a question about the sub-metering. So, the sub metering recommendation would be the owner would still have the option to separately meter, but would also have the option to sub-meter, am I understanding that correctly?

>> Currently, Austin water requires a separate meter for the second unit. It requires a separate meter for each dwelling unit. And that's a regulation through Austin water.

>> Gallo: So this would just add the ability -- an owner could choose to do a separate meter if they wanted to on the accessory dwelling, but they could also do a sub-meter?

[4:39:44 PM]

>> No, they have to do a separate meter.

>> Gallo: Right, but what I'm reading -- excuse me. On your recommendation page --

>> The planning commission recommended looking into allowing a sub-meter, but that's something that Austin water has to --

>> Councilmember -- until recently, the water utility used to allow sub-metering for the second unit. I think the change occurred in the last year or so.

>> It was October.

>> They have required a -- someone's probably going to speak to this from the audience, but, maybe 100 to a thousand dollars to tens and \$20,000, so there's a sizable increase in the adding and cost of that second meter from what it used to be. And it's cost prohibitive by those that have contacted our office of someone going in and trying to finance that, because of the cost of that second meter. I believe that's why the commission brought that up as part of their recommendation.

>> Thank you.

>> Casar: Councilmembers, any other questions before we take up some public comment? So, I previously stated we would have four for, and four against. Almost everyone is signed up for. I know there are a variety of perspectives about what being for Adu code changes means. And so, if it's all right with the committee members, what I'll do is, I've received emails from so many of these folks I have some general idea of the different perspectives. And I'm just going to choose some of those people to speak it us for two minutes. And then before the mayor pro tem and councilmember Gallo have to leave, we'll take a pause and talk about next steps. And then councilmember Renteria and I will hear from the rest of the community that's come and spoken.

[4:41:46 PM]

Is that all right to pick some people? Okay, so, we will start with Jennifer. You've got two minutes.

>> Hello, committee. My name is Jennifer, I'm here as a member of ora and a representative of Austin music people. We all talk about being the music capital of the world. It's hard to avoid. You get it at the airport, at 5:30 on every council meeting day, probably in every business plan written in the msa. But less-talked about are the struggles the local musicians and others endure in this city with the growing affordability problem. 1/3 of our working musicians earn, including their nonmusic day jobs, \$15,000 or less a year. Fully 50% qualify for section 8 housing. The struggles facing the music community are reflective of the changes facing the majority of Austin's working class nurses, caregivers, construction workers, teachers, all of those people are under the same pressures. Back yard cottages such as those described in the ordinance are a low-risk way to add additional, affordable housing options. Research indicates that these cottages and garage apartments are rented out more affordably than a lot of other types of housing, even new units built in the last five years are still rented out at rates affordable to 80% of median-income and small families. Failure to address affordability endangers the economic security of all of us. A sizable segment of Austin's economy and the city brand is based on the entertainment industry. If we want to make sure that we keep the music industry here, we need to make sure they can afford to live here. And ads are one way of addressing that issue. Thank you.

>> Casar: Thank you. Next, we have marry Engle.

[4:43:54 PM]

And on deck after Ms. Engle is Susan Moffett.

>> Hello. I'm Mary Engle, president of the Austin neighborhoods council. I support the planning commission and the CDC recommendations. There is a little tweaking in the language about "Citywide" that I have a problem with, because it's already inherent in the zoning. That's your vested rights with the sf3 zoning. The real reason there aren't more adus -- we can build them now. The real reason is because there's a lack of money available. There are no loans to build ads unless you refinance your house or you take a home equity equity -- anyway. That's the real reason we can't build them. So this community needs to come together and figure out a creative way of doing some funding for ads if people want to build them. I do not think that these units are that affordable. And talking to mark Rogers, I was on a panel, a 750 square foot garage apartment renting for \$1,400 a month is not an affordable rent for most of the people in Austin. You would have to be making \$55,000 a year if you were to accommodate the 30% -- whatever. I don't remember what it's called. But it's not that compatible with student living or whatever. Parking regulations are very important, especially in some areas, because not all neighborhoods are created equal. And especially the neighbors around the university of Texas.

[4:45:57 PM]

We actually are the overflow parking lot for the university of Texas. There's not enough parking for students, staff, or faculty and so --

[beeping]

>> A reduction in parking is not a do-able thing for some neighborhoods. Thank you.

>> Casar: Thank you. Ms. Moffett, you have two minutes.

>> Thank you, I just want to hit five key points quickly. I generally do support the current planning commission proposal. First, it's absolutely crucial that any resulting rental units provide housing for Austin residents. They should not be used as short-term rentals to take housing away from our community. On the affordability issue, we heard in the committee process, the financial realities are that any new rental aduss will have to charge marketrate rents. If there are any that will be remotely affordable, it would only be at the very highest range of 80% mfi. This -- currently has 1,590 employees making less than 50% mfi, or below 26300 per year. I want even to really understand that these are not going to be affordable in their current phase to musicians, low-income workers, and the public or private sectors. I do support two additional cost-saving recommendations regarding sub-metering and the creation of preapproved Adu plans. On parking, I agree it's crucial to keep at least one on-site spot for safety reasons. Please continue to work with experienced affordable housing nonprofits to identify measures that could produce permanent, deeply affordable rental ads or other housings for residents that are 50 to 60% mfi or below. These are the folks making \$26,000 or less per year. So, we can't do it with the -- as staff said, it would be impossible for the average homeowner to produce a deeply affordable Adu, but we have people in the community with the experience, I encourage you to work with them to identify tools to create deeply affordable housing.

[4:48:12 PM]

In closing, the planning commission was unable to get information on flooding and infrastructure impacts --

[beeping]

>> If a high number of units are developed. I would encourage you to try to nail that down, especially given our recent events before you make a final recommendation. Thank you for your time.

