

City Council Special Called Meeting Transcript – 09/26/2019

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[2:08:29 PM]

>> Mayor Adler: All right. We have a quorum, which means that this special called work session set for September 26th, 2019, today, it's 2:08 P.M., we are in the boards and commissions room here at city hall, 301 west second street. And we only have one thing on our agenda, which is to get the report back from the land development code and talk about it perhaps. Manager, Rodney, I'll turn it over to you. >> Thank you, mayor, Rodney Gonzalez -- >> Mayor Adler: By the way, I will also say that cove is off the dais today due to a scheduled medical procedure. We wish her all the best for a speedy and full recovery and she looks forward to returning next week. >> Thank you, mayor. Same as well. Rodney Gonzalez, assistant city manager for the city of Austin. Mayor and council, this is the last called special session for the anticipated code release date on next Friday, October 4th, as well

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as the map and staff report. We can't thank council enough for your specialty in these special work sessions and for carving out the time during your regular work sessions to discuss the land development code as well. The team is hard at work. They continue to work towards the deadline goal of October 4th. And today we would like to highlight developments of the environmental regulations and also developments of the administrative processes that you will see in the code when it's released. With me today are the leadership team members of anik Beaudet and Brent Lloyd as well as other members of the ldc revision team. With that I'll turn it over to anik Beaudet. >> Thank you, Rodney. Anik Beaudet, Austin transportation and ldc revision team. The agenda for today are two items, drainage and water quality and administrative and permitting process chapter. I'm going to quickly go over our calendar. We're here today at our -- at the special called meeting and then we have our

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release as Rodney pointed out on October Friday of the staff report map and code text. We are still set for open houses for the public on October 19th and 23rd. Locations as soon as we have those firm, we will have those on our website. We do have a new website up. It's been up for several days. Austin Texas governor/Idc, which has all the latest information about meetings and links to your direction from may second and a lot of other resources for the public. We will also be having office hours for the public to sign up, 30 minute slots, to talk about their particular property or anything else related to the code. Once it's out we'll make ourselves available throughout the city, having office hours in each district. We'll also have public testing in October. That date is going to be firm soon and on the website

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as well as the location then the planning commission is still planning to have their public hearing on Saturday, October 26th, and then we look forward to working with you in December for your public hearing on the code. So with that, I am going to hand the presentation over to the team at watershed. There are various teams of watershed staff who have been working on water quality and drainage and they're going to walk you through key revisions to the code in that area. So thank you and I'll welcome them up.

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>> Good afternoon mayor and councilmembers. My name is Matt Holland. I work with the watershed protection department. Appreciate your time this afternoon. In each case we're going to have slides that summarize the council direction and follow directly by slides that talk about our code proposal. And first of all, this first slide really summarizes the heart of the council direction where you were talking about all kinds of homes for all kinds of people in all parts of town to support your strategic housing blueprint. And you go on to talk about the -- supporting the development pattern in the transportation corridors to support the mode share that we would like to see per the Austin strategic mobility plan. And then you complement that with strong environmental protections and drainage protections, talking about impervious cover, holding the line on impervious cover citywide and by watershed and then you talk about how

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do we improve water quality and reduce overall flood risk. And then you want to also -- we recognize the need to balance these various things, especially on the corridors, and to try to produce some -- what you aptly term alternative equivalent means, which are basically ways to flexibly provide for these things along in the corridors themselves. So we are very pleased to present this set of provisions, which we believe are very much in support of our departmental mission with the watershed protection department. I'm pleased to turn this over to Andrea bates to give the details on our proposal. Good afternoon, Andrea bates with the watershed protection department. This is a quick overview of the topics that we'll be covering related to drainage and water quality. We'll start out with impervious cover. Council direction was to

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reduce allowable impervious cover citywide and either decrease or make no change to impervious cover by individual watershed. Staff is currently in the process of analyzing the difference between the maximum amount of impervious cover allowed under the current code and the maximum amount of impervious cover that would be allowed under the ldc revision. We were hoping to provide our findings today, but we are still working on that analysis. It's a very large and complicated dataset with many moving parts and we want to make sure the results are accurate before we report anything out. However, at this point all indications point to there not being an appreciable change in allowable impervious cover citywide either up or down. We look forward to including the results of the analysis in the staff report that's scheduled to be released on October fourth. Our next topic is flood risk reduction. Council direction was to reduce overall flood risk

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and preserve our increase current levels of flood protection. In a moment I'll also talk about the direction regarding atlas 14 floodplains. The ldc provision proposes to reduce Austin's flood risk for flooding, legacy, multi-family developments that currently provide little or no detention or drainage conveyance. So this proposal is closing a major gap in current code. A significant amount of all commercial and multi-family development was built prior to 1977 when Austin's modern drainage criteria first came into effect. Under current code, even that old redevelopment that does not increase impervious cover or can change the drainage patterns is not required to provide any storm water management because it doesn't make things worse than they already are or create an additional adverse impact. However, that site is not

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held accountable for the drainage impacts created by the existing impervious cover. So to correct this, the Idc revision carries forward the previously proposed green field standard, which requires that redeveloping sites manage their storm water as if they had no impervious cover. There is also a new provision for small sites which we will discuss next. The green field standard ensures that redevelopment and development on a green field site are treated equally. Both must provide or contribute to drainage problems or drainage solutions to address drainage problems in a manner that is proportionate to their impacts on the drainage system. This change will reduce flood risk citywide, including in areas with existing problems. Providing these detention or conveyance upgrades will also increase Austin's resilience in the changing climates as rainfall amounts continue to increase. Here are a few pictures that illustrate what we're talking about.

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First there's a site, one of thousands, that has high impervious cover, but did not provide detention or storm drain improvements because they weren't required when it was originally developed. On the right are pictures of the types of solutions that a redevelopment might provide or contribute to under the green field standard. A site could provide an on-site detention pond which could be small and utilitarian or large and an amenity. It could provide on-site conveyance improvements or it could help construct or fund other regional solutions under what's called the regional storm water management program. We recognize that the green field standard is a significant new requirement for redevelopment sites and we can cognizant of council's direction for non-zoning regulations to allow for higher yields in centers and corridors, allowing flexibility in alternative ways to meet environmental and drainage requirements. Council direction also calls for fiscally sound infrastructure investment

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that maximizes public investment and minimizes long-term obligations. We've also heard that the green field standard could be a barrier for small redevelopment sites which are often very space constrained. Detention ponds don't have a very large footprint, but above ground ponds do require some site area and underground ponds or vaults within a parking garage, for example, are possible, but they're more expensive to construct and challenging to maintain, which could also have an influence for small sites. On-site ponds also require city resources to review, inspect after construction and inspect every three years for the life of that pond. So for small sites the long-term cost to the city actually outweigh the marginal drainage benefit provided by such a small pond. Under current criteria, on-site drainage improvements are the standard expectation regardless of site size.

