

City Council Special Called Meeting Transcript – 6/27/2018

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[9:20:41 AM]

>> Mayor Adler: All right. We're in a special called meeting on codenext. Today is June 20s. It is 9:20. We have staff here and some consultants here and handouts that you've handed out. So the handout which is the PC recommendations and pz recommendations is that a complete takeout and replace what had been tab 3 in our notebook?

>> Yes, mayor, it's updated some of the planning commission's actions. I've had a couple of staff -- Greg Guernsey, planning and zoning department. I've had some staff actually going back and watching all the videos of all the planning commission meetings and making sure that they have done. And that should be sitting in front of you right now. And I'm also joined by John Mickey with opticos, primary consultant, Peter park consulting, subconsultant, and Jerry rusthoven. Got a brief presentation to go over that you should have in front of you that covers transition areas.

>> Mayor Adler: So there were two things we were going to discuss today. I think on our deal was testing and transition capability. The goal to get through those today. I also understand that at the end of the day we can talk about the portal for people to start posting amendments. We can talk about housekeeping decisions we have to make with respect to that before it gets posted or put up. And then there's also a bulletin board post that has some potential statements that relate to testing and to compatibility and transition in case people -- we want to use that as some measure of guide for introducing conversations amongst us.

[9:22:52 AM]

So how were you thinking were you guys thinking the best way to handle those two issues, the testing and the compatibility transition? Where do you guys think we should start?

>> I think we're planning to start with the transition areas and then we can move to testing.

>> Mayor Adler: All right. So without objection we'll start that way. We'll turn it on over to you.

>> Good morning, mayor, councilmembers. Peter park --

>> Mayor Adler: By the way, just to mark it, it's sad not to have John here as part of what we're doing. Obviously a big part of what we're doing here and so many other places and on so many levels he's sorely missed. Why don't you go ahead.

>> Yes, thank you, mayor. So today what we'd like to start with is discussion of transition. Now, in discussions that we've been hearing there's mention of compatibility and transition Zones and transition areas and maybe a little bit of confusion out there. So what we thought we'd do is start at sort of the basic principles of what are we talking about in terms of transitions and then talk about some of the problems under your current code situation and then describe what d-3 proposes to do in terms of to fix that. In terms of transition areas what we're talking about is the idea within zoning practice of providing gradual incremental change between different intensities of form and sometimes use. And there are basically two types. The first type is where compatibility standards, and you call them compatibility standards in Austin. Would adjust different form, characteristics of buildings, their height, set back, the distance between buildings.

[9:24:56 AM]

That's one type of making. Transitions between different intensities. The second type is where there's a transition zone. That is, there's a zone district that's mapped between a more intensive and a less insensitive zone district. So what we want to talk about today is these two types of transition areas, you might call, two different ways of making transitions. And we also want to clarify that when we use the term transect zone we aren't talking -- transition zone we aren't talking about a specific district. It's using a zone district as a transition between two other kind of zone districts districts. So in terms of the first type, the transition type one we're talking about, in your transition standards in your compatibility in article 10 your compatibility standards deal with height and building setbacks and screening, design, scale and trusterring. And the current capability standards are triggered by land use and zone district. Those are the two principal ways in which compatibility standards are triggered on to affected properties. There are two problems with the way your current system works as identified in the diagnosis and identified in various conversations that we've had, and relative to sort of more common practice. The first is the method or the triggering based on land use creates quite a lot of inconsistency and unpredictability in the review of a project. And we'll describe that in a second. Second is that the reach, the distance, the 540-foot reach, and the amount of reduction of development capacity is uncommonly suppressive.

[9:26:57 AM]

It's quite a lot. It's an unusual degree of dialing down and lowering the potential development. And it significantly limits development along your corridors and centers. So of for example, in this case where the arrow is pointing here, if that were a single-family use today and it were to change, like right now because of single-family use the reach of its influence is quite a lot because it's based on use. But if that

were to change that would no longer to a more intensive use, let's say, it would no longer be a trigger for compatibility and the surrounding properties would no longer be affected. So what this means is to figure out compatibility under your current code it's unpredictable, it changes depending on how a property owner might change the use of their property. They may be creating a trigger for adjacent parcels, parcels within 540 feet, and they might not, but you don't know. So that is an unusual practice to have the triggers based on land use. The second is the reach and I mentioned earlier to trigger compatibility. Typically compatibility the relationship of buildings to other buildings, the scale and form of the buildings. In the case of Austin's -- the profile of the suppression of height, it goes for quite a long distance and it reaches pretty far. And this is pretty uncommon, but it obviously has some significant affects on the ability to in fact introduce growth and density along corridors and centers.

[9:29:04 AM]

So John is going to talk about draft 3 and how in draft 3 these two primary issues are addressed. >>

>> Morning, council. As Peter said, in draft 3 we've made quite a few changes to compatibility standards and one I think that we have heard general support for is a compatibility being triggered by adjacent zoning district and not land use. And we heard this confirmed from the planning commission in motions and we heard this in discussions at the zap. And I think it's also important to understand that the compatibility standards have been made compatible across the zone districts so that it is used across all series of the code so that everyone understands how it works and it's more understandable end result. And it's also important to understand that it provides transitions more commonly found in her communities. So the way in which this transition occurs in terms of a distance from a triggering property and the amount in which that it adjusts development potential is more similar to what you find in other communities. And I think the other thing that we'll see in a second is that it allows again for more development along the corridor R. Corridors which is something you all as a group have talked about finding a way of handling. In terms of how this shows up on a map, often times there's residential house scale zone districts, so the single-family zone districts, duplex zone districts, right behind a mixed use or a main street zoned district. In this case we're showing a situation where there's an alley immediately between the mixed use and the residential. In and along the corridors. And other situations the mixed use and the residential share a common property line.

[9:31:04 AM]

They are a kind of back to back relationship. Or they have a side yard relationship. So here in this diagram we can see a series of single-family houses sharing a common site, lot line with a potential mixed use or mainstream development shown in pink in the lower line work is existing compatibility standards. We're showing a 200-foot deep development parcel. And then in light blue we're showing kind of our proposed compatibility standards. And one can see here when we talk about transition area it's really this first 100 feet that we're talking about there being a transition. The transition about what

are you allowed to fully do under your zoning entitlements and what is the transition, the amount of transition being asked for and how tall a building can you build. This is yet another diagram just showing a back to back relationship so kind of that situation where a single-family house or residential house scale zone district shares a rear property line with the development. Again, just showing in the light -- the light pink kind of the extent at which existing compatibility standards limit development and in blue showing how the new compatibility standards allow us to get additional development. It's important to note here that under the compatibility standards you get 60 feet of height after the -- beyond 100 feet. But you only get to 85 feet with affordable housing bonus program and I'll show you a couple of maps later that talk about that in more detail.

>> In this example in the current capabilities you follow the pink line, one can't actually get to their base height until they are 300 feet away from the property.

[9:33:06 AM]

>> And the important thing to note there is that's the first point at 300 feet away can you get to 60 feet in height? The realities to actually build a building that's 60 feet tall you need to be well beyond that because the way that existing compatibility standards work is you get an additional foot of height for every four feet of set back after 300 feet. So realistically to build a 60-foot tall building you need to be at least 340 feet away to get any kind of depth of an upper floor and the reality is probably even further than that. So again when we talk about allowing the corridors to be able to have more housing potential both at the base entitlements and the base compatibility standards we think that using this new transition system allows us to better meet the housing goals.

>> Alter: So that's contingent on being next to or across an alley from a residential scale building.

>> I have a couple of either slides but it's either being immediately adjacent, sharing a property line. It's being across an alley of 20 feet or less in right-of-way or a street of 60 feet or less in right-of-way. And those are the triggering actions and you can see in your packet the slides of those situations. This is what happens in the 50 feet so where the 60-foot bonus you get is only a small portion of the upper level and then 60, 85-foot bonus that you get with affordable housing bonus program is limited had in this situation. >>

>> Alter: But it's still dependent on what you're zoned adjacent to it and if you had a single-family use adjacent to it that was zoned not in that residential scale that triggers it, you wouldn't trigger compatibility.

[9:35:14 AM]

>> That is correct. If you are a single-family use and you are in a zone district that is not a residential house scale district, compatibility standards would not be triggered.

>> Alter: Thank you.

>> Houston: Mayor? Councilmember kitchen had her light on.

>> Kitchen: I just had a quick question and you may be getting to it later. These are very helpful. I would also like to see -- I know there was another approach that was discussed at the planning commission so whenever you get to that I just wanted to make sure that we were going to see that also. You don't have to do it right now. I just wanted to make sure --

>> Mayor Adler: Generally speaking let's try to let them get through this presentation so we get the whole context.

>> Houston: I didn't hear what you said about the alley. Can you repeat what you said about the alley?

>> Sure. So on slide 16 it's a diagram showing residential house property backing up on to an alley and a development parcel also backing up to an alley. So in this case we're showing an alley with a right-of-way of approximately 15 feet and that is similar to some right-of-ways that you might see in some of the neighborhoods where the right-of-way isn't always 20 feet. But any right-of-way -- alley right-of-way that's less than 20 feet you would trigger compatibility. One thing to note is as written the standards say the building has to be set back 30 feet from the development property line along the alley. So that's what we show in this diagram. It's kind of this black line here that says 30 feet. PC made a recommendation that the setback actually measured from the triggering property, so it would be from the far side of the alley. And I believe staff is in general agreement that we would be okay with that amendment and that change.

[9:37:17 AM]

And what that would do is it would bring it into alignment that all of the measurements are always from the triggering property property's property line. So the height setbacks, the building setbacks, everything is always measured from the same place and we think that would make it more consistent and easier for everyone to understand. So that is something that PC has recommended and I think it's something that staff has supported as well.

>> Alter: What was it in the draft?

>> In the draft it measured from the development side of the alley and as shown on this sketch here. And so one can see that there's a light -- if the efforts of this transition zone are to keep buildings further away from the single-family or the residential house scales zoned, when one looks at what happens on just a situation where two parcels back up to each other, we're providing 30 feet of area where you cannot provide a building. So 30 feet from that back property line. In the PC discussion and I think even with staff and consultants as we talked about it afterwards, the way it was written in draft 3 was saying 30 feet from the development's parcel line, which really meant that your set back from the residential house scale would vary from if the valley was 10 feet, your building would be 40 feet from the residential house zone. If your alley was 20 feet it would end up being 50 feet away. So in order to keep it more consistent with the approach of keeping that -- the development and mixed use or residential

house scale zone districts, we agreed that the idea of having it be triggered and measured from the residential house scale zone property line would be more consistent. So it would be moving the measurement to measure from kind of the far right property line here.

[9:39:21 AM]

>> Alter: That's where it says triggering, that's the planning commission triggering.

>> Correct.

>> Alter: But your proposal did it from the alley on the other side?

>> Correct.

>> Alter: So it's shortening the distance.

>> The PC recommendation would be shortening it, but it would be keeping the same distance as --

>> Consistency, but shorter.

>> Consistency. Again, one of the things we wanted to especially pay size is that the draft 3 code talks a little bit about when we have this side development to single-family houses that we looked at the standards slightly differently for a 75-foot wide lot versus a much wider lot, anything larger than 75 feet. Again, just recognizing that the impacts on a 75-foot wide lot are -- it's more impactful on the development potential than it is on a property that must be much larger and can accommodate that transition zone better. I mentioned earlier all of the diagrams we showed, show a max height at 85 feet. We wanted to emphasize that this map here showing in red zone districts that allow buildings to be over 85 feet in height. So on the right-hand side is kind of an overall city map. It's zoomed in as close as we could get that shows every parcel that allows something over 85 feet. And then I have a series of closeups here. Again, what one can notice is the residential house scale Zones. And in a light blue line is 100-foot offset from those zone districts. So none of these zone 100 feet. And in most cases they're not even within 300 feet of a property. Here one can see downtown in the middle of the left drawing and so you can see again all of the parcels in red allow over 85 feet and again they're nowhere close to the blue line, which is 100 feet away from the residential zone house scale districts.

[9:41:33 AM]

>> Kitchen: Can you say that again? I'm not sure I caught what this map shows.

>> So what we recognize is there are zone districts that allow you to build a height over 85 feet and I think one of the things we've heard from the community and the commissions is there was a lot of concern that you could end up with 120-foot tall building within 100 feet of a single-family house. As draft 3 is mapped, that is not possible because there are no zone districts that allow over 85 feet that are

within 100 feet of a residential house scale property. And generally speaking, they're not within 200 or even 300 feet of a residential house scaled property. To get to 85 you have to participate in the affordable housing bonus program. So we did want to emphasize that. We think there's been a lot of discussion about that, a lot of worries, angst about 120-foot tall building being built right around a residential house scale zone district. To be more specific about that, CC 120 and DC --

>> Kitchen: I'm sorry. So -- so the map is showing us it looks like only three areas. Three or maybe four areas that are zoned that high. Is that what I'm seeing?

>> Yes. Generally there's downtown and then there's one very large parcel -- I'm not -- that's south of Riverside so I'm not sure which street that's on. And if I back up one more slide, there are three other parcels that appear that are kind of out near four point and then up north. And I'm going to apologize I don't remember the name.

>> Kitchen: That's fine. I just wanted to make sure I knew what I was looking at.

>> In terms of 120 feet in height --

>> Mayor Adler: Hang on a second.

>> Tovo: I'm sorry, since we are interrupting you to ask questions, there was something back there that councilmember kitchen had asked you to explain. It was the next one. You had made some comments about this that I'm not sure I understood either and I think you asked, councilmember kitchen, for him to go over it again.

[9:43:38 AM]

Would you mind telling us again what --

>> Sure. So in this diagram we're showing in red our zone districts allow a height over 85 feet. So primarily in the middle here, that's really downtown, reflecting the downtown Austin plan. And then there is one parcel kind of in the lower right of the image. I'm not sure which cross street it's on, but that zone district allows over 85 feet of height.

>> It's just hard for me to see what this says.

>> I think the -- if I back up, let me back up here.

>> Tovo: I guess I'm trying to figure out what the -- okay. I got it. So this is the draft 3. You're showing us what in draft 3 allows heights over 85 feet, but your point was that while there aren't -- while there aren't places that allow over 100, you have not mapped buildings over 100 feet within 100 feet of single-family 100 feet of residences in draft 3.

>> We have not mapped anything over 85 feet within 100 feet of a residential house scale zone district. But yes, you can get to 85 feet with affordable housing bonus program. And I think it's really -- there are some images we've seen that talk about --

>> Mayor Adler: Hang on one second. Jimmy, did you want to --

>> Flannigan: Yes, just for clarity that one weird spot out in my district is the 3 M campus that was recently sold and rezoned. It's zoned R and D. It will likely not retain that zoning. And another thing is this doesn't show 2385. There's some in my district and the neighborhood and other districts. So this -- in the domain and other districts. So this doesn't apply to the F 25 zoning.

>> Mayor Adler: Okay. Let's see if we can get through the presentation. Go ahead.

>> And I think what we were trying to emphasize here is that there have been some drawings we've seen that talk about at 100 feet, showing 120-foot tall building.

[9:45:43 AM]

As mapped in draft 3 that doesn't occur. More specifically, CC 120 and DC are the zoning districts that would allow range. Again, none of these parcels are anywhere close to 100 feet proximate to a residential house scale zone district. Talking about the second type of transition area commonly referred to as the transition Zones. It's not saying a specific zone district. It's saying any zone district that really kind of allows that transition from single-family to kind of what's some of the corridor intensity buildings. So in this -- one of the opportunities is it allows more housing development opportunities near corridors and centers. By using transect Zones, in particular some of the recommendations that came from PC in terms of using some of the rm 1 B or rm 2's, those districts would allow more housing options so not only would you get more housing in the corridors along the mixed use or main street buildings, but it would also allow you to get some of the middle missing housing immediately adjacent to the corridors. And I think one of the other things to think about is that it reduced the impacts of compatibility standards on the parcels fronting on to corridors. This is a diagram staff pulled together. On the right it's talking about just kind of the corridor and the parcels facing on the corridor. A lot of the effort in draft 3 and even as council you have discussed about kind of the mixed use or main street zoning districts that would be allowed there to allow some development. The neighborhood core, which is really the residential house scale zone districts, where we're talking about this transition zone is what kind of zoning district can we use to kind of transition from that two-story, three-story house scale form to the more urban buildings along the corridors.

[9:47:53 AM]

So again here in plan just to talk about a residential house scale districts, generally speaking a lot of times the transition Zones are the residential multiunit zone districts. Again, and the mixed use along the corridor. So this is a diagram just showing how in this case we have residential house scales, the three houses on the right-hand side. In the middle here the transition area type two is that transition zone. In this case we're showing one of the lower intensity residential multiunit zone districts. And then what that means in terms of what you can build in the mixed use or main street zone district. So the by

using a transition zone, we can -- you can allow the full development of the parcel along the corridor. And again, I think the last question here is really how do we get there? In the past transition areas have been mapped through the small area plan process. They were used in airport building in that planning process and they were used in the south Austin combined neighborhood plan process as well. And with that we'd open it up for questions.

>> Renteria: Mayor?

>> Mayor Adler: Yes, Pio.

>> Renteria: You know, in my district we have a lot of cs where people are using as a residential house homes. And when we were developing our neighborhood plan we actually went and talked to those people and see if they wanted to convert theirs back to single-family 3. And they actually said no, we want the cs because we see the potential of the city growing out and we wanted to keep that zoning. So how are y'all going to handle those that are still being used as residents, but they're zoned cs.

[9:50:00 AM]

>> So a lot of the cs zoning that you see actually got translated probably into a mixed use district. And if they were just purely cs, we added a dash a to that component. So if there were ever to be redeveloped as -- for residential uses, they would have to have an affordability component that would be built in. But along Cesar Chavez if you take a look at the most recent maps that we have, the intensity of zoning even in cs today is tempered by compatibility. So a lot of times on those say in-depth, you could never achieve 60 feet. So they were mapped to a mixed use district that allowed actually less height that was more reflective of what you could actually get today.

>> Renteria: Thank you.

>> Mayor Adler: Ms. Houston?

>> Houston: I'm back to the alleys. So talk to me just a little bit about alleys that are more than 20 feet wide in the capability. Some of them in my district are more than 20, so talk to me about where compatibility standards.

>> So as written in draft 3, alleyways that are greater than 20 feet, if a residential -- so in this diagram here, this alley was --

>> Houston: What page was that on?

>> This is page 16. If the alley was greater than 20 feet compatibility would not be triggered. And I think again in the PC discussions and in discussions with staff and consultants, where we're reflecting on that was if we're thinking about.

[9:52:02 AM]

Trying to keep 30 feet from the residential house scale property to the -- to potential development, we wanted to keep a certain amount of open buffer. And what we felt at the time of drafting -- of creating draft 3 was that if your most of the Austin alleys are not, that in that situation you wouldn't need the buffer because you already have a 20-foot alley that's creating kind of that separation between the single-family house and the new development.

>> Houston: So then how high could the development on the other side of the --

>> So it could go to the maximum height allowed in the zone district. And so in mu 1 and mu 2 -- Ms 1 and Ms 2 there's 35 and 45 feet of height so you can never go higher than that. Ms 3 goes to 60 feet of base height and then 85 feet if you participate in affordable bonus program. Mu is in a similar way in that the lower districts have a lower height, but then as you get higher -- as you get a more intense mixed use district it gets taller.

>> Houston: Okay.

>> Mayor Adler: So for me on a discussion of compatibility, and I don't know how to ultimately get there, but trying to be guided by making sure that we can get whatever the desired density or entitlement is on corridors, recognizing that that varies as we map different intensities of that. And not wanting to get into the core of neighborhoods, so consistent with the value proposition that we adopted when we first were together, to me it requires us to take a look at what we needed to be doing behind the corridor in order to be able to have the corridor do what it was that we wanted it to do.

[9:54:26 AM]

So you point out an issue where on the corridor zoned for 60 feet in height, but you can't achieve 60 feet in height. So then figuring out how it is that we -- how we get there. I like what the planning commission has -- if we have a general rule that says we're going to key off of the adjacent tract, so as to allow development to exist on the corridors, we're also going to add a context specificity element to it. They listed a lot of factors. So those then would be variations or exceptions to to -- or where you would vary from the general rule when you're mapping things. So while the general rule might be you go to the non-house form zone on the property that is adjacent or abutting the corridor property, well, that's the general rule -- we wouldn't map the general rule everywhere because we would be taking into account the context specificity that exists. And we would then balance that based on the -- kind of the testing, I guess, which is what we'll talk about next, in terms of making sure that in the city we're getting whatever it was that was the yield or what we wanted to have. So the testing would serve as the guide for -- and one of the considerations like the context specificity. So for me a general rule that says that we're going to try to do mapping in Zones in a way that lets us achieve on the corridors what we want to achieve, recognizing we're not going to map it that way everywhere based on the context specificity to achieve whatever it is in terms of the yield that we want based on the testing that we would go through.

[9:56:34 AM]

That's what I think. Mayor pro tem?

>> Tovo: Thanks. You talked a little bit about the planning commission's recommendations. I wondered if you could address the zap recommendations? It's my understanding they were a little different. In particular the working group proposal.

>> Kitchen: Mr. Mayor? I have a comparison if you want to see it, if you don't already.

>> Tovo: I do think I have it. I was hoping they could walk us through the difference.

>> Kitchen: Yeah, I think that's it.

>> Flannigan: So mayor pro tem, I'm unfamiliar with the zap recommendation. Was that one this that the full commission voted on.

>> Tovo: I looked at staff. I thought so.

>> I just don't remember seeing it.

>> Tovo: I also have one from -- I think we all got it from oceans neighborhood, from the organization of central east Austin neighborhoods. And also forwarded us again today and last week one from Mr. Nuckols --

>> Flannigan: If we're going to entertain neighborhood association commissions and individual commissioner submissions, I would be hesitant to start to entertain that because then it would be a pretty voluminous list of recommendations.

>> Tovo: Maybe so. That's why I asked our staff to please tell us if zap had any recommendations. This to me looks like Mr. Nuckols may have distributed it to his commissioners on the zap because it has an item.

>> Kitchen: Could I speak to that?

>> Mayor Adler: I think I've seen that in the a I know I've seen it, but don't have a copy of it. I'm trying to catch up here too.

>> Kitchen: Could I explain because Mr. Nuckols is my -- basically this is not his proposal per se. This wasn't -- see the working group proposal down at the bottom? That was a group of planning commission and zap commissioners that came up with that.

[9:58:37 AM]

If you could go back to it. There was a group of planning commissioners which I forget who they all were, but Steven Oliver was one of them. There was a range of them. So there was a working group that was created between planning commission and zap, and they came up with the bottom version which is

the working group. I don't know how the zap resolution was come up and then you've got codenext, that's what's in draft 3, and what's at the top I can't tell. I guess that's current at the top. So that's what those four are.

>> Tovo:

>> Tovo: That's basically what I was hoping. Mr. Nuckols item was that, but it's the same document. I just wanted you to walk us through the difference among those -- again, because you mentioned PC, but you didn't talk about zap and they are one of our other land use commissions.

>> Mayor Adler: Do we know that to be a zap recommendation? Is that what that is?

>> So I checked with staff. Our understanding is zap discussed this but did not take action on this. And their recommendation would actually go back to current code come compatibility standards. This was a discussion point but not formally voted on or at least it did not pass as a commission. There is something to understand that is very interesting is the working group proposal below the one that's highlighted there is very similar to something that PC passed in terms of thinking about additional steps in terms of combat built. So as I described earlier, current mapping of draft 3 does not place buildings over 85 feet within 100 feet. Both the working group proposal in Z.A.P. And the planning commission motion talked about adding a few more steps that went beyond just in case in the future something was mapped closer to residential housing districts.

[10:00:44 AM]

The only other thing before I let discussion continue is that I do want to note in codenext the drawing there in codenext, that's showing the 120 feet, 100 feet, that's what we were talking about early in the presentation that there are no zoned district mapped within 100 feet of residential house districts that allow over 85 feet. Again, this is part of what we were trying to discuss is that codenext as mapped is not allowing anything close to 120 feet within 100 feet.

>> Tovo: Would you suggest we make that 85? Is everything else accurate about it if it's 85?

>> Correct.

>> Tovo: Based on the mapping, not the --

>> Correct. I will say that the benefit of both the working group's proposal and the planning commission's proposal is we are as I just said based on current mapping of draft 3, if the maps were to change in the future, I think the working group's proposal and PC's actual recommendation would allow some more transition to happen further away from the property.

>> And mayor and council, the zoning and platting commission, I believe, the draft 2 made more specific compatibility recommendations. They didn't carry those forward necessarily in part of draft 3. They felt they weren't addressed with draft 3. But in your backup there's a reference to what Z.A.P. Did with draft 2 and it speaks to a zoning and platting commission recommends that house form Zones not use trigger compatibility, similar to planning commission and draft 3 actually suggested, and they recommend that

the current compatibility rules be reduced by one-third allow ING buildings 100 feet away, 60-foot buildings 200 feet away, and 80-foot buildings 300 feet away from the Zones.

[10:02:49 AM]

And then goes into a little more detail. But their recommendations really came with draft 2 and not draft 3.

>> Mayor Adler: Ann and then Jimmy.

>> Kitchen: I would like to see a visual of the planning commission's recommendations. I have one here that I think is it. Working group proposal and the planning commission recommendation, what they -- although they ended up doing it somewhat differently, both groups -- both of those added height based on density bonuses. In other words, you didn't get the additional height that you see under the draft 3 recommendation without -- without the density bonus. So I've got a picture here if that's -- and I don't know the source of this document, but I think this is the right one, if you want to put it up. It shows the working group and the PC. So it basically has all of that, it just adds -- would that be helpful? Because I really want to visualize --

>> Mayor Adler: I don't know what these things are.

>> Kitchen: I can explain. There's a PC recommendation that they voted on. I think we should see that visually. There's a working group proposal which I've explained where that came from. There's the codenext which is in draft 3, and then there's the current code. To at least, you know, be seeing the PC recommendation up here.

>> Mayor Adler: I think it would be good to see the PC recommendation. I just don't know if they have confirmed drawings we were getting from various places. I just don't know if the drawings are accurate or right. I can't vouch for them.

>> Kitchen: Do you guys have a --

>> I did a quick sketch of trying to recommend the PC sketch based on the same drawings we showed in the slides.

>> Kitchen: Okay.

>> So the one thing that I will note is that PC made a series of recommendations on the heights that would be allowed with affordable bonus program.

[10:04:58 AM]

That is not shown on this drawing. The line work that I've added by hand is showing what they thought would be the stepping of the maximum base height you could build. What they proposed is that

between 100 and 200 feet you would get 65 feet of height, five feet more than draft 3. Then they said between 200 and 225 you get 75 feet in height and between 225 and 300 you get 90. Beyond 300 feet, you could get the maximum set by the zone district. For draft 3 map, this really doesn't change things in any significant way because, again, if this is just talking about the base height, what this does do is give some assurances over the long term that if cc120 for whatever reason was mapped in close proximity to residential house scale zoned district, really any district that's above, you know, 85 feet, that if it was in that 200 to 300-foot range, the maximum height they could get is 90 feet. So it does provide more assurances in terms of the maximum height beyond what our current compatibility standards say.