>> Casar: Thank you. Next, we have Eric with Jake Wegman on deck.

>> Could we swap that? Professor Wegman has an appointment soon.

>> Casar: Happy to do so.

>> Good afternoon, councilmembers. My name is Jake Wegman. I'm an assistant professor in the community regional planning program at UT school of architecture, and I joined in July. Since I'm relative new to Austin, I think I can give a little bit more perspective on some of my research in California concerning the experiences there with ads. I'll boil it down to two lessons. One of them is going to sound really quite obvious, but it's quite simply, if you make it easier to build adus, you get more adus. But, our study of several cities in the San Francisco bay area found that a package of reforms to land use treatment of aduss similar to what the council's proposing, perhaps more in line with what you'll hear in the ora proposal in a little bit, but, depending on the city, roughly two to ten times as many units -- lots would be adu-ready following the passage of what we thought were neighborhood friendly but reasonable reforms. And the other lesson that I want to bring up comes from my dissertation research.

[4:50:13 PM]

And it's something I would really urge you to keep in mind, which is there are consequences to not allowing ads. So, my research looked at a swath of Los Angeles county, which in many ways could be the

future that we're headed towards here in Austin if we continue on the current path of lack of affordability and extreme housing demand pressure. And I found that in that swath, which was an area with a population about the size of the city of Austin, had been un-permitted. So it's not a question of, are we going to get housing or not. We have to understand that people will find ways to find housing in the urban core. And anecdotally, I've been hearing about this happening in Austin, although I don't think we have any good quantification of it.

[Beeping]

>> I urge you to consider what happens if we don't take action. Thank you.

>> Casar: Can I ask you one brief question, professor? So, some people have asked about the affordability issues. And obviously, new rental units are oftentimes more expensive than older ones. Could you speak briefly to that? Since you're going to be leaving, I figured I'd ask before you left.

>> Certainly, councilmember. In the first study I referenced, we did a survey of existing homeowners with ads. We did a whole survey of a lot of homeowners, then asked them if they had ads. The ones that had ads, we asked them how much their renters were paying. And we then compared those units to units that we looked at on craigslist to kind of get a sense of the comparable rental stock. And we found, generally speaking, on average, that the Adu units were about 6%age points lower in ami terms, in terms of what income would be affordable corresponding to that rent.

[4:52:15 PM]

So, those units did appear to be at least somewhat more affordable to renters than otherwise comparable rental apartments.

>> Casar: Comraably-sized units.

>> Yes.

>> Casar: Thank you. You have two minutes.

>> I'll hurry through it. Before you, you have received a binder that includes orareport Adu city, city of Austin. We've done extensive research into the local -- Adu and made specific recommendations to the code. I'm happy to answer any questions. However, in short, there are significant barriers to new ads based on the land development code. And we're in the middle of a housing crisis right now. We are at a very high occupancy rate in the city. Rent is going up. Property taxes are going up. Many of these issues could be directly aided by allowing the construction of more adus, as we detail in the report. They allow the sharing of the cost of land among more than one group. The expense of land can be divided in cost. And the city gets more taxable value because there's a more expensive building. But the total taxes are less for each person residing there. So it's a win-win for the city and taxpayers. Finally, on where you could do this, major barriers are lot size. And in east Austin, in our research, 30% of the lots are substandard, which means you could not build an Adu on them. We think this is notable because of the historic segregation that's happened in east Austin.

[4:54:18 PM]

And that it's possibly a fair housing issue if you don't allow east Austin residents to also build ads. So that's worth noting. Finally, our report also calls for a few additional items, such as looking at --

[beeping]

>> A loan program and a design program. Thank you. Happy to answer any questions.

>> Tovo: A quick one. I didn't follow your point about the fair housing issue.

>> Sure.

>> Tovo: Are you saying that 30% of the lots citywide are substandard?

>> In east Austin.

>> Tovo: How does that compare to other areas of the city?

>> If I remember the spreadsheet, there was a distinction where there's a greater substandard percentage in east Austin that was notable.

>> Tovo: I'll look forward to reading your report. I don't understand the fair housing issue you mentioned.

>> I'd be happy to.

>> Tovo: Thanks.

>> Casar: Thank you. Any other questions? We'll take two more speakers up before we have some discussion amongst councilmembers. Heidi and also, I don't know Ms. Wanda, but she was the only person that signed up to speak against. So I figured I would call her up, as well, if she's here. We will take up the rest -- it sounds like -- we'll take up the rest of the speakers after we have some conversation amongst council, just because some councilmembers have to leave.

>> Good afternoon, chair, councilmembers. My name is Heidi, and I'm here with the real estate council of Austin. We had a whole bunch of comments. I don't want to take up a lot of time, we're a little bit stretched. I want to clarify some of the comments about the fair housing item that Eric brought up. You recently received a city of Austin commission report on impediments to fair housing. It mentioned in there the limitations that have been discussed with regard to this Adu ordinance as impedimts, things like setbacks, on-the-in requirements, parking, lot size requirements, those were all listed as impediments to fair housing that potentially block certain folks from being able to get housing in certain parts of town.

[4:56:38 PM]

It has less to do with what's happening in east Austin, than ads being built in west Austin and giving folks the opportunity to live in that side of town. So, I think that's really where the issue came from in the report. And we also, obviously, have an interest in the affordability argument. Someone mentioned the 80% mfi options earlier. That's notable because it's not more affordable to folks lower than that, that's not a good argument not to do it. Lastly, just from my personal perspective, I want to note the multigenerational opportunity. Many of you know my activities and how important women's issues are. I have many friends who recently had kids, interested in having their families nearby to help them babysit and spend time with their kids. I want to raise that as an important issue when you're thinking about making ads more possible in the city of Austin, and really thank you for considering this item.