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A development can ask to participate in the regional storm water management program or rsmg, which would allow it to construct or fund off site drainage improvements. However that participation requires staff analysis and approval. The prior work codified the rsmg, but did not authorize any additional changes to eligibility. Now we are currently proposing to allow automatic rsmg eligibility for small sites that meet specific requirements in the drainage criteria manual. This would apply to commercial and multi-family sites of a half acre or smaller and residential subdivisions one acre or smaller. Allowing these small sites to more easily participate in rsmg is a more efficient use of both private and public resources. Small sites can avoid the potential impacts to unit yield or the additional cost in maintenance challenges of underground controls. While private development is still contributing to drainage solutions by helping construct or fund off site drainage

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improvements. Those off site improvements are more likely to provide a significant drainage benefit than a small pond which then maximizes the improvements and maximizing public obligation for public engagements. The council also stated that the atlas 14 regulations should be done as soon as possible. The amendments that establish the current 500 year floodplain as the interim 100 year floodplain are coming to council as O a separate track. We're currently scheduled for consideration on October 13th. However, the ldc does incorporate the atlas 14 floodplains into the new zoning map. As you heard at a prior work session, staff used the 500 year floodplain to inform the mapping of potential transition Zones and other properties in floodplains. So transition Zones were not applied to properties within

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the 500 year floodplain. This limited the extent of Zones where the floodplain crossed or ran parallel to a corridor as you can see in this schematic. The yellow and Orange properties on the left side show a hypothetically newly mapped transition zone. The same pattern would have been expected to continue on the right side if not for the presence of that 500 year floodplain. Tracts within the floodplain outside of transition Zones were also evaluated and assigned zoning classes that are most similar to their existing Zones to avoid up zoning in the floodplain area. The exception was areas subject to the downtown Austin plan, which were zoned in accordance with that plan per Kuhn direction. However, whatever the level of impervious cover that's theoretically allowed by the zoning, development within the floodplain is very restricted by drainage, code and criteria. Our next topic is water quality controls and green

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water infrastructure. Council wanted to treat residential subdivisions, including roads and for developments to retain more water on site and encourage beneficial reuse. The current code allows, but does not require the use of gsi for water quality treatment. The prior proposal was to provide commercial and multi-family development to use gsi, but to allow residential divisions to continue to yukon strengthal controls like sand filters. There was also an exception for sites with more than 80 percent impervious cover, which could use a conventional control if it provided rainwater harvesting for land irrigation. The ldc revision expands the requirement for gsi to residential subdivisions including roads per council direction. It also revises the exception to apply to only sites with more than 90% impervious cover, but to not require rainwater harvesting. These changes will result in the additional use of gsi,

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which means that developments will retain more water on site and have options for beneficial reuse of that water. In addition to these water requirements, the landscape code also requires the use of gsi. Gsi required elements are carried forward from the prior proposal and allowing the landscape and water quality requirements to overlap in support of gis creates an incentive for distributed green controls and for rainwater harvesting, both of which support council direction to retain water and encourage beneficial use on site. Council direction also addressed the amount of new or redeveloped impervious cover that triggers the requirement for a water quality control. For areas outside of the Barton springs zone, current code requires controls for development of more than 8,000 square feet of new or redeveloped impervious cover cover. Staff did not previously oppose a change to that flesh hold, but the council

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direction suggested it change to 5,000 square feet. Staff evaluated this proposal per the council direction and recommends the change. There are provisions for small scale missing middle and small residential subdivisions that I'll cover later that would avoid some negative impacts of the change. But changing the threshold to 5,000 square feet will improve water quality by requiring additional sites to either provide on-site controls or help fund off site water quality retro fits. Council direction to improve water quality citywide and facilitate fiscally sound infrastructure investment, which I talked about previously, also informed our next proposal. Under current code, small sites in the urban watersheds can request to make a payment in lieu of providing on-site water quality controls. This option is available to commercial and multi-family sites of one acre or less and residential subdivisions of two acres or less.

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The prior proposal expanded that option for payment in lieu to small residential subdivisions in suburban watersheds. That would expand to subdivisions that are less than two acres in size and that do not require a preliminary plan which is an indication that they are not providing road or other infrastructure. Although this proposal benefits small subdivisions by providing additional President-Elect, it's also driven by a water quality benefit. Requiring small infill subdivisions to provide on-site water quality controls is not currently working. The subdivisions are not constructing new roads or other infrastructure as I mentioned so there's not a sufficient review or inspection process set up for the pond that would be constructed. Even if the ponds are constructed correctly, they're frequently located on an individual single-family lot rather than in a common area. An individual homeowner or maybe a small hoa, is not well equipped to maintain

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that pond in perpetuity and they are often difficult for the city staff to access for inspection because they're in backyards or behind fences. So all of these challenges mean that many of these small water quality ponds that we are expecting and relying on are not working very well if at all. It will be more efficient and result in a better water quality outcome for small subdivisions to be able to contribute funding for off site water quality retro fits rather than to construct and maintain they're own ponds. So given those water quality benefits of the proposal, staff is now proposing to expand the eligibility for payment in lieu to small subdivisions citywide rather than in suburban watersheds. That includes the Barton springs zone where the challenges of small ponds are actually increased by the fact that all development regardless of size must provide water quality treatment and the fact that the standard irrigation type of control that is used in the Barton

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springs zone is very complicated to install and maintain. So those are additional hurdles for these very small subdivisions. However, expanding that payment in lieu option to the Barton springs zone would require an sos amendment. In addition to the proposed revisions for water quality controls, the ldc provision also includes a variety of other water quality improvements. These support council direction to improve or increase or viability protections and sustainability and to improve water quality in each watershed and citywide. Here you a few of the changes. Others will be detailed in the staff report that will be released on the fourth. First the ldc revision adds new protections for wetlands along the shoreline of lady bird lake where they are not currently protected and changes the triggers for an environmental resource inventory to ensure that we identify and then protect wetlands in the eastern

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watersheds. The current proposal also revises the variance findings to allow staff to recommend approval of projects that provide a variance, but have greater environmental protections overall than would otherwise be required without the variance. The Idc revision also maintains prior proposals to establish new design standards for creek crossings to minimize environmental disturbance, to require decompaction of disturbed soils that are intended to be impervious cover after construction, that goes to the new landscape requirements. And to require subdivisions for future environmental buffers in their own lot rather than include them in a residential lot where they are likely to be impacted over time. The Idc provision also proposes to improve water quality by reforming the redevelopment exceptions. Council direction on this was to significantly reform

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and/or remove exceptions to impervious cover limits in the redevelopment exceptions and to provide options for achieving the most meaningful protections locally and regionally and improve water quality. The existing water quality code includes three redevelopment exceptions. One for urban and suburban watersheds, one for the water supply watersheds, and one for the Barton springs zone. The purpose of these redevelopment exceptions is to allow environmentally non-compliant properties to redevelop their existing impervious cover in exchange for providing water quality treatment and in some watersheds, off site open space preservation. Most of the older properties that were developed before the city adopted water quality protections, do not comply with the watershed impervious cover limits, provide water quality treatment or provide adequate protections for creeks or environmental features. To come into compliance with

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current code standards, many of these properties would need to remove a very large amount of existing development. It has been suggested that the central provision of the redevelopment exceptions, which is the ability to retain that non-compliant impervious cover be removed from the exceptions. That would theoretically be a good outcome from a water quality perspective because then it would comply with current code. Requiring of it these old sites is too high of a bar for them to cross. It creates a very strong disincentive to redevelop and instead property owners choose to remodel their existing buildings and parking areas. The downside of a remodel is that it does not provide any additional water quality treatment, environmental protections or range of the other upgrades that you would get with a full redevelopment such as sidewalks, street trees, landscaping, erosion hazard zone protections or now with