>> Mayor Adler: Jimmy.

>> Flannigan: Thank you, mayor. I'm also concerned about pulling in documents of unverified source and then citing them. I'm glad to hear consultants point out that there's some practical analysis that you can't get 120 feet next to -- I mean it's just -- it's not really possible and we would never map it that way. Even to say, well, if you happen to map cc1, we would never do that. My understanding on some of the stuff the planning commission was doing was interpreting some of the other requirements like the first floor had to be a of that if you kept it at 60 feet or then you actually didn't get that last floor because the first floor height requirement made the top floor too short.

[10:07:08 AM]

So there was some kind of practical -- practical yield question that came into what a 5-foot difference might mean. Am I remembering that correctly?

>> Councilmember, that is correct. So in -- in the same way that in draft 3 we proposed going from 40 feet to 45 feet to allow you to get that taller ground floor, PC took that one step further and said why don't we apply the same logic at the 60 feet that you would allow 65 feet because it doesn't give you a full floor, but it lets you get that ground floor and be a little taller which also gives more flexibility in what the uses can happen in that building.

>> Mayor Adler: Mayor pro tem.

>> Tovo: So I would be interested, and this is one reason why I raised the question, in having you respond to this because it is -- it is -- I think we can track down the source. I think it was unwieldy of the commissionersment I'm pretty sure it was presented at some of the meetings and it's circulating among the community. So I think it is a very handy -- it's a very handy sheet that compares them so it would be useful to know whether or not it's accurate. So that's my pitch on understanding -- I mean, if -- yeah. I think it's to see extent easier for people than seeing each of these individually and trying to figure out what's different among the different recommendations.

>> Mayor Adler: So the question you have is can you confirm this? Is that right?

>> It would be great if I had a physical copy of that.

>> I don't mean right now on the spot. I just mean if you could get back to us with this. With your response to that.

[10:09:09 AM]

>> Kitchen: Could we get handouts of it? Could we all get a handout of it?

>> Tovo: Again, I'll say it's the same as the -- I believe that we all received an email today.

>> Kitchen: But we don't have it in front of us.

>> Tovo: I'm sitting here too --

>> Mayor Adler: I'll make copies and give them to you guys so you see what kinds of things are circulating out in the community.

>> Renteria: Mayor, what is this going to buy us on this sheet here? Are they going to delay the presentation or --

>> Mayor Adler: I think we're going to continue --

>> Renteria: Discussion or --

>> Mayor Adler: We're still going to continue to discuss. It would be helpful, I think, if we could talk about compatibility and transition in terms of what it is that we're trying to achieve. Not necessarily how it is that we achieve it.

>> Renteria: Only thing it's going to do is raise a lot of other questions and that's one of my concerns. I haven't seen a copy of it. This is the first that -- are we going to have a big discussion on this piece of paper here? I just want to know, I mean.

>> Mayor Adler: Could you hand that out, please?

>> Houston: Mayor, while thinking about that, I have a question about compatibility. That I posted on the -- posted on the message board about neighborhood conservation combining districts, and what impact would compatibility -- how would compatibility be handled in those districts.

[10:11:10 AM]

>> So the neighborhood conservation combining districts, nccds, are basically left to the same standards as exist today in the -- in those f25 Zones. If there was a house next to a commercial building within a nccd, neighborhood conservation combining district, then the rules of today would apply. Now, there are standards that would be different when you get to the border of an nccd, an F 25 zone and the draft 3 zoning that's proposed. So if you had a single-family lot, let's say r2c zoning district that was outside of the nccd and you were building a commercial project within the nccd. That project within the nccd would be subject to the current rules that exist today under compatibility because that house that lies right next door but outside the nccd that's subject to the current or the proposed codenext would

trigger compatibility on something inside. Conversely, if I had a single-family home in an nccd and he was going to build a commercial project right next door but under codenext rules, then that setbacks of the proposed compatibility, that 100-foot setback, would apply to that commercial project. Even though the -- the nccd is under the old rules, it would still trigger the compatibility-like setbacks under codenext on that project that sits outside under codenext rules. Does that help?

[10:13:12 AM]

>> Councilmember, if I could add, I believe part of your question was all although the compatibility would not change, two in the 11th and 12th have relaxed compatibility standards that chest in the rest of the city. In the 11th and 12th, they have less restrictive compatibility standards than the rest of the city. Those would remain because the nccds are not changing.

>> Houston: So then they would be vulnerable because they have less protections now.

>> Yes, less pro tomorrows now.

>> Houston: Than the other neighborhood conservation combining districts.

>> Or the rest of the city.

>> Houston: Or the rest of the city.

>> Yes.

>> Houston: Thanks for that clarification.

>> Mayor Adler: Just answer question -- and I think we have to figure out how we're going to go about having this conversation and how we do it and I'm not sure how to do that, but one possible way that eventually is going to be looking at amendments that people file, which hopefully today we can start putting on a portal. What just got handed out to you is a -- statements similar to the ones that the council -- that we worked off of before that we changed and added the first page of testing, we're not there yet, but below that is a statement about compatibility on the next page, transition Zones. And they are high-level statements that don't talk about how we achieve these things, but it states, I guess, certain value propositions which could be directions. I don't know if it's helpful for us to have something in front of us that we can use just to talk about what the other issues are, but the first paragraph states the general proposition that in order to be able to do what we want to do on the corridors, compatibility and mapping, because they both work, have to work in a way that lets us do that.

[10:15:17 AM]

The second statement would have us having a conversation about what is triggers and what triggers. The third is the one that says this has to be contact sensitive because when one applies for a deep lot or

a shallow lot or a lot that's backed behind with the backing lots are different would impact the decisions that were made. I don't know how -- how you all want to do this conversation, working off something like this might give us a way to form a conversation. Because I'm not sure if going into a line on a code is going to get us there, but this is one possible way. But I think we should figure out what feels right for us in terms of how we move forward to talk about compatibility. Leslie.

>> Pool: Mayor, thanks, I'm sorry, I stepped out for a moment, so if I might before we move off the question that was about the topic that was being discussed before and before we move on to this question, I have a question. Understand that PC recommended stepping up height beyond 100-foot that staff currently recommends, and I appreciate that. I had -- so my follow-up question is, my understanding is PC also recommends allowing full height for affordable housing bonus program at 100 feet. So what heights did PC recommend for mu 5a or ms3b under the affordable housing bonus program?

[10:17:24 AM]

>> Councilmember, you said ms3?

>> Pool: Ms3b. What I'm looking for can we achieve these lights, unlimited for mu 5a under PC's recommendations?

>> Councilmember, we would have to try to stretch that out a little bit. Can we get back to that?

>> Pool: Yes please. I think it's an important point. Thank you. Thank you, mayor.

>> Mayor Adler: Alison.

>> Alter: This follows on from Ms. Pool's comments. I'm having trouble because I don't know what the base motion is. So the consultants and staffs are saying we didn't map anything over 85 within 100 feet, but their text amendments from PC that -- they don't change -- if I'm nodding them correctly, they don't change the map but they change what the maximum Zones are, maximum heights are in different Zones, and people are concerned about how all of these things interact. And so, you know, when you talk about one thing and then you change the heights over here, but -- it's just very confusing without knowing what we're talking about as our base. Because if the consultants are talking about draft 3, which is what I would like to be the base, but then, you know, if, in fact PC is the base, it's a whole different ball game of what is in the base of what we're talking about. And they lead to very different conclusions, as far as I can tell, and it's just making it really difficult without having some clarity on whether folks want draft 3 or they want PC to be the base.

[10:19:26 AM]

>> Mayor Adler: Help me so that I can understand. Because one of the things we identified we have to decide eventually is what base document are we working off of so we know what to amend if we're

amending something. But isn't the conversation we should be having before we decide what document we're working off of to have a conference about what it is we're trying to achieve? Regardless whether we start with PC or Z.A.P. Or consensus group or anything, shouldn't we begin with what is it that we're asbestos council, what is it that we're trying to achieve? Because then we could say this is what we want to try to achieve, and then if we could agree on that, then we would say to -- to the consultants and to staff amend whatever base document you are working on, and we would decide that, of course, amend it to achieve this goal. And I don't know that our goal collectively changes or is impacted by whatever base it is that we're amending off of. But I could be missing something. For me, I would like to have a conversation about what is it that we want.

>> Alter: I hear what you are saying, that that's a conversation that you want to have. It's unfortunate that we're having this conversation now and not a year ago. So if that's the conversation we need to have now, then that's the conversation we'll have now, but for me they are all interwoven because we can have all the conversations we want about compatibility, but if it's triggered by the joint property and then we're going to do all this stuff to change the adjacent property, then compatibility doesn't matter, might as well not have compatibility because it's never going to come into play and we're just going to roll through the neighborhoods. You know, in one understanding of how things -- how things play out.

[10:21:29 AM]

And so it's just -- it's very difficult because they are so inter woven. You can have great compatibility standards, but if you eliminate the thing that triggers them, it doesn't matter what your compatibility standards are. That's what I'm -- if we're going to have these transition Zones, I understand the concept of the transition zone as a planning thing when you are planning something in a green field. We already have, though, single-family houses that are next to these corridors and other things and we have to work back from that. And the choices that we make about the triggering properties and compatibility interact. And what I think people are concerned about is this idea of the transition zone, no matter what compatibility, even if we have what's in draft 3 which many are not comfortable with, if you map these transition Zones in certain ways, it doesn't even provide any safeguards for those neighborhoods. And so all of these are intertwined, and yes, we have to know what we're trying to achieve, but the only goal is not just to get density on the corridors.

>> Mayor Adler: And certainly what -- my understanding what they've proposed doesn't allow it to just run -- because I would not support and don't believe it follows that it just runs through the neighborhoods. I think you are right the mapping is intertwined with the rules and the rules are intertwined with the mapping, but we get to say how we want the mapping and the rules to work. And eventually if we pass this, that's -- that's what we'll do.

>> Alter: As I understand it, and I may be confused because we have a lot of things and we are multitasking more than we should be to get to good decisions on a variety of things. As I understand it, the fear in the community is this interaction between the compatibility standards and the transition Zones and if you don't have compatibility because you have created transition zone, whether you live in single-family or not and you get zoned something other than that, then there's no compatibility.

[10:23:52 AM]

Right now you can be 300 feet and you have some safety. If you change all those and you do all the transition Zones, there is nothing to stop the whole neighborhood from becoming -- that is the fear. Whether that can happen all the way or not, I'm not sure I'm able to explain that fully, but that is the fear that is out there in the community and that we can provide some surety that is not going to happen. I'm trying to figure out how we accomplish both of those. But I don't think it's fair to say that we can change all these compatibility standards and then, oh, by the way we're going to put these transition Zones. When you put those transition Zones and say it has to be adjacent to the zone, you have eliminated the compatibility rules. That's the logical thing that I'm having trouble squaring. And, you know, we can all agree that we want to do that, but if in the details it's not doing that or there's reason to believe it's not, the community does not believe that we are accomplishing what might be a common goal of putting the density on the corridors.

>> Mayor Adler: I understand. You are raising your hand.

>> Might I offer that -- maybe to help this conversation, maybe there are basically -- at least for today three basic questions for us to organize a discussion around. Could you -- could you put up that slide? What councilmember alter is describing is exactly what we've been hearing as well. And so that was part of our intention of organizing this presentation this way. And so the first two questions --

>> Houston: Can you tell me what slide that is? I can't see it.

>> This is slide number 12. And so the -- the first question might be what triggers compatibility.

[10:25:56 AM]

Because draft 3 does propose different triggers than you'll have today. And the second question, which I'm pretty sure we're not going going to get through today but needs to be decided is what are the standards. So our intention of describing transition area type 1 where the compatibility standards apply, this diagram might be helpful for us to talk about the question of what triggers compatibility, and then if compatibility is triggered, what are the various steps. And as the -- can I borrow that? As these various diagrams are depicting, they are just depicting different stepping schemes, right? Ultimately there needs to be decision about which one to do, but that's really in the what are the compatibility standards. The third question which addresses councilmember alter's point also is centered in the realm of what we propose as transition area type 2, the transition zone. Because as we said in our earlier presentation, the application or the mapping of a zoned disks that acts as a transition zone between the front age and the residential house-scaled zone eliminates the application on compatibility as you see on this diagram. And so there is confusion out there about are you talking about compatibility standards, transition zone? Our intention today was to say the decision about whether to map transition Zones or when to map transition Zones is -- is an important question to define.

[10:27:59 AM]

Knowing that when you map the transition Zones, you are freeing those font age parcels from compatibility. And so that's the -- they just go together that way. But in situations where compatibility applies, the two principle questions really are what triggers compatibility and what is the shape of that compatibility profile.

>> Mayor Adler: Greg.

>> Casar: Thank you for narrowing those questions for us. And I have expressed in some past work sessions sometimes struggling to make sure we're connecting with one another and debating on the same topic. And it's been hard for me and I think hard for others, and so I think focusing on very specific questions is useful, but beyond that having -- I think it's helpful for us to have specific language on what it is we're debate whenever we're debating a topic because then we don't have to argue in hypotheticals about what some of us might want to do or other folks might want to do. We can talk about the same topic. I reviewed and read what the mayor posted to the message board yesterday and just got handed out, and I would propose, you know, answering those questions looking through this language or language anybody else proposes, but it's just like when we are organized around a normal work session or council meeting, it's hard for me and I think maybe I'm speaking for other folks here too hopefully, to debate stuff when we aren't looking at specific language so we're not talking past one another but debating what language is proposed. Be it the bearer's or any other suggestions, that's helpful for me. If you want to answer those questions the consultant brought up, if the mayor could point to us where those are answered then we could stay on one topic would be helpful.

>> Mayor Adler: In case anybody is watching this, what I handed out and posted on to the council message board yesterday.

[10:30:05 AM]

Yes, Pio, then Jimmy. Mic needs to be turned on.

>> Renteria: What we're really talking about is affordability and bringing more people to live, especially in my neighborhood. When we're talking about my community, my community, let me talk about my community. You know, we have three minority councilmembers that are supporting this transitional in codenext. Because we already -- the fear that now is the reality right now with my community, in my neighborhood -- and I'm not talking about y'all neighborhood, I'm talking about my community, my neighborhood. It's already reality. We're getting displaced. Low-income people are not going to be able to live in my neighborhood. They are not. Now, we're looking at trying to have it so that even now the so-called middle, they are being displaced. When land value in my neighborhood is \$300,000, not including your house, then we have a problem. We are going to have a major problem. We're just going to have wealthy people in my neighborhood, and they are already there. They are already there. And

they are buying these homes up left and right. The only people that are going to be able to live there are the people that live in the projects. And that's Chalmers in my neighborhood, and those are the only ones. We're going to either have wealthy or very low income. We're not going to have anybody else. Unless we start bringing in more families density apartments with two-three-bedroom houses, then we're going to be gone also.

>> Mayor Adler: Jimmy.

>> Flannigan: The slide you have up right now, get their attention, the slide you have up right now the current code triggers compatibility from a multi unit?

[10:32:11 AM]

>> So current -- current code would trigger from this property line here because this -- assuming this was a sf-5 or less intense zoned district, let's just say it was sf-3, it would trigger from this property line right here because, again, it doesn't look at immediate adjacency, it just says within a certain distance of a single-family house. That's why we showed these colorful --

>> Flannigan: If you go back, it looks like -- there it is. The buildable area under the current code looks like the one from the previous slide triggered from the adjacent properties.

>> Apologies.

>> Flannigan: So that's not right.

>> Yeah, that whole pink part should slide way over to the right and be right at the edge of the residential --

>> Flannigan: That slide is incorrect and I can't tell the difference between the colors either, which is a whole other issue. Yeah, so that area that's currently labeled as buildable under the current code, that's not true. It would be -- I don't know what the buildable area would be past the setback, but much more than 30 feet.

>> Correct. Correct. And I think just to circle back to mayor pro tem's request, I think over lunch we can try and verify this set of drawings, and I can modify this drawing so that we have --

>> Flannigan: Thank you. I want to just support councilmember Renteria's comments and I appreciate also I share -- councilmember alter I share your frustration. It feels still something like councilmember kitchen and I talked about a few meetings ago, it's not clear if we're talking about text changes to the map in front of us or text changes to a map we might want. I'm looking at this process as both of them are going to change.

[10:34:12 AM]

That I'm looking at the text, I want a text that gives me the types of things that I want to be able to do, not thinking about what's mapped right now. Because what's mapped right now is what's zoned right now. So as I make changes, as I propose changes to the text, I'm not assuming they are going to apply to every zone currently zoned in the draft map. I worry our debate is about that, that if we make a change to this, then it's going to apply to something currently mapped and that's not an assumption I make because I don't want people confused I am more supportive of transition Zones going a little farther away from the corridors, but that doesn't -- that doesn't happen on the current map now. So as amendments -- hopefully we get to an amendment place, I just want it to be clear that the current map is not the map that I like, the current text is not the text that I like and I'm editing them at the same time.

>> Mayor Adler: Ann.

>> Kitchen: I appreciate everyone's comments. I want to kind of circle back. I'm hearing people want to talk about language and I think as councilmember Casar said we have language in front of us to talk about. And this is the same kind of approach that we went through before, which was to use these kinds of policy statements to see where we can reach agreement. So -- so I would like to stay on that topic. Now, with that said, I think that the question that councilmember Alter was asking really goes to the heart of the issue and whether or not we can -- we can go through and reach agreement on these particular statements. Because as you said, mayor, these statements go to what triggers compatibility, they go to what you might do with the transition zone if you had one.

[10:36:14 AM]

And so these are general policy statements around how you might do a transition zone if you were going to have one, how you might trigger compatibility. What this document does not do and I suggest we set aside for right now is the particulars of at what height, what step is triggered. Because that's not in this document and we could talk a whole day about which step-down we want to do. So I suggest we set that aside and not talk about that right now. But I do think that councilmember Alter's question is right on point and so if I may, I have a question for the consultants about that.

>> Mayor Adler: Okay.

>> Kitchen: So if you'll look back at both slide 28 and slide 12, what we're really talking about is what happens right next to -- so if -- what happens right next to a residential house scale zone, so -- so looking at slide 12, so I just want to make sure I'm understanding this correct. So the box on slide 12 is what happens if you apply compatibility standards and you are not doing transition. The box on slide 28 is what happens if you are doing transition and not compatibility. So if I'm hearing the fear councilmember Alter is talking about, which is the same fear I'm hearing, how does the box -- I may be oversimplifying, but what can you build in the box on slide 28 versus what can you build in the box on slide 12? I may be oversimplifying it, but really, if I'm understanding, that's what we're talking about. Because slide 12 is a step-down. And the step-down is in concept, anyway, equivalent to what you're doing with a transition zone.

[10:38:16 AM]

Now, whether they match up in terms of exactly what height and what form of building, I don't know that, but the concept is the same, is it not? Am I understanding that correctly? So to get to someone's fear, what people are afraid is that the slide 12, they see slide 12, the compatibility is providing some protection in terms of what happens right next to a house. Well, in theory anyway, a transition zone can do the same thing. But again, of course we have to get into the details about what level that is set at, but it's still the same concept. Am I right about that?

>> Exactly. That's why we wanted to call them transition areas.

>> Kitchen: Yeah.

>> The type 1 is when it's compatibility. The compatibility standards. And type 2 is when it's a transition zone, so exactly right. Both cases they are intended to make that transition from more intensive zoning to the less intensive zoning.

>> Kitchen: So in theory, and I'm not suggesting this, I'm just saying in theory you could map your transition Zones the same as what you would get if you just applied compatibility. With the step-down. So if our compatibility is set at 35 feet or 45 feet or whatever, so if the height is 45 feet or the height is 35 feet or whatever we ended up with, if that -- if you put your transition Zones at that height, you would essentially be getting the same protections in terms of heights. I know I'm oversimplifying it, but I'm just trying to suggest if we think about it that way, the question really is what are we trying to get in terms of additional housing and what are we trying to put between. So is that a way to think about it or -

-

[10:40:17 AM]

>> Yeah, I mean --

>> Kitchen: Am I oversimplifying it?

>> It's not oversimplifying. It's a good way to think about if it's acceptable to have a building form of this height in this kind of transition where compatibility applies, then the selection of a zone that would be that transition zone, right, between the more intensive and single-family, could take its guidance from sort of the calibration of height that the compatibility standard would have done, yeah.

>> Kitchen: Okay.

>> Mayor Adler: Go ahead.

>> Alter: But slide 28 is inaccurate, my understanding the residential zone doesn't trigger compatibility next to it so that pretty diagram of pink and blue and blue, like the --

>> Councilmember, that's correct. Under existing code, that pink stuff would move all the way to the residential zone and you would have some protection, but there is no protection under the draft code or under the PC once you put that residential multi-unit there.

>> That's correct, councilmember, and that's what I offered to councilmember Flannigan was to modify this drawing to correctly show the pink envelope of existing compatibility. So I'll work to slide that pink compatibility over to the right and show what would have been allowed under existing code.

>> Alter: So the fear is that when you put that transition thing, you have no protections from having that -- anything on the corridor. Anything goes on the corridor as long as it's allowed under the zone that it's -- that it has on the corridor.

>> Kitchen: Can I ask a question?

>> Mayor Adler: So on this, we have density that's being built in the corridor -- wait a second because I want to talk to Alison.

[10:42:21 AM]

Because what you said before we started going about the expression of the concerns you are hearing in places are the exact same ones I'm hearing too. Although I'm in different parts of the city, I hear different concerns. But I hear that concern and I want to address that concern too. Because that's an important concern -- there's no more important for you to neat that concern than it is for me to meet that concern, which is why I think there's an opportunity for us collectively to think through this and figure this out. And that's why I'm trying to think -- before we worry about -- if we can agree what we want to do, we could say start with whatever base you want to, we could pick one, say make the mapping in the code do what it is that we want it to do. Let me see if I understand what you are saying. On page 12 you have a lot that is a corridor lot that goes all the way back. And it abutts or is across the alley from a single house form deal. What you are saying is that we have the compatibility on the corridor, there has to be some kind of transition between the density on the corridor and this, and when we have a deep lot like this, what we're going to say is the back half of that deep lot has to start putting the transition in it so that the part of the deep corridor lot that is abutting this works to transition. Now, a separate different way to look at it would be to say let's take a single -- let's take a residential structure that is -- that is larger in scale than the single house structure, but in this area where we have the step-down, let's let a residential use go here, but let's make it so it's no more intensive or visually anything or disruptive than what is the back half of this commercial tract. So this part could either be the back half of the commercial tract and commercial mixed use, or take this away, it could be as we see on 28 we have the exact same drawing except in essence the back half of the commercial -- the front half of the commercial is commercial now, and that area that used to be here is now going to be this.

[10:44:49 AM]

And that's the general proposition. That either a house is going to be close to a mixed use commercial, but then it's going to have to step down within the thing, or -- or in that same area that corresponding roughly generic, in that same area we're going to allow a residential form instead. It's either going -- the corridor, I'm going back and forth, Ms. Houston, between 12 and 28. On both of them the part of the fronting tract on the corridor has the fully zoned commercial or mixed use capability, which hopefully will include some residences on it. Behind it I have my -- my house structures, and I have to do a transition between what is directly on the corridor and these house structures, and there are two different kinds of transactions I could have. One is I continue like on 12 the -- the commercial mixed use, but it steps down to provide a transition area. That's what's shown on 12. Or alternatively what's shown on 28 in that transition area I put in a residential structure, multi-family structure that has roughly the same lowered height that was on the back side of the commercial tract. So what the -- what I -- what we had intended by the language that we -- that we probe is to say in real general terms we're going to do mapping and zoning in a way that lets us get the density on the corridors, but we're going to do it in a way -- because we have to -- we want to be able to do that, but our other goal is look at the context sensitivity so we're going to do that, incorporate that as well.

[10:46:51 AM]

And I agree with some of the other comments, I don't want to get -- for me it's not going to be helpful to start talking about lateral distances and heights because I don't know what goal it is I'm trying to serve. If we could figure out what it is we're trying to accomplish, then we could argue about what are the distances and the heights that best accomplish what we're trying to accomplish. Because I think that we can agree on what it is we're trying to accomplish that I think will address the concerns that we're hearing in the neighborhoods and other places. I think that we can. Leslie.

>> Pool: I'm looking at page 28 or 12 or 13, it doesn't matter which one. I'm curious to know if there are any breaks, any distances, any easements in any of these transition zone diagrams. Is this intended to show, for example, at the end of a property which is commercial there's a certain X number of feet for easement before the next taller building can be put in. These are showing us height, but it looks like that potentially could be all one structure and I'm trying to imagine if it's fronting on a corridor and the transition zone has its back to the building that's on the corridor and its front on a -- potentially a neighborhood street, are you anticipating that that is an uninterrupted development or are there easements involved in this that just are not -- because that wasn't what this picture was to show? Because this looks really big, and that also could be unconsciously, sub consciously people are thinking that's the development on that street behind their home potentially. Does that make sense?

>> I think I understand.

>> Pool: I'm looking for the separation of that particular pink block that you have there. Any separation segments that might be in there.

[10:48:56 AM]

>> Well, this was intended to say this is the parcel, this 200-foot depth parcel is the parcel that's fronting directly on the corridor. And then the next property would be a mapping, a transition zone, let's say RM zone, that would then transition to single-family. So very similar to the way it might look here, which you would have the mixed use zone on the corridor and then a multi-unit residential zone mapped as a transition, and then the residential house scale and the neighborhood core. So the depth of this could be parcel --

>> Pool: There is a segmentation there.

>> The whole idea.

>> Pool: My question is is there a dedicated easement between the mixed use and the multi-unit residential? Are you intending for that to be lot line to lot line, or is that just not intended to be depicted here at all?

>> No, it would just be the property line. Right? So MU or MS zone and then the property line, and then RM zone and then in this case is showing an alley, and then a single-family zone.

>> There still may be under building code they could apply for setback, but for illustrative purposes we're saying the heights under compatibility or what we're proposing in draft 3 could come up to the property line. And depending on the type of construction you might have buildings that could actually sit on the property line if they have openings, they might have to sit back, if that's what you are talking about.

[10:50:59 AM]

>> Pool: I am, and that's a change from what we have currently; is that right?

>> No, today depending on the -- if there are -- if there's not a setback and you can build up to a property line, depending how you construct the building, it can sit on a property line or it may have -- may have to sit off.

>> Pool: How often does that happen?

>> The building would have to be constructed in a certain manner. If they have openings it might have to sit off the property line.

>> Pool: Are we talking about downtown here?

>> No. To give that illustrative --

>> Mayor Adler: Can you go back to that other drawing for a second? It doesn't have to necessarily be two lots, right? The mixed use lot and the multi-unit residential lot, they could all be part of a single lot where you have commercial in the front and the back half potentially zoned differently. Or -- or you could have -- or it could be just commercial that goes all the way from the corridor to the residential

house lot, but in Orange rather than being multi-unit residential, it could be significantly stepped down commercial. But it would effectively be the same. There are like three or four different ways that could actually appear in our streets. Part of the same lot, not part of the same lot, stepped-down multi-use residential -- multi-use residential or stepped-down corridor commercial. It could be any one of those four. But effectively for the homes that are behind it, they are all protected from what's happening at the corridor, fronting on the corridor under any of those scenarios. That's my understanding of what I hope as a collective body we would direct.