>> Casar: Mayor pro tem.

>> Tovo: Thanks for that additional information about the report. I want to clarify, most of your comments and those of the speakers before talked about the interest in having more families, in intergenerational housing. I want to bring us back to the question of short-term rentals. I assume, based on your comments and others, that providing accessory dwelling units for short-term rental use would not be part of the goal. Does rica have an issue with preventing short-term rentals, if the goal is to provide more housing opportunities, etc.?

>> I think we would prefer not to have limitations. There's a specific reason for that. One of the affordability arguments that we've heard and we believe is true is that adus, even the ones that are not going to be affordable to live in themselves, are providing assistance with affordability for the folks who live in the homestead.

[4:58:44 PM]

So, they are helping folks pay their property taxes and the increasing cost of living. So, we would prefer not to have those limitations placed on that, and for those reasons.

>> Tovo: I see. So odds,

>> Tovo: So having the possibility of having a short-term rental on the property would be --

>> Yes, ma'am.

>> Tovo: Something you'd support? Okay, thanks.

>> Cesar: Committee members, any other questions? I'll open it up to a brief discussion amongst us before the mayor pro tem and councilmember Gallo have to leave, and -- are you Ms. Penn?

>> I'm more than willing not to talk.

>> Cesar: No. I called you up so please do. You have two minutes.

>> It's not so much that I'm against short-term rentals. It's that I'm against the potential for not being very careful about how we approach this, both for where they're located, how it's enforced, who we talk, to how the zoning and stuff is written. I noticed in the handout here the proposed ordinances results in a discussion with zoning, comprehensive planning, codenext and residential review staff and community comments. I don't see anywhere in here that you've talked to any of the staff that's responsible for enforcing what you might be proposing. For instance, the short-term rental issue and where these are located. I've seen over and over things happen where best of intentions and what finally gets written, it turns out to be a real hornet's net for the people of that to enforce it also the residents that have to be the ones that are the watchdogs and ensuring things are enforced. The other thing I thought was particularly interesting is this picture here. The structure on the upper right, I believe, is a -- used to be garage apartment behind a type two short-term rental. I just thought it was interesting that you're showing this as an Adu when you're saying you don't want adus on short-term rental lots.

[5:00:50 PM]

>> Cesar: Thank you. Committee members, any discussion before folks have to leave and then we'll take up the rest of the speakers?

>> Gallo: I just wanted to make a few comments based on kind of a historical experience. Both of my kids went to Texas tech in Lubbock and back -- Lubbock, Texas tech is kind of in the center, older area of Lubbock and back in the '30s, '40s there was a real push by city council there to build -- in Lubbock they're called back houses, to build back houses to address the needs of both the needs of the military base there and also the university. What I saw is that this is a very successful way to provide small unit housing. Most of these back houses are efficiencies and 1-bedrooms. Even though they are market rents, they're rents at the bottom of the rental scale because they are small units. And I just -- I've had such a good experience with that, I really hope that we can move towards being able to provide this type of housing in Austin where we so desperately need housing. You know, we have such a large rental market here, over 50% of the people in Austin rent, and we have such a young population in Austin too that need the small efficiencies and one-bedrooms. I think it's a good opportunity to provide that. However, having said that, I've also seen issues that have arisen with all of the back houses and Lubbock so I want us to progress forward but make sure that we address -- I talked a little earlier my concerns with already stressed residential streets and some of our interior neighborhoods and I want to make sure we address parking requirements so that we are not burdening other neighbors and having more and more issues with [lapse in audio] But I do think it's a good thing to move forward.

[5:02:52 PM]

I just want us to move forward very cautiously and make sure that we're addressing. I think one of the speakers spoke to that that we address and really think about all of the issues that may be unintended consequences and move forward in a thoughtful way. But I do think the granny flats back houses,

whatever the accessory dwelling units, that could be a really good advantage for our rental population in Austin.

>> Cesar: So councilmember Renteria will be right back here in a moment but it sounds to me like the feeling on the council is -- in the community is that we want to be able to move forward with something, but there are still details around minimum lot size, parking, maximum Adu size, set backs and short-term rental questions, that are all policy related questions that would be good if this committee could forward along our recommendation to the council regarding each of those components. So are there preferences or some debate to this -- this committee wants to take part in right now on any of those particular topics? Because my preference would be that we provide some guidance to the council on what our thoughts are on each of those sections, whether it is the staff's recommendation, planning commission's exemption recommendation, other recommendations broad forward by the community mayor pro tem.

>> Tovo: This gets me back to the question I asked earlier but I don't think we provided an opportunity for staff because then I asked another question and we moved on. But I would be interested in knowing what the time driver is here. These are pretty weighty issues and I'm not sure we'll be able to resolve them today. I've carved out a little more time but I'm not going to be able to stay well beyond our end meeting time, and we've got another commission coming in here, as I understand it and they're probably going to want to set up by 5:45 if this is online council agenda for 6/18 is there a reason it needs to be heard on the 18th by full council?

[5:05:06 PM]

>> Short answer is no. It was nished last June of last year.

>> Tovo: Oh, I remember.

>> We've been working on it a year and we're at the end and we're here to see it through. And so staff put it on in June because it's ready to be here.

>> Tovo: Okay, thanks. Appreciate that. Well, you know, I think the planning commission has spent some time on this issue. I think they've provided with us decent recommendations. I would say I -- you know, I believe that the planning commission recommendations represent a pretty good balance among the concerns. The only issue would I want to continue to address is the short-term rental issue and whether we've really made adequate provisions for those. If our intent is really do provide additional housing for families, for singles, for seniors, I believe that we should not allow those to become short-term rentals. That's just not -- that's not meeting that aim. So, you know, I'd be prepared to forward on the recommendations from planning commission to the full council if that's the will of the group.