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the Idc protection, drainage improvements that will be required of redeveloping sites. Models are also much more limited in changing their building forms and so they may be less likely to be able to provide increased housing options and other opportunities to transform older sites to meet current needs. The redevelopment exceptions create a middle path between leaving what's there today and requiring full compliance with current code. Sites can redevelop the existing footprint, but must buy environmental benefits of water quality treatment and open space preservation. They also required numerous environmental protections like erosion hazard zone compliance and have a couple of new improvements that we're proposing with the Idc revision. These are proposals of the site that used the revision in the Barton springs zone. It redeveloped an abandoned movie theater into the mixed

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use Tarleton townhomes project. In doing so it provided an on-site water quality control and over \$400,000 in mitigation money that helped fund the purchase of the lower avana tract, that is pictured here. The redevelopment exceptions are an important tool for improving water quality citywide because they are available citywide, but providing water quality treatment for the existing development is especially critical in the Barton springs zone. This is a picture of the H.E.B. At the Y at oak hill taken from Williamson creek. All of the old untreated sites like this one are sending pollution straight into a creek and into the aquifer every single time that it rains. A prior analysis indicated that they're sending a disproportionate amount of pollutant loads and that commercial sites in the Barton springs zone are only one percent of the total land area, but are sending eight percent of the runoff, nine percent of the

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sediment, 11 percent of the nitrogen and 17 percent of the lead. So addressing these old non-compliant sites is very important. Unfortunately the Barton springs zone redevelopment exception is hardly ever used. Only three projects have used it in the 12 years since it was adopted in 2007. Since the outcome of each redevelopment project is improved water quality on existing gray fields sites rather than clearing trees and vegetation from natural green field sites, plus the wide array of other benefits that I mentioned previously, staff recommends that ways be found to increase the use of the redevelopment exceptions. The Idc revision therefore includes several amendments intended to increase both the use and effectiveness of all of the redevelopment exceptions with a special focus on enabling additional development to use the Barton springs zone redevelopment exception. So first up is a proposal to

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expand the eligibility to use the exception to additional sites. In the Barton springs zone and water supply watersheds, the proposal would be to allow all types of existing development not just

commercial development to use the exceptions. In urban and suburban the proposal would be to remove eligibility requirements that are based on vehicle trips per day and consistency with neighborhood plans. Next is a proposal to increase protection for creek and critical environmental features on the site. The revision would require projects to remove impervious cover from within 50 feet of a creek center line and in the Barton springs zone and water supply watersheds where mitigation is required it would create an incentive to include the removal of additional impervious cover from those sensitive features by offering mitigation credit for on-site removal and restoration of those areas. Next is a proposal to

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streamline the approval process. In the Barton springs zone and water supply watersheds, this proposal would remove the triggers that require council approval of a site that wants to use the redevelopment exception. The current triggers include having more than 25 dwelling units, being located outside of the city's zoning jurisdiction, having an existing civic or industrial use, being inconsistent with a neighborhood plan, and generating more than 2,000 additional vehicle trips per day. These triggers are all related to a project's zoning or the type and amount of development that could be located on a redevelopment site rather than its water quality impacts. The redevelopment exceptions do not waive any zoning requirements or any requirements outside of the water quality article. A project must comply with existing approval or comply with a zoning change that has its own process. So removing the triggers for council approval will simplify the use of the

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redevelopment exception, reducing permitting costs and the time it takes to complete an application and hopefully encourage more properties to use the redevelopment exception. And finally, the Idc revision includes a proposal to allow redevelopment of a portion of a site with proportionate water quality treatment and mitigation. In the Barton springs zone today any amount of redevelopment on the site triggers water quality treatment and mitigation for the entire site. And that is a very big bar to cross if you want to do something small on a large area. Some years ago, for example, the H.E.B. At the Y wanted to redevelop just a portion of the site to add a pharmacy. However, providing water quality treatment and mitigation for the entire site was not feasible for that project and so it was dropped. Instead of getting water quality treatment and amenity on a portion of the site we had to maintain the

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status quo. So this proposed change will allow incremental redevelopment of larger sites in the Barton springs zone which will help achieve water quality retro fits and open space reservation on a shorter

time scale. The proposal is to require the treatment and mitigation for an area that's twice the size of the redeveloped area so that if -- once you're up to 50% of the site redeveloping, you're achieving the benefits that you would for the entire site. The proposed changes that would apply to the Barton springs zone redevelopment exception do require an S.O.S. Amendment and we take that very seriously. But we are recommending these proposed amendments because they help meet council's direction to improve water quality citywide. Increased use of the redevelopment exceptions improves water quality by reducing pollutant loads. It also helps reduce impervious cover by removing it along waterways and providing open space

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preservation to offset existing impervious cover and decrease the potential impervious cover at a regional level. And then finally, it increases the development of grayfields, which can provide important community benefits, including with the Idc revision changes, flood risk reduction. Our final proposal is related to missing middle housing. Council direction on this includes providing additional missing middle housing by mapping the appropriate Zones in transition areas along all corridors and reducing site development standards as appropriate to enable development of that housing. Under the current code, most of the drainage and water quality requirements are written such that they apply to all types of development. But in practice there's been a very significant difference in review between one and two unit development that goes through the building permit review process and three or more units which currently go through the full site plan process.

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Complying with all of the drainage and water quality requirements is a barrier for missing middle housing because it is costly and time consuming in comparison to the scale of the project. So to address this, the prior proposal established a set of streamlined drainage and water quality requirements that would apply to all one and two and some small scale missing middle development. The focus of this proposal is on missing middle housing that would be built on the same lot and basically at the same scale as a single-family house or duplex. So to be eligible, the missing middle development needs to meet specific eligibility requirements, including a cap on units, an impervious cover cap and it must be located on a lot that was originally part of a single-family residential subdivision. Limiting the eligibility to projects that are on residentially platted lots is important for us because the applicable water quality and drainage requirements would have been applied at the time of subdivision.

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That lot would then be developed as a one or two family house and would have no additional expectation of providing certain water quality and drainage benefits. So the Idc revision makes several changes to the applicability and to the specific requirements that were previously proposed. First, the unit cap was increased from six units to a maximum of nine units and the maximum impervious cover was increased from 45% to 50%. Both of those changes were made to allow our four zoned properties to use the streamlined regulations. The zoning impervious cover limit for our four is 50%, and an R 4 property would theoretically use nine units if it used both the affordability bonus and the preservation incentive. So next the Idc revision would allow these streamlined regulations to apply citywide, including in the Barton springs zone,

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which was previously excluded. This is important in order to meet council's direction to prioritize all types of homes for all kinds of people in all parts of town. We support expanding the use of those streamlined regular layings to the Barton springs zone because the missing middle development that could happen is basically the same from a water quality and drainage impact perspective as the single-family or duplex house that would otherwise be located on that lot. Plus the increased density on the lot could result in a lower per capita drainage and water quality impact and would provide a net benefit if you think about it at a large enough scale. Next the Idc revision proposes to change a couple of the requirements that the one and two and eligible missing middle development would need to meet. Most importantly it eliminates the previously proposed engineers certification and replaces it with enforcement of an