[10:53:01 AM]

Do whatever it takes, how you map the property, how you rate the code, we want to provide that kind of protection for those -- for those homes.

>> Pool: Thanks.

>> Mayor Adler: Ann -- I'm sorry, Ms. Houston.

>> Houston: Thank you, mayor. I got back just in time. And I just -- I just want to start with a very basic thing for the people in my community that are fearful. How are you designing corridors? Because we -- imagine Austin has corridors, the mobility plan has corridors, the planning commission has -- they added some additional corridors, and people are concerned about how are you all, how will draft 3 define a corridor and how will that corridor impact their property? Is it by width? How many lanes it is, how many cars? How do we decide it's just not a neighborhood collector and it's airport boulevard? I mean very different, very different context so people are concerned that something that's a two-lane road will be determined a corridor and that will have impacts on -- this diagram on 25. Because some of our neighborhoods are four blocks deep. So the transition -- the parcels confronting the corridor, whatever corridors there are, there's an alley and then the core neighborhood is right where you talk about a transition zone. People are fearful about that. And so we don't know how to define a corridor.

>> Councilmember, the -- we've been using the corridors in imagine Austin, we have other corridors defined in today's code as pre-transit corridors. The planning commission did identify specific streets that they felt were corridors that should have different standards on them.

[10:55:03 AM]

I do know some people are concerned about some of those streets because of, frankly, the types of streets they are today. But we would be looking at -- if we're looking at doing something different for the corridors with regard to compatibility and transitions, looking at the ones identified in imagine imagine and transit corridors and also looking at the mobility projects, you know, the mobility bond projects to identify corridors where there is instruction going to be occurring.

>> But in draft 3, regardless what type of corridor it is, we're applying the same standards that you see would be compatibility, so that 100-foot lot-depth or 100-foot where building can be higher, it wouldn't matter what corridor, if you are on a major corridor or not the way we're mapping -- not mapping, as the way the code would apply under draft 3. So if you had that commercial project that might be on a two-lane road or six-lane road, the impact to the house next door to that commercial project, we would apply those same standards of height as the staff is recommending.

>> Mayor Adler: In fact, there are two protections for the more minor corridor that Ms. Houston is talking about. The first protection that that gets is what happens on the corridor. So even though we're using the word "Corridor," what goes on corridors very different as you have mapped it. On some corridors you've mapped mixed use at a really low intense level where the building height is as low as 32 feet. On other mixed use it goes to 60 feet. So -- and that's dependent in first part on what kind of corridor. The first protection, Ms. Houston, is that you need to make sure that the mapping -- and we need to make sure collectively, that the mapping when we have a minor corridor what goes on that corridor reflects the fact that's a minor street or corridor.

[10:57:12 AM]

And then the second protection you are talking about that we can do is we can put it in this same kind of protection so that we can make sure that the transition to the home is something that we incorporate into however it is -- whatever that corridor development is, that there's the appropriate transition to the homes that abutt it. We can do that. We have that power.

>> Houston: And when you talk about minor corridors, I'm not hearing a whole lot of conversation about activity centers. Which I think is where we need to be focusing some of the density and some of the commercial development and some of the transit. And so rather than only talking about corridors, which we continue to do, I would like us to push some of that density and opportunity for different housing types on the already identified activity corridors in imagine Austin.

>> Mayor Adler: I agree. Ann.

>> Kitchen: I do think at some point we will need to be more specific in defining corridors, because I agree that compatibility applies everywhere, as you said, Mr. Guernsey. But what we're talking about is transition Zones. And the reason we're talking about transition Zones is because we're going back to what the mayor said we're trying to do, trying to maximize housing capacity on the transportation corridors. I had been thinking what that meant when we said that was our goal, that we were talking about transportation corridors and what we meant by that was the -- the major corridors that we have in the city as represented by, for example, the mobility bond. I think it would be clear to everyone those nine major roads are transportation corridors.

[10:59:13 AM]

But the question I would pose for staff, and actually I think it's a question for transportation staff, is what is the document in which we define and classify roads, and what are those -- and what is the definition of a transportation corridor and what is the list. Not that we have to answer it right now, but that's the question I'd like to pose because to my mind what we're trying to do is maximize our housing capacity on -- I'll just use the word major. I want to make sure that we're using the right term and it's tied back to a definition that our transportation folks use.

>> Mayor Adler: So let me ask the question and then go to Alison. Some of the people on the council, on the dais, have been asking us to actually get to a specific question that we can then debate and get to an answer to. One specific question we could ask is are we comfortable saying that the adjacent property is the triggering property? That's a discrete question. And I recognize that's going to bring in difference areas. Does it make sense for us to pose that question and then discuss what the ramifications of that are or not to see if we could agree on that kind of an issue? Alison.

>> Alter: So I'll try to make this relate to that. But part of what I'm having trouble with is we talk about a transition zone, but they're already zoned single-family and they're next to the corridor. So if you just zone them something else, they have no protections, they just get zoned something else. And then the next house is not protect the and the next house. And if you only have four blocks in between then nobody has in protection for their neighborhood.

>> Mayor Adler: Can you say that again?

>> Alter: When you -- the part I'm having difficulty with is not transition Zones if I was starting from scratch.

[11:01:23 AM]

So totally understand that if I was starting from scratch the idea would be to have the single-family home and then the transition corridor. I got that. The reality is we have single homes right next to the corridors and our compatibility standards has been what has provided some protection to those single-family homes for a variety of things that at our city some point decided that we valued. We then tried to have a trade-off on trying to build more on the corridors, but that impacts those houses. But if compatibility only comes into play if it's what's adjacent and then you just rezone those single-families something else, they have no protections and all you've done is change their zone.

>> Mayor Adler: The immediately abutting property.

>> Alter: Yes, which may be single-family. You can rezone it as something else but they can still use it as single-family, but then they have no protection. That doesn't mean we can't modify it to what we have on current things, but this is what I'm having trouble with. Even on page 2 of your sheet you say for a shallow lot directly located on a transportation corridor, the lot directly across the shallow lot or neighborhood street shall be initially zoned R 1 and above that does not trigger compatibility and is compatible with any large scale Zones. If I'm a single house I have no protections. You've just taken my protection away by providing that direction. And that is part of what people are uncomfortable with. They live in a green fill and the city is already built and they have single-family right next to the corridor.

>> Mayor Adler: And part of it is the testing. You guys can speak to this issue or other people. We can -- if in fact -- if one of the things we're trying to achieve by doing codenext is to try to increase the amount of residential density we can have on corridors, and if it's true that the current compatibility and the way we've set it up is not letting us realize what we would like to be able to realize on corridors, then we have to figure out what we do differently in order to be able to get that.

[11:03:56 AM]

I agree with you where you said earlier that agreeing on the corridors is not the only goal that we have because we have multiple goals and ultimately it seems to me that there's going to be some kind of balancing. One of the goals for me is to not have something that just ripples throughout neighborhoods and then we've gotten to the core of neighborhoods with what we're trying to do. But maybe the consultants with speak to how is it then that when I'm planning there seems to be consensus on to be able to expand density on corridors that I don't want it to ripple all the way through the neighborhoods. That I have to do something -- I have to figure out what I do in the transition areas between what's happening in the corridors and in the neighborhoods. How do I balance that? And how do I bring in the context sensitivity because there are some places where the immediately abutting lots are on a regular grid and it makes sense to do something then when you don't have that. And how do you minimize that impact? How do you address that balancing?

>> So if I understand the concern, if, for example, today the mixed use is immediately adjacent to the corridor and a transition zone, a multiunit zone is mapped and there are some single-family houses in that area that got rezoned. That they would no longer have the protection of compatibility, right? So that's why we think that there's a fundamental discipline about planning to set the policy foundation for such a zoning change that you would apply the transition zone as a result of a planning exercise.

[11:06:03 AM]

Because the idea is basically if we're going to move to a multiunit zone as a transition zone, what we are saying is, yeah, every one of those properties could -- no, I would say in most market conditions it's not going to happen, but immediately or with effort there are a lot of cities that have multiunit Zones that still remain single-family in use because of a lot of market reasons. But if the intention of the plan is to say we are imagining evolving these neighborhoods or areas to allow multiunit development, then you're right. Those single-family freestanding single-family houses would not have let's say the protection of compatibility. What they would be surrounded by would be buildings, as councilmember kitchen was describing, if there were new buildings that came in, the scale of those buildings would be consistent with the scale of what the -- if compatibility applied. The scale of what the compatibility standards would have introduced. If there's a proper application of a zone district to be used in that transition zone. And again, we'll just remind you that draft 3 does not propose mapping transition Zones except where they already exist. So when people say they don't have transition Zones today, you do.

You have in this situation, for example, you have multi-family -- mf zoned between let's say a cs and an sf. So where those conditions apply today, draft 3 carries those nearest equivalent Zones through, so those transitions do apply.

>> Alter: And again, this is where we have the challenge of not knowing what our base is because I believe there were changes in PC that did different things.

[11:08:03 AM]

So what may be in draft 3 is not what in PC and we are supposed to be figuring out what we want. It doesn't change the fact, if I understood what you said correctly, that if I am single-family now and we set up this, then the only way to accomplish what you want is in your direction, which is to rezone me something that I'm not and then I get hit by not having compatibility.

>> Mayor Adler: But the way this is drafted is it allows for a context sensitive discussion on anything that would be upzoned, that would be saying that now we're going to have a house scale more multi-use element that we would then have a conversation about the context sensitivity on any and all of those, where that might happen. And we get to decide that, whether draft 3 had it or not or PC had it or not. And I don't feel bound by what PC did or the staff did. We can set that rule and we can set that individual determination if we want to.

>> Alter: But your rule does exactly what I'm concerned about on shallow lots. You're setting a rule that changes the zoning on the lots that are adjacent to the corridor regardless of whether they're single-family now or not.

>> Mayor Adler: But it also allows that that general rule will not apply or may not apply where when the council reviews the draft it determines that contextual factors makes it unnecessary or inappropriate given regular street grids, topography, any of the 13 factors that were identified by the planning commission.

>> Alter: But that doesn't change the fact that if I have a single-family house and I don't have one of those conditions that I am -- my map is rezoned by what you said there.

>> Mayor Adler: To the degree that that's necessary for us in the city to be able to develop on corridors.

[11:10:06 AM]

>> Alter: But it's any shallow lot you're going to say it's necessary.

>> Mayor Adler: I don't want to prejudge that. I don't think that we're making that determination now. All we're doing is even if we adopted this and it was intended as a discussion piece, we haven't done -- we haven't done anything to any lot. We've opened up a conversation. It's going to require us I think to test and see when we do this. How much do we get if we didn't do that to any of those properties. We

will test that component. If we had whatever it was that this body decided was the appropriate yield or increase in capacity or ability to do that, then we would map to that. It enables us to do that. I guess I'm more comfortable saying these are the general propositions we're trying to follow if in fact they are because if we say that we're not going to do it on any shallow lots in the city, then we're also saying then is that any shallow lot that's on a corridor will never develop for something of -- that will enable us to do more significant multi-use, get additional affordable housing components. And I'm not ready to rule that out either because I think that that is also one of the goals that we have. R. To increase the amount of density and capacity and affordable housing. That's also a goal. So there's a balance to the goal. And what I tried to do in the drafting of this was to allow for that balance that we have multiple goals here that are all laudable goals and we have to figure out for our community that wants us to figure it out, is how we come up with that balance. Greg and then

[11:12:07 AM]

[indiscernible].

>> Casar: I want us to find a way to move forward to pick which lots we need to do that kind of rezoning and remapping on. And to be upfront about it, there are going to be -- we can't get the kind of housing density that we have planned for on the corridors and not make some sorts of changes beyond and behind those corridors. We can't have them -- we can't have them both, but we can find some path to make it contextual and to try to achieve the best goals that we can. And I recognize as you said, councilmember alter, to do this, that might mean that some folks are going to have a change in development patterns nearby than they otherwise would have had, which is why we're changing the land development code because that's what we're trying to do. But if we don't have some form of changes on those lots, then we can continue to force other kind of change in our communities by continuing to have only really large apartments where they're allow and really large houses and not again that in between scale of housing. So right now things are changing in a negative way and we're going to have to change things if we don't want to move in a different direction. I've asked folks to run numbers on the price of detached single-family versus attached smaller housing in our community and the differences over the last few years are like 30 to 40% in sales price difference between the big detached single-family housing and the kind of attached housing that we already do have. So we've got to get more of that smaller attached housing type to do that means that we have to change some of these rules. And I don't want to shy away from that. At the same time I don't read what's here in front of us as saying we're going to do it carte Blanche for matter what everywhere. It means this is a change we need to make it. We need to make it in a lot of places but we'll need to figure out where it makes sense and where it doesn't.

[11:14:11 AM]

>> Kitchen: Mr. Mayor? You want haunt I thought mayor pro tem had.

>> Mayor Adler: Ms. Houston is first and then -- mayor pro tem and then Ann.

>> Houston: I think one of the things that we've got to decide is what is the capacity number that we're working off of because that's still amorphous to me whether it's 135,000 doubled over 10 years or tripled over 10 years or is it for the central Texas region. Or is it 80,000 doubled. So I'm still not clear what numbers we're talking about when we're talking about capacity. I'm just saying that's one of the flattened things that I need to get flattened today.

>> Mayor Adler: The mayor pro tem defers to Ann.

>> Kitchen: Okay. I share that question. I would ask that question, but I would also ask -- I would also ask the staff to come back to us and tell us what we're achieving where under draft 3 and under whatever kind of proposals we end up making because -- councilmember Casar, you say that we have to do these things. We have to map transition Zones in order to meet our goal. Maybe yes, maybe no. I don't have the numbers that tell me that. I have an idea of what our goal is. We've set a goal, but I don't know what we're getting under either scenario. I think in all fairness we need to understand the best we can what those numbers are. And then the other thing I was just going to ask is I want to ask the consultants, I think -- I think, Peter, I heard you say that in other places, transition Zones are applied as part of a planning process. So I think that-- I think the questions that we're talking about right now is really the issue.

[11:16:12 AM]

So what's the appropriate thing to do with a person who has a single-family home right now to get to our goals. And I think everybody has raised that. So one thing on the table is you just up zone them right now. That has a lot of negative consequences for a lot of people. So we're not talking about all the tools that are available to us to get to where we're trying to go because time is one of those tools. We don't need to zone everything today to get to our goals that are 10-year goals. And there's some natural evolution that goes on. I'm kind of rambling, but the point that I'm trying to get down to is I understand - I want to understand better what our options are and our range of tools to get to point of if we were to map transition Zones. How do we get there? To my mind there's got to be more options than just up zoning a property today. So you had said one of them, which is small area planning planning. And I think you heard you say that that's typically what communities do. As long as that kind of process aligns with our needs and the timeline for our needs, it would ecosystem seem to me that would make more sense than just zoning it today. But there may be other tools. So I'm wanting to understand what's our range of options. So to go back to it, I'm wanting to know what our range of options to get to transition Zones and then the other thing is to what extent do we need transition Zones and what do the numbers tell us in order to get to the goals that we're setting. So those are the kinds of questions that I have. And you may not be able to answer them now, but that's what I'd like to understand.

>> Mayor Adler: Do you want the explain the exhibit that you have up on the screen?

[11:18:16 AM]

>> In response to councilmember Flannigan's and councilmember alter's request to better understand, to more accurately depict what existing compatibility would do today, I moved the pink existing compatibility over to show how it would relate from from the residential house scale zone in this diagram. So what one could see here is that in pink is the existing compatibility. In a dotted line is what compatibility heights would have been if -- if the residential multiunit zoned district was also a mixed use or main street zone district. What I'm sewing here is at 100 feet is again the heights that we're showing are the base zone districts and the affordable housing bonus from the triggering property. I think the thing to note here and I think that would address many of councilmember alter's concerns and concerns we've heard is it really about when one maps the residential multiunit zone and one is using that as a transition zone, is that in want to be careful to zone a zone district that allows 45 feet of height or less. Because the net effect would be a similar result as if the entire parcel was mixed use -- if the mixed use extended all the way to the residential property so you would get the same kind of height stepping. It's not exactly the same, but it would be very similar. So I think that would be one thing to think about as one goes to apply the transition zone. I think that's an important part of what the discussion had been going towards in terms of planning, that when one goes in and one works with community, one can understand which is the correct zone district to use as a transition.

[11:20:23 AM]

I think other ways that you could handle this also is thinking about fact that where we are listing residential and multiunit that could actually be an mu 1 or Ms 1, one that allows the 35 feet already. The idea of a transition zone doesn't always have to be a residential multiunit zone. It just needs to be a reason sowing district that is in terms of height and overall massing more similar to the residential house zone districts than it is to the mixed use or main street.

>> Alter: May I ask a question on that? So if I'm the residential house and I'm at -- like what can be built 100 feet? Now I can get up to 85 feet there within the 100 feet? Where --

>> Again, the dotted line is showing in this drawing, again, it depends on how the would get the -- let me back up. If I'm the single-family house directly above where it says residential house scale zone district, 100 feet away is where someone could build the base entitlements and the affordable housing. Much like the compatibility standards as proposed in draft 3. The key is what do you zone in between. In that 100 feet what zone are placing there? If you're mapping rm 1 you're the same site Hyatt as a single-family house, right? If you're mapping rm four or five, like you were talking about a much greater height. So there is a need to be careful about selecting what zoning district you use as the transition.

>> Alter: So you could have something higher than compatibility because you don't have compatibility applied.

[11:22:26 AM]

If we have compatibility at some point you can only do 35, now you can do 45 or whatever it is next to that house.

>> I think PC recognized that and that's why in their motions they chose the rm districts that were of the height that was more similar to a single-family house. So they weren't pick the ones that were much taller.

>> Mayor Adler: And that was the intent of the language that was handed out here.

>> Alter: But if you have a shallow lot then all of that -- nothing about this says I have to have a lot that's 100 feet there. I could have a lot that's 50 and in exactly these cases where we're talking about where you have shallow lots in the corridor, you have shallow lots behind and then it's even closer to those buildings.

>> So they are different to councilmember kitchen's question earlier like what are the options. So there are different options depending on the depth of the frontage lot. So in the case of if the fronting lot is shallower, one option is looking at that area -- if you go back to slide 12, it's looking at that transition area type one, the compatibility, where compatibility standards apply. I think. So if we looked at this area and said what are the compatibility standards, if you skip to slide 15,, slide 15 is depicting a site -- is depicting a site that is -- we might call a more shallow site.

[11:24:32 AM]

It's 150 feet or less, right? So here's the compatibility profile that you get that you would typically get as we see it on a deeper parcel, in this case 200 feet. This is getting clipped to say what if the parcel was only 150 feet deep. And you can see what happens is the reach of that 100 feet doesn't leave very much for me to practically build a building at the -- at the base height, and you're probably not going to get the affordable, right? Because that's just an impractical depth. And so the other option here is to make an exception or to have -- to calibrate a different compatibility standards for shallow lots so that there isn't such a loss of potential development in those situations. So you would still have compatibility, rather than having zero compatibility, if you mapped a transition zone, but it's a different compatibility making the exception for a shallower lot condition. Again, what happens is to make a building floor plate of a reasonable depth that I would actually spend the money and be able to afford to build more floors, I need enough floor area. If that 100 feet of suppression really prevents me from realizing 60 feet or even 85 feet, I'm just not going to do it. And so as I said, 100 feet is pretty significant. I mean, it is what the staff have recommended in the changed compatibility standard. I can tell you other cities in Denver it's 40 fee, 35 feet in some situations. So the amount of reduction of potential development on a main street corridor, a mixed use corridor, is -- it's not as effective.

[11:26:39 AM]

But it becomes more of an acute condition for you when you have the shallower lot. So one exception is that at least in the shallower lot condition, think about a competing compatibility standard.

>> Alter: But in those situations where you wouldn't be able to get the height as much. I mean, it would seem to me you would want to incentivize building them where you had the deep lots where you could get the biggest bang for your buck than on the shallower lots that have a much bigger impact on the surrounding neighborhood is because they are shallow.

>> It could be. Your shallower lots tend to be in the urban areas that are already sort of the most walkable, connected places and richest in transit. So as you go further out and you get to the deeper lots, that connectivity is typically less. So...

>> Mayor Adler: Mayor pro tem?

>> Tovo: So to the extent that I understand what you've laid out in bullet number 2, I guess I would have to agree with my colleague, councilmember alter, that I share that concern and I understand what you're saying that we would -- we're not looking at where it would be mapped necessarily. By deacon text actualizing this general principle from where it's mapped, this did not allow in my opinion the kind of context specific discussions we need to have. You know, there are -- while this could work in certain areas, I can think of some very specifically some areas where there are shallow lots, but there are commercial buildings behind the corridor so there is already that kind of transition and it might make less of a difference, I'm real familiar with some of the neighborhoods I represent, which are shallow lots and you will have within that shall lot lot maybe two or three houses that would be impacted by this change.

[11:28:47 AM]

So so at this point I'm not at all comfortable with that. I think that really veers from what we've talked about approximate about centering the density on the corridors and not cutting back into the neighborhoods.

>> Mayor Adler: If it does, it's just my limitations as a drafter because what I described was what I intended to allow for that kind of content sensitivity and to recognize that what I am -- what I do believe is that we should be focusing on the corridors and not the neighborhoods, recognizing that there's going to have to be something that happens in the transition and that we want that to be contact sensitive, but we have competing goals and pizza hutting priorities and I would want the conversation to be contact sensitive with respect to how you move from bun to the other. And that's just -- that was the intent of what was drafted here to say that we have both competing goals. And if there are ones that are kind of the top at the page and one's at the bottom of the page, at the top of page it's recognizing that we do want to try do something to increase the opportunities for residential development and density to the corridors. Bottom of the page there's lots of contact sensitivity issues, the depth of neighborhoods, the street grids that are laid out in the neighborhoods. The topography in the neighborhood. Just lots of different things. That's in the bottom. And just saying we have to try to back to school these because they are competing. They're competing goals. And we're not going to try to do

either one of them perfectly nor should we try to do one of them perfectly. There's a balance we have to find and that what is my intent was in drafting this.

>> Tovo: I think one of the challenges we're -- this is sort of a general point that would apply throughout and just gets us back to that da none drum of how these things are you intertwined with the mapping.

[11:30:56 AM]

This is a general point but it also speaks to the mapping in a way that take the code and the mapping separately sort of doesn't even though they're intertwined. It's just one of the challenges we have. But I think it would be helpful if I understood what you mean by we need a transition zone. Are you proposing -- it sounds to me from this -- from this measure that you've laid out and some of the discussion that you are proposing that we create transition Zones in a way that the staff have not brought forward in draft 3, but I may be misunderstanding you.

>> Mayor Adler: I actually moved back off of draft 3 and I don't really know how it relates to draft 3. My understanding is it probably relates to changes made to draft 3. But rather than -- I was trying not to get lost in other draft 3 or anything else. Just trying to take a step back and say what I think we're trying to collectively achieve. But just to double back real fast, I think you're absolutely right. This is not going to - - to assuage people's concerns on either side of this because the mapping to Jimmy's point earlier dictates how this happens and it's kind of after chicken and the egg thing. No one will be comfortable with the text until they see the mapping and no one will feel comfortable with the mapping until they see the text. I'm trying to get into it somewhere by stating ultimately however we do mapping and however we do rules, this is what we're trying to achieve. You're right, one is an incomplete picture without the other.

>> We do know what the text says and we do know what the map says so kind of engaging with what's in front of us has some value in this situation. But I would just say I think the way I see the balance is that there may be areas because of compatibility where you can't achieve that full height but you like will achieve more than you can in current code. So we have achieved -- we are increasing the capacity for more housing and more density, possibly not to the absolute limits, but that's the balance.

[11:33:03 AM]

So that's where I see the balance. Not that we need to extend it and make it possible for it to go back in and cut more into the neighborhoods, but there are -- but understanding that we are increasing it beyond where we are today and it will be be -- if we've done compatibility correctly, it will be contextual with the areas around it because it will be based on distance. I'm really -- I did not understand as well before today as I do today that this is about adjacency less than distance. And I think that that is something we really need to spend some time talking about because that's a pretty significant shift. And again in those areas where you have very peculiar lots or very narrow lots or very shallow lots as you do

in a lot of our neighborhoods, frankly, but certainly in the central city where you might have, gosh -- I think I have -- I think I have three lots touching mine. It's just the configuration and some of the size of those lots mean that you will have in some areas multiple buildings not impacted -- multiple houses not impacted by compatibility in a way they would now. So potentially. I mean, I have to think through some of those areas that are most adjacent to corridors, but in the areas where you have small -- smaller lots you will have compatibility no longer applying where it would have because of the adjacency rather than the distance, if I'm understanding that point correctly. But let's go to that in a minute and not get derailed by it right now. But anyway, that's -- that's I guess how I resolve this issue of balance, that we are --

>> Mayor Adler: And I would not oppose that balance [indiscernible]. And I think for me putting into the balance the extent to which you are able to achieve the base zoning relative to the contextual questions you're asking me is part of what we should be looking at.

>> Tovo: But too I was saying the base zoning in many cases is proposed to change. So it's not just about -- for me it's not just about how much of the proposed new base zoning you can achieve with all of these other provisions in place.

[11:35:08 AM]

It's also about how much more capacity you have with the new proposed base zoning and what's achievable than you do today.

>> Mayor Adler: And my understanding is that generally -- we could ask the consultants to address a lot of the questions that you've raised. One question is that we were generally following -- how does draft 3 come part with this statement? I don't know if you've had a chance to read it yet. The question that the mayor pro tem is interjecting in terms of the new base zoning on corridors. Are we giving -- how does the new base zoning on corridors relate to the base zoning that presently exists on corridors? Did you up zone what's on corridors or were you just having the transitions and capabilities that allow for greater achievement of what's there? Can you address some of the questions that have been raised?

>> It's probably more -- remember, there's not an exact equivalence. You might have had additional height, or it might be more or it would be squared off so an area that would be usable. But we did take into consideration in draft 3 where compatibility affected properties, we introduced a mixed use zone, but it may not allow the heights that you could have gotten under like maybe cs today.

[11:37:10 AM]

60 feet, you might have gotten 45. And the uses may be different because they're more oriented to uses that would be fitting of a main street setting where you have good access back into the neighborhood and not just a blanket commercial district.

>> Mayor Adler: So that was my understanding and in doing this. This is not to say we should be taking base zonings and escalating them and escalating them and if those areas where compatibility, if you had it on the adjacency as opposed to the distance to allow for contact sensitivity. That was the goal to be able to do that. So I don't know that I disagree with anything that you said. Leslie?