>> Renteria: You know, and that's also my big concern, because we're having so much problems with the short-term rentals that it's just gotten out of hand and we have a lot of poor players out there that are just violating every rule and understanding that we had with these people when they started doing these short-term rentals. It has left a bad taste in a lot of people's, you know -- there in my neighborhood that these people are being able to turn small units into mini hotels and about 15 people come in and stay there. So it's a big concern but I know there's a big need and it does work. You know, if we had just -- you know, the biggest problem is the sr-2s, not the sr-1s, which, you know, there's, you know, people that live there and only rent it out now and then.

[5:07:16 PM]

That hasn't been as much of a problem because they're not going to allow these kind of people coming in and renting their units, especially that big of a crowd. So, you know, I support and I think that it's going to be a big solution to our problem, you know, and it helped me out where I didn't have to move

out of my house or really cut back on everything else because, you know, I couldn't afford to pay my taxes and they've been going up so high so it helped me out a lot to be able to stay in my house. I wish there's other people -- I would like to see that opportunity extended to other people in my neighborhood that, you know, could really use that extra income. And that's the only reason why we approved the secondary units in our neighborhood because we knew that the value of our land was going to be so expensive and the taxes, our government, were going to be so high that we wanted to offer this opportunity to people and we had a lot of the units in east Austin had garage apartments that they couldn't do anything with it because the city code did not allow any kind of improvements so we actually went out and exempt that. We gave amnesty to these people so that they could redevelop their secondary units, so they could end up renting it out, so they could have some income, so they could stay there in their neighborhood. It's worked out pretty well in my little section and the families are still there from 30, 40 years ago. When they -- some even longer than that in my neighborhood because they were able to build a secondary unit, their kids moved back in and it's taken care of their parents. So that's a -- how I see it.

[5:09:18 PM]

Looks like my staff is telling me that press conference is ready.

>> Cesar: All right. It sounds like folks do have to get out of here so my -- I think --

>> Renteria: We'll be back in five minutes.

>> Cesar: Councilmember Renteria will be back here in a minute for us so I'm not listening to public comments on my own.

[Laughter]

>> Cesar: But we do have a meeting of this committee on June the 15th. And my recommendation to everyone on the committee will be to be prepared to vote out a recommendation on the 15th to the full council so that the full council has our advice on June 18. While I share some of councilmember Gallo's concerns about streets already entirely being parked up, some of the streets in my district where I know the street are fully parked are ones where they have lots of duplexes and fourplexes where you couldn't build an Adu anyway. I want to make sure parking requirements don't limit our ability to get the number of ads that we want while at the same time being sensitive perhaps to streets that already have cars fully parked up and down both sides. So that's something that I'm -- will be thinking about between now and our vote on the 15th and I'm happy to work with committee members about. And then minimum lot sizes, considering taking a look at staff's recommendation and planning commission's recommendation is of interest to me because I don't want with a just because somebody lives on a smaller lot to not have the opportunity to build an Adu unless there's good reason for it and I want to hear perhaps what some of those reasons might be why we would restrict that based on lot sizes if certain parts of town have been planned at certain sizes. So I'll be taking a look at both of those and thinking that through before we vote out a recommendation. I have no -- notify objection to prohibiting type 2strs in the adus, but, again, I'll take comments from the public on that.

[5:11:22 PM]

I've heard both mayor pro tem and councilmember Renteria's serious concerns with that in their districts and I think if this is going to be done to address a housing shortage that we have in the city, that providing as much housing as possible is important. But I do feel some urgency on it because it has been over a year and there are not enough small places for people to live in the city and so there's -- there is not an urgency to get this done next week, but there is, I think, some urgency on behalf of the public to provide affordable housing options even if brand-new ones don't provide the level of affordability that

we may want or like.

>> Tovo: Yeah, I'll just say, you know, I think, too, as we move forward we need to talk about what of these items are better addressed during the codenext process that has been a -- I mean, even when it came up last year there were many in the community who said, you know, this is exactly part of the reason why we are doing a land development code rewrite to look at different options and different tools and to look at them holistically. So, again, I think that is a -- that was a valid point and still is. To the extent that we have some suggestions from planning commission that represent a comprised position that we can all rally around, you know, I'm willing to support that moving forward. But they have been considering -- you know, I think we're now hearing from stakeholders who would like to us revisit some particular issues, including some you've mentioned, and I would just say those are things that the planning commission has been wrestling with and has declined to recommend. So, you know, that will be part of my thinking going forward. And we do need to have a discussion about type, you know, and type 2 short-term rentals because if I am a homeowner and construct a brand-new Adu on my lot that is -- and I use these relaxed requirements, I can have a short-term rental 100% of the time and it qualifies as a type 1 because I live on that property.

[5:13:30 PM]

So prohibiting type 2 I think is important, but we also need to wrestle with the fact that that doesn't really deal with the situation I just described. So we could have all of the new accessory dwelling units coming online that are taking -- that are making use of these relaxed restrictions if these pass and they could all become basically mini hotels in our neighborhoods, not additional housing for families, seniors, individuals who need it. And so that's a concern of mine and I'm thinking about ways that we might address it.

>> Cesar: Thank you. So with that we'll go back to public comment with councilmember Renteria slipping in just in time. And with the understanding that we will keep this discussion going between now and the next committee hearing and it's my remittance that we vote at that committee hearing but of course that's at the will of the committee. So we will take up the rest of the speakers, but give me one moment to count through how many there are and see if we are going to make it out of here in time for the planning commission. I think we're going to pull it off at two minutes. So next up to speak is David King. He's gone. Steven eurick and on deck is tiler Markum.