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existing, but relatively new provision of the plumbing code that prohibits lot to lot drainage impacts. Replacing the engineer's certification with enforcement of the plumbing code revision will decrease costs compared to the prior proposal where the vast majority of residential development would have had to provide a costly analysis. And it enables the city to play more of a role in identifying and correcting lot to lot drainage issues. In addition to this change, the Idc revision simplifies the requirement for waterway setbacks and eliminates the proposed requirement to comply with steep slopes revisions, which was determined to be too costly and too conflicted for this scale of development to accommodate. So allowing missing middle development to use these streamlined regulations in the Barton springs zone would also require an S.O.S. Amendment. But we're recommending applying these provisions citywide because they meet council direction to

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facilitate development of missing middle along all corridors in all parts of town. And importantly from our perspective, the approach ensures that projects of a very similar scale with basically the same potential for drainage and environmental impacts, are being subject to the same requirements. Is. >> Good afternoon, council, I'm Brent Lloyd and also Donna [indiscernible] With

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dsd. We are here to talk about the permitting process and what the main elements of the proposal that you will see on October 4th will be. To start to kind of set the stage, the council direction on permitting is that the new Idc provision should continue, including and enhance a site plan process that assesses the infrastructure needs of development, including the cumulative impact of development and facilitate the installation of new infrastructure funded in whole or in part by new development. It should clue provisions to achieve the following Austin strategic housing blueprint key actions that are related to the development code, in addition to those already included in response to the manager's questions one to five. That is to streamline city codes and permitting procedures. So to kind of set the stage for the proposals that you will see in October, current

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code does not provide a clear ability for staff to scale submittal requirements outside of what was strictly defined as small projects, which are listed in code. The code language often does not adequately describe actual practice, which results in confusion, delay and cost, and too much emphasis is placed on whether a project is site plan exempt rather than clearly defining what regulations apply and the scope of review. Draft 3 proposed some modest improvements. It carried forward the small projects list. It attempted to provide a change by introducing the separate process for three to eight units. And it allowed staff to require more materials from an application, but not fewer. The potential revisions that we're considering and that some of which I think you will see in October, to mandate that application requirements be scaled to the intensity of a project and that the land development code requirements that actually apply to a particular type

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of development. It clearly defines the review process for projects that are historically referred to as site plan exempt with appropriate flexibility to address safety and environmental impacts. And in general to deemphasize exemption language in favor of more accurate terminology that doesn't imply mistakenly that projects historically called site plan exempt are not subject to the code. The effect of this change we believe is to reduce needless costs by directing that application requirements be proportionate to the regulations a project has to meet. And to provide predictability by matching labels with expected

outcomes. So I want to elaborate on a few key points and also give some more concrete examples. We believe that substance should trump form and we think that the code needs to be more clear about what different kinds of

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regulations apply to the different scale and intensity of development and you heard in the presentation earlier a lot of the detailed work that has been done to find scaled regulations for different categories of residential development. Projects that for which full compliance with all Greenfield standards would be untenable, but which require more regulations and more protections than a single-family home. So we believe that the code should better define the regular layings that apply and to emphasize that application requirements need to be scaled to what the regulations are. Andrea mentioned in her presentation that in many places, and there are some exemptions. There's been some improvements over the years. But in many places the code will speak broadly as applying to development, but then the site plan exemption process is essentially used to limit the range of requirements that apply.

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So the goal is to be more explicit and to be more clear about what requirements apply and to have the application that an applicant has to submit, the material, the drawings, the engineered plans or not engineered plans be driven by the complexity and significance of the applicable regulations. The biggest example of these general themes is really the site plan exemption process. The current code includes a long list of projects that are described as being site plan exempt, but with a few exceptions, it doesn't really specify what exactly that means. Most of the technical requirements for a site plan, you know, the engineered plans, the scale of the drawings, are adopted administratively. They're not in code and they shouldn't be. And while again there are some exceptions and there have been some improvements over the years, in most cases the code doesn't specify how the requirements of the code itself, the

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regulations, apply differently to projects that are exempt, versus those that require a site plan. So the code presented to you in October will include more detail, more specificity as to what regulations apply based on the scale and intensity of development. And to be clear, the main categories that are now referred to as site plan exceptions will be carried forward in the code, but rather than using the term exception, we will -- exemption, we will be providing and recommending a new permit category that we believe is more accurate and that is the limited site development permit. The staff who reviews site plan exemptions are not waiving the code. They're applying the code differently to smaller scale projects that qualify for the exemptions and the proposal you see in October will clearly define that limited scope of

review, but they're very much ensuring in the review process through the development assistance center that those projects meet the

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applicability standards, drainage standards and other important requirements that justify the exemption. So we hope that the code that is provided will more clearly define the review process and to give an example and also to highlight what we consider to be a very important clarification and potentially will be regarded as a change, let's just take an example. You have an acre site with existing impervious cover and somebody comes in to build an 800 square foot structure that falls within the category of a site plan exemption. What that means in practical terms is that within the limits of construction for that site plan exempt project, all regulations will apply, but the balance of the site since there's not a site plan required, will not have to address existing nonconforming conditions. So if there are other state places on the acre site that would not be approvable

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today because they don't meet code, full compliance would not be required. However, we've had many situations where projects qualify as site plan exempt where there's an unsafe condition or there is something on the site that poses a significant environmental impact that is concerning to the watershed protection department. And so we propose in sort of defining what site plan -- what the exemption means, what the limited permit means, that we give the city authority to require compliance for those conditions that are outside the limits of construction for the exemption, but pose a significant safety hazard or pose a threat to the environment. In one example, as far as public safety that has come up numerous times a project will be site plan exempt, but somewhere else on the site outside of the limits of construction, there's unsafe parking or some sort of a condition that would not be approvable today and that

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really goes to basic health and safety standards. And as traffic increases as and as the improvements are likely to draw more visitors to a site, that poses significant concerns so we want the code that we propose in October will empower staff in those situations to push back and to require compliance with key requirements for projects that are site plan exempt. A couple before we open it up for questions, just a few -- handful of other things that I think are relevant to the administrative parts of the code, we will at the very beginning of the code that you see in October will be a detailed table that lists all the different categories of decisions and permitting types that are established under the land development

code and that label will provide clear citations to the parts of the code that explain what that permit is about and what regulations apply. It will provide clear information as to what the

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appeal rights are and as to what the decision maker and the responsible department is for that permit category. So it is our goal that the code you see in October will be more informative, more useful, and will sort of, for lack of a better word demystify some of the permitting process and provide more guidance. With respect to appeals, the code in October will more clearly define what is appealable and how the appeals work. The appeal process that's established in current code is rather patchwork. A lot of the appeals, for example, that go to the board of adjustment are not clearly enabled in code and one has to sort of know the process by observing to know what is appealable. And the code that you see in October will specify what is appealable and how that process works. There are some limited appeals that are being

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proposed for elimination and those are not the appeals that go to the significant issues like zoning. Again, that will be clearly enabled in the code with respect to board appeals. But we have appeals in current code that relate, for example, to site plan life are the extension of a site plan or the extension even of applications. And we believe that those very railroadable appeals that go G.O. To how long an applicant has to complete a project can be burdensome and add a level of cost and complexity to the process that we believe outweighs their value. So there will be a handful of instances that will be very clear on with council as the code comes forward where procedural appeals will be eliminated, but the substantive appeals that relate to the meaning of our regulations and the approval of actual developments will be much more clearly specified. So with that, and probably leaving out a couple of things, but Donna and I and