>> I think that the compatibility standards really are the fail-safe, and they will address, if we can maintain them, then they will address the unique circumstances that are found across the city. I'm concerned about the -- how the mayor pro tem was discussing distance versus adjacency, which I was getting at in my earlier question in looking at the 200 feet on any one of the slides, but I guess page 15 we have a lot of lots that are not very deep in Rosedale so my question went to if this is 200 feet, no matter what's behind the commercial area that all could become a really tall building. And I think my question has been answered and it goes back to the capability. We have to be sure we have the fail-safe in there --

>> Mayor Adler: Which page are you looking at?

>> Pool: Any of them, but right now I'm looking at 15. So we have to have the fail-safe to make sure that we don't overrun the structures that are immediately adjacent to the taller buildings in those neighborhoods that aren't very large.

[11:39:21 AM]

Sometimes 200 feet can take you a street and a half in. So my feelings about compatibility and the importance of it and the distance versus adjacency issue. Mayor, you were talking about whether we were up zoning the properties on the corridors and looking again at page 15. It says the buildable area, which is the lower portion, the pink, it says that's buildable under current code and then the buildable under the draft code base zoning is the blue above. So yes, that is -- I mean, I don't know if you call it upzoning, but it is more potential for development on those parcels.

>> Yeah. So the light blue is what the change in the base zoning is proposed to be and then the hatched blue and white. On top is if you did density bonus. And this is to demonstrate if you have lots say 150 feet or less in-depth, the likelihood is that you're not actually going to get to that base zone. And the building you would probably get is pretty close to what is under current compatibility.

>> Pool: And when you say you're not going to get to that base zone, you mean the draft increased base zone? Because then you say you will probably just have what you have now.

>> Yes.

>> Pool: And I think that's pretty important in this discussion.

>> I think, councilmember, the reason to be a little more specific about it is that as you get closer to the main corridor like that slide there to the left, I don't know if it totally captures it, but the point is that the width of the building that you have at that maximum height would be so narrow that it may not be worth building. So you could get to that height, but if the width of that building that you could actually

achieve that height is only 20 or 30 feet, can you really get an apartment or whatever, is it worth the expense of going up its extra floor if the width is only going to be this much.

[11:41:40 AM]

I think that's a point that Peter is trying to make.

>> Pool: Okay.

>> But again that is specific to a shallower lot condition. In the -- if the depth was 200 feet there's potentially -- again, that's the delta between the current and the proposed in draft 3, which is maybe an additional floor. And then if you were doing affordable, then can you get up to that 85. We were just trying to demonstrate that in the -- I'm sorry. In that shallower lot condition that becomes very constrained. If you did a building you wouldn't add that portion. It would probably be as you can see here, very close to the profile of what your current --

>> Pool: Right. And just the proportions and the esthetics of it would argue against making something really tall and thin. My particular neighborhood happens to have very narrow 50 to 70-foot wide lots, and many of them are square, so they don't go back very far. And they are also backing up to like burnet road. And so the 200-foot distance puts you on the other side of the streets that are parallel to burnet inside the neighborhood. So that's again -- that's my concern about the compatibility. And I'm not alone in that, there are other parts of the city that have those smaller lots that are backing up to retail and commercial corridors?

>> Councilmember, I think it's important to note that we are talking generically all morning about --

>> Pool: I understand it's all generic. I feel that some of us have to speak up because as councilmember alter was talking earlier today, she was talking about the fears in the public. And we need to be digging into this level of detail to explain.

>> My point is that there may be situations that we have streets that are considered corridors, but there may be situations where we have to map them something different because of the impact of what we're talking about today.

[11:43:50 AM]

>> Pool: Absolutely. Which goes again to contact sensitivity and compatibility.

>> We've been talking with your offices about some of those street segments where perhaps what we normally would do is not appropriate for whatever particular reason that exists on the ground.

>> Pool: Exactly and I'm really glad you said that. We have to -- the contact sensitivity, mayor, which you were talking about, is really important, and -- and maybe keep that top in mind going forward?

>> Flannigan: The notion of compatibility is a fail-safe. Would that mean that we could more directly zone for the future if the compatibility is what was our governor for the way the market rolled out that density. So if instead of trying to account for what we think is appropriate today site by site zoning, given the compatibility change, what if instead we more directly zone to these corridors, but then shifted the compatibility so that the market forces would then get us to that level so that on a map you might see more map zoning, but because of compatibility it only rolls out as the market can do it. And that would afford the people who want to resist market forces because they own their properties and they don't want to sell and would afford them the same thing they have, but the folks who want to sell, who -- people die and they sell their homes or they get a job in another city or what have you.

[11:46:20 AM]

>> Flannigan: It allows us to more simply direct zoning in a way that there would be a more natural evolution in the future that was not just site contact specific, but also specific to any individual property owner's perspective. Some people want to hold on to their properties and some people don't. And I need to think through that because that might be a way to accomplish a couple of goals.

>> Mayor Adler: Ann.

>> Mayor

>> Kitchen: I'm not suggesting this, but I think you can think through the tools that we have and time is one of the tools that we have. And what an individual owner might do with their property is one of the tools that we have, still recognizing you've got to recognize what's going on around. But we're making some assumptions that the owner of a single-family home right now wouldn't want to be upzoned. That may not be true in all cases. Work for them to be up zoned until some point in the future. Again, you have to think about what the impact is on the neighbors, but one of the scenarios that was raised earlier as a problem that needs to be solved is what you do with someone who has an existing single-family home right now who happens to be bordering on a corridor. So -- and I think it was councilmember alter, it may have been others too, were raising the issue that it doesn't seem right for that individual owner to just up zone right now because of the impacts on that individual owner. Well, maybe that's something that happens over time one of the things that you had mentioned was the small area planning, but there may be other kinds of triggers that can account for the fact that neighborhoods evolve over time. And again, I'm not talking about evolving in the middle of the neighborhood, all I'm talking about is what you do right along the corridor and the back side of a lot or along the corridor.

[11:48:24 AM]

So I guess I'm encouraging you to continue to think creatively.

>> Flannigan: And I think it's important -- sorry to jump in. But I think it's important that neighborhoods evolve over time to the extent that there's a code that directs what evolution looks like. Because when

we see McMansions going in the middle of neighborhoods that's what's happening on under the current code. And knowing that properties will sell, knowing that properties will redevelop under any code scenario, then it's a community benefit question. I think that's a lot of what councilmember Renteria was talking about earlier is if we're going to win -- not if, but when. What are the community benefits we're chief with the regulatory environment that we set up the regulatory environment to support? I'm more inclined to want to have the zone based compatibility than the use based compatibility, but councilmember Alter makes a good point about what happens with that. I might be okay with that level of impact as we're trying to make a hard choice in how the future of the city grows, but maybe I'm not okay with an impact and I want to think through it a little more.

>> Renteria: Mayor, if we look at how my -- I have a prime example. If you drive down Cesar Chavez. If you look at slide 18 this is what we have there. Because all of the lots down both sides of the streets are zoned commercial. And you will see some condos with retail on the bottom like at the corner of Comal and Cesar Chavez. And it's not going to change that because right behind that alley they're all single-family houses. It's at certain locations because I don't know when it was changed, but I'm guessing it was back in '84 where they kept it, they zoned a lot of corridors commercial, three lots deep even on Holly and Cesar Chavez.

[11:50:32 AM]

Well, Cesar Chavez is all commercial. And then on Willow they zoned some CS out there. Now because it's so close to the neighborhood, that's the only thing allowed and that's not going to change right there. Just a little bit higher there so that you can have higher ceilings on the retail. And right now because they are not allowed, we're having -- they're having a lot of problems right now renting those units because they're so small. So I just wanted to let my constituents know that we're not changing anything on those kind of type of corridors. We're going to keep it. And we know about it. And the people that are renting there right now because there's -- on Cesar Chavez there is a lot of single-family housing there. And people know that they can claim it as homestead and they are able to live there. And at one time, even though we asked them if they wanted to change it to SF-3, they didn't want to because they knew that that was their egg nest. And that's what they decided. So nothing is changing. That's why we don't see the big concern there as much in that little particular neighborhood because we know that compatibility is not going to allow the density that, you know, some people think is going to happen.

>> Alter: My understanding is if you're not zoning in one of the residential things, you don't get MU with capability even if you're single-family in the new code. So right now under current compatibility those folks are protected. They're not protected under Draft 3 or the PC directive because it's not the compatibility. They may have the CS zoning, but in terms of their -- they have lost that protection in the compatibility.

[11:52:42 AM]

I want to be clear on that what is being proposed is a shift to it being triggered by the adjacent zone moving away from distance and use. So there are areas that will be impacted by that that will no longer be protected. I had my light on, though, to just respond to Mr. Flannigan. And when you're thinking about this creatively, I just want to make sure that you're also taking into consideration is sort of the domino effect and the domino effect particularly when you have neighborhoods that are bounded by two corridors which may not be the same type of corridors, but that when you start getting it coming in on both ends and if you change one property and now you don't do it by distance and do you it by the adjacent zone, if this person changes, this person no longer has protections even if this person wants it, this person now no longer has protections that they had before. And I also want to throw out there that we've been talking a lot about compatibility with respect to height, but there are setbacks, there's uses, there are other impervious cover, there are other things that are also embedded in the compatibility standards that are relevant and that people are concerned about. So I just wanted to make sure that you understand that it's not just the one person in the transition zone, there's a whole bunch of things that people are postulating and fearful of once you change the one property next to that, which then has an effect on the corridor, but then has an effect moving into the neighborhood. It's not always easy to clarify what those things are or exactly how those mechanisms work, but that is what they are fearful of.

>> Mayor Adler: For me I think the part of the charge that we have is trying to figure out how to take into account those concerns and to be able to draft something that responds to them.

[11:54:43 AM]

So I understand the concern and I hear a lot of the concerns and most of the cases where I hear the concern I say I don't think this body is ultimately going to approve a code that does -- that realizes those concerns. So if you would put up exhibit 12, page 12 for just a second. So mayor pro tem, in the conversation that you and were having just a second ago. This is local for the building here. You're right, this is a deep lot and this area in here is the increase in height under the draft 3 code. There's -- the bonus, but only if you go to affordability, which is a different conversation. Generally I would support getting additional, if it's only tied to affordability. But that's the increase on that. It's closest to the -- the closest home, residence, on the deeper lot. Can you go to the thing that was the joint drawing that you did that you came up with?

>> [Inaudible].

>> Mayor Adler: That first one was page 12. The first one we looked at was 12. Then we also looked at 28, which had this on it. So on a deep lot what it said is this is the same kind of thing, this is the same home that was triggering this same pattern. The dotted line shows where it is under draft 3 and you can see it says just the slight increase over what was current. But now instead of having it be a continuation of the mixed use building, there's a multi-family building there instead, but it still has to fit within that same limitation.

[11:56:50 AM]

So for the home that's adjacent to it, it's still the same kind of thing. As you go to the left you can see again the light blue above the pink is where there's a height increase and then the multi-family above that. Where we start having the problem is where we have the shallow lot. So I don't know what is -- where I think the contact sensitivity really comes into play because in essence if I had had -- if this was my whole lot on a shallow lot, and we had had an existing house here under what's written here, this shallow lot gets rezoned in a way that would allow for -- you could go back to that other one. That was working. You had that one that was tied to it. If you could go back to the one that you had just a second ago. There was one that you created. In the -- this is by shallow lot and I have a house that's here. I either do the compatibility that steps off of it, which is meaning that I don't really achieve approximate much here because it's a shallow lot and it's close to homes. And in certain situations that's exactly what we want to have happen. But it also might be that the better plan is to put a house scale, rm, residential multiunit, but house scale, maybe rm 1, M 2, that doesn't have heights any greater than what the house is. And we'll say we'll allow that use to happen here and then we'll -- because this is no longer triggering compatibility, this use happens here, which is the same for that house. This house gets treated exactly the same as it does virtually. This is where that transition is. And ultimately that's where the balances I think are.

[11:58:50 AM]

We take a look in the shallow lot area at these we take a look at all the contextual things and take a look at what Ann was talking about to determine whether we need that supply or don't need that supply in the city, by looking at what the numbers are that we can get in terms of the yield. But that's the difficult one because in this case, this is the one that puts in most relief, the question of do we want to be able to achieve more on the corridor, recognizing that in that transition, for that home, for that home, it expresses a difference over time. And in some situations, we may want to do that, in some situations we may not want to do that. For this home, it's the same as if the compatibility was being generated from this home because it has the same step-up. Under just straight compatibility, it has this same step-up. So this home gets treated exactly the same. It's this home that now could potentially be abut abutting a higher building than could have been in the other situation. Some places we may want to do that, some places not, but I think that's the harder one that requires the greatest context analysis. Ann.

>> Kitchen: I have -- I think it's a related question. A couple people had talked about concerns about a domino effect. So mayor pro tem and councilmember alter have talked about concerns related to a domino effect or concerns about the impact of adjacency versus distance. And I'd like to -- I'd like to see that walked through because I'm not getting it. So -- and the reason I'm not getting it is because -- well, actually, is there a way for you to illustrate that to us? I can see in what you just mentioned, you don't have any domino effect on a deep lot.

[12:00:53 PM]

So is there something different happening with the shallow lot that creates a domino effect? The reason I think we need to walk through this is because that's a legitimate concern that people have, but I want to see under what scenario that could possibly happen. So -- does that make sense? Can you show us a - or maybe you guys could tell us more specifically in this case, how are we impacting those other two houses? How are we getting -- or even beyond that, how are we getting a potential domino effect if we're saying that adjacency is what triggers compatibility, as opposed to distance? I need to see it because I'm not quite understanding.

>> Mayor Adler: John?

>> Tovo: May I start with just a point of clarification?

>> Mayor Adler: Sure.

>> Tovo: I can't explain the domino effect, that was councilmember alter and I need her to explain it. But if I'm understanding correctly, compatibility is distance-based and we would be switching to a system where you may be in close proximity to a building that is going to trigger -- that is going to -- let me just drop that sentence because I can't figure out how to make it work, but you will only have compatibility if you're immediately adjacent to one of these uses.

>> Correct. I mean, as defined in terms of alley or 60-foot --

>> Tovo: But today it's distance-based. We are moving to only the tracks immediately adjacent or adjacent across a narrow street or alley.

>> Another way to think of it is, today's compatibility, you start with where are the single-family uses and where are the single-family Zones. And then you project outward. In the new compatibility standards, you start with where is the development being proposed and asking what's immediately adjacent to it.

>> Tovo: Okay. So the use -- I understand the use versus zone, and I understand zap and others, you know, wrestled with it and agreed to that compromise. So I'm not talking about the use versus the zone at the moment.

[12:02:55 PM]

But that is just not something I've heard terribly well articulated in the public, that it is really now -- I mean, that's a pretty significant shift.

>> Mayor Adler: Just real fast, because I don't think that's right, I don't think what you said is right and I'm not sure that the question was answered correctly. Compatibility is almost the same, only with this change and this change. And compatibility stays that way. What is different is what triggers the compatibility. So it used to be that compatibility got triggered if there was a single-family use within 300 feet.

>> Single-family zoning was 500 feet away --

>> Mayor Adler: 500 feet away to trigger compatibility. Now, compatibility is only triggered --

>> Tovo: When it's adjacent.

>> Mayor Adler: Adjacent. But distances for compatibility are the same. They're not quite the same because they've modified them, but compatibility is still done on a linear basis. So the trigger is different, but the linear compatibility, it's still linear. So -- what you said initially wasn't -- is that right?

>> Kitchen: I guess -- could I go back to my question? Because we're asserting a potential -- a potential lack of protection. And I want to see that because I -- because even though -- I want to see it so that we can -- I think it's important for us to get down to the bottom of this because it is an important concern that people are raising. So it either is a concern, or not. And I think what we need to do is map it out because, you know, even though -- so if you -- so here's my confusion. So an adjacent lot triggers compatibility over here. This one doesn't. But it still has this protection over here because there's a house between it and there's the distance.

[12:04:58 PM]

So how is it that this one is not protected? That's what I -- what I want to see mapped out. Now -- so we've already seen that there's no impact from a domino if you've got a deep lot, so that must mean that the concern is if you have a shallow lot because of the way the distance is. So if we can show a shallow lot and say, okay, with a shallow lot, this house triggers it and here's what happens close to them. The house behind it doesn't trigger it, so what's happening, is it closer than it would have been if it triggered it, too? That's what I'm trying to understand.

>> So, councilmembers, if I may offer a little bit of guidance here. Please tell me if I'm stepping on people's toes.

>> Kitchen: Sorry.

>> Alter: Please.

>> I've written a series of slides that ask questions that I think if we go through those in that order, they will help us. Because I think where we're getting to on transition Zones is a little bit complicated because we haven't decided if we agree with compatibility standards. Right? So there's existing compatibility, there's draft 3, there's PC recommendation, there's zap recommendations. Once a decision is made on kind of the effect of what we want compatibility standards to do, then we can ask the question, how do we make sure the transition Zones get you a similar transition area as the compatibility standards. But right now we're having this conversation of, well, if the transition zone is only 50 feet wide are we getting the protections we need? If the transition zone is 150 feet are we getting too much? I mean, I think if we can talk about, first, the triggers and then the standards we want to see in compatibility, it'll help inform the conversation on transition Zones because then we can craft the transition zone standards either in the way that they're applied and/or the actual standards to match or be similar to kind of the compatibility standards you all feel you are comfortable with.

[12:07:04 PM]

>> Kitchen: Can we explain the domino effect as part of that conversation?

>> Yes. And I think that's key because once we decide kind of what is happening -- so I had this question, do you agree or disagree with the idea of land use as a trigger? Right? And I think we presented that there's general consensus on removing that, but I think you all as a group should maybe do a fist to five vote on that. Zone districts as a trigger? I think that one's going to be a pretty easy one. This is not specifically with zone districts, it's simply is that what you want to be the trigger. And then I think to mayor pro tem and councilmember alter's question about adjacency versus distance from trigger, I think that's one, honestly, that you probably won't be able to answer until we talk more about compatibility standards and we finish the conversation on transition Zones. But we can come back to that one. In terms of compatibility, there's a question of what kinds of building setbacks, so how far from the triggering property do we want to be. And then there's the height. So we have focused very much on height, but there is also the question on building setbacks. If we can get a consensus on where we want these standards to be, the distance, the height, all those things, I think that will very much help with the conversation on transition sons. Transition -- transition Zones. What I'm starting to feel like the conversation is, we want to extend some of the similar or same way we dealt with transition type 1 into transition type 2. And I think it will help the conversation immensely. Then the next question is where and when to actually use transition Zones. Again, I think a lot of this conversation is great to get a sense of where people are, but if we can go through these steps, I think we'll be able to start to maybe check off some of these questions. Some of them we may not be able to. Some of them we may have to say we'll come back to, but I think that will be helpful to look at. I'm not sure if we're taking a lunch break.

>> Mayor Adler: We're taking a lunch break and come back.

[12:09:05 PM]

Can you email those slides to observe so everyone has those?

>> Yes. I've updated the slide show to include this new drawing. I did not replace when I added a new one. Maybe I can ask that staff send this out to all councilmembers, the updated slide show.

>> Mayor Adler: The question I want you to answer that's part of that conversation, those three houses that we see right there, are they impacted differently under draft 3 than under existing, if you do -- does adjacency impact those three houses that you see there, those houses. That, I think, is the question, adjacency.

>> Alter: Mayor, doesn't it change the fact if I have a single-family house and I get rezoned to whatever would be that thing, that I have lost --

>> Mayor Adler: If you go back to that other deal for a second.

>> Alter: I mean, you're showing it as if it's built, but if I am single-family, I don't have any compatibility -
-

>> Mayor Adler: If your home is here.

>> Alter: Yes and you rezone me. So that's part of --

>> Mayor Adler: Yes. We you a agree, it impacts you if you're a single-family -- we all agree, it impacts you if you're a single-family home here.

>> Alter: But you can be a single-family home and not zone that way.

>> Mayor Adler: Right. Both those questions -- Ann asked the questions about these three homes too. I want to make sure they're answered because that's the rolling question that I also hear when I go to the neighborhoods, and I want to know whether or not that's true as well. Okay. To that end, city council is now going to go into closed session to take up one item of the government code, take up and discuss legal matters relating to signed legal matters related to codenext. Alison, you said yesterday, Alison, that you wanted to go into executive session. Was it on signs or something else?

>> Alter: No, I had wanted to go into executive session about mckalla place.

>> Mayor Adler: About mckalla place.

>> Alter: Yeah. I don't know if Ms Houston wanted to go into executive session on signs or if that's necessary.

>> Mayor Adler: We're going to go on signs today and Mccall a place we'll handle tomorrow.

[12:11:11 PM]

>> Alter: Okay. Thank you.

>> Mayor Adler: Without objection, it is 12:12. We're going into executive session.

[Executive session]

[12:18:40 PM]

[Executive session]

[1:31:07 PM]

>> >>

[Executive session]

[Executive session]

[1:54:21 PM]

>> >> >> >> >> >> >> >>

[2:06:56 PM]

>> Mayor Adler: So, we have a quorum. It is 2:06. While we were in closed session, or while we were in closed session, and in closed session we discussed legal matters related to item number 2. We are now back out. And I think, Peter, you were about to talk to us about the questions you had as well as whether there was a rolling impact if we used -- basically, I guess that's either draft 3 -- or used draft 3. Is there a rolling impact -- does adjacency create a rolling impact -- situation, I guess is the question. Help us understand that.

>> Alter: Before they go into it, I just want to be clear because I'm not sure if I was clear enough earlier, there is a difference between what's in draft 3 and what's in the planning commission and what's -- you're talking about with transition, with respect to how we think about compatibility. And after they speak I can talk about it more, but it is an intersection of changes that happen when you have the change in compatibility, which was designed across the drafts to address the concern that I was talking about from -- moving from draft 1 to draft 3, it made a lot of strides in addressing my concern. But when you lay that on the PC recommendation or your conversations about transition zone and you have increases of heights that come with the PC recommendation, you have a transition zone proposal which is not in draft 3, and then you have what's in draft 3 of no conditional overlays and then no compatibility unless you're adjacent, that is when you get it.

[2:08:58 PM]

And so it is a combination of things, and it is not inherent in draft 3, but if you edit draft 3 in various ways, it quickly leads to that.

>> Mayor Adler: Well, I would be --

>> Alter: And that combination is what is creating the concerns. So it is -- draft 3 has moved away from where it was with that, I think, earlier, but PC put it back -- pcs actions on certain things have the consequence of putting it back in as though -- as does your proposal on transition Zones.

>> Mayor Adler: So I think that we can cut this into pieces and I think and really advance the conversation, and let's simplify it. With respect to draft 3 -- and I think -- pull up whatever chart is the good chart to look at -- is there a concern -- is there a legitimate concern that what's in there causes this rolling problem, or does it just impact the adjacent home? And then the second question would be, is there anything about PC then that would change that and would create then a rolling concern except for the adjacent home? Then you could answer the question is there anything about what I wrote in red that creates a rolling concern for a home other than the adjacent home. So we can impact it so that it's not confusing to anybody and it's not too many issues they're considering all at the same time so that we can narrow it down so that we can get certain understandings that we all can understand, is kind of the basis, and then we can make sure that we don't accidentally, inadvertently or otherwise, do something that creates problems that we don't want to create. So, help us understand whether there's anything in version 3 that creates rolling -- the rolling concern.

[2:11:01 PM]

>> So I think one of the things that we'd like to better understand is what -- what is meant by kind of this rolling concern, what that effect is.

>> Mayor Adler: Can you put this chart up, please?

>> Yeah.

>> Mayor Adler: On the board? Page 30 -- page 30.

>> Kitchen: Could I speak to the question or --

>> Mayor Adler: Hang on just one second. So this is the one that I was talking about before.

>> Uh-huh.

>> Mayor Adler: All right. So we have a residential scale house that is right here. It's the one that's third from the left in this drawing that's a house. We have a commercial tract that is apparently a corridor fronting tract on the left. This can either -- this drawing represents two things. It represents what could be a single commercial lot that goes up to the house that's third from the left, or it could be a more shallow commercial lot that doesn't go all the way up to the third house on the left. And then there's an intervening tract between the commercial lot and the house that's third from the left that is an rm --

>> A transition zone.

>> Mayor Adler: Transition use.

>> Yeah.

>> Mayor Adler: What we saw was, as I recall, from this morning, if this was all one tract on the left, the commercial tract, the house next to it would trigger compatibility standards.

>> That's right.

>> Mayor Adler: And then the development that occurred on the lot to the left, which is all of the main street and the residential multiuse tract, there's an envelope in which it could develop, and under codenext it is the --

>> That Orange dotted line.

>> Mayor Adler: The black dotted line.

>> Yeah.

>> Mayor Adler: The black dotted line. But it doesn't include the -- but the base zoning doesn't include the striped blue area to the left.

[2:13:06 PM]

>> That's correct.

>> Mayor Adler: It includes only the blue area above the purple area.

>> That's correct.

>> And, mayor, if I may --

>> Mayor Adler: So it's the black --

>> In the example you described, that example you described where the entire lot is one mixed use, so you can see here in the blue and purple that we've seen in the past --

>> Mayor Adler: That's good. Stay there for just a second. In this case it's the house third from the left that triggers the compatibility and we could see what that would do. Then we had also talked about potentially taking that large lot and saying we're going to zone the back part of it some kind of rm zone in the back.

>> Uh-huh.

>> Mayor Adler: We would zone it rm. Here it is, it's zoned rm.

>> Uh-huh.

>> Mayor Adler: And, therefore, because that's the adjacent property, it wouldn't trigger compatibility because it's an rm use. But effectively, it stays within the envelope of what compatibility would have done, had this all been treated as one tract for that house that's third from the left.

>> Right.

>> Mayor Adler: So that was our deep lot analysis.

>> Yeah.

>> Mayor Adler: Then we also said, well, what happens with a more shallow lot analysis? And on the shallow lot analysis, we're only talking about the tract to the left, and we actually put some houses in this middle area -- house in this middle area. And we said if we have a shallow lot, since the -- if we put a house in that middle one, residential house scale zone, residential house, because it's adjacent to the shallow lot, it would trigger compatibility. And we've already seen how triggering compatibility is going to or could significantly impact what could be built on the corridor, and we wouldn't be realizing one of our goals, which is to increase the amount of housing and density that we could have.

[2:15:10 PM]

So one answer to that was to have next to the shallow lot, to take that single-family home, that unit, and zone that to an rm zoning, but an rm1 or rm2 zoning so that you wouldn't go above 35 or 45 feet in height. An rm zone at the very low end of the range that would still be consistent with the house scale that we see for the three houses that are to the right.

>> Yeah.

>> Mayor Adler: So this would be a shallow lot, put in an rm1 or an rm2, which is, I think, what you've shown here -- right? -- That then would be next to a commercial lot on the corridor that wasn't impeded by -- by compatibility standards, but it's adjacent to an rm structure.

>> Uh-huh.