>> Okay. Good afternoon, councilmembers, member of this committee. I'd like to talk to you about two specific items within this proposal that will be addressed either by the staff proposal or by ora's proposal. One is clearly something on the minds of all these councilmembers, the short-term rental question. The second one is the minimum lot size, and I understand councilmember tovo's position about the -- you know, inquired about the fair housing question.

[5:15:31 PM]

Maybe it doesn't rise to the level of being a fair housing level with a desperate impact and all those kinds of things but we really have to look at the lot size as a justice question and equality question because if you are wealthy enough to afford more land you are given entitlement. We've talked about the 7,000 square foot lot size for an Adu right across the city. There's at least five different kinds of accessory units permitted in the code, some of which we're not touching at all, no one is talking about. One of them is if you own a 10,000 square foot lot you're allowed to build a guest house. It has to be ordinarily for the use of nonpaying guests. If you own a 15,000 square foot lot you're allowed to build servants quarters. So if you own a 7,000 square foot lot you can have two family use. 10,000, you can add guest house, 15,000 square foot lot you can have servants quarters. If you are wealthy enough to

have a 15,000 square foot lot and be able to afford servants you can have a fourplex by right in a single family zone in Austin. Yet if you have a substandard lot this planning commission recommendation does nothing for you. So if you've been -- if you have, you know, arrived in this world not having the good fortune to be born wealthy or have the opportunity to make money, you had to buy a smaller lot, the city is going to now deny you the opportunity to monetize that, have rental income or extended family living. So I think this is just one of those examples where --

[buzzer sounding]

>> -- City policy is stoking the flames of inequality and did something we should really stop. The lot size minimum should go away entirely and Adu should be entitled across the city. Sorry I didn't get to short-term rentals.

>> Cesar: And thank you so much for coming up. Amy Hartman is on deck after you.

>> Tyler Markum, I'll briefly address the short-term rental question.

[5:17:35 PM]

I compared the Travis county appraisal district database that lists garage apartments to the registered short-term rentals from the city of Austin's website, and I found that out of about 870 garage apartments, 30 were registered as short-term rentals and I agree with ora's proposal we limit type 2 rentals but limiting type 1 rentals I think is a disservice to the affordability of these units, precisely because the homeowners that build them will be able to rent them out occasionally throughout the year or more frequently if they wish. But they can still use that income to help pay their property taxes or any other bills they might have that are becoming more of a problem in Austin. So thank you.

>> Cesar: Mayor pro tem?

>> Tovo: Just want to be clear. You know, I'm -- what I'm proposing -- well, let me say type 1 I think makes good sense. It allows a homeowner to rent out their house on an occasional basis to bring in revenue that helps them offset their costs but I want to be sure that I understand what you're saying. So you would like to preserve the -- property and to use it as a short-term rental either occasionally or 100% of the time?

>> Yes, I think it's entirely -- as councilmember Renteria said, the people that are living on these lots with short-term rentals they're not going to really tolerate crazy behavior that is a problem with the type 2 and type 3 short-term rentals.

>> Tovo: Okay. That gets to behavior issue but doesn't get to the allowing and providing for rental opportunities.

>> It doesn't. But it does allow the homeowner -- does help the homeowner that built the Adu to stay in their home.

>> Tovo: To offset their costs. Okay. I appreciate your clarification.

[5:19:36 PM]

>> I want to reemphasize that a very small percentage of the garage apartments currently in Austin are actually short-term rentals.

>> Tovo: And you said 30 out of 870 in your research?

>> Yeah, more or less.

>> Tovo: Thanks.

>> Cesar: Thank you for that. Before you begin, Malcolm is here on deck and I apologize I may have given you the impression that you weren't signed up because you are the second person that signed up against the item that wished to speak but I have six pages up here so I apologize that I missed your name. So you're on deck after Ms. Hartman.

>> Hi, thanks for taking the time to hear me speak. I'm a board member of ora so I wanted to address a couple things. But really quick I wanted to clarify that ora, our substitute proposal does recommend banning type 2 short-term rentals on adus constructed under this ordinance and we haven't had the time to discuss everything that we're looking to so, I mean, our concern is more long-term housing definitely so -- let's not throw the baby out with the bath water in terms of this ordinance. I also wanted to address a couple of the comments made by other speakers. The first one is I personally looked in the mls data of what a two -- what two-bedrooms rent for. Realtors shared what they rent for, not just what they're listed at. The median is little over \$1,200. While understood that's not affordable, if you don't think that's really affordable for a unit in central Austin you have not had to rent property in Austin for a long, long time. That is far below what other new housing online is going for. So I wanted to spend the rest of my time reading comments from a petition that ora started.

[5:21:38 PM]

We put it up to ask people to sign and support, you know, our ordinance to reduce barriers to adus and we got 812 signatories in a little under two weeks, I think, and most of those people weren't able to take time off work to come down here and speak to you guys so I wanted to make sure some of their comments were read. So I'll read until my time runs out. We need more housing in central Austin. Preventing homeowners from partially solving Austin's housing problem seems counterintuitive.

[Buzzer sounding]

>> It's in the -- so questions?

>> Cesar: Thank you so much.

>> My name is malcolmates I'm the chair of the east Riverside Waldorf combined neighborhood planning area contact team. I'd like to talk today about the unintended consequences of this motion. A lot has been discussed about gentrification of neighborhoods but not enough has been said about the commercialization of neighborhoods. By making ads easier to build this ordinance will commercialize residential neighborhoods, single family houses are not an attractive investment. But when more residential units are allowed on the same lot, that land becomes a good investment. Investors considering commercial development of a residential property will pay more than a family can afford. This ordinance will decrease affordability for the missing middle and force families to affordable houses in the suburbs.