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the rest of the team are excited about the administrative procedures that you will see in October. And we are available to answer any questions. >> Mayor Adler: Thank you. Councilmember Casar. >> Casar: Thank y'all for the really thorough presentation. I've gotten a good handful of questions about where this would all wind up and I think y'all thoroughly answered many of those questions. A lot of questions I've heard you had right at the front of your presentation to I want to emphasize again and get real clarity because people said are we really going to be able to stick to the council direction on these things? And in y'all's analysis, this proposal will improve water quality citywide. Is that y'all's sense? >> That is correct. We are putting forth a whole slew of revisions. We think that this is going to -- is

absolutely going to move the ball forward on water quality. >> And reduce overall flood risk in the city.
>> Yes. >> Casar: And you're

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holding the line on impervious cover such that we're going to have the same allowable, if not maybe potentially even slightly, slightly less right around the same amount of allowable impervious cover while reducing the amount of impervious cover per person. >> Absolutely, yes, that's correct. >> Casar: Which I think what's been really important as part of the conversation is as reduced impervious cover per person, that means we reduce the amount of impervious cover we will likely have in the surrounding region. That means you might have less big roads, less big sprawling subdivisions, which are also bad for flooding and the environment. So I think it's just really -- we've gotten questions and concerns about, well, if you're going to have missing middle housing, does that mean that it's going to cause more flooding overall? And I think really walking us through how we can tear up all sites, old grayfields and actually get more folks on less impervious cover and higher water quality is it's an important direction that we tried to put out there and then y'all really trying

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to put something together for us that could achieve both is really important. I know we'll be working on the details here, but those are where I've really gotten the questions. Are you going to reduce flood risk? Are you going to hold the line on impervious cover and in fact I think you're reducing impervious cover by reducing the per capita impervious cover. And finally on the S.O.S. Amendments, I'm interested in what folks thoughts are. I had some conversations with people about them. I think they'll be important to talk about and really just to get a sense of where the community and the council is. I don't think I just speak for myself. I think I speak for everyone that that's a really important ordinance, a really important area, and that everybody's commitment is to try to improve water quality and the S.O.S. Zone. And that you guys have started an important conversation here. I think there might be ways to get four units on the same amount of impervious cover if we think about height. I think that you're -- your example of sometimes us having a big parking lot that isn't maybe more realistically could develop piece by piece rather than us getting the whole thing

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together is an important conversation for us to have, but I think it's important for the community to know that that takes nine votes and a lot of consensus. So if we can find that consensus, great. If it looks like we're not able to find consensus quickly, then I still appreciate y'all bringing up the topic because I do think everybody's commitment here is to try to improve water quality. That's what the direction said.

Especially in S.O.S., but citywide. And I appreciate y'all bringing that to be a part of the conversation that we can have. >> Mayor Adler: Leslie. >> Pool: Thanks and thanks for all the efforts and many hours working with me and my staff through the various changes. I wanted to spend a little more time on the impervious cover question. The impervious cover percentage now is 45%? Is that right? >> Are you referring to maybe the single-family residential, yes. Generally the maximum zoning

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>> Pool: And in some of the meetings that we had, that number, I think, was mentioned to be increasing up to 60% for that same area, but I see on your slide 24 that you have it at 50%, which is still 10% more impervious cover permitted than under the 45%. So I wanted to just kind of dig into that, how is it that we are in fact addressing and following what the council direction was, which was to maintain or reduce. It may be that the additional five percentage points on that seems small, but it is a 10% overall increase to go from 45% to 50%. It's actually a little bit more than that. And we don't yet have any of the maps to know what the accumulated runoff in the small area and small area flood impacts. So I think at the very least at this point with this number we should maybe hold

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that in abeyance until we get a better sense of what the overall impacts are going to be. So could you talk a little about how you got to the 60% and now the 50%? >> So just to be clear, the 60% still is in one of the zoning districts. We have two missing middle products that going in on transition Zones. The lower impervious cover version has a buy right number of units of four, I believe and there's some density bonuses and so forth, but that's the r4 zone and we're proposing from 45% to 50. The reason we had it in the slides, that's going to be in the streamlined package so it would not have to have the full-blown -- all the different things you would have with the site plan because its impact is extremely similar to that of the single-family residence next door which is 45 and has basically the same setup. We didn't want to prejudice

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somebody going well, I want to stick with this other thing that's super easy to get through as opposed to missing the middle housing we were really hoping for. We also have this other product called the rm1 missing middle class and it will be closer to the corridors, but it would have a full drainage plan and so forth. It's more like what you would see in a full site plan. >> Pool: Okay. So let's talk about that, the infrastructure and the drainage piece here. I mentioned when we had our last land development code conversation that I was concerned about the aging and undersized infrastructure that's throughout the majority of certainly my district and it's probably all over the city, and I was hoping we could get a map

of the system if that is something that is possible to provide that might not be protected for whatever reason. Okay, good, you never know. Thank you, Chris, for saying that we could get a copy of that. So I would like to see a map and then I would like to get

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a sense now that we have the water oversight committee pulled together -- thank you again to councilmember alter for bringing that to us. We need to start talking about what kind of upgrades are going to be necessary in order to provide the level of drainage that is also we need to talk about in this context. So I'm concerned about areas in my district that have watershed flooding as a result of aging and undersized infrastructure and it's really affecting people along one of the branches to shoal creek. And there's even a community group called the red zone that you guys have had meetings with. My constituents in Brentwood are really concerned about flooding. They also want to be able to make revisions and renovations to their homes and they are kind of stuck in this difficult place where right now we're saying they can't, and then maybe some of those on fixed income are also going to

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have to take NFIP policies and that's also a concern to them. So we're at flooding at present levels of impervious cover and it's not the entirety of the picture but it is exacerbating our situation. So I've asked you all to consider ways to mitigate these impervious cover increases in the flood-prone areas and I want to thank you for continuing that work with my staff and me. It's really important. I do have a couple of suggestions and I'll just go ahead and list them here and then turn it over to somebody else who wants to talk, although I have a couple of -- actually I think I may go ahead and ask that one other question. So a few suggestions. The 60% impervious cover that you are talking about, Matt, I'd like to reserve that for the density bonus program when the affordable units are provided on site so we actually have some leverage to request community benefits if we are going to grant additional impervious cover. We have so few levers.

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Hold the line on impervious cover at the 50% for the more intense transition zones, although I would really like to keep it at 45. In the flood-prone areas of the city but perhaps a trigger for increases could be capital improvement projects that reduce the local area flooding. So that speaks to my concern about the aging and under sized infrastructure. And my staff and I will about we need to make sure we're not making things worse for our residents. That's why I can't support, it's in other documents, this isn't fully comprehensive, I can't support the 60%. And then I just want to talk a little about the plumbing code. And this goes to -- in draft 3 we talked about site plan life for projects with three to seven units, and

what you are proposing would substitute the engineer certification requirement that was included in draft 3. Do I have that -- is that correct?