>> Mayor Adler: So, obviously, the houses that were in that million dollars area that went from house to an rm zone are impacted because now that first house would be in an area that would be rm zoned so you could have a house scale, more than one family house, but it would still be a house scale, it would still be low, but then if we see how that change would be made, and what I was saying was, for me, in trying to drive a compromise and a way for us to be able to achieve additional zoning on the corridors, but yet not impact the houses in the -- as we move to the subdivision, for me, having that be a transition, just that one house, made sense to me as a potential balance to look at, subject to a further analysis of contact specificity, and we listed a lot of things that we would take into account as to whether we would actually do it in that area or not. But the question that we had, if you go back to that other one for just a second, we see how it's going to impact a house that was in that residential multiunit, but the question is, if we did this, under draft 3, would it impact the three houses that are to the right?

[2:17:30 PM]

>> No.

>> Mayor Adler: And that's the rolling impact that we're talking about. Does it have a rolling impact?

>> No.

>> Mayor, no, it would not.

>> Mayor Adler: Okay.

>> We have --

>> Mayor Adler: Is there a concern in the neighborhoods that we might be able to articulate differently, maybe these consultants are not picking up or not understanding or I'm not --

>> Alter: Yeah, I don't exactly know how to do this with a microphone and over here, but --

>> Mayor Adler: I'll give you one. I'll give you my chair.

>> Alter: So I guess there's a couple of things. This is basing it on draft -- this area -- so this is -- so this is basing it on draft 3 and looking at that way. Under our current code, if I was here, they couldn't get 80 feet here. They'd have to wait till there. So I've got quite a bit more distance in that height, and I'm protected from that height all the way over here now because I'm not -- you know, depending on these distances, if I have to wait, if current compatibility applied and I can't get up here -- I don't know this distance, this way. Somebody help me with the --

>> On this drawing that's approximately 300 feet.

>> Alter: Right. Right. So this would, you know, shift, you know, this way. They couldn't get this height. That's exactly what this is showing. But all of these houses would have been protected under the existing height. Under existing compatibility, you can't get this. That's what this whole diagram is showing, is the additional height that you get under -- under the new draft.

[2:19:40 PM]

This is our existing.

>> Mayor Adler: The affordability component, how much additional height is there under draft 3 than there is under the existing? Putting aside any increase attached to affordability --

>> Alter: That depends what's you're zoned next to your single-family house.

>> Mayor Adler: On the chart you're looking at, looks like about, what, 10 feet? 15 feet?

>> Right where, councilmember, you were pointing, that's 20 feet.

>> Alter: This is 60 feet.

>> Yeah. So it goes from 40 under existing compatibility to 60.

>> So that's for the base zone, right.

>> Alter: In the base zone. So part of it is relative to -- so there's a difference in impact on these houses relative to the other, based on the existing code. Then the draft basically says it's only a hundred feet, and if you're not looking at the hundred feet, you're not protected by compatibility. Under the existing --

>> Kitchen: Can I ask a question? But that's not because of a rolling impact, it's because of whatever we set compatibility at. Isn't it?

>> Alter: But I don't get to trigger it. I no longer trigger it. This house no longer triggers it. This one no longer triggers it. So it's about the trigger, because it's only triggered by the adjacent one and there's no compatibility from here to here.

>> Kitchen: But in this circumstance -- and I'm sorry, is it okay if I ask questions?

>> Alter: Yeah. I don't know if I can ask all of them or not.

>> Kitchen: Okay. But in this circumstance -- say under the current -- I'm sorry. But under the current, the first house triggers, the second house triggers, and the third house triggers under the current. Right?

>> Alter: Yeah.

>> Kitchen: But what does that mean? Does that mean that the third house triggers a whole new set of lengths? So if the third house triggers the bottom spread -- there's still more protected by the first house triggering it than what they trigger.

[2:21:48 PM]

My not understanding?

-- Am I not understanding?>> Correct this first house here is going to be the one that triggers the most suppression of development. I think what councilmember alter was saying, though, that first house that was showing here, right above residential house code, if that one was to change use or change zoning under today's rules, then the next house would trigger, whereas under today -- under draft 3 rules --

>> Kitchen: But that's not my question. Let me be clear. My question -- what I'm trying to isolate here, for me, is, I'm wanting to understand the concern because if I'm hearing -- maybe I'm not hearing it right. The concern -- and we're talking about the protection of these houses in terms of what height is next to them. So under the current code, the height that's next to the third house over is really no different if it's triggered or if it's not.

>> That's correct.

>> Kitchen: Because the height next to the third house is going to be based on the first house's trigger about how far away you can build up to a certain height, and that really doesn't matter whether you trigger the first house or the third house. Right?

>> Alter: But if you change to it residential are multiuse compatibility there is no trigger.

>> Kitchen: But it's still the same for the third house.

>> Alter: No, the third house doesn't get to trigger it.

>> Kitchen: But you don't need to trigger it because the protection -- now, again, you know, there's a difference between draft 3, and I'm not talking to that.

>> Alter: Right.

>> Kitchen: Because we still have to decide and debate what height. But the third house's protection is no different than the house that triggers it.

>> Alter: But that house no longer triggers it, is my point.

>> Kitchen: See, but the point the mayor was pointing --

>> Alter: That house is not protected by the first house triggering it because the first house doesn't trigger it.

[2:23:49 PM]

>> Kitchen: But it is protected if you build in that -- you have two choices. You either trigger with it that first house or you zone what's between the first house and the higher -- the same level as if it triggered. So that's what that dotted line does there. So that's the same protection, whether you're in the first house or the third house. Now, it's all contingent upon that residential mu zone there being zoned in mu-1 or 2 so doesn't it go above the dotted line. But if it's zoned mu-1 or 2, you're getting the same protection for that first house as you would get if you did compatibility, unless you're changing the compatibility --

>> Alter: In the way they did the diagram, yes, but we don't have a zone that steps up like that. It's just 40 -- mu-1 is 45 feet so you're already going up. The diagram is drawn that way, but there is no zone, to my knowledge, that goes 35 to 45 for a residential multiunit zone. So it's going to be the height that they can do, which is higher than the compatibility standard lower part. So that's one piece.

>> Flannigan: Except that the multiunit is triggered compatibility to the house scale zone, so to the extent the steps are tossed by compatibility, the multiunit site, if you're building multiunit, which is a different thing than you're talking about, my understanding, if you have a single-family zone on a zoned multiunit, that's a different thing, but if you have an mu next to an R, O, or rm next to R, the R triggers compatibility.

>> Mayor Adler: The way this read is it said that the thing that would be put there, that zoning, would be rm, and rm that was a house scale size, which is rm-1, has a limitation of 35 feet, and rm-2 has a limitation of 40 feet, except where you have rm-1b, which is not -- that would be 45 feet, more limited places.

[2:26:00 PM]

But it's a 35 or 40-foot height in either rm-1 or rm-2. And that's the house scale size. So you would have only the 30 to 40 feet here in the place between this single-family home, the house form structure, and the commercial. So I'm having the same question that Ann has, seems as if it's protected because the intervening property is zoned to a limited height.

>> So I think I need to apologize to council. I don't think I've spoken sufficiently to that. I think I've not been too good at it. Staff has informed me and reminded me, there was a change from draft 2 to draft 3. The change from draft 2 to 3 was that rm districts do not trigger compatibility between mu and Ms. However -- this is why I'm apologizing -- residential house scaled zoned districts still schedule compatibility on rm districts. As such, this conversation is very different because what you could build under rm is essentially you would have to follow the dotted Orange line that I showed there. So in terms of that immediate transition of what happens between the first house and the residential multiunit, there would have to be -- actually, my building is drawn next time -- it would have to follow that Orange line there.

>> You couldn't build that.

>> I think what I'm hearing from councilmember alter, though, is the question, when we think of that transition area that's being done here, it's essentially 0 to 100 feet. The concern I'm hearing, councilmember alter, is that you feel like that is a big change from that transition area that happens under current -- today's compatibility standards, where, to get the height at the base entitlement, instead of being a hundred feet, you would need to be at least 300 feet away from the triggering property.

[2:28:08 PM]

Is that a -- at least in the second part, a correct summary, that your concern is that the compression of that transition area from 300 feet to a hundred feet what is concerns you?

>> Alter: Yes. So if you compare it -- you're saying, mayor, that it's protected compared to the draft, and I'm saying it's not protected -- it's to the same degree as under the current code.

>> Mayor Adler: And I agree with that.

>> Alter: And there is the possibility when we have the smaller neighborhood, you get sandwiched between 80-foot buildings then in a fairly small area.

>> Mayor Adler: So to be clear, I recognize that under what I was suggesting we discuss, that the homes that are in between the residential house zone scale and this drawing, which is page 31, and the commercial zonings, do not have the same protection they had before. And what they're not getting protected from that they had before is this area that's in blue, again, not considering the affordability issue. They're not being protected from this triangle here that goes from 20 feet to 0 feet. They don't have the same protection. These homes have similar protection, but these don't. And what I was suggesting was for us to consider was, we know that if all we do is keep exactly what we have now, with all of the current protections in place, we're going to limit our ability to be able to get additional housing

on the corridors. So if one of the things we're trying to achieve is some additional development on the corridors, then, yes, I have to change compatibility or transitions, that follows. But then my next question was, how can I do that -- I don't want to do that in an unlimited way. I don't want to do it in a way that rolls throughout neighborhoods. I want to do it in a way that localizes it and limits it and I want to do it in a way that allows for contact sensitivity.

[2:30:16 PM]

So what we laid out in red was what I thought might be a balance that might be worthy of us discussing, which has us going from 20 to 0, in additional height, limiting its expanse to the neighborhood, having something that, whether it's rm zoned adjacent to a short lot, or the back part of a big multifamily lot that's being triggered by this house -- either because it's being triggered by this house or because there's intervening zoning that effectively does exactly the same thing, and also allowing for contact sensitivity for us to be able to go through for a list of things, that, to me, seemed like what might be a good balance of competing interests for us to talk through or consider. Yes, Leslie.

>> Pool: I want to push that diagram just another little step forward because you were saying that the three homes on the right are protected from or the upzoning on them is limited, so I want to ask that specific question, because this goes to conserving the character of the -- of the neighborhoods, the cores of the neighborhoods. So what protections are there for that third, fourth, and fifth house such that, say, the third one comes in and asks for a variance, wants to change their zoning to be more like the -- across the street, which is that -- we're calling that the mid-sized one. So that's the domino effect that councilmember alter, for me, was starting to talk about. So what prevents that third house, fourth house, or that fifth house from being rezoned at some later time because they're looking at the higher density buildings directly across the street?

[2:32:25 PM]

>> And I think that goes back to this council or future councils. They can make that decision. I mean, today, someone --

>> That would go through the regular rezoning process.

>> Right. It would go to the commission, make a recommendation, come to council. Today somebody can ask for dmu zoning next to a neighborhood doesn't mean staff is going to recommend it, certainly doesn't mean council is going to approve it, but that could happen. That could be the same situation that you're describing.

>> Pool: And so that is, again, that's what people are concerned about. That's where we get to where they lose the neighborhood character of the array of streets and homes and the community that's been built by others before us.

>> But with or without codenext --

>> Pool: I don't disagree --

>> That's a possibility.

>> Pool: I don't disagree with that, Mr. Guernsey, except we are opening the door for much more -- I'm not saying I'm against it or for it, but we're opening the door for increased density along the corridor, and I think we all agree that was where it needed to be. Then in the transition Zones, when that shares a proportion of that intensity, that will also trigger eventually what has been termed earlier today a domino effect into the neighborhood. Because all of those homes then cost, well, because across the street we have this zoning, I want it for mine, and then it pushes -- and it could be organic, completely organic, and that is really how development, the best development happens when it's organic. But I want to just point out that that's what people are afraid is going to happen really quickly, and that's how they lose the core of their neighborhood. That's the entry point.

>> I think we want to emphasize that that isn't the nature of codenext -- that's a situation that exists today. Codenext -- again --

>> Mayor Adler: So there could be different -- I hear what you're saying, too, and I've heard the same in neighborhoods and I'm trying to figure out how to respond to that and how to speak with people that are raising that particular concern.

[2:34:35 PM]

To me, if this tract gets zoned rm, in order to provide the transition from -- from the commercial and the corridor, that becomes then the policy basis that when people are coming in asking for zoning changes or not zoning changes, the question is, does that fit within that policy directive. Someone over here that's trying to do the same thing is no longer -- is not asking for a zoning change so as to provide transition from the -- or compatibility from that commercial fronting area. That's just not the rule. So when I hear people say, well, but what happens if the council did that, and I don't know what to say, I don't know that council could do that today, but they just don't, because that's not the way that precedent would work, because we could be very clear about why it was that we were doing that and what precedent it was, what policy we were trying to effect. It's hard to -- but -- so it's not inherent in draft 3. It's not inherent in that. It's what a future council might do outside of that, and we're not providing a policy basis for that so that would be a council that was doing something different for different policy reasons.

>> Pool: And the only thing I would then respond to that, it's not good enough for us to say that's what could happen now because we are talking about making provision for more density now and people see that as increasing acceleration. And the other thing, mayor, on your example, is, I wasn't -- the domino effect hits that first one on the left, the first small house, not the third. So the policy decision of a future council is, now are we ready to allow the upzoning to occur, going closer into the heart of a neighborhood. All I'm saying is -- you're right, that is exactly what we're hearing in the community, so we need to be able to answer that in a way that doesn't dismiss the depth of that concern.

[2:36:43 PM]

>> Mayor Adler: And I agree, we shouldn't be dismissing it at all. All I'm saying is that what we did here even if this was the triggering house, if this was the triggering house, it left that additional area and that additional area and this. These three pieces in the first hundred feet. And then going beyond that, it's just -- it's this triangle, if that's the triggering house. And by putting the rm in here, it was exactly the same as what it would have been if that was the triggering house and the adjacent property.

>> And so we really want to emphasize that -- we're trying to lay out that there are two different types of transition, whether it's the compatibility standards, as are displayed here, or whether it's mapping a transition zone, which is sort of the intention of showing this. And that -- the basic discipline in mapping a transition zone would be the idea that you would choose a more intensive than the single-family but not intensive as the commercial frontage as a transition between the two. But in terms of the form and the character, there's not a significant difference. Right? In fact, it's very similar. Councilmember alter points out that the proposed different calibration for compatibility in draft 3 is different than the current. And that's absolutely correct. And as you can see here, the difference really is right there. It's the ability to get to 60 feet, within a hundred feet of the property line, which you can't do today under the current envelope of the pink line. But, really, the purpose of this -- of these two drawings is just to explain, this is one way of dealing with a transition, the way the compatibility standards work.

[2:38:53 PM]

This is a way of dealing with a transition with a transition zone applied, and that hopefully the selection of the zone is one that would be consistent with basically the way the compatibility standards would shape the development. It would just change the -- sort of potential density of housing, allowing multiunit housing rather than single-family.

>> Mayor Adler: Jimmy.

>> Flannigan: I don't know that -- I was hearing councilmember alter define something different. I think we should be very careful describing something that's a domino effect which has the impression of something that will happen automatically with something that a future council may or may not decide. There's nothing -- and it would be irresponsible for us to tell the community that somehow codenext is going to require a future council to make future zoning changes. We need to be very careful not to fall into a trap that we see at other levels of government where we allow the fact that someone feels it to be treated as a fact. It is our responsibility to get actual reality. This is a very complicated topic, and I think councilmember alter brought up some really interesting stuff I'm going to dig into. But whether or not a future property is rezoned is irrelevant to the decision we're making now. And it's really important that we are not furthering misinformation in this community while we are trying to accomplish our housing goals.

>> Mayor Adler: Ann.

>> Kitchen: I would say also that the concern that -- I appreciate councilmember pool, because you articulated that concern very well, and it is a concern that exists today, and we hear it today when zoning cases come in front of us.

[2:40:54 PM]

So to my mind, there are options for how to deal with that concern that we may want to dig into? A. At some point or we may want to ask the staff to come back and offer to us. But there are, for example, process options that we could consider. So if in the future, you know -- and that's the process for rezoning in the future. If we're concerned that our current process for the -- how we make decisions about rezoning doesn't -- doesn't address this particular concern, then we have a whole range of options, all the way from the cutting criteria that we put in, put into the code about what would allow consideration for rezoning, all the way to the process going to the planning commission, the process coming back to council. So if we want to -- if that's a concern that we want to address, then there are ways to deal with that in the code, and I think that it may be something that we might want to do because it's a problem that we have right now. Because what we have right now is, we have folks saying, well, I don't want to zone that property this way because I'm concerned what I'll do to this one in a year or two. And those are all legitimate concerns because what happens in a year or two, this person says, well, you should upzone -- you should upzone me because of what this one did. So -- but that's a process issue and that's how we apply criteria. And so I would suggest that we not confuse that issue with the issue we're talking about here in terms of how -- how compatibility applies.

>> Mayor Adler: Do you want to take us to your questions?

>> Houston: Excuse me.

>> Mayor Adler: I'm sorry, Ms. Houston.

>> Houston: Councilmember Garza had hers on first.

>> Mayor Adler: Okay.

[2:42:54 PM]

>> Garza: I think Jimmy addressed some of my concerns, but I just want to say I know it's going to be impossible to stop this, but when we make -- say things like "The community" and "People are scared," I wish we could all say "Some" in front of them because we are clearly not representing an entire community or all of the people, because when I hear we don't want to increase zoning entitlements here because that could increase zoning entitlements three buildings over, I here someone is going to look for additional housing here? None of those are bad things to me. And the domino effect is already happening. I remember a zoning case in Pio's district where it was -- they had the entitlements to build a

really and compatible -- I forgot what it was, and we were giving them more entitlements so he could build something more compatible and that was the neighborhood's concern about that transition in allowing more. So I just -- anyway, I wish we could move away from "The community" and everybody because we're not -- we're not here representing, you know -- we all represent very different constituencies and much of what has been said today I don't think represents -- back to Pio's earlier comments -- I really don't think represents what the folks in my community -- in my districts are concerned about. They're concerned about having to move out to del valle to live in a trailer home because they can no longer -- when they would love to live in a fourplex in the middle, near a neighborhood that's safer for them. But they're having to move out so far away.

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you. And this is just a clarifying question. Did you all come up with the transition Zones? How did that come into our lexicon?

[2:44:55 PM]

Our planning principles? How --

>> Councilmember, as mapped in draft 3 by the staff, there are limited transition Zones. There are some, but they're limited. Really, it was the planning commission discussion that brought to light this issue of using transition Zones to effect compatibility.

>> Houston: And was some of that -- the whole idea of going four blocks in from a corridor, is that where that idea has come from?

>> Yeah. The motion that they passed proposed using one block but said to consider up to five.

>> Houston: And I -- I think --

>> And that was with a planning process, I think, that the planning commission was talking about beyond the block to look at a plan process or some planning process, to look at those blocks beyond.

>> Houston: So I think that's what people in my community are concerned about, that that definition of a transitional zone and the fact that you can go four blocks, one block into the core of a neighborhood, and have if that's something that we can just get off the table and say that we will not be accepting the planning commission's recommendation, that eases some of that concern for some of the people that elected me. Because that's what I think the issue is. You all call it domino effects. They hear transition Zones and they have now new corridors on both sides of a core neighborhood, and they see this as being an impediment or an accelerator to go in -- deeper into the neighborhood.

>> Mayor Adler: Well, for what it's worth, the language I put in compatibility for us to talk through doesn't talk about an extension of the compatibility passed, just that first lot adjacent to a commercial lot. Pio.

>> Renteria: I have never said that I wanted to go into -- into my neighborhood.

[2:46:56 PM]

I've always talked about, you know, building our density along the corridors, and I don't know exactly where all this came from, but I tell people, I say, you know, that's false. We're not even discussing that. You know. The planning commission might have discussed it or some other group might have discussed it, but never have we discussed about putting that kind of -- into four or five blocks down into the neighborhood. I never heard us discuss any of that. And I've always supported the density along our major corridors, with the compatibility, you know, being the first single-family house, that they're going to have to be -- the compatibility standard that we have. And we haven't changed too much at all. My neighborhood is basically almost resemble -- especially in the 6th street, 4th street area, I mean, we have a lot of density there. And we provide the density there at Chalmers court. We allow them to go up 60 feet for 30% mfi. I hope they can meet the 60 feet. They told me that they appreciate that additional height, but they don't have the funding to up 45 -- only 45 feet. So, you know -- but we're trying to give them more so that we can have more low income people to be able to move there. And we also -- I'm working with them. If we can't meet all of that where we need to find some, you know, maybe 60, 80% mfi, you know, people there that could pay for it -- for that expansion, that would be great, you know. And that's the way I see it, how we could, you know, use codenext to benefit, you know, our community that's suffering right now.

[2:48:57 PM]

Like my colleague Delia Garza said, I have a lot of people that I know that live out there in those mobile homes, and that's a transit desert. You know? Bus goes out there once an hour. You know it just -- but they have no place to go. I grew up in a house of ten of us, in a two-room house with a kitchen. That's how I grew up. You know. You know, would I have liked my own bedroom? I would have loved it, but I knew that that wasn't possible. But, you know, we -- we learned how to live because we had a roof over our head. And that's what -- all I want to do is provide someone a roof out there and not live out in the street. You know? We have -- some of these cities out there, San Diego and San Francisco, where people -- you know, they live in trailers, mobile homes. They ride around, you know, every 72 hours, they have to move. You know, is that what we want to provide for our citizens? You know? I don't. But if we continue on the path of killing this codenext, then that's what's going to happen.

>> Mayor Adler: Go ahead and take us to your questions.

>> So the first question -- first set of questions we want to go through was just confirming whether or not land use should be used as a trigger. And, again, I think there's been a lot of discussion, but I don't know that we -- any kind of fist to five vote has been done. The third was adjacency versus distance from trigger. Just hearing the discussion, there's general consensus, but it would be helpful for us to kind of have more concrete in favor or not in favor of, primarily so we can move into the compatibility standards because I think that is where a lot of the discussion has been.

[2:51:00 PM]

>> Mayor Adler: Okay. Why don't you lay out for us the land use as a trigger, what that means, what the implications are, and let's see if we can reach a consensus.

>> So draft 3 does not use single-family use as a trigger for compatibility standards. And that is a change from existing standards that you all have today. And confirmation that you all are either supportive or not supportive of that would be helpful for us as a consultant team and with staff as well.

>> Mayor Adler: So if someone has a single-family home in a commercial area, it serves to trigger compatibility in that commercial area.

>> Today.

>> Mayor Adler: And what this is saying is that rather than looking at whether that tract is a residential unit in the middle of a commercial area, you would say, is that a commercially zoned property, for the purposes of a trigger. Okay. So I support using land use as a trigger. I mean, that makes sense to me. If there's a residential use in the middle of a commercial area, it shouldn't stop the commercial area from being a commercial area.

>> Houston: It's the opposite.

>> Mayor Adler: What?

>> Houston: It's the opposite.

>> Mayor Adler: Yes, I support zone district as a trigger. Sorry. Sorry. It shouldn't -- if you have a commercial -- residential use in a commercial area, it shouldn't stop the commercial use from being used as a commercial use. Yes.

>> Houston: Does that make the residential use non-conforming?

>> That, in and of itself, would not, and that is dependent on the zone district if the zone district allows a single-family use. But the key here is that only the residential house scale zoned districts would trigger compatibility. So you might be a single-family home in a commercial district that allows single-family homes, so you would be conforming, but you wouldn't trigger compatibility on the neighbor.

>> Mayor Adler: So you'd still be conforming if you wanted to improve the house or if the house was damaged and you wanted to replace the house or fix the house, you could still do that.

[2:53:06 PM]

Doesn't it add any measure of --

>> Yeah.

>> Mayor Adler: -- Legal non-compliance.

>> Correct. For those zoned districts that allow it.

>> Mayor Adler: I think that's important. When we get asked that question, I'll just say as an aside, everywhere by virtue of our practice here, we are taking something that is legal today and turning it into something that is not legal tomorrow, I'd like that pointed out to me because I'm not sure I want to do that anywhere. Jimmy.

>> Flannigan: So I -- I'm definitely in support of zone as a trigger. I don't want to retread everything, but you spaced compatibility could be a domino effect because as a use changes, that would automatically shift.

>> Correct.

>> Flannigan: Without a zoning change.

>> That is what you have today.

>> Flannigan: Right. So without a zoning change, without a council approval, in some cases without a land use commission review, u-space compatibility is a domino effect, because how you use that property then changes the regulation to the next, to the next, to the next. Zone district, as a trigger, would not do that. Zone district would be locked in and the only way to change that would be through a council zoning change. So while it might be difficult to move from the system we have now to a zone based compatibility, over the long-term, it will be much more predictable and reliable for both current property owners and those that are trying to build housing.

>> Correct. And examples that have happened both ways where there was one example, in particular, we talked to PC about, was, there were a series of single-family houses that were zoned cs. When it went -- when people went out to survey what uses were being done, it was shown to be all non-residential uses. However, it turned out one of the five properties did not actually get correct permits, and as such, was technically still a single-family use, even though it was a hair shop.

[2:55:14 PM]

Right? And so there are all these weird, unpredictable things that happen with a use-based trigger. And by -- again, by switching to the zone district, it's cleaner and a zone district change will always have to go through a land use commission or city council approval process.

>> Mayor Adler: Okay. So I think -- I mentioned these are going to get harder as we go through it.

>> Yes.

>> Mayor Adler: Does anybody want to express any discomfort with saying zone district should be the trigger? Ann?

>> Kitchen: I just have a question. What I would like to do, it makes sense to me that using zoning district as a trigger is the -- is what we're working towards. I don't have information on -- that I'd like to understand about the impact of this -- of this change, immediately. So I am wondering if there's a way for the staff and consultants to let us know -- and what I'm thinking of is the case where a -- where you have a use as a single-family home, but it may be on a piece of property that's not residential, so --

>> Councilmember, that's kind of the crux of the problem you had today in your compatibility standards, there's no good record whereof single-family is or isn't.

>> Kitchen: Okay. So we -- there's no way to know the answer to the impact? Is that what we're saying? So if we change the rule here -- because basically what we're talking about is changing from one existing rule that people understand and think is the case right now to another rule. Makes sense to me to change to that rule, but I'm trying to understand the impact of that change. And so sounds like we don't have data to tell us. Is there another way for us to park that and just say, you know, yes, we want to move toward zoning districts as a trigger, but there may be an interim that we need to understand?

[2:57:17 PM]

Because we don't really understand the impact right now.

>> Mayor Adler: Well what kind of impacts would you be looking for? To me, the impact is, is that a residential property in a commercial area couldn't stop the commercial area from developing commercially. I think that's the impact. And you may be looking for an impact that goes beyond that.

>> Kitchen: Well, that's one of my questions, is there an impact beyond that in any case. I guess I'm just - I'm not understanding enough about what's on the ground to know if this is -- well, okay. So we've got an area in my district, the Thornton road area, which is zoned cs but not used as cs. So I don't know if there's single-family in any of those little tracts that this could have an impact for. I mean, that may not be an example and that was something I'd rather take offline to discuss. But I don't know if there's other things. So all I want to do -- Al I'm saying is that I think we should park this -- we should just -- we should just say yeah, we think we want to make this change, but leave it open for the possibility for us to go and understand if there's something going on in our district that we need to be aware of. That's all I'm saying.

>> Renteria: Mayor?