[Lapse in audio] Of nearby residential properties, which is one more way that this ordinance will force more families out of Austin. Please consider the unintended consequences and impact on middle class families before approving this resolution.

[5:23:47 PM]

Thank you.

>> Cesar: Thank you. Next on deck is -- or next is Joan Owens and on deck is

[indiscernible] Meed. And I don't see Ms. Meed here so timothy Brea would be next after Ms. Owens.

>> Good afternoon, I'm Joan Owens. I'm not going to take up much time. I just wanted to bring forward some of the feelings I have, and that is that a lot of times when people start talking about accessory dwelling units they'll say granny flats and people go, oh, yeah, I know what you mean. If we're going to start talking about look str, that's not what granny flats for us, at least visually when you're sold on a concept of a granny flat or something for your kids to come live in, that's one thing. But I've heard that in some areas of the country, people go in and they all become almost all str and that will not help our housing situation in Austin. I also wanted to put a plug in for trying to keep conscious of our neighborhood plans. Some of the plans have ads approved, some don't. And I think if we try to make

two blanket of a statement about it, that it's libel to rule out the neighborhood's ability to sort of choose some of the direction that the neighborhood is going to. I also wanted you to consider flooding areas. Williamson creek is where I live, in that area, we have lots of flooding and I know that you have to keep to certain impervious cover guidelines and things like that. But there's no way in my opinion that you can add a lot more additional housing without it impacting the flooding. And the flooding is not always due to Williamson creek overflowing.

[5:25:51 PM]

It's due to our ancient sewer systems and infrastructure there. So I think a lot of places the infrastructure is just not ready for all this additional housing. And I also have a question. We keep talking about needing to be a quick decision because it's important to get this out there, but on the other hand the question is, in a huge part of our city, we already have sf-3 --

[buzzer sounding]

>> And no one is doing it so why the hurry now. So thank you.

[Applause]

>> Cesar: Thank you, ma'am. Mr. B remove ea.

>> I want to address a couple parts of this. One is housing. I'll use a personal example. I grew up in Austin and went to UT and did not own a car until close to 25, like 24. So also if someone is elderly, if they have their elderly parent living in a house they're very likely not going to have a car. Assuming every Adu person who lives in Adu is going to have a car and requiring parking for that space does not actually address the reality of a lot of the people that will live in adus, especially students around university because I know they're saying parking around the unit is an issue. Also, you know, as far as the age, I think a lot of -- if we can focus on just what it costs when it's new, obviously something new is going to be more expensive because people like newer things. In 20 years that's probably going to be a lot more affordable relative to, say, the rest of the housing market than it is now just because it's older. You don't buy a new car if you're looking for a cheap car. You buy a used car. Every time we don't take an action when it comes to more housing we're basically pricing people -- people are being priced out of Austin right now. House prices are going up so inaction is a way -- form of action when it comes to housing. If we're not acting we're letting people get prices out of Austin so that's something I'd ask everyone to consider.

[5:27:51 PM]

Thank you.

>> Cesar: Thank you.

[Indiscernible], I actually don't see him here. J.r. And then after him, Joyce boshiano is on deck afterwards.

>> Good afternoon, Mr. Chairman and councilmembers. My name is John Roberts. I'm a resident of east Austin and I'm in favor of using restrictions on adus. I guess I have a little bit of a unique perspective here because I have been attempt to go build an Adu or I would like to build an Adu. And I've been going through the permitting process since 2014. Generally I'm in favor of using the restrictions, but I wanted to specifically talk about the water meter issue. It has pretty much turned into a cost-prohibitive thing for myself. I'm fortunate that I already meet all the current requirements. I'm sf-3, I meet the parking requirements, I have the square footage, I meet impervious cover, all of that. When we went to go get our building permit we were told, hey, you have to have a separate water meter and I know what the reason for it is. The cost of the meter is extremely high because you have to pay for the meter, you have to pay for a Taft plan, get an engineer to approve it, which includes tearing up the line and laying

concrete and our estimates are up to \$10,000, \$20,000. We're looking at an entire project of maybe \$125,000 before the water meeting so it's adding a lot to my pocket book and it's preventing me right now from building an Adu. So I appreciate council at least looking into easing the water meter restriction. Another reason is it's completely unnecessary. Submeters work fine. They have worked fine. And it's really arbitrary to apply it to an Adu because my current house is 1,000 -- about 1,000 square feet, I'm looking at building an 800 Adu, adding a third bathroom.

[5:30:01 PM]

I could tear down my entire house, build a house twice as big with three bedrooms and still have just one water meter. So, again, to the point of inaction --

[buzzer sounding]

>> -- I'm delaying building an Adu right now because of the water meter issue.

>> Cesar: Thank you so much for bringing that up. That I believe would be within the scope what have our public utilities committee works on since it deals with a water utility so I will personally go and get in touch with folks on the -- on that committee to see if those changes would be appropriate.

Councilmember Renteria?

>> Renteria: Yeah. Because when I built mine, I used just the main water meter. The divided it, ran the other one to my secondary unit. Because I'm lucky that it wasn't in effect at that time because I wouldn't have been able to afford to build one if I had to build -- had to have installed a separate water meter.

>> Cesar: Thank you insofar. So I would want to have that discussion with -- or council to have that discussion with our water utility staff since that is their finances and so we'll kick that over to the public utilities committee. Also, Mr. Brea made a comment about older adus and I know neighborhoods that have significantly older adus so it would be of interest to me. Might be of interest to the council to get information about [lapse in audio]

>> Councilmembers, by right adus can be built on single family zoned lots, 7,000 square feet or greater and on lots in neighborhoods that have adopted that particular neighborhood planning tool. A great deal of public input and deliberation went into the 30 plus city approved neighborhood plans in existence. They need to be respected. Before we allow adus on substandard sized lots we need to carefully consider all the consequences like the impact of increased impervious cover on flooding and the impact of increased parking and traffic congestion in our neighborhoods.