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>> Yes. Yes, that's correct. >> Pool: And these types of measures are intended to mitigate for runoff between adjacent properties where a site plan wouldn't be required. And I understand that staff believes that having a notation in the plumbing code is sufficient for enforcement. And this is the point that I don't agree on because it requires somebody to know that it's in the plumbing code and some of the smaller developers or neighborhood developer would need to have some kind of a trigger to know to go to another code to look for that. And so what I would like to do is why don't we just come out and say what we mean in the land development code and that no adverse impact is allowed and here are the enforcement measures? >> Councilmember pool, that's a really good point and to address that concern what we have come up with, which I think you will see in the October 4th draft, is that a very clear direction that the application requirements for

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this product type has to include a written acknowledgment that the plumbing code provision applies as well as, I believe, a relevant quotation to the key language. So we want to make sure that, you know, those requirements, the local amendments to technical codes, you have to do a lot of digging to find them. They are not at the very front of the code in a very prominent place and we're cognizant of that so we want to make sure given the importance of that issue to council that it is stated up front as part of the application process. It's not a silver bullet, it's not a panacea, but my understanding is that this local amendment has resulted in, I believe, at least two red tags and so the city -- the city doesn't have the capacity to enforce every flooding event. I think that by daylighting that provision and bringing it to people's attention we can encourage people to design around it and to make

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sure that they know that projects that are designed without adequate provision for flooding can result in enforcement actions. >> Pool: That would be great if we could try to be as transparent as possible, summarize it in the document, have a really clear place, a more direct route, we would certainly be preferable, I think. >> This is a pretty late-breaking event in this so we're excited this exists and with the possibility that the city could be assisting folks as opposed to just relying on state lawsuits. So it's a new development. >> Pool: And then Greg brought up about the sos amendments. We definitely, those amendments would be the subject of a much broader conversation, I agree. There are aspects of water quality and drainage and redevelopment exceptions that are outlined here that I would generally

support, but the context for the Barton springs zone is very different. And must, in my opinion, taken up in a completely

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separate discussion and not part of this. >> Mayor Adler: Okay. Councilmember harper-madison. >> Harper-madison: Thank you for being here and for your presentation. I still have questions. Are we approaching impervious cover with a lot by lot consideration or impervious cover as it -- overall immaterial preserve useness in the watershed? >> Yes. So in our analysis, so the council direction was to find ways to reduce the overall impervious cover of entitlements of the maximum amounts of impervious cover that each property could have, but on the aggregate. So how are we doing citywide and also how are we doing within individual watersheds. So the code applies to individual properties, but the analysis we've done looks at those individual properties and there's 235,000 or more of them and we are tracking every one of

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those in a mapping program and in a spread sheet program and we're aggregating that information to try to summarize that for the council. >> Harper-madison: How will a lot by lot approach affect the creation of compact communities? You talk about that so frequently. And the preservation of open space versus an overall watershed approach? You said 235,000, didn't you? >> I think so. I think that's the right number. I'll look around our group. >> It's an approximate mate number of data points in our analysis. >> Right, yes. And so we've had a lot of concerns and a lot of comments about flooding over -- well, over many years, but especially with the code discussion. And so with this we look at -- we as watershed professionals look at this

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at different scales because the solutions and the problems actually occur at various scales. And so we kind of boiled it down to three scales, what we call creek flooding, our mary drainage system, so it would be the shoal creeks and the fort branches and the -- and so forth. So watershed scale we are looking at floodplains. That's a very large system, all the way up to a onion creek which is basically almost a river. That's a whole different animal from the middle sized issue which is our secondary drainage system and we refer to that as localized flooding. Those would be storm drain systems and smaller waterways that don't rise to the level of something that gets a flood plain. So that has a different scale as well. And then the final category is lot to lot flooding. And that's where you have one property basically shunting water unfortunately right into another building right next to them and

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causing flooding problems. So the public just doesn't want to -- the average person just is not really worried about the three kinds of flooding, they just don't want to flood. But we are trying as we're looking at the code to try to tease this out and understand what's driving the problems and we're recognizing lot to lot flooding is a very real problem, something that's been handled privately up till now, and so we are looking at -- whether or not with today's code or with this proposed code, this has been an issue and we would like to propose ways to provide relief for the public with lot to lot flooding, which we think is a major concern. >> Harper-madison: While I can appreciate the response, I don't think it gets to my concern about how ultimately this maximizes creating complete compact communities. Didn't quite get there for now. I'm not sure if -- me.

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I'm not quite understanding what you are asking. >> Are you talking perhaps about trying to provide more density or more services or -- >> Harper-madison: All of the above, uh-huh. >> Sure. So as we add impervious cover and as we add, you know, we're adding pressure to drainage systems so we need to get those -- there are engineering solutions to each of these issues. We're trying to figure out ways to have the right solutions in place to make sure that as the city grows and densifies and develops that we can protect the public and provide these complete communities that you are talking about. >> Harper-madison: I think I understand the way you are getting around answering my question and I think it goes back to the three tiers you made reference to before, the watershed, the creek flooding, the localized and/or the lot to lot, I think it goes back to that to answer my question. I have four more questions. Hopefully I will zoom through them.

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When determining impervious cover percentages, do these calculations consider off-site transportation related impervious infrastructure, streets, road expansions. >> They do not. We are looking at this on a tract-by-tract basis so we're trying to get an apples to apples compare often in today's code versus what would be allowed in the proposed code. It doesn't look at street rights-of-way or the need for new additional transportation options or anything else like that. It's a much bigger question. >> Harper-madison: Thank you. So when determining impacts to watersheds, were activities associated with sprawl such as increased travel to and from and the development and extension of infrastructure considered? >> Those were not considered, however, the desire to try to accommodate more housing and corridors and in the transition Zones

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absolutely gets to that concern. That was the heart of the imagine Austin compact connected vision. As we are seeing, you know, how do we as a city that's growing, we're 900,000 citizens or more and trying to accommodate 400,000 new units, which is probably more people in those units in the same space and so forth, that's a very compact solution as opposed to having that spill over in a much larger area and require more traffic trips, more carbon and pollution and so forth. >> Harper-madison: I appreciate your response and I look forward to our teams being able to continue to work together on those issues. >> Thank you. >> Harper-madison: So what impact to parking requirements have on the city's overall impervious cover?

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>> As Matt was -- was alluding to, staff recommendation was -- if we look at tradeoffs between the horizontal footprint, to impervious cover on a site, to the vertical footprint, that's a key slider in terms of managing that. So mandatory parking obviously can impact the horizontal footprint and so do parking requirements have a potential limiting factor or do parking requirements have a potential negative factor on achieving housing units for a given height, yes, it could. Does that help? >> Harper-madison: It does and that will help inspire some of the questions we ask moving forward. And so density limits constrain the amount of development on a site, but do they have any effect on the region's total growth?

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>> These are fantastic philosophical questions almost. Again, I would argue that by -- we know that people are continuing to move here. If we can accommodate an increased number of people on effectively the same amount of impervious cover, to me we are addressing regional sprawl. >> Harper-madison: And then my last question is, so if higher density development consumes less land to accommodate the same number of houses as low density developments, is it safe to say that relying on lower density development to accommodate Austin's growth would consume more land and have a greater exact on our watersheds? >> Yes. >> That's mathematically a rule. It's a fixed proposition. >> Harper-madison: That was all my questions. Thank you very much.