>> Mayor Adler: We can certainly say we agree with it now but leave the door open for people to find anomalies or situations where it shouldn't work, and they can bring those back. But as a general rule, is everybody okay with saying that we take zone district as the trigger? Alison.

>> Alter: So what I'm having trouble with is we will no longer have -- when we do find those anomalies, what do we do? I'm just trying to understand, this goes back to councilmember kitchen's observation before which I think was helpful she but if we don't have conditional overlays, we don't have a lot of tools if we're faced with a situation of a zoning case, whereas we would have had triggering of different things.

[2:59:25 PM]

>> Mayor Adler: The way I interpret what Ann says I'm okay with this being the general rule, but as we go through our codenext process, I want the ability and time to identify where there are anomalies and then I'm going to bring them back to the group. When they come back to the group, we can see if we have to revisit that or adopt C Os or do something he will. We're not deciding anything in stone. We're going to book mark and give people places -- bring that back to council and make that part of the conversation so we can figure out what to do. So I don't know whether we need C.O.S or not.

>> Flannigan: I feel like that question was directed towards me. It's important I think to remember --

>> Alter: It wasn't directed toward you.

>> Flannigan: You knew I was going to have to respond. The use of conditional overlays only comes into play in rezoning. We wouldn't necessarily be a tool we would be applying to every property in the city, one fell swoop going through this process. In fact, the lack of cos would further cement rezoning would be more difficult because it would be much clearer for the community and likely make it more difficult for future rezonings because those tools wouldn't be present. However, when I read through the processes, it does have this weird thing where it allows additional requirements I think is the language when it gets to land use commission or if it gets to council. There's a part of the procedures where additional requirements can be requested by the commission.

[3:01:26 PM]

So I'll go find it --

>> Mayor Adler: What are the rules for --

>> You may be talking --

[multiple voices]

>> Flannigan: I'll find out.

>> Mayor Adler: Suggesting we're not trying to resolve cos now, we're trying to resolve what Ann meant by book marking. We're saying as a general rule is everybody okay with saying we're going to do zone districts as trigger but book mark if they find a place that doesn't work right, they can bring it back to council and say I found a place it doesn't work right, what do we do here?

>> Renteria: Mayor?

>> Mayor Adler: Yes.

>> Renteria: Our contact team went through this whole process, and we chose Raul Alvarez, which was a city councilmember at that time, that the people that had, you know, commercial cs on their lot, they were using as a residence, did not want to change it because they didn't know what was coming down the road. And he did believe us. He held back our neighborhood plan for about nine months while he went and talked to all these people, and he was shocked to find out that they didn't want to change their commercial lot back into single-family house. So, you know, you're going to run into these people that are going to be upset that we're trying to put restrictions on what they can do with their lot, you know, so I'm -- it works both ways.

>> Mayor Adler: I'm going to ask for general consensus. Ms. Houston first, on that general proposition with the specific book mark.

>> Houston: Right. I had my light on so when the cos were mentioned, I didn't want councilmember Flannigan's head to explode so I tried to stop it.

>> Mayor Adler: We'll ask questions about cos later. How do people feel about that set? We're going to try to use the zone as a trigger, book marking to point out where that doesn't work.

[3:03:31 PM]

Ms. Houston, are you okay with that? Five, four. Greg, five and three, Pio four, Jimmy five, dahlia four. Leslie, Alison, are you okay? Three is Leslie.

>> Alter: For me it sort of depends on the mapping and part of the confusion is, again, I don't know what approach we're taking to that.

>> Mayor Adler: If it gets mapped in a way you think is inappropriate, we will revisit these subjects. But until we can agree on some general principles recognizing everything is good-bye to go dependent on that -- going to be dependent on that, this conversation is not going to move forward.

>> Alter: We could decide our bases.

>> Mayor Adler: Even that is not going to decide because everyone knows we're going to make changes. At the end of the day, it's got to be exactly the same whether we start with PC or the other because we will have made all the changes we're going to make.

>> Alter: I'm okay with it at a three as long as mapping is appropriate.

>> Mayor Adler: We'll take that. Three as long as the mapping is appropriate. Were you part of this conversation? Were you watching?

>> I was reading.

>> Mayor Adler: Do you want to talk to us about it too?

>> Tovo: I was trying to keep up with it while I was having a phone call so I'm not informed enough to cast a vote at this point.

>> Mayor Adler: Okay. So take us to the next one. And I was a five on that. So there's general consensus on that issue with that book mark subject to how things ultimately get mapped. Take us to the next thing. Agency versus distance? Is that next?

>> Adjacency versus trigger. I believe this is an item you may want to wait on until after the compatibility discussion because talking about what is the distance in which heights start to step back up or the distance in which a building can be in proximity -- it's going to be very important to discussion item 3 here.

[3:05:39 PM]

>> Mayor Adler: If you recommend we wait on that, I'll concur.

>> I do. In terms of compatibility, transition time one, I would like to start with what kind of building setbacks. So again, this is not height, this is simply saying how far from a triggering property should a building be. And I would like to emphasize that draft 3 is requesting that buildings be set back 30 feet, and current compatibility asks for 25 feet. So we are asking for more of a building setback in draft 3 in terms of proximity to the rear. One can see that in slides -- let's see, 11 -- both of the slides show it where you can see -- sorry, wait, this is -- here we go. So existing compatibility is 5-foot, draft 3, 30 in the rear yard, and it varies a little bit depending on the situation, in particular when it has to do with side setbacks. So -- but if we can tackle first just the proximity so the building setbacks and whether or not there wants to be different setbacks for deep lots versus shallow lots.

>> Mayor Adler: Ann?

>> Kitchen: Question. So I think I'm understanding. So that means the building can't start any closer than that.

>> Correct.

>> Kitchen: Okay. And the -- the draft 3 has a 30-foot?

>> So in the rear setback it's 30 feet.

[3:07:40 PM]

--

>> Mayor Adler: Shallow?

>> For -- the side varies depending how wide a lot is. On slide 19 it's showing if you have a wider lot, we're allowing you to build within 20 feet as opposed to 25 feet. A couple things to note that go beyond the compatibility standards is draft 3 provides for or requires a landscape buffer so there is a landscape buffer provided at the property line in these setback situations, which includes trees. But draft 3 also

allows that first 30 feet except for the landscape buffer, allows for other uses to happen there. So you can have parking there, you can have walkways, you can have rain gardens. You cannot have trash or dumpsters in that space. We're asking the buildings to be five feet farther back, a landscape buffer, allowing the developer to be more flexible in what they can do in that space.

>> Kitchen: And then related question, is there -- I just can't think through whether it matters. Is there something different for the a front setback?

>> A front setback is primarily going to be based on what the zone district asks for. Some are as little as 5 feet, some are 10 or 15. That's more of a zone district based standard. It is, though, saying, I believe, five-foot minimum so there could be some at zero and compatibility you need to have at least five feet.

>> Kitchen: Okay.

>> Mayor Adler: Is it a difficult question for me I have the competence to talk about the difference in five feet. I do like -- on the wording in red that was sent out as something for people to possibly look at, the compatibility was on page 2, it continued on to page 3 and there were two things important on page 3, I think.

[3:09:50 PM]

The one at the top of the page talks about how we'll take into account contextual factors before we do final mapping so as to take care of the book mark as well as the kinds of things Alison was concerned about to make sure it all trues up, but the next line was the important part because the draft 3 included additional screening measures that were not in the current code. So I pulled together into this red wording here the -- the no build Zones and vegetative buffers between residential, commercial so as to minimize noise and trash and that kind of stuff. I like that kind of stuff and I'm not sure I -- five feet in this context at this point in the conversation, I'm just not sure.

>> Kitchen: I just want to understand, it seems to me that the -- that the setback that you are talking about was -- is consistent, in other words, it seems -- if I'm looking at what other folks said, it looks like the current setback is consistent with the PC recommendation which is consistent with the working group proposal. It looks to me that it's consistent with the current code too, that initial setback.

>> So --

>> Kitchen: Can you tell us if there's --

>> I'm not sure this is the diagram, but this diagram codenext tells us zero to 25 there's no building. It's zero to 30 so it's not quite accurate. It is an additional five feet that we're asking for.

>> Kitchen: Okay.

>> Houston: You want to put that up -- can you put that up on the screen so --

>> Kitchen: Okay. So in other words, the PC and working group are at 25 and the draft 3 is at 30.

[3:11:54 PM]

So it's providing some additional setback.

>> Yes.

>> Kitchen: Okay. That works for me.

>> Mayor Adler: Alison.

>> Alter: I'm okay with the staff.

>> Mayor Adler: I'm okay with that too. Everybody generally okay with that? Say it again. The question you are asking for is setback. Staff recommended 30 feet, current code was 25 feet. Is that what it was? This is the setback. Unwith of the reasons that I agree with the 30 feet is because it's diminishing the total linear distance, and I think in that context it's an appropriate thing to do. Anybody have any -- Ms. Houston, is your light on? Everybody okay with that?

>> Flannigan: So we're talking about the fact the setbacks got increased?

>> Mayor Adler: The setback got increased from 25 to 30 feet. Is that the question you have in front of us?

>> The rear got increased from 25 to 30. The side decreased by five feet. Went from 25 to 20. And the front is really highly dependent on what your existing zoning -- what your zoning front setback is.

>> Flannigan: We moved five feet of setback from the side to the back.

>> We did. Important to understand is under existing compatibility standards that 25 feature not allowed to have anything but landscaping, but it doesn't say what kind of landscaping has to go in it. Versus draft 3 allows you -- allows the developer more options what can happen in that 30 feet, but does require a landscape buffer.

>> Dumpsters are allowed in that 25-foot zone, to intrude five feet into that, I believe, but in draft 3 dumpsters are not allowed in that at all.

[3:14:06 PM]

>> For instance, councilmember Flannigan, under existing compatibility regulations you cannot park cars in that setback. Draft 3 allows you to park cars in that setback so you can use part of that to help with your parking lots, you can use that for trails, you can use that for other things that you need to do for development purposes; whereas in existing code you really couldn't do it, with the exception Greg mentioned, that you could use a little bit for trash.

>> Flannigan: So what you are saying is that -- I mean, I like the idea that you can account for drainage, especially drainage in a setback area or other things, but why -- what does the five feet -- shifting from side to back -- seems arbitrary I guess I'm trying to figure out the policy objective with the five-foot change or shift. And having almost completed my read-through, there are a number of questions we'll sit down to talk about where I go what was the point of this and this is unwieldy of those. I'm kind of ambivalent to what is effectively from my perspective a cosmetic shift, very little impact.

>> Mayor Adler: If there is no objection, Alison okay, I'm okay, Ora okay with it, everybody is nodding on the dais they are okay with it. Let's go on to the next one.

>> There is one follow-up question I think is important to ask. It's a PC recommendation that all setbacks should be measured from the triggering property. Where that -- that are the case in all -- in draft 3 except for one particular situation which is the alley, which I talked about this morning. That as in draft 3 the setback is measured from the development property shared property line with the right-of-way. PC's recommendation is that that setback is measured from the property line that the triggering property and the alley shares.

[3:16:16 PM]

This would clarify all setbacks are always measured from the triggering property's property line. And I think that would be helpful to have an understanding if there is support for that.

>> Mayor Adler: Do you think it's better to do it that way?

>> I believe it's better.

>> Mayor Adler: Why?

>> Because it's consistent and it meets the same goals of the other compatibility standards of really getting 30 feet from the property line of the triggering property and 30 feet clear of buildings, right?

>> If you look at slide 16, this becomes more obvious.

>> Mayor Adler: It says all properties are going to be treated the same. Whether it's an alley or street. The impact on all properties will be the same.

>> Correct.

>> Mayor Adler: So I support that. Do people generally support that? Alison now is -- is the setback measured from the property line of the adjacent property or not? And the reason that they were recommending that it be from the adjacent property is so that all properties are treated the same. That makes it then every property has the same relationship to what's being built around it, whatever that relationship might end up being is the same regardless you are abutting or across the street or alley, the relationship is the same. That makes sense to me. Ms. Houston.

>> Houston: I just wanted -- could you all give me a reference where that in the code, in codenext? What we're talking about now?

>> Mayor Adler: Where the provision in the code is.

>> Houston: Where is that provision in the code?

>> That's in each zone district under building placement, there's a compatibility section. In the compatibility section, it says that you have these setbacks, but it's not clear that it's from the triggering property versus the development parcels of property. And so as drawn on the drawing here we're showing that the setback is measured from the development parcel line versus the triggering property's parcel line.

[3:18:26 PM]

You can see here -- can we do the zoom? You can see there that's 25 -- 30 feet is being measured from the property line that's shared with the alley, versus 30 feet being measured from the triggering parcel line, which is really the way that compatibility works it's also measured from the triggering property. We think this was something really great the PC pointed out, that to be more consistent it would be better to always measure from the triggering property -- property.

>> Mayor Adler: Does anybody have reservations with that?

>> That would be consistent with the height setbacks which we'll discuss in a second.

>> Flannigan: So in the zone, councilmember Houston, there's three sections there, I'm looking at zone mu1a as an example, but I think they are all generally the same table B and you can see the subsection compatibility, all of that stuff in the little section of the table in each zone.

>> Mayor Adler: Leslie.

>> Pool: It doesn't preclude someone from going ahead and setting a home back further, right? It's just the minimum would be the --

>> Correct. This is a minimum. This is always a minimum.

>> Pool: Okay.

>> And the way it is right now, you can see here in draft 3 because it's 30 feet from the affected property, property line, it's actually more suppressive than current compatibility which is measured from adjacent property. This could be more consistent with your current, but actually provide five feet more.

>> Pool: I think it would be really helpful to have some certainty about the setbacks because of the utility easements and everything, and that can get kind of difficult in some of the older properties.

[3:20:34 PM]

So as long as we're not saying every house has to be exactly that distance and they can be further back if they want, that is a good item.

>> Mayor Adler: Alison?

>> Alter: I haven't had concerns with the staff setbacks, but as I understand it if we do the triggering with the property, then that is affecting the compatibility calculation, but then you still have a 30-foot setback from the property line if there's an alley or street there. Is that correct? Before you could start building? I just want to make sure I'm understanding how those interact. I was looking at 16. So 16 looks like you would measure the compatibility heights. From the triggering across the alley. But then you still have to do the 30-foot setback before you can start building, but the height you are allowed to build at that point is dependent on the triggering.

>> Councilmember, apologies. I'm going to -- so currently it's 30 feet measured from this -- I don't know if you can see my cursor from this property line. What PC recommended was the 30 feet be measured from the far side of the alley, which is the side of the alley that is shared with the triggering property. That would mean that you would have five feet more than existing compatibility would give you, but it would be closer than what draft 3 said. So this Orange box is kind of that zone where you would not be allowed to build a building. And the difference is in here. That would be consistent with the way that all the other compatibility has worked in the other diagrams as well. That is what PC recommended was that we always measure from this triggering property line. Which in most cases is where we're measuring from because usually the development parcel and the triggering parcel are the same property line.

[3:22:41 PM]

But not in the case of an alley.

>> Alter: So I was not set with the staff's recommendation which was different than the P Cs, and so that's where I want to stay for now. I might be convinced otherwise, I just wasn't prepared for that.

>> Mayor Adler: So staff's recommending now that the PC recommendation is the preferred way to go.

>> We agreed with the PC recommendation.

>> Alter: But in the draft they have it coming from the property line of the property.

>> Mayor Adler: Right.

>> Alter: But, you know, again, it shortens -- it just further shortens the compatibility runway.

>> In this case it's actually increasing the distance back. It is not changing any of the other stepping.

>> Alter: That was what I was trying to understand.

>> Not trying --

>> Alter: That's what I'm not understanding. Can you run that by one more time?

>> Again we're talking about building setback now so it's not changing any of the height setback.

>> Mayor Adler: Because compatibility is currently set off the -- off that now it's making the building setback key off the same property line that compatibility keys off of.

>> And asking for an additional five feet.

>> Alter: So the setback would be less under this.

>> Mayor Adler: Setback would be less, compatibility would be the same.

>> Greater than existing compatibility, but less than draft 3s. Draft 3 was 30 feet from the development parcel's property line. The dimension -- that means it's away from the residential house scale property varies completely how wide that alley is. So if the alley was exactly 20 feet, then it would be 50 feet. If the alley was only 12 feet, which we've heard some alleys on -- then it would be 40 feet. This would be saying let's not worry about how wide is alley is, let's always measure from the triggering property line.

[3:24:43 PM]

It's always 30 feet.

>> Alter: So then if I'm across an alley like this and the alley is 15 feet, then my setback is only really going to be 15 feet. On the other side of that.

>> In the PC recommendation, yes. And that is still five feet greater than your existing compatibility. Because your existing compatibility is just 25 feet versus 30 feet. Our draft was saying 30 feet from development parcel line. In your scenario where you are saying 15 feet, it would have been 45-foot setback.

>> Under your current compatibility, the setback would be ten feet.

>> Mayor Adler: But the important thing for me on this is it doesn't change the envelope, the compatibility envelope, so it doesn't increase -- the compatibility lines still stay the same.

>> The height.

>> And it would be consistent on the way we, staff, would be measuring how height is measured as well as setback. So they would be exactly the same. Staff wouldn't have to learn two different ways to measure a setback and height differently in a situation like this. To make sure -- so you're saying it would shift it it's shifting it over. So under draft 3 if we had a 15-foot alley it would have been 45 feet from the triggering property. Now you are saying it's going to be --

>> 0 feet from the triggering -- 30 feet from the triggering property.

>> Alter: But that's not what you did in draft 3.

[3:26:43 PM]

>> That's correct.

>> Alter: Less than in draft 3, but more than what we have under current standards.

>> Correct.

>> Alter: And why did you draft it that way in the first place?

>> I think our firm drafted these standards, our intent was what PC had clarified. Since we didn't clarify it was from the triggering property line, one had to assume it was from the development parcel's property line.

>> Mayor Adler: At this point are you okay with this? Ann is okay with this, you're okay with this, Ora is, Pio is, Jimmy is, I am, are you?

>> Alter: I don't really like the idea we have paid consultants and we're finding this kind of change, but so I'm going to not vote on this right now and I'm going to try and think it through. But it's precisely this kind of nitty-gritty thing that is getting the community concerned.

>> Mayor Adler: Okay. Come back if you hear concerns with that because I'd like to hear them. Do you want to go to the next question? My hope we're going to get to a question that takes us to a policy conversation. But ask the questions that you need help on.

>> So the next question then I go specifically to what we have spent a large portion of today talking about which is the height stepbacks. At what distance can a parcel build height. So I think this is really back to the questions we've had earlier. Summarizing what I heard earlier, it sounds like at least from councilmember alter's perspective there is some question and concern about the -- being able to get to your full base entitlement and be able to do affordable bonus at the 100-foot mark and the question how that varies what you can do today under existing compatibility standards.

[3:28:55 PM]

>> Mayor Adler: So for me on this I start with the general proposition that I want -- I want to be able to get the density on the corridors because I want to get it on the corridors, I don't want to get it throughout neighborhoods, I want to focus on getting corridors and centers. So my question would be what is the appropriate stepback away from triggering properties so as to still allow for the corridors to be able to receive most of the extra housing and stuff we want in the city.

>> And mayor, we just want to reiterate that the difference between your current, which is the purple line, and proposed in draft 3 really occurs right here at 100 feet. The property line, this site could realize its base height.

>> Mayor Adler: So I would ask my colleagues at this point to not talk about the affordable housing bonus and whether we want to do that a conversation later about affordability. So let's just focus on the solid blue as opposed to the diagonal blue. Ann.

>> Kitchen: Do you have a slide that compares -- because what this one just shows me is current and draft 3 it doesn't overlay the PC recommendation or the working group. And I am trying to translate in my mind where the difference is between all of those. And I think it may be at hundred feet.

[3:30:56 PM]

Because it looks to me like -- well, actually even the PC one -- okay, so what you're saying is then that the draft code gets to the full allowable height for that zoning category at 100 feet. The PC recommendation was further out than that to get to the full amount. And so was the working group proposal, if I'm reading this right.

>> I'm going to do a quick sketch of my understanding.

>> Kitchen: It might be useful to put this up or to do a sketch. Because I'm trying to -- it's really -- those first stepbacks, the 35 feet and 40 feet, the height at 25 feet out and 50 feet out are close. It looks to me if you look at all the different approaches, and it's what happens at the hundred feet where you start to change. Is that right?

>> So what -- sorry, councilmember. PC recommended that the setback be 25 feet, so that goes back to [inaudible]. And that the height between 25 feet and 50 feet be 35 feet in height. That they be 45 feet and allowed height. Between 100 and 150 feet, that you allow to be 65 feet, so that's five feet taller than what we have proposed. So we're only talking about base entitlements. Between 150 and 225, they allowed 75 feet in height. Between 225 and 300 they allowed 90 feet of height. This line is -- approximates that. It's not perfect, but that approximates base heights.

>> Kitchen: So basically -- can I keep asking --

[3:32:58 PM]

>> So that's approximation of the PC's height stepbacks.

>> So basically to 100 feet -- basically to 100 feet what PC recommended, and for all intents and purposes to about 150 feet. What PC recommended is similar to draft 3. But where they raise the height beyond the base limit from draft 3 is they raise the base limit at 150 feet away from the property line to --

>> 75.

>> -- To 75 feet, and then raise -- at 225 take it up to --

>> 90.

>> -- 90 feet.

>> After 300 feet they just allowed whatever the base zone allowed. To note the net effect of this change if draft 3 mapping and other PC recommendations were not taken into account, would not -- relatively speaking, change what someone could build immediately adjacent to house scale zone. As we showed in the maps before, in draft 3 mapping, there are no Zones that allow over 85 feet in close proximity to single-family houses. What this does do is provides some assurances in the long term that if a zone district allowed a taller height, that you would have more assurances as to how tall that building would be as a base height. Because remember after 100 feet in our zoning code, it's whatever the base zone district allows. So --

>> Kitchen: Okay. So -- so the -- well, this is also different than the working group approach.

>> It is.

>> Kitchen: The working group approach allowed that additional height, but only with -- only with the bonus. And also didn't allow it until you got to 150 feet.

[3:35:00 PM]

>> Right. And remember, all of this is assuming what these setbacks that you see may not even be allowed unless the base lotter ticket allows that height -- district allows that might. It doesn't automatically give you more height as you step back if that base district is limited to 60 feet. Just because you step further back, you don't get more height.

>> Kitchen: So that's right, that's a good point. Maybe you can help us remember what kind of zoning actually takes it above 60 feet. Unless that's too complicated.

>> No, so in the mixed use Zones, pretty much when you go from mixed use 2 through 4, they only allow 60 feet as a base height. You would have to get to if mixed use 5 before you could get higher than that and that would go up to 80. In the main street Zones, the maximum height that you could get is 60. At main street -- main street 2 districts they are 45, main street 1s, only 35. Keep that in mind. Just because you step further back doesn't entitle you to more height above what the base district allows.

>> Mayor Adler: So just to make that clear, the rm Zones, none of them go above 60 feet except for the very last one, rm-5.

>> Yes.

>> Mayor Adler: In the Ms Zones, all of them are 60 feet or below.

>> Yes.

>> Mayor Adler: In the mu Zones, all of them are 60 feet and below with the exception of the highest one, the mu-5a.

>> Correct.

>> Mayor Adler: And then obviously regional centers are different.

>> Yes.

[3:37:01 PM]

>> Mayor Adler: Ann?

>> Kitchen: But even at that -- even at the mu-4, for example, of 60, in the affordable housing bonus kicks in, you can get to 60 without the affordable housing bonus, right, under draft 3? Did I read that right?

>> You can get to 60 without the height bonus provided you comply with these compatibility setbacks in draft 3.

>> Kitchen: Right.

>> Adjacent.

>> Kitchen: In all of that. So I can just -- I'll cut to the chase and say I'm not prepared at this point to -- to agree to the height setbacks. I think the first ones, and 25 feet and the 50 feet are virtually the same across all of them. I don't have a concern about that. But what intrigued me about the PC approach and also about the working group approach is they were actually tying additional heights to the density bonus program. So I'm not prepared today to say that I'm okay with the codenext version. So I would need to think about that some more.

>> Mayor Adler: Alison.

>> Alter: I prefer the working group's compatibility option, and I generally like the approach of the additional height for the air orderrability, but I'd like it to be on site.

-- Affordability. On-site affordability, not fee in lieu. And that does concern me a lot about some of the other ones without having that clarified. But I prefer the working group which has the setback further on than 100 feet for getting up to 60.

[3:39:06 PM]

And I do want to point out looks like there's some variation whether it's 30 or 35 on various things unless I'm confused in my measures. For the first step up. But I think it should be at least as big as the house, which is I think 32.

>> Mayor Adler: On the first step.

>> Alter: Yes.

>> Mayor Adler: For me it comes back to at the first thing looking at what the -- trying to make sure we can get the development we want on the corridor, and to the degree we have compatibility which is

longer by stretching it out, that's okay with me, but then the intervening area of the rm or something that serves a transition needs to be correspondingly wider for me so that the triggering pieces such as they were don't stop the ability to be able to develop on the corridors. We need one or the other of those two things. I don't know how the working group proposal or the PC proposal or -- would impact the ability to be able to be able to do what we want to on the corridor. In a would be the analysis that I would want to see. And then for me, so long as we calibrate -- and this is a question I have Alison, to what you said in the end in terms of on site or off site, if we calibrate so the cost to developer is the same whether they put it on site or off, I would like staff to have the flexibility to say we don't want it in this building, we want it in this building next door. We could have three buildings next to each other, all of them willing to do it, and staff might say to have a critical mass of people in a home that are affordable with a community -- a mixed community that has the right balance, we might want all those units -- we might have ten units in one building rather than two or three in three different buildings and I would allow for that.

[3:41:20 PM]

To me it's a question of the calibration. I'd want to make sure that the contribution to the community benefit was exactly the same from the developer. But whether it's on site or the building next door, the developer should be ambivalent to that because it should cost him the same. But from a planning perspective or housing perspective, I'd want staff to put it in whatever was the most appropriate place. But I would -- but to me that's a calibration deal. Do you feel differently than that? And if you do can you help me understand why.

>> Alter: I generally think it should be on site, affordable housing, and I think that, you know, what I'm hearing from the community is that they are willing to do more density if they think it's really housing people in an affordable way. And I understand your desire to have the flexibility. I'm not sure -- that's not how it's been used and it's not how it's been priced.

>> Mayor Adler: That last part I will agree with 100%. Right now the perception, reality is it's cheaper to pay a fee in lieu than provide a unit. I think that failure to calibrate correctly historically has been a real significant problem because we haven't --

>> Flannigan: Are we going to talk about affordable housing?

>> Mayor Adler: No. Just because she mentioned that, it relates to height. I would let the additional height happen --

>> Flannigan: If we're going to talk about it, I'll talk about it, but if we're not going to talk about it. Move on.

>> Pool: I wanted to chime in and say I agree with that. And when we get to having that conversation, the piece of fee in lieu should be calculated at a higher rate. If we can't get that, then we need to have the units on site and that will also show people that we really mean it when we say we're trying to get housing on the corridors.