[5:32:07 PM]

In the interest of transparency and good governance, these consequences and others can be carefully vetted during the codenext land development code rewrite process rather than being railroaded through council now. Two minutes of input per stakeholder doesn't really allow for careful vetting. Thank you.

>> Cesar: Next we have [lapse in audio] And on deck after Ms. Quinn is Mr. Laycock.

>> Thank you, councilmembers. I'm Jo Katherine Quinn, executive director at [indiscernible], and I just want to very quickly say that I support ora's recommendations and would ask you to take those into serious consideration. And just I recognize this is a very complex issue and needs a lot of thought and care behind all the decisions made here, but just high level I wanted to offer that this could really be a very creative solution that we have to housing people that are really difficult to house. That's the population that we work with often at keritos of Austin, people that have barriers to housing, and in an Adu I think that there's an opportunity for more of a mom and pop kind of relationship and the ability to give people opportunities for housing that otherwise would not have even have access to housing. And so I would like for you to consider that for that reason we haven't done a

very good job in Austin, considering people for housing who are really living on the edge and are very, very newly internal, their health is vulnerable and unfortunately many, many people die each year.

[5:34:14 PM]

Hundreds of people die each year trying to survive outside. And I think that ads could be, while it's not a solution, I think that's going to create lots of units for this population, any amount that it would create would be very helpful and would help us start chipping away at a huge problem that we have here in Austin. Thank you for your consideration.

>> Cesar: Thank you, Ms. Quinn. Is John lay decrease here -- next is meal Gatto. Mary Arnet and after that roger cobin is signed up next.

>> Thank you tore your time I've been a renter in Austin since 1977. Home ownership is not for everyone. People like me have done just fine renting all these years and I want to encourage this council to keep the momentum going on this issue and please come do resolution as soon as possible. I think it can be done still taking into consideration all of the challenges that other people have brought to the floor. I want to remind you, you know, it's a supply and demand issue in Austin. Please keep that pipeline of apartments coming and I think you saw in the issue that you looked at earlier today about visibility that when that mom tum stops and then the thread gets picked up later there's disconnect and you're recreating the wheel and informing people all over again. So please keep the momentum going on this and get us to a resolution. And I hope that everybody will be happy with the outcome. Thank you.

>> Cesar: Thank you. After Mr. Cobin is Mr. Sessel.

>> Hi, councilmembers. My name is roger cobin, I'm on the board of the downtown Austin neighborhood association and I am also a director of a new neighborhood organization called friends of Austin neighborhoods.

[5:36:27 PM]

But I'm actually here in support of the ora proposal, substitute proposal, on the ads. I'd like to specifically talk a little bit about parking. Irrespective of the Adu issue, planners and economists are increasingly coming to the conclusion that requiring minimum parking requirements cause a lot of problems. We're talking about unintended consequences here. Minimum parking requirements have a lot of unintended consequences. Now, as they specifically regard ads here, we have a situation where you've got impervious cover requirements and then you turn around and you say but you have to also provide parking. And it's very important that we relax those parking requirements or else we're in a situation where if I asked you here's some food, you have to eat it with a fork, but you can't use your hands, that's the kind of situation that we have that we have with Adu requirements and so that's why it's really important that we relax those minimum parking requirements. Thanks.

>> Cesar: Willy Se search S -- willy sessel, Scott Haines is next.

>> Good afternoon. I'm here with the Austin board of realtors as well. I'm a realtor myself here in Austin, and we've had a lot of debate about the affordability issue, and you can argue whether it's going to be affordable to adus or not. One thing I can assure you that you can debate is that we're going to be able to have more affordability with less inventory.

[5:38:33 PM]

So what we've noticed, a big problem, people have talked about it here, is that many of the folks who come here are not able to afford a rent of \$1,200 or \$1,800 or what have you but constricting inventory

is not going to address that. The other issue is I think we're making an assumption that we need to have some sort of parking regulations, and I think that's kind of an Austin assumption.

[Lapse in audio] How many folks either have one car per two people in a household or no car at all. At least that's been my experience, having worked with people on ads, having owned an Adu myself. Out of the four people that I know personally that we have rented to for our Adu, only two of them had cars. So I think that's something that the council ought to consider taking into -- maybe some empirical study would prove these assumptions otherwise that, we really don't have this great need for cars with the ads issue. Thank you.

>> Cesar: Thank you. Next is Andre [indiscernible] And Mike Gorse is on deck after him.

>> Thank you. I'll make this short. I'm here on behalf of the Austin board of realtors as well.

[Lapse in audio] Barriers do building accessory dwelling units. I wanted to add a couple things in addition from my own personal experience because my wife and I, Julie Montgomery considered building an Adu about a year ago. One thing I would urge to you look at grandfathering for parking because under the current building code interpretation, you have to -- if you're going to add an accessory dwelling unit also update the current property to meet existing codes.

[5:40:42 PM]

So that means you have to add three parking spaces instead of the one that would normally just be required for the Adu. So that's a pretty substantial barrier if you're looking at

[lapse in audio] I would add one thing with regard to short-term rentals, is that if you're talking about type 1 short-term rentals there's a graduate deal of fluidity in terms of though those are use which had is different than type 2, which are more dedicated commercial short-term rentals. For instance, a homeowner could use [indiscernible] To help finance the cost of a relative staying in that type -- in the accessory dwelling unit for the remainder of the year. So it could be a tool for a homeowner to help afford to accommodate their relatives and friends on a blow -market basis on their property. I think that's about it. I think that's good enough.