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>> Ellis: Thank you so much for the presentation. I'm excited to get into the environmental portion of our land development code rewrite. Can you verify for me a lot of the things that are being presented

that are exclusive of sos amendments, are those things pretty much vetted through the draft 3 process of codenext or a lot of these ideas things that have had public involvement and stakeholder input so we kind of know generally the community is going to be on board with most of those ideas, like water quality controls, green storm water infrastructure and things of that nature? >> Yes, that's correct. Back in 2015 we actually anticipating the code, this has been a long time building up, we actually had a series of conversations with the public where we would have meetings where we would have 40, 50, 60 people show up, it was called the green infrastructure working group. And we talked about both the water quality improvements that we have here, the center pieces with the green storm water infrastructure, and then we also talked about the green fields flood

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management proposal as well, and both of those received a lot of, you know, very overwhelming support in that process and we shared that, it was a very open process. The website still exists for folks to tap into to look at the discussions and outcomes there. >> Ellis: Do you know that site off the top of your head? >> If you googled green infrastructure working group Austin, you would hit that site. >> Ellis: It's great to know there's that much community input as a background to the things that you proposed. And I appreciate your willingness to think outside the box to follow our council direction. I know, you know, it took us a long time to kind of work through that and there's some really good ideas that you all are really sticking to, which I very much appreciate. I do want to speak a little about sos amendments being proposed. And I'm generally on board with anything that gets us better water quality, but because we've been talking about things like missing middle housing and density

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bonuses for quite a bit longer, I want to make sure that if we're approaching any amendments to save our springs that we have time to talk about it, to ask a lot of questions, make sure that we're really on board, like Greg was saying if we're working toward nine, hopefully 11 votes, there's going to be a lot of questions, good discussions and I want to make sure we're not rushing through anything. But if there are places where people are leaving subpar drainage situation, you know, as they are instead of redeveloping and trying to get a better storm water infrastructure control in, I would really want to know more about that. Because like you said and showed in the pictures of the HEB at the Y at oak hill, there's some places that don't have it at all and that's not my preference. It's not good for erosion control, water quality, it's not good for the trees that help clean our air. While I'm hesitant to go

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into amendments that major, I think there are good conversations to be had to make sure that we're using, you know, the most modern technology and the best infrastructure improvement concepts to make sure that our ultimate goal of clean water is being reached. And I think you've gotten really creative with the idea instead of each single-family house having to manage and get inspected their own water quality controls, the idea of a few houses getting together to make it happen on a little bit bigger scale, but to make sure it's still getting clean before it gets into the creek is a really good idea. I don't know if I have any more questions, I'm sure I'll have more moving forward, but it's good to know a lot of the stuff you are proposing has been vetted previously. I'm excited you are willing to get creative to make sure we have -- sos levels on a

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much more detailed level and communicate with environmental staff and stakeholders in the community, but I like the ideas you are coming up with. >> Thank you so much. We take the sos amendments extremely seriously. This was a citizen initiative, overwhelming vote back in the day when it was passed. It's a nontrivial exercise to propose something that needs full discussion and we completely agree with that. >> Ellis: It absolutely will and I know with all our different expertises we're going to have really good viewpoints so I want to make sure we approach those conversations in a very detailed manner as I'm sure you all know and do all the time. >> Mayor Adler: So I want to thank you all, manager and the team, for, again, daylighting things so we can see so when the code comes out, we already know a lot of what's it's going to say and show us. That's going to be important

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because we've had six years of conversations on this issue going back and forth and, you know, I think the majority of the council are wanting us to move this forward without compromising the product. So I think daylighting things early will help in that process. I also really appreciate the fidelity to the direction from the council. That seems to be something that's consistent with all of these reports and that's really appreciated. You seem to be applying that and then that's appreciated. Particularly pleased to see, and I hope we see it all over social media that the code improves water quality and reduces flood risk in the city because I think that was something that was really important for the community to know would be

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part of this. So I hope that gets wide play so that people see and understand that. With respect to the three potential sos ordinance amendments, you know, I see how those changes are intended and probable help us further -- probably help us further improve water quality in that area. And that they are intended and it appears would help minimize flood risk in an environmentally sensitive area. But I'll

tell you where I sit right now is we have a limited amount of time to move this code forward, and my -- you know, I think you need to visit with the stakeholders and visit with my colleagues on council in ways that we're not allowed to visit with one another. If there is resistance to these or if there are people that want more time to be able to take a look at these

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or they want greater community conversation, then -- then I would not handle these as part of the code. I would handle them independently and maybe bring them back up early next year when the code is done and we can focus just on these issues. On the other hand, if there is wide consensus on these, then absolutely bring them forward, but I don't -- given the limited amount of time that we have I think we probably should focus if there's an opportunity we should focus on the other parts of the code. Just real quickly, you know, in an ever present desire to do some myth busting and make sure that people in the community are following what it is that's intended, you

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know, I heard some people -- I've read on social media and heard people talking that the code rewrite is going to provide that if the a person owns a burns down or it's destroyed, that they are not going to be able to build back their single-family home. Is that true? >> Mayor, no, that is not true. And just to briefly address that question, the -- when we previously talked about the category of compliant residential use which is intended to deal with single-family homes in the transition Zones, we specified that full ability to build back structures in the event of accidental destruction or fire is fully provided for. In Pons to feedback, in response -- in response to feedback, community concerns, the draft you see in October will go further than that. What we have ultimately

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decided to do in consultation with our consultant Peter park and after a lot of sort of just looking at the practical realities of the existing single-family housing stock in the transition areas is to recommend a proposal that would allow entirely voluntary rebuilds of existing single-family homes. Up to the entitlements that are established in the base residential Zones where single-family is an aloud use. The only sort of phasing out provision of just a single-family single structure housing type would be -- would be that if you increase the number of units, you cannot go back. You could not go back to a single-family home. Additionally there are a couple other, I think, fairly minor provisions. If you expand the lot area of a single-family home, it would become a nonconforming use. But if you keep your lot as is and you have a single-family home, you can add onto it, modify it and

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even rebuild it. So the family with a small 800 square foot bungalow that wants to rebuild their structure would not need to try to carefully fashion that as a remodel, they could just tear it down and build a home. So we've heard the feedback and that will be the essence of the proposal that council sees in October. >> Mayor Adler: So it's not true then that a person whose home is destroyed in the transition Zones are going to have to replace it with a four-flex or a multi-unit structure. >> No, that's not true. >> Mayor Adler: Okay. What if it's not destroyed, what if a person chooses to demolish their own home? Can they replace it with another single-family home? >> Yes, and that's a change from the initial proposal and I think we updated the blog to specify that, but there were real practical concerns, some related to deed restrictions as well as other issues about the difficulties that presents. So that will be an ability for homeowners to simply rebuild their structure as a

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single-family home. If they expand the lot area, that would become a nonconforming use, and if they become a conforming use, in other words, if they create a multi-unit development on site, they could not go back to a single structure. But other than those circumstances, the full rights of existing single-family properties to rebuild and modify their structure are preserved. >> Mayor Adler: Okay. I want to thank the people in the community that raised this issue and this concern, brought it to, I'm sure, every one of us on the dais. Probably you heard it from multiple people in conversations so I appreciate the community weighing in the way they did and I also appreciate the staff in being responsive to that concern and drafting of the code. So thank you for both those. I think there's also consensus on this dais that under our current code, what we're seeing are a number of single-family homes being torn down and replaced with

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larger, more expensive mansions. And I think that the stated desire of the council was to -- to not -- to do something about that, to try to incentivize somehow different kinds of behavior than what we're seeing under the code we have now. Were you able to address that at all? >> Mayor, we think in sort of sketching out different scenarios, I think there definitely would be an option to limit voluntary rebuilds to a certain gross floor area. That would certainly be an option. Given the lateness of the hour relative to October 4th and the publication of the code and the different opinions that sort of animate this issue, we decided for the staff proposal, for the base proposal that's released in October to have a simple approach, but our ears are open and we will be