[3:43:29 PM]

>> Mayor Adler: Point well taken. We're not going to talk about affordable housing, but sound like people are willing to have additional height, so far as tied to affordability, some people want it on site and others saying as long as the same monetary is giving but allowance for height affordability although the executive session was different.

>> Alter: I preferred the compatibility of the working group which has that affordability bonus hitting about 150. That was not a blanket anywhere any time.

>> Pool: Same for me.

>> Mayor Adler: I thought that was clear.

>> Alter: I just want to clarify.

>> Mayor Adler: Ms. Houston.

>> Houston: When we get to talking about affordability --

>> Mayor Adler: Even though we're not now.

>> Houston: Even though we're not now, they need to be dispersed and not concentrated in one building.

>> Mayor Adler: Right. Already. Anybody else? Mayor pro tem.

>> Tovo: I agree with councilmember alter, I didn't hear all the conversation, but I also -- I also agree that it would be with the condition of that being on site, except in -- you know, I would be willing to entertain some extreme exceptions to that, but it would have to be on site for me.

>> Kitchen: I think I heard you say what conclusion we had come to on what kind of height setbacks, but might need to repeat it.

>> Mayor Adler: You know, my sense -- we have people on the low end saying they wanted working group proposal or the PC recommendation. But allowing for additional height with affordability, so on site, some not necessarily.

[3:45:37 PM]

The working group had it 150 feet back. The PC had it 100 feet back. I don't know how to give guidance here. I'm not sure the expectation is is on the dais we're going to come up with heights on setbacks. And my answer was I needed to know how this impacted the development on the corridors because if we're going to go wider on stepups and that prevented us from being able to achieve the height necessary to be able to build on the shallow lots, then I would want to have a greater width in the transition area in

order to be able to compensate for that. Or narrow the transition area, but allow for some greater -- some greater height. Ann.

>> Kitchen: I think -- I think that where we're at now set-parameters, and I think perhaps what we can do is ask staff -- there's a number of things that we've raised that we can kind of caps late when we finish, but I also would like to understand the impact. So I would ask the staff to help us understand the impact on what we can realize on the corridor of the PC recommendations, the working group recommendations, and draft 3, understanding those three different approaches. Really the biggest difference is after the hundred point and whether or not we have the density bonus carved in. So anyway, I think if you guys could -- I think we've got some parameters right now that I don't think we're going to get any farther on until we have some more data to understand the impact on the -- on what we can realize on the corridors.

>> Mayor Adler: Yes.

>> Councilmember, I think we can take the [inaudible] From today and graphics to represent both the PC recommendation, the working group proposal.

[3:47:44 PM]

We can even draw up the Z.A.P. Resolution. Our understanding is Z.A.P. Resolution is different than what is provided in the handout. It was also unclear to us in the Z.A.P. Resolution as to whether or not affordable bonus program was allowed to be above and beyond those height limits or not. Again, I don't believe they actually ever took an official vote so I think there was just discussion.

>> Kitchen: Okay.

>> There is I think one item left on the questions --

>> Kitchen: But I was also asking if you can tell us how many units we can achieve on the corridor.

>> I think we can tell you from a general standpoint the kind of impact each of these recommendations would have. In terms of the numbers, I think that's something maybe we can talk about when we talk about next steps and testing because I think that would fall hand in hand.

>> Kitchen: We can talk about it then. So --

>> In terms of questions, I don't believe we can go back to the third question on triggers, but I think we could talk about this first question on transition Zones, which is the question of whether or not they should provide the same or similar transition area as compatibility centers. Recognizing you as a group have not come to a conclusion on how big is that transition area and what are the heights in it. But is it the intent of the council that transition areas would provide the same or similar as compatibility standards. If we get distribution on that, that would be helpful. Again, it's not the how or specifics of what it's 100 feet, 150 feet, it's more of do you want those to be -- have the similar effect in terms of ability to transition. Much in the way these diagrams are showing, recognizing that this in particular may

move, right. I think if one was to follow the PC working group's recommendation, this height bump to 60 feet would be pushed much further out.

[3:49:52 PM]

But the big question is do you want them to function in a similar way.

>> Kitchen: Can I ask a question?

>> Mayor Adler: Ann.

>> Kitchen: So let me make sure I understand what you are asking. To my mind -- and I may have this wrong, but the question about same or similar transition area really is independent of whether we -- whether the additional height is reached at 100 feet or 150 feet and how high it goes. Because aren't we talking about that area in the -- in the middle? I mean, if I was to say yes, I wanted to provide the same or similar transition areas as compatibility standards, what I would be talking about is the dotted line until you got to 100 feet. Does that make sense?

>> You are absolutely right. The intent of this slide is really to say here's -- here's the transition zone -- sorry, transition area between zero and 100 feet, here's how compatibility standards make the transition.

>> Kitchen: Right.

>> And then if you mapped a transition zone, here's how the transition zone would make the transition between the frontage and the residential. And so the question that John has is providing the same or similar transition area as compatibility standards. That is when one is doing a transition zone in this area, should it be similar to the way the compatibility standard would shape up.

>> Kitchen: I would say yes. And to my mind that might mean that you would zone it as a -- of course, you have to go in and check out the details, so but that would mean that you would probably be zoning, you know, like an rm-1 or 2.

[3:52:09 PM]

But basically I would say yes that that transition zone area really should be the same as what it would be under compatibility. So that really what you're achieving is your two tools, the two tools that you have produce the same result in terms of what the -- what's next to the -- what's right next to the single-family home.

>> That's right. Potentially. That's right.

>> Alter: Mayor?

>> Mayor Adler: Yes.

>> Alter: So before I answer that question, can you remind me which of the rm Zones trigger compatibility?

>> I'm going to answer slightly different. Residential house scaled Zones trigger some form of compatibility on all rm zone district. No rm zone districts trigger compatibility on other

[inaudible]

>> Alter: So when I said before that the rm zone didn't trigger compatibility, I was correct. And then the question you are trying to do is then to try to figure out if the scale on that -- so the rm Zones don't trigger compatibility on the corridor, so maybe my question should be when does the single-family house trigger compatibility on rm zone?

>> So residential house scaled zone districts trigger setbacks in all rm zone districts. They trigger height setbacks only in districts, I believe, that allow higher than 35 feet in height. And we can verify that, but the zone district, some of the R Ms are only 32, 35 feet in height so we didn't feel like we needed a height setback.

>> Alter: But if I'm a single family and I'm next to rm --

[3:54:13 PM]

>> There will be a building setback requirement and if you are in a zone district that allows maybe a 60-foot rm zone, there would also be height setback requirements.

>> Alter: Is that the same thing we've been talking about?

>> It is. It would mimic very much the diagram here.

>> But not if you do rm1 or rm-2 because that would be at 40 feet. Does not allow me to be at 35 feet or 30 feet or whatever the --

>> Can't be at 35, right -- kept at 35. Compatibility would bring it down to 35.

>> Alter: When I asked this question before, though, I was told there was no -- that there was -- it did trigger compatibility. Now I'm confused. If I have a single-family next to a rm --

>> Triggers compatibility on the rm.

>> Alter: On all of them.

>> Correct. It has to be broken down by building setback and height setback because not all of them have height setbacks.

>> Alter: Not all have height setbacks because they are shorter.

>> They don't get the heights that would be incompatible with --

>> Alter: But only one has a base height of 35. So the other ones are above what I would get with compatibility. So only rm-1a is compatible and you are telling me in those cases -- what happens in those cases? Does it trigger it?

>> Councilmember, I think we're going to have to get back to you on every zone district, you are correct, rm-1a is 35 feet.

[3:56:17 PM]

Rm-1b is at 40 feet.

>> Alter: 45, I think.

>> 45 feet, but does not have compatibility standards.

>> Alter: If somebody zoned it rm-1b, it would be 45 feet within that zone so it would be higher than it would be if I had my compatibility standards. So it's not -- I mean then that -- if it doesn't trigger it, it's not going -- all of this has been premised on the fact the compatibility would hit in, so now I've got a 45-foot building next to a 35 so that other house is now got that potentially closer than the 30 feet. I'm just trying to, like, follow this through. I asked this before and I don't know that I got a clear understanding.

>> Councilmember, I think we can get back to you on that one. We'll check every rm zone district and let you know which have height, which have building so we can give you a punch list.

>> Alter: And I would like a clear answer as to are there situations where we could have this transition zone where the height would be higher so it would be under regular compatibility situation. Because what you're asking us to give you an answer to is whether we think it should be similar to compatibility, but you are telling me it's not in the draft.

>> Councilmember, the reason why we're asking the question if you want it to be similar, we can come back with changes that would make them more similar.

>> Alter: Right. I understand that and I appreciate that and that would be the direction I want. But when we asked before, we were told something different and so that -- that just adds to the confusion of something that's already confusing. So there -- so I guess for me in the answer to your original question here about the compatibility and the transition operating similarly, yes, I would like it to function that way, but I only want to map transition by a planning process.

[3:58:36 PM]

I don't want them mapped just like because somebody decides it's next to a corridor and it gets mapped there without any planning process by the people who live there or you have a bunch of people in

single-family homes you then get impacted. There should be a planning process by which this happens and that's going to have to happen after the adoption.

>> Kitchen: Please don't -- when I said yes, I was saying yes to number 1, not number 2.

>> Alter: I was just giving my answer.

>> Kitchen: I just want to be clear because the mapping question we haven't gotten to yet.

>> Alter: I'm not sure I have the second question in front of me.

>> The second question was where and when to use transition Zones, which I think is exactly to your last point about making sure it was done through a planning process.

>> Alter: And I think when we talk about some people in our community being concerned about this is because it doesn't feel like there's a planning process that's going to impose certain things because of the way things have played out over time. So we need a code that allows us so we need a code that can do that, but we don't need to pass that without going through the planning process, and I think there needs to be a clear distinction here.

>> Mayor Adler: So to that end and not skipping ahead, if you read the red language on transition Zones, I think you'll find language there where I was raising some of the same issue that you did. The only thing for me uncertain is the transition associated with compatibility and how we do that. That's the conversation that we're otherwise having. Otherwise, I agree, then tried to write this in this red language. Ms. Houston.

>> Houston: Mayor on page 3 of your document, where we're talking about transition Zones, can you define to me what between transportation corridors mean?

[4:00:39 PM]

Because as I said, some of the neighborhoods in my district, like mlk to manor road are four deep, so when you talk about transportation corridors, what are you talking about? The mlk is a --

>> Mayor Adler: Right. It was just saying that in some places in the city on some corridors, we're going to have zoning that's more intense than single-family home. Some of those corridors we're going to try, I hope, to map them in a way that we can achieve some of the housing that we would want to see. In those areas where we do that, on whatever those corridors we choose to do it on, I'm assuming that back behind it there's going to be a neighborhood with houses. And by way of compatibility, since I don't want to be generally messing with the core of the neighborhoods, as we decided there's got to be some way to go from whatever that corridor is where we pick those corridors and the balance of the neighborhood, there's some transition there. And it could either be a zoned transition where we put in an rm -- you know, house form unit that's more than one, or it could be a compatibility standard. I think we saw today that to a degree, those might be two things that achieve the same. So that's all that's talking about, is that there might be some transitions in between those corridors, whatever those corridors are, and the balance of the neighborhood.

>> Houston: And it's going to be contact-sensitive. >> Mayor Adler: Contact-sensitive.

>> Houston: So mlk, manor road, Chacon are all mapped as corridors.

>> Mayor Adler: We would need to look at -- that's exactly the case where we would look at contact sensitive. That's exactly one of the places -- places we would look at for contact sensitive.

[4:02:47 PM]

>> Kitchen: My approach, I'm not sure I follow it exactly. I think we need to define transportation corridors and I'm not in agreement with the way the planning commission defined them. I would want to go back to how atd defines transportation corridors. So I'd like to sort of park that. That's one of the directions I'd like to ask, is our transportation staff to come back to us at some point defining transportation corridors. It's clear to me that the mobility corridors are transportation corridors, and to the extent, councilmember Houston that you're talking about the mobility corridors in your area, that makes sense to me. But beyond that, I'm not certain, so...

>> Houston: And what I would like to have you add, activity centers to the corridors.

>> Mayor Adler: I think that point is really well taken.

>> Houston: Okay.

>> Mayor Adler: John, is there more information we could give you on the next question?

>> No. I think this has been very helpful working session for me in terms of -- sorry. I think this has been a very helpful working session for me. I think we can circle back with staff and work on diagrams and some more backup information you all needed. I think -- I don't think we'll necessarily be able to get any further on any other questions today without more information.

>> Mayor Adler: What about testing? Can we talk about testing?

>> Yeah. I was going to use that --

>> Mayor Adler: What I want to do is talk about testing for just a little bit and I want to talk about next steps for us in terms of how we proceed for this.

>> Casar: Mayor, since I didn't chime in during transition Zones, one thing that was brought up very much that I did want to mention, if you looked the housing report card we got for draft 3, even though so much of what codenext is supposed to be about is missing the middle, what I'm seeing in the report card is that there's only from code today to codenext in draft 3, only a 2000 odd -- given what we learned, it sounds like draft 3, you're only talking about in the next ten years just over 2000 metal units built in a city of hundreds and hundreds of thousands of housing units.

[4:05:12 PM]

So apart from the issue, I think there's a lot of affordability benefits that are clear and scientific and transportation benefits and all sorts of -- I think those sorts of units can be very family-friendly, lots of just inherent benefit in having that missing middle housing type. I just am very disappointed to see in this housing report that draft 3 does hardly anything to create missing middle housing units. So I think there's some benefit to finding out where -- how it is before we pass anything we can increase that -- that number.

>> Alter: Can I just ask what you were referring to?

>> Casar: Yeah. The housing report on how much housing capacity we're getting for draft 3 that we got, housing report card. It's on the codenext website. When you go to housing report card for every draft, the increase in missing middle housing capacity is slightly over 2,000 missing middle housing units between our current code and draft 3, which shows why I think besides the compatibility issues for transition, there's another inherently good reason for promoting that housing type.

>> Mayor Adler: Ann.

>> Kitchen: I wanted to -- there's five things that I would like to ask the staff to follow up on. I'd like to read them real quick, then I'll follow up with an email. We've kind of talked about them. So the first one is, what can we realize on the corridors with and without transition Zones, in relation to our goals. The second one is, in relation to our housing goal. The second is, what can we realize on the corridors, given the PC working group and draft 3 differing compatibility standards. The third is, I'd like to understand from staff and consultants potential ways to phase in transition Zones. For example, we talked about using small area planning, but there are other -- may be other tools that we can use.

[4:07:13 PM]

And I'm using the term "Phase in" just to capture the discussion we had earlier that there may be some circumstances in which we want to consider when we mapped a transition zone, as opposed to immediately upzoning a single-family home. The fourth thing is to ask if you all might think about a process for rezoning into the future. And this actually may be part of testing, but a process for rezoning into the future to address the concerns we raised earlier about setting precedent for -- you know, for houses that are further away. And then the last one is one for atd that I'll explore, and that's defining transportation corridor. I just wanted to get those on the record because I think that they're important follow-up information for us.

>> Mayor Adler: Okay. And the.

>> Kitchen: The last thing I would say, I'm sorry, I think it's really important when we -- when we -- we keep talking about that we need more of various types of housing, and I agree with that. But I don't know how much more unless I'm talking about it in the context of the goals. So that's why I'm asking for a little bit -- I'm asking for more definition. So I appreciate what councilmember Casar is saying, and if I just look at those numbers alone, it makes sense to me that we would want more of those housing

types. But that doesn't really guide my decision making because it doesn't tell me how many more we need in the context of the goals that we're setting. So that's why I'm asking for this kind of information.

>> Mayor Adler: And then the corollary of that, and I think it may already be in what Ann was saying, is, how many houses are we achieving under the different scenarios?

[4:09:14 PM]

I've said frequently here today that I want to make sure that we are able to get what we need to the corridors, and that's one of the things that I'll look at in terms of looking at compatibility or transitions. But I need to understand what that means. So what is the working group, what is the PC, what is the zap, what is the four -- 3, draft 3, tell us about what we can achieve. If we -- under each of those scenarios, because each of those scenarios will allow more or less development on the corridors. I need to know whether that impact is material or at what scale. Ms. Houston.

>> Houston: I started off this morning asking about capacity and what numbers we were shooting for. Is it the 135 times twice or three times? Is it the 80,000 that the demographer talks about and then we have to increase that by two times to get to the capacity that we're looking for? But a question for the comment that councilmember Casar made is that 2,000 a year, is that 2,000 over the ten years that we're looking at? Again, I haven't seen that document so I need to go back and look at that. Because if it's 2,000 a year over the ten years, does that get us to the goal that we're looking at? So that's the -- I'm going to close with that part as well, and then something that we really haven't talked about today but talked around is, do you have any tools in your toolbox to mitigate the gentrification and displacement. I know people say the more stock that we -- building, units that we build, we'll make affordability and make things more -- people more able to live here in the city of Austin.

[4:11:14 PM]

But you all have been all over, and I don't know that anywhere -- I've asked this since you came to Austin, where has that worked? The more housing stock we develop, the more affordability is available. It doesn't happen in Portland. I've talked to the people in Portland. Hasn't really happened in Denver. So I don't know why we keep using that false premise to say if we build more, the price will come down. So if you all can, again, give me some way to understand that whole concept that if we build more, the prices will come down, then I would appreciate that. Not now because your head is about to explode, John. Mine is, too. I can see it in your eyes.

>> Mayor Adler: Jimmy.

>> Flannigan: To that end, I'd like to see cities where restricting housing stock created affordability. If there's some solution that creates housing affordability, it would be great to know it.

>> Houston: That's right.

>> Mayor Adler: Yes, Alison.

>> Alter: So we've talked a lot about corridors and this code has to be able to give us the tools to do what we need to do for our planning. I would like to understand what other -- what are the tools that are in there that are going to help us build our activity centers, and what more we could be doing in terms of codenext with respect to our activity centers. We talk a lot about corridor things, but I haven't heard a lot -- we had a little bit of discussion, I think, with Jerry a couple weeks ago where, you know, those activity centers aren't ready to be built out, but, you know -- and that there's tradeoffs with the land prices and stuff. Well, you know, I just want to understand that we have the tools in mer to do what needs to happen in those activity centers or we're mapping those activity centers in ways that is generating us stuff that is not just in the corridors. Because imagine Austin says centers and corridors, and I don't feel at this point in time I have a good grasp of how that's going out in terms of what we've managed to do in this code or this mapping with respect to those centers.

[4:13:22 PM]

So if you can provide some of that, I would appreciate it.

>> Mayor Adler: The other thing that we're kind of blurring next steps, there's a testing component that I think would be really helpful for when we come back. Because we hear it suggested that the existing code and/or its compatibility is preventing us from being able to achieve what we would otherwise want to achieve in either centers or in corridors. And I don't know whether that's true or not. My understanding is that there's been some testing processes that have gone on, but whatever testing processes that have gone on have not been very transparent or very visible to the community, generally, which means that there's -- that people don't understand or know about or believe or trust testing that they haven't seen or been able to engage with. So in the intervening period of time we have, I think it would be really important to do that testing, to take some tracts and put it under the existing code, put it under the draft 3, and determine what happens. But to do it in a way where the tracts that are going to be tested are made publicly known, maybe getting put on what tracts are to be tested, let people from the community offer their suggestions on what happens under each, pull together whatever team you need to be able to do that, but have an analysis that is very public and posted with the input that you receive from the community and from -- from experts, but do it in a very transparent way so at the end of the process, hopefully people can agree on whatever the results are. They understand how those results were achieved. And language that talks about that on testing was on the first page of this, red language, and I don't know if anybody wants to take a look at the language that's there, but tried to incorporate that.

[4:15:27 PM]

But I think that testing, and I think that we have to be prepared to redo that testing at each stage where we make a significant change in codenext, so that as we make changes, we can redo testing. And

certainly before we finally adopt something or implement something, we've done testing to make sure that it achieves whatever it is we had wanted it to achieve. Those are the elements that I tried to incorporate in the red range on page 1. Mayor pro tem.

>> Tovo: Just so I'm clear on what we're asking the staff to do between now and when they come back, they're going to select some tracts in different parts of town, in different kinds of environments, and provide with us some input on that? I mean, that's the way it would seem to me to make most sense. Because if you're -- I mean, there just are different areas where this will impact things differently. So I guess it was your suggestion, so I'll ask you to do it and the staff to respond.

>> Mayor Adler: I would lean on their expertise but that's what I had thought, too. What I'm trying to do is true up the information. When I go out into different parts of the community and people are talking what they like or what they don't like about existing versions of codenext, or anxieties they have, or concerns they have, I find that sometimes people differ on what they think the conclusion should be based on, what they think the facts are that give rise to those. And I'm trying to have us do in a very public way some of the analysis that might get the community closer together. So looking at different kinds of tracts in different parts of the area under different circumstances would make -- would make real sense to me.

>> Tovo: Yeah. I just want to say I think we hear different things from different parts of the community -- I mean, not necessarily because people have different levels of information, but we live in neighborhoods that are often very different from one another as well.

[4:17:30 PM]

And so, you know, people are -- that's one of the reasons why neighborhood plans, in my opinion, made so much sense, because they're contact-specific, they allow people with understanding of those areas to participate and to suggest changes, and I don't want to get us on that -- that down that path today, but people are speaking from -- it's true what you're hearing may vary, but it's from their experience in the context in which they live. That's one reason I think picking a couple different areas would be helpful. So I guess I would ask -- I would ask y'all, what do you -- what would be your plan for implementing this suggestion?

>> First, staff could carry out the testing. We would engage some consultants we have already as part of the opticos contract to assist us, danaguiche and Adams to assist. We'd also ask our departments going in. We understand the testing is kind of going on. We've been invited to some other groups that have asked us questions or kind of take a look at their testing and we understand this would be an open process that the public would be invited to see results and see the sites. We would probably pick sites across the city, and that they may or may not be developed at this time. I think the challenge that staff might have is that balance of the things that I think that you probably heard from the development community or neighborhoods or environmental groups. You have policies that deal with parkland or drainage or transportation. We've talked about, all day, on compatibility, so we would test those things and probably have to go in with an eye of relaxing something to see if you get something else as a result and then play that same standard to the other properties.

[4:19:41 PM]

>> Tovo: I guess I just need to drill down on what we're talking about. I understood sort of the mayor, and I may misunderstood the mayor's suggestion to be -- I thought we were talking about picking a couple sites and running some tests on the compatibility and transition issues and the other things we've been talking about today. Sounds like you're talking about a much bigger process. And so what does testing look like? And what are you testing? What are you testing? Are you testing -- I would assume you would be testing the staff recommendation, the staff recommendations. Or are you testing sort of all of the various recommendations that have come forward on a particular --

>> So the staff recommendation that you have in draft 3 is brought forward and we did look at drainage issues, open space parkland, transportation issues. We've given you -- and I think that was referred to by councilmember Casar, the report card of what we saw that could come out of whether it's housing capacity or vehicle miles traveled, all those different things. And so that's looking at a very high level. I think you're asking us to look at something at a more of a site level for perspective sites that may be around the city. Maybe I'm thinking about the item that was placed on the council agenda for this week that was asking a little bit more than just zoning.

>> Tovo: Yeah. I just don't know -- I mean, I'm really unclear on what we're asking you to do.

>> And so --

>> Tovo: And I think we should spend a little time talking about it, and really, again, that question of what are you -- what is the body of work that you are testing? Is it the staff recommendations? That's sort of --

>> I think it's taking the staff recommendation, and if the idea is I'm going to go onto a site and maximize housing to be the most important item on the property, what tools would I use to maybe adjust some of the other things that are in the staff recommendation to achieve more housing.

[4:21:49 PM]

If the goal is to try to lessen the traffic impact, what would I need to do to lessen that traffic impact or what would I need to do to improve a drainage issue on a parcel. What I've heard the most, it seems like, from the discussions that we've had over the many months, is that housing seems to be a very important issue that this council has said is important, and if I'm trying to get those units on site or next-door, what would I do to maximize the staff recommendation beyond what exists today to try to achieve maximum number of units. Whether I'm -- compared to current code, to what I could do under draft 3. And so part of this is you're asking me to do testing. I'm kind of asking you, what do you want me to test for.

>> Tovo: Right.

>> If it really is to maximize housing, I can certainly go take several sites across the city and say, if I maximize housing to the maximum extent, this is what I need to do. If I need to dial it back a little bit, draft 3, I could offer options that way.

>> Tovo: I guess I just don't -- one thing we could do is rezone whole swaths of everything for downtown levels of density and that would maximize housing. I just don't know -- which I'm not supportive of. Let me just be really clear. You know what I'm saying? If you're going out with -- if you need -- if you need to know from us -- I mean, if you need to begin that testing -- I guess I thought all along that we were testing sort of the code and the mapping and doing some -- doing some run-throughs of what that would -- how those properties could redevelop or would redevelop, and I would suggest doing that in some areas that are existing, are already developed, because that seems to be where we hear the most concerns, about places that are not Greenfield development or vacant land but are existing -- existing neighborhoods and existing business districts.

[4:24:01 PM]

But I thought we were suggesting, you know, taking some examples of that and looking at the -- the recommendations that you've made and the mapping and see what those -- what that would look like into the future. Not kind of picking one thing and figuring out how to maximize it. I agree with -- that we're looking for opportunities to maximize housing, but if that's your driving point, that's --

>> Mayor Adler: We'll have a chance to talk about -- this is our resolution and we talked about it, but yes.

>> Could I speak, please?

>> Mayor Adler: Yes.

>> Tovo: It wasn't clear to me that we were talking about a resolution. I thought this was our agenda item today.

>> Mayor Adler: What you described is much closer to what we intended, I think, than what staff described.

>> Tovo: I'm sorry for asking the question --

>> Mayor Adler: No, no. We just haven't had a chance to respond to it yet, and you're getting -- we just haven't had a chance to respond yet.

>> Kitchen: Excuse me. The way that -- Mr. Guernsey? The way that -- the language of the resolution and the language here does not talk about testing in the way that Mr. Guernsey just described it. So I appreciate the question from Mr. Guernsey. He needs to understand what it is that we're saying so we need to be clear. But the language of the resolution is talking about -- is not talking about coming -- coming back to us and maximizing -- is not talking about making any policy decisions or maximizing anything in the code based on a policy decision. All it's talking about is bringing together a group of design and development professionals to review, model, and test the latest draft of codenext and the

recommendations of the city commissions, and there's some -- and part of the focus of that is to look and see if there's any conflicts between the differing regulations and requirements, not to resolve conflicts, not to make a decision about which is a higher priority, but to identify any conflicts so that that information can be brought back to us.

[4:26:15 PM]

And that does include the non-zoning regulations as described in the resolution. It also talks about this being an open, transparent public process, you know, dedicating the resources needed to do it, and also bringing it back to us by August 31st. So the language in red is the same, it's just not quite as clear as I'm reading from the resolution. So if you look at the resolution -- and, Mr. Guernsey, I understand the confusion because we haven't had a chance to talk about it yet, but really, the distinction that I see is that this is a process for identifying and being brought back to us, you know, how, after modeling and testing, how this thing works. So --

>> Mayor Adler: So let me corroborate because I think that Ann is correct as well. The goal here is not to figure out what a land plan or code would look like that maximized housing. That's not what we want. Or to maximize anything. And I didn't understand that that's what you were saying.