>> Cesar: Thank you. After Mr. Gorse, we have Alejandro [indiscernible].

>> Okay. Thank you, chairman and council. I just wanted to make a couple of quick points. I'm a residential of the Brentwood neighborhood. I bought a condo last year. It was the third condo I tried, I was outbid a couple other times and that doesn't count the one I missed because it sold in a day and I wasn't attentive enough. My point is these central neighborhoods are desirable places to live and a lot of people would like to live in these neighborhoods. There were a lot of ads are built and where people will build ads if they're able to.

[5:42:44 PM]

I think that if people are able to live in the neighborhood that they want to live in, it's positive in a lot of ways. One of the reasons that people choose where to live is that it's close to the things and places they need to get, to like they want to be close to their work. If people are close to their work, people talk about not wanting cars on their particular street or wanting more cars on their particular street. If people are able to live in the neighborhood they want to live in overall they might be driving less because they might be closer to where they work or whatever or maybe they'll decide they don't want to spend a few hundred a month on a car and do without one. I also had a similar experience to what Scott was saying earlier, where I lived in a place -- I lives -- rented a room from someone a few years ago who rented out a bunch of rooms and he also had an Adu and several of us didn't have cars there. The rent was also affordable. Which was nice. Although doing something like what he did wouldn't be legal anymore because it would be too many people. But I also want to say that parking, other people have

made this point, but there are unintended consequences of parking regulations. Like if -- sometimes they can make it more expensive to build something or prevent something from being built like on day was -- like an draw was talking about. So if we do it when it isn't needed, then -- and in any case we're going to end up with sprawl and people being further out.

[Buzzer sounding]

>> -- Needing to drive more.

>> Cesar: Thank you, Mr. Gorse. And next we have Alejandro

[indiscernible] And last on deck is caz wastowitz.

>> Want to make sure you guys can see this. Doesn't matter. I don't need it. If you can pull it up, great.

[5:44:45 PM]

If not, that's fine. I'm going to talk a little bit more in detail.

>> Cesar: If it doesn't come up you can e-mail that presentation to me and I'll make sure the committee members get it.

>> That's fine. I'm going to talk a little bit more specifically about parking and ads. Some argue that ads would overburden our streets with cars unless we keep these restrictions in place. And that argument always seems to come with a healthy side of anecdotal evidence --

[indiscernible] Decided to do something more data driven. Hyde parking is really close to campus, we have a lot of overflow. Pull it up if you can. So we did a parking survey. We went through every single street of the neighborhood. We counted empty spaces and parked cars. And we came up with this. This is on a Sunday. Green streets have over 50% of spaces available. Yellow streets have between 25 and 50% of parking available. Red has less than 25%. That was on a Sunday. Those red streets, they are right next to a church. We replicated the study on a Thursday. Thursday night when most cars are in their homes, where they're supposed to be, or in the streets where they're supposed to be. We had the same result. There's no parking issue in hide park. Now, I understand that other neighborhoods might have similar or different parking situations. But I want to -- cite a couple studies done, the most important by the state of or gone. They did a study on ads last year where they surveyed the Adu population in the city.

[5:46:47 PM]

One of their conclusions was that ads have had negligible impact on parking conditions city-wide. I'm quoting here. Adus are associated with an average of 0.93 cars per dwelling. Lower than the Portland average of 1.31 for all new rentals. Not only that, the same study showed that 20% of Adu inhabitants did not even own a scar that stat was confirmed in a another study in east bay, California, where 22% of Adu residents in that city did not own a car. Parking is a non-issue.

[Buzzer sounding]

>> We should pay more attention to facts and less to anecdote. Thank you.

>> Cesar: Thank you. And our last speaker that I have signed up on this item is caz -- I forget his last name, caz wastowitz, I believe. Then with that, Mr. King, I apologize. I called your name and I -- if we could keep to you just one minute because the planning commission needs to come in.

>> I would -- I would be happy to wait until the next meeting to continue.

>> Cesar: I don't think we'll be taking public comment at the next meeting because we took comment at this one so if you could give us a minute of comments right now.

>> All right.

>> Cesar: We can get out of here.

>> Thank you very much. I appreciate you allowing me to do this. Thank you, chairman. Chair. I

appreciate it. Thank you. So on the comments regarding the parking I'll cuss to the chase here. You know, I think he's right, the speaker is right, we need to look at some facts. The facts are that both Portland and Seattle first wrote out their no parking requirements for small units in their cities and then had to turn around and implement minimum parking requirements for those same units because what they found out is the anecdotal evidence that there's no impact was not actually true. So they had to come back and implement minimum parking requirements in those two cities.

[5:48:52 PM]

So I think we do need to look at the facts. And in terms of str's if we want short-term rental there's an Adu short-term frequently my neighborhood, zilker that rents for over \$1,000 a night, not affordable. If we want to really attack this affordable problem why don't we --

[buzzer sounding]

>> -- Immediately stop those type 2 short-term rentals in my neighborhood alone, 81 homes would go back on the market as single family homes and hundreds more across the city could go back on the market as single family homes instead of these outrageously priced unaffordable short-term rental units. Thank you.

>> Cesar: Thank you. And Mr. Hirsch we received your comments on this item during citizen communication, that's correct? Great. I think we managed to navigate all 71 names on these sheets of paper successfully. Did anybody sign up on this item here that did I not call up? With that objection -- without objection I will adjourn this meeting of the planning and neighborhoods committee and we will keep this item posted for action for the 15th. Thank you so much toothache came out and for your -- thank you so much to everybody that came out and for your patience.

[Meeting adjourned]