>> And I was just using that as an example.

>> Mayor Adler: Right. I think what it is, it's saying take a look at what it was that codenext, draft 3, as well as the recommendations of the city commissions, what they were recommending be done on tracts. And then look and see whether or not that's actually achievable. So you're going to test the application of all of the code, so the zoning provisions of the code, the non-zoning provisions of the code, and see whether or not what is intended is, in fact, achievable, or whether there are conflicts. There may not be any conflicts. It may be that each one of the commissions set it up and said this is what we want to have happen on those properties and those things can happen on those properties. Or it may be that there's not. And if there are conflicts, then we're asking to you identify those conflicts. The language in the resolution does say recommendations to resolve conflicts but it doesn't define what that is.

[4:28:20 PM]

And I don't think we were thinking that far ahead, other than first see if there are conflicts, and if there are conflicts, tell us how you might resolve conflicts. But one of the debates happening in the community right now that we need to better understand is whether or not the things that the code intends to do are, in fact, things that the code allows people to do, or can be achieved. So we need that - we need that tested. And it needs to be tested in a way that is open and transparent so that everybody can see it, so they can participate in the selection of the tracts, the tracts roll over different kind of situations, so they can see the testing and what the results of the testing are and so that they can offer

their on take on what the testing needed to be. I know that you guys watched other people do testing, but that is not testing for the community because the community didn't participate in any of that, or the broad community didn't. And the broad community doesn't have access to what the -- as far as I know -- access to what happened, and it wasn't done by you guys and the consultants.

>> Renteria: Mayor?

>> Mayor Adler: So we had talked about talking about testing. We have a resolution that we could certainly change if anybody wanted to change language on it. But now was our time to be able to talk about what kind of testing we wanted. The resolution was intended just as a catch in case we couldn't decide it tonight and the manager said this is what I'm going to do so that we have the ability to be able to continue the conversation tomorrow. Pio, then Alison.

>> Renteria: Thank you, mayor. I totally agree with you. You know, that's been one of the big questions that have been asked out in the community, is, you know, how is it going to work. And I don't have a clear answer because we have so many rules and regulations in our development code that unless we go out there and test it, we will never know what's going to be -- what's going to be the optical, or if there's a problem with the drainage or, you know, where -- we're going to be doing a lot more density if we poof this and we really need to know how is it going to affect the environment, especially our drainage.

[4:30:45 PM]

And unless we test this out, we're never going to find out. So -- and I think that's what the people out there really want to know. And I think that by doing this, that we're going to find where we're going to answer a lot of questions that people are saying. So I really hope that we can, you know, get this testing done so that, you know, we can let the community know exactly what we're trying to do here. And one of our goals is more affordable housing because, you know, our young children are -- our kids are not going to have a place to stay here. So I hope that, you know, we test it and we transparent so that people actually know what we're really trying to accomplish.

>> Mayor Adler: Alison.

>> Alter: So before I make a couple comments, I just wanted to here from Mr. Pantalion about what he thought was feasible and doable within this time frame and over what might otherwise have been a break for these folks who have been working really hard.

>> Mayor and council, I think what we're going to have to do is look at, you know, available resources and looking at the time frame given that the results are requested by August 31st, which is essentially a two-month window. So that might limit the number of test sites that would be looked at. And addressing kind of the -- the approach for this, I think as part of an open and transparent process, we would recommend that staff document the proposed approach and provide to council a number of test sites where they're located, and the comparisons to be made, so that whether we're taking a site and comparing it to current code and then to the draft 3 codenext version, and then to PC, we want to make sure that mayor and council are very clear as to how the project and this effort will get accomplished.

[4:32:47 PM]

>> Alter: Thank you. So I'm interested in testing, but I wasn't part of drafting up this resolution, and so I'm still trying to get my head around what you're asking. I'm hearing some stuff about specific sites and details, and I think, you know, playing this out in specific sites is a good idea. What I'm unsure of, I know it's going to cost more to build a building if we decide to put transportation impact fees. I know it's going to be more costly for them to build a building if we decide to put drainage requirements. But I also know if we don't put drainage requirements, we're going to create problems of stormwater. And so I'm just -- it would be really helpful to have a more concrete idea of what kind of conflicts you're talking about. Because I don't need to go test it to know that at some level, if I increase the costs over here, it affects this other problem that is going to be there. So for me, one of the things I might test is the mc mansion stuff and have we changed things so much that if we're going to have, you know, different size houses come out of it. But I'm -- it would be really, really helpful to have more examples of what you mean by what you're trying to test because we know what it costs more by the number of people according to the proposed kinds of fees or, you know, we have a sense of the stormwater detention and any given plot, it's going to depend on how many trees you have. So I'm just -- I'm in need some of examples so that I understand what we're going out and testing. Or is it -- or is it more of an exercise of this is the code and this is what I'd be able to build, in this particular scenario, and that's an illustration and that's how I'm testing. I just -- I'm having my head -- I'm having trouble kind of figuring out what is meant with this, and it would help me if I could have something more concrete to wrap around.

[4:34:50 PM]

>> Mayor Adler: Jimmy.

>> Flannigan: So I'm a co-sponsor on this -- on the resolution, at least, that's tomorrow, but generally speaking, the testing idea is something that I think the aia did, and there was some folks, but it wasn't really a public meeting. And the result of that was, what they did is, they looked at -- I think it was five different sites across the city that already got built under the current code, then they tried to see how would you build that under what was I think draft 3, which I think was draft 3 pre-pc amendment so they were looking at that as a scenario. What they discovered was, in some cases you would get less affordable housing even compared to the arguably less efficient bonus program that we even operate under today. So it's not so much that we -- that I'm thinking through this as the drainage requirements are bad. I like substantively the intent behind it. I haven't kind of -- I haven't fully made my way through the chapter yet. I'm getting there. Because it is a problem we need to solve. So the question then becomes, for me, how can I clearly articulate how the non-zoning, the non-4d chapters actually impact the entitlements that appear to be granted under 4d. Because it's also not clear that the analysis on the number of housing units that the capacity, which is of course not the yield, but the capacity, doesn't -- it's not clear to me that it takes into account what those restrictions might look like that come from the non-zoning chapters. And I want us to be transparent with the community that the overlaying of all

requirements that come with the land development code make it more complicated than just one height definition or one impervious cover definition. There's a little asterisk at every single number that says this is not a guarantee that you'll get this number once you start overlaying all the other requirements. The testing is supposed to be specific examples, here are current sites, currently built, built under the current regulations and here's what it would look like if we tried to build this under the proposed regulations.

[4:37:02 PM]

>> Mayor Adler: For me, I would agree with what -- with what Jimmy said, it's -- again, one of the things, not the only thing, but one of the things I hope we come out with doing this code is the ability to be able to have greater numbers of affordable units built in the city. We have zoning tools that would suggest that we could get certain amount, number of units in certain locations. I've heard some other people in the community suggest that we can't achieve those even though it's said that way, that the code is written in such a way that while it would purport to let you achieve that amount of affordability, that really, you can't. And that you can achieve more affordability under the existing code. And I don't know whether or not that's true or not because I want -- because our staff hasn't done that testing. So I want them to do that testing so that -- that so that know the answer to that question and so that people in the community can know the answer to that question. Ms. Houston?

>> Houston: So back in the days when I was in school, we did a pre-test and a post-test to validate whether or not what the assumptions were were, in fact, what we got, what the goals were. And so this doesn't have anything to do with the mayor's red-lined amendments or statements, but we have something that I would like to encourage you all to look at as you test. The chestnut neighborhood adopted every single tool that the city had in its toolbox to address housing types, affordability. That's been there for -- how many years now? And we can go back and look to see if, in fact, the assertions that were made when they adopted all of those tools -- what did it do to address housing stock, accessory dwelling units, were people able to stay?

[4:39:07 PM]

We don't talk much about displacement and gentrification, but those are parts of that. But we've got a living, breathing animal that's already being tested. And so I would suggest that you all take a look at the chestnut neighborhood and run some of your -- whatever you're going to be running against, to see if any of those things happened in that area. I think it's pretty representative of some of my district in that it's close to downtown, it's between major corridors. They have, in fact, built multifamily, lots of things that you are requesting that other parts of the city do they've done it, and they've done it for a while so you'd be able to see what the impacts are.

>> Mayor and council, I think it would be helpful if, to clarify, that if you would like staff to look at a certain sites in the city and look at current code versus what may be done under draft 3, I think that's

something that we could certainly accomplish and give you, you know, based on having input from these various groups, what those might be. I'm not quite sure, because I heard in the beginning we're talking about a process, and at the end I'm kind of hearing maybe it's specific sites. Specific sites and looking at current code versus draft 3 and what the results might be on those specific sites, I think that's something that we could do. And if it's given that we're not necessarily emphasizing one thing over another, just saying that, you know, this is the result of this had impact by this, and we maybe show what those tradeoffs might be, we could accomplish that.

[4:41:12 PM]

>> Renteria: Mayor?

>> And we could make the process open and certainly invite others to comment on it. I think a challenge for staff is, who is a design professional? I know you're wrestling with that even with one of the commissions. And so there is a challenge for staff to who I'd invite to the table to kind of participate. So if there was suggestions even along that realm, staff would find that open and helpful to try to gather a group that would meet all the desires of all the participants that you would like to see represented.

>> Mayor Adler: Okay. Mayor pro tem, then to Pio.

>> Tovo: So I guess I want to be clear on what it is we're doing. I know that this had been -- the topic of testing and the time period and the timeline for implementation is something that we've talked about a lot in our work session so it wasn't clear to me that we were talking about a specific resolution here today. Is there a specific -- are you moving forward with a specific resolution tomorrow?

>> Mayor Adler: Only to the degree that we need more time for us to have a consensus on what we're asking staff to do.

>> Tovo: Because I would like to talk about the timing, which I guess is, you know, one reason I was confused when I was asking -- I mean, you had made some comments about the red text, and then I had asked the staff to talk about how they -- what they would do next based on the red text, and then there were concerns that I hadn't allowed to you explain the resolution, so I'm just -- just a little flustered by the process.

>> Mayor Adler: I that you had you were getting angry at the scope of what we were intending to do from what you were hearing and since I thought the scope was different, I didn't know how to respond to the frustration that I thought you were directing toward us.

>> Tovo: No, I wasn't -- I apologize if you thought I was directing frustration at you. I was trying -- it seemed like you said something very general, the staff were saying something different, we didn't have a clear -- it didn't seem like there was a clear plan emerging that was --

[4:43:18 PM]

>> Mayor Adler: I think that's true.

>> Tovo: Or any direction to proceed along one particular intent. Because there are multiple intents that you could do the testing on. So, again, I'm not sure that we're -- I'm still a little bit unclear about how this would look. But since timing is also one of the things we talked about, I wanted to talk a little bit about timing and just be reminded about past codes. So there's testing that we're doing, as councilmember said, kind of a pre-test, you know, prepassage of codenext. We're doing this testing. But the timing of the implementation seems to be a different question. But it is included in the resolution that my colleagues brought forward. So can you remind us, in the past, I think there was about an 18-month, after the council voted on the new code, there was about an 18-month period where those manuals and whatnot got updated? Am I correct?

>> Mayor pro tem and council, we've had discussions in our development services department has assisted with implementation based on that information, staff is looking at at probably about six months or so to go through. There are a series of criteria manuals that once the code is adopted, that we would have to update to reflect the new ordinance. That will take a couple months of process to go through. We need to do training of staff. Also of boards and commissions, making sure our computer systems are up and running to accept new applications. Staff was not suggesting that old code and new code overlap. In fact, there are some very much difficulties if we were to try to accommodate that. But we were looking at probably from the time that you take final action, if you take final action, it would be approximately six months from that point that you would have the code to be in effect.

[4:45:20 PM]

Then we would be running tests to make sure that there aren't some unforeseen things that might come up as we go through, and in working through the models, setting up the computers, making sure applications are all in order, that we might need to change some things. And there might be things that are brought to our attention from design professionals as we go through the criteria manuals that we didn't anticipate, that we would say, yes, like a tweet -- or tweak some changes to the code before it actually goes into effect so it goes more smoothly.

>> Tovo: I guess I was asking, Mr. Guernsey, what the time period -- I know that's what staff had projected for this code. What I've heard from the community is that -- from some members of the community, that in the past, we allowed for a longer period of time after the council votes before implementation. And so I'm trying to get a sense of what that time period is.

>> And there hasn't -- there's been a longer period of time in the past when we did dual codes, but that was just zoning. And that was as much as a year and two months. But, frankly, there were many bad things that happened out of that process since I was hired and lived through that, of trying to process applications and successive applications that you're processing under two codes. I think when we did the consolidated land development code, that was done in the '80s, the time period was probably much less. In that case, we weren't changing much of the requirements of our code. Even after the new zoning ordinance was adopted in 1984, I know through 1987 we were making changes and amendments to the code that followed, that were a result of the ordinance that we had passed three years prior. So even

after the council were to adopt an ordinance that goes into effect, I would anticipate that you might have a year or two years of changes that could be bundled and brought to council where we would find things out in the field, and that might be the post-test, I guess, not the pre-test, but the post-test as we actually used the document that we'll see some things.

[4:47:39 PM]

>> Tovo: And I guess that's -- so, you know, I think that six months seems like a very short period of time, and I've certainly heard recommendations that it be a longer period of time to allow for some additional testing and understanding of how these different things would impact one another. One of the questions I'm interested in exploring, and it doesn't need to be today, but one of the reasons why I really wanted to see it included on our work sessions, our codenext work session discussion, what the impact is if you -- if some of that testing after the council has voted, some of that testing leads to a need to change some of the zoning to what extent are we going to be in a position of rolling back -- you know, are we in a -- does that put us in a precarious position if we're suddenly rolling back zoning that passed in codenext, or do you set it up so those changes don't become effective until X date, and then those property owners can't say it's a taking because it didn't happen yet? We made that change before it went into effect.

>> It's more of the latter. If there came to be additional time, at the understand of the six months -- and council came back and said, no, we need to talk more about the map, you could extend the effective date and come back and talk about that if there are issues that may arise out of that.

>> Mayor pro tem, just a reminder, when staff had previously presented a timeline as part of the adoption of the ordinance, not the effective date but at the point of adoption, staff also recommended that council immediately initiate new code amendments that would help facilitate the things you're talking about as far as cleanup items, so that we would not have to go back through codes and ordinances or come back to you for that permission.

>> Renteria: Mayor, my recommendation was only -- was to study also Rainey.

[4:49:45 PM]

Rainey was a zone where we actually didn't get -- very little affordable units out of that development there, the zone. There was a lot of decisions made in that area that -- also a lot of different developers decided to just go with what they were allowed to instead of providing affordable units, and I would like to know why we didn't get the affordability because I know that at that time, it was recommended a lot of affordability to it, but nobody took advantage of it.

>> Mayor Adler: Ann.

>> Kitchen: I just wanted to talk a little bit more about the implementation. I think you may have already confirmed this, but just to make sure I heard it right, that -- and again, I'm just referring back to the resolution because it helps me think through what we were thinking. So -- and in that, we had talked in terms of that codenext would not be implemented until, you know, after we've completed all the training, technology, updates, organizational changes, and updates to the criteria manuals. In other words, so I want to emphasize that because one of the concerns that's been raised is the criteria manuals. So I think that this -- what I just read is consistent with what you all were just saying, if I heard that correctly.

>> Yes.

>> Kitchen: Okay. Okay.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I'm sorry, I just don't feel that my question was really answered about what would happen if the council decided, after voting, that some of the zoning changes that had been moved forward should not move forward, for whatever reasons. Is there any kind of legal issue with coming back and saying we're going to -- we're going to go back to -- we're reverting back to something closer to what they were in existing code. I mean, I heard what you said and I remember that whole discussion about our initiation of code -- code changes so we could make tweaks and adjustments as necessary, but I guess what I'm really asking is a legal question, are we setting ourselves up for a situation where somebody might say it's a taking, because in codenext, once we voted on codenext, they had existing entitlements, they may have sold property based on those existing entitlements, and in the period between council action and the actual implementation of those code changes, council went back and made adjustments to the code entitlements.

[4:52:15 PM]

>> I think, mayor pro tem, if we set the effective date for both the map and text, which is what we would do to a point in the future, those zoning changes would not take effect until that date. As Mr. Guernsey alluded to and I discovered when I spoke with some at a conference, they're going through the same thing. You can extend that date. If you get to five months out and decide six months is not enough, you can add another month or whatever you would like to it. Just because the ordinance has passed yet the effective date is not reached, I don't feel anybody would have any true entitlement being achieved. They have a future entitlement. So if the council before the effective date wanted to change it, they could, under the auspices of codenext. I think what we're getting to is once that effective date takes effect, what they would have is not so much a taking claim, although that's a possibility, but more important the right of valid petition. So what you'd want to do is probably want to -- if you had any tweaking of the zoning, you'd want to do after adoption but prior to implementation, you'd want to try to get that done obviously before the effective date.

>> Tovo: Okay. That makes sense. I understand that. You're really talking about the interim period, which is what I was talking about, and it's -- they don't have those -- as you said, it would be a future

entitlement, so valid petition rights and other things like that don't kick in until the effective date. Okay. Thank you.

>> Mayor Adler: I would suggest that everybody take a look at the resolution and see if there are changes to that that they want to make, rather than -- so the people have language to work off of. And if the manager can respond tomorrow is to whether or not he needs a resolution or whether he can just speak to what he and the staff will do, they can do that. But we may -- but we'll pick that up with the resolution. Ann.

>> Kitchen: Yeah. And I would lean towards the resolution depending on what you all said, lean towards -- lean towards the resolution just for clarity purposes.

[4:54:21 PM]

>> Mayor Adler: Okay. That's how we'll handle -- anybody else want to talk testing at all? Okay. What about next steps? Reviews tomorrow is a council meeting day. We'll be here from Thursday till Friday morning.

>> Mayor Adler: Right. That will be the next step.

[Laughter]. And, you know, at some point we have to talk about, you know, kind of the process that we would use on this. So during the month of June, we decided that we would not take votes on things. You know, probably the straightest line for this is just bring up amendments to something, take a vote on what the base document should be, then have people start taking amendments to it and start taking votes on amendments. We proposed an alternative process to that that didn't have us doing that that had us trying to talk through issues and trying to reach consensus. And while I would like us to still reach consensus, I sense some sense of frustration on the dais that it's not moving quickly enough or that we're not actually -- we haven't question the found a process yet that enables us to find consensus if there are areas of consensus that exist. We found some which I think were really helpful, but what do you all think about how we should be doing this process? Ann.

>> Kitchen: Well, I don't see it as an either/or. I would see it as people can bring forward amendments if they'd like, but those can take the form of direction to staff, or they could -- which could be policy direction, or could be other kinds of direction for staff. So I can see that in some cases people may feel ready to do actual amendment language, but I don't think -- I don't think we should preclude the potential on some of these bigger policy issues to have the kind of discussion today around language like you brought forward, and then vote on it.

[4:56:33 PM]

So I don't want us to think that amendments means, necessarily, that we're going to change this word on this line of this code, section. So I would like to understand, before we go, what's been set up in terms of the online -- I think there's some online posting we can do?

>> Mayor Adler: You want to talk to us about online posting?

>> Everyone should have received an email yesterday. Staff from the city clerk's office planning and zoning have worked very hard to create an online portal whereby council offices can propose amendments. There's an online form you can fill out that will auto-populate a spreadsheet. So that is ready to launch. I think there are some questions that we could have answered either here today or later where we could refine the spreadsheet, such as whether or not mayor and council, there will be a required co-sponsor of an amendment, or if just any -- a single councilmember can make an amendment. Obviously, if there is a base motion, then the assumption would be that any amendment that would be entered into the spreadsheet would be an amendment to the base motion. Without a base motion then what we would do is add something into the form that would say, are you proposing to amend the staff draft 3 recommendation, or the planning -- planning commission recommendation. So with that, certainly we are prepared to launch it and refine it moving forward.

>> Kitchen: Does that model work for, if I wanted to just propose policy direction and not specific language?

>> I think it does. Let me just go ahead and hand out a copy of the email that hit your inboxes yesterday. And in essence, I asked for screen captures of the form to be included. Right now, the -- it first asks whether or not you are proposing just a simple verbatim planning commission recommendation.

[4:58:39 PM]

If not, it then asks you whether or not you want to -- well, it requires you then to identify a code section, the topic, the intent of the proposed amendment. And then at the bottom there's a summary of the proposed amendment which would either be general direction to staff or your best lay person's attempt to write actually what the code amendment would be. Obviously, the law department will be looking at the submissions and making sure that they're written in a way that the law department would be advising us to incorporate into an actual amendment.

>> Mayor Adler: So the threshold question is do we want to have a requirement that in order to pose something somebody needs something more than just themselves. Do we want to put something that we have to have another councilmember or more on it or just individuals can post? Staff is asking for direction. Ann?

>> Kitchen: I don't think we should have to have four because that gets us into all the kinds of quorum issues that we've got going on right now and there's lots of confusion about who has got what quorum for what. So I would prefer to avoid that.

>> Tovo: If we're requiring more than one, I would say two, but given that we're moving into

[indiscernible], I would support moving forward with one person.

>> Mayor Adler: I would too. Alison?

>> Alter: I would too.

>> Mayor Adler: So anyone can post if they want to and that means it would stand up a day earlier than it would otherwise. As far as process goes, Alison?

[5:00:40 PM]

>> Alter: At a minimum we need to have some dates on our calendar because the longer we wait the less likely we are to have time on our calendar. And I will remind you again that I'm going to India in September representing the city the week that we don't have council, which would be the time that you want to do it. So just reminding you of that again now well in advance, but I do think that we need to get our times on the calendar, hopefully budget will be smooth since we did all that work with the strategic planning and we may end up with some extra time. I can hope that.

>> Mayor Adler: And with the budget -- can you all take a look and work with my office and with the council offices to see if we can get some days on the calendar?

>> Yes, mayor and council. We've actually gotten tentative date we've looked at in September and August, but you are also working on your budget at the same time so we're cognizant of that. But for my consultants, if they need to be present it's extremely important for us to try to identify those dates sooner than later.

>> Mayor Adler: So we're going to need to circulate dates and get responses.

>> Yes. That would be very helpful.

>> Mayor Adler: If people could think about -- I apologize that the language in red didn't get out to everybody until red. But I would be interested in knowing what people think about the language in red, if it's been posted on the message board. But then I think we also have to think about whether we want to try -- what kind of process we want to use when we come back. Do we want to just start teeing it up for votes or do we want to try to find consensus -- is there a desire and a will to try and find consensus places? Alison?

>> Alter: I think we need to decide on our base motion because it's too confusing.

[5:02:47 PM]

And I would like to go with the staff's recommendation. We could have an early amendment for many of the ones that are 9-0 # I think there was only one of those that I had a question about.

>> Mayor Adler: On the staff thing.

>> Alter: No, on the -- if we were to do the staff, there were some PC ones that were 9-something. There's one of those that I might have some reservations on, but I would recommend starting with the staff and then we could do a quick amendment with the other ones.

>> Mayor Adler: Jimmy?

>> Flannigan: My preference is to start with the PC recommendation like we tend to do. It seems like we always do. I'm not entirely clear how many of those recommendations are direction versus language. So it's also not clear what an amendment looks like with its direction. What does that even mean if it's not language? Right?

>> Kitchen: I could give you an example.

>> Flannigan: I could invent one, but what would it mean to submit one as an amendment? So the process would be we would vote on it and staff would come back with language like a resolution?

>> Kitchen: Yeah, just like the resolutions that we do that say staff please do to X and bring it back to us.

>> Flannigan: So given that, it's definitely my preference to start with the PC recommendation given all the hard work our volunteer commissioners did through that. And yeah, to the extent that that's the last question we have of the day.

>> Mayor Adler: Greg?

>> Casar: There's so much that I think was important, the staff did, the planning commission did, other ideas I've heard from the community, but again frankly, I thought we were coming together today to try to vote on some consensus stuff around transition Zones and combatibility and we didn't -- compatibility and we didn't quite get there.

[5:05:03 PM]

I did not sit with my staff to get dates to get together or to debate what the base motion might be. Again, I would be in favor of us structuring some future meetings where we have language, being whatever the base motion is or being amendments, but just for us to be able to work one topic to the next because I just can't-- it's very hard to come to these meetings not knowing what it is we're going to debate or us debating one topic. And before anybody has a chance to get in on that topic somebody has something else. So I would suggest that we have an agenda for these meetings with items on it that say what it is we're going to debate and that we move from item to item.

>> Alter: And I just --

>> Casar: I just can't.

>> Alter: I wanted to clarify I wasn't meaning a debate over that. I was just meaning we need to set our motion. In terms of the process moving forward, one of the things we need to do early on is determine what the base motion is.

>> Casar: And that amendment becomes a debate. When we open that up it becomes a debate about which base motion it should be with us having an agenda item, just a set time to discuss that issue is what I'm bringing up.

>> Alter: I was trying to ask for a set time when we do that.

>> Mayor Adler: And I understood that. That's probably one of the first things we could take a look at. And obviously we can't decide that here today. We wouldn't get six people to vote for any resolution on that. Does anybody else have anything else they want to say? Ann?

>> Kitchen: I think there was a list that was going to be sent to us and maybe it's been sent, of the planning commission amendments that were nine and more votes?

>> Have you prepared that list?

>> Yes. And actually in the documents that you have towards the rear of this that are in green and red you will see a column that shows a tally of votes that are in blue where there is basically two-thirds or nine or greater of the commission that voted a certain way.

[5:07:13 PM]

Whether it was in favor or against, you can see that.

>> Mayor Adler: Jimmy?

>> Flannigan: So I have a concern about the nine vote threshold thing. I think if the planning commission had known that we were going to treat that threshold differently they might have approached their job differently. And I don't think we should move the goal posts on the planning commission after they've spent all that time and effort. So I'm really troubled by taking a base motion that's partly what they did when that's not what we told the planning commission we were going to use to interpret their work.

>> I will just note that the actual vote is listed as well.

>> Mayor Adler: In my recollection was that the planning commission approved about 120 things. I don't want to be held to this number because those are only rough counts. But approved about 120 things and I think that all of them were approved by nine votes or more with the exception of I think like 20 of them, between 15 and 20. So to take nine meant that we were taking the overwhelming majority of what the planning commission did because they were able to talk things through and achieve a super majority number on most things. And that would then have us having to pick up those 15 to 20 things that they didn't, which is why I had recommended we do a base motion that looked at the nine because I think it honors 80% of the work that the planning commission had done. But everybody can take a look at those and see how they feel about those votes. Anybody else have anything else? So on codenext we'll pick up testing tomorrow.

[5:09:14 PM]

Other than that we'll get dates, people can post amendments on the board that they want to start focusing on. And we'll begin by talking about what's the base document that we should work off of. Anything else. All right. 5:10. This meeting is adjourned.