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listening for feedback and different ways of potentially including provisions that more boldly incentivize production of multi-unit housing stock within the transition areas. We think the proposal that we will provide in October will achieve that objective by relying on sort of the natural incentives of the area to develop to the full extent that's provided, but we think there are definitely the ideas that you alluded to are definitely things that we will consider feedback ongoing forward. >> Mayor Adler: And at the very least in the proposal as I heard you describe it a second ago, the transition zone if someone is tearing down a single-family home wanting to replace it with another single-family home, they are not going to be able to come back with a mansion. They would be destroying that -- delocal -- demolishing the single-family family with no

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more entitlements. >> The proposal you see in October would allow the homeowner to rebuild a structure up to what would be allowed in the Zones where single-family is an allowed use. >> Mayor Adler: Gotcha. >> Somebody to again to the example I described earlier, somebody with an 800 square foot bungalow in a transition area would be able to rebuild a structure that's larger. They wouldn't need to do the complicated gyrations to call that a remodel, they could just rebuild the truck structure to a larger home. In terms of balancing the different directions council has provided, that does not fully, perhaps, implement the direction of sort of limiting single-family in the transition areas, but we believe there are other provisions of the code that do do that and again, we will be open going forward to proposals from council, from the community, planning commission, others, about ways to potentially limit rebuilds to a certain gross

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floor area, things of that nature. >> Mayor Adler: Great. Thank you. Alison. >> Alter: I think dahlia -- >> Mayor Adler: Alison and dahlia. You guys decide who goes next. >> Garza: My light was on first so I'm going first. I had some followups with the -- about the impervious cover and the 45, 50 conversation. Are there any other categories aside from the transition areas that are seeing a possible or recommended increase in impervious cover limits? >> I think we'll bring up one of our planners to discuss that more greatly or in depth, but some of the Zones -- I mean there's brand new names, there's not always a one to one comparison. >> Garza: Okay. But are there areas outside -- are there areas outside transition Zones that may have an increase in impervious cover?

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>> Outside the transition area, I do not believe there's Zones recommended to increase. >> Garza: Okay. Because that will be helpful in understanding, like, a percentage of our -- of our city that's in transition Zones versus a percentage of our city that's not in transition Zones because most of the city is not in transition Zones. Is that right? Like most -- is it fair to say that or do we know that? >> Yeah, currently as we're developing our work, it looks like approximately 2% of the city will compromise the council direction for transition zone. We're not finished the the mapping. >> Garza: 20% of the city -- >> Land area. >> Garza: That's really good information as we talk about increasing impervious cover in one zone which is 2% of the entire city's I guess square footage. >> Land area.

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Square miles. >> Garza: Okay. And so that's why it would make sense that even an increase -- an increase in only 2% of the city of Austin will -- the sum of that means that we're not increasing impervious cover citywide. >> I think so we're going to -- when we get the final maps and have all the final numbers and the dust settles on the analysis, we will be able to look at those, you know, what's going on and what's driving the different changes. And so basically obviously the transition Zones are bumping things up just a little bit. You've got some other Zones actually along corridors where you used to have very high impervious cover like your cs zone in your neighborhoods or along your roadways now, that's a 95% impervious cover. I think a lot of that is coming down. Some of the balancing, we're seeing this come in pretty much similar to what we've got now, if the transition Zones, even though they are pretty tiny and only getting bumped up a little,

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something is actually bringing that back down and we believe that part of that is from the corridors and entitlements and part of it is from other places we need to finalize our analysis before we can tell you impact details, but we can provide that in the status report. The -- exact details. >> Garza: When we talk about impervious cover, we are talking about when it's at its max. >> Correct. >> Garza: Do you all know the numbers like where we are now as far as max anywhere near -- is it possible to know where we are now? >> We have periodically done estimates of current impervious cover levels, and, of course, those aren't maximums. Honestly many, many tracts never can reach their maximum, they have a flood plain, they have a water quality setback, whatever. Protected trees. Things that we care about and don't want people to develop on. There is always going to be discrepancy between whatever

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the theoretical -- the maximum, maximum versus what you could even achieve with the code. So we have done that in -- attempted to do that in the past, but we don't have that information at present for the 235,000 tracts. >> Garza: Okay. >> So definitely a fair task to try to grind through that. It's harder to do than the other analysis. >> Garza: Yeah. And then I guess my two cents with regard to the sos amendments, I think that, you know, if it's for me, if it's simple, and I know not everything is simple, but essentially we are hurting our environment more with the regulations as is even with the protections of sos. If there is something that allows us to -- to better protect our environment, I think that was the whole spirit of sos.

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And so I -- while I agree with the mayor on obviously we need, you know, the nine votes to get there I'm less of a let's wait and we've declared a climate emergency, when we saw youngsters March thing this past weekend to the capital, when we are seeing this discussion, I think now is the time to do things to improve our environment and water quality. And I hope we can -- I hope if there's -- maybe there's -- whatever you can do to help us better understand that would be helpful to get us to because I think that it seems like a very scary thing when we think of sos amendments, but if the reality is we're doing something better for our environment, I don't know how you couldn't get 11 votes on it if we understand how it should be laid out.

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And lastly I just wanted to comment on the mayor's -- the myth busting, I really appreciate that and I -- because I have received those emails and this is more for the public than for you all, thank you for all your work. And it's been really hard to see people really scared because of such misinformation that's being put out there. I mean, I have -- I'm really grateful that I have some of the most amazing constituents who really don't reach out as much as other districts because they are, you know, working class families working hard. And when I have started to receive emails, very angry emails from people saying how dare you support requiring me to build a four-plex on my house, how dare you support requiring me to tear down my home and build an apartment complex,

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it's incredibly concerning. And so I thank you for going out to the community means you've been going out to and please continue to do that and spread that information because people are unfortunately -- there's just a lot of scare tactics right now that are very -- are very unfortunate for people that have their entire wealth built in their homes and they think something really, really bad could happen to it. If there is anything I can do to support you in those efforts, please let me know. >> Mayor Adler: Thank

you. Alison. >> Alter: Thank you. So I appreciate the opportunity to visit with you the other day and as you know I've got a bunch of questions, I have a lot of different watershed regulations in my district that interact with this. I'm trying to understand how this plays out and I'll look forward to diving into that and understanding that better. One of the things that I liked about codenext were

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the redevelopment requirements for the water quality that are on page 8, and I'm glad to see that portion continuing. I do want to just point out in the interest of being transparent with folks that we are talking about the allowable impervious cover, not the actual impervious cover, and this whole exercise is about getting people to build more. And it's not all going to be about building up, some of it is going to be building in places we weren't building. The actual impervious cover that results under this code may still be larger than we would get under the old code. And I think just to be clear that we're talking about the allowable rather than the actual, we don't actually control it, we're trying to create conditions or certain outcomes, but that is a distinction I think creates confusion because we are not reducing impervious cover that will happen in the end, we're affecting the allowable impervious cover

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under the code as it evolves. I wanted to understand a little bit better about some of these unit requirements, and I'm not trying to get into the myth issue. I'm concerned that we may be giving additional impervious cover and still getting big apartments or just trying to understand if there are differences. So I think I heard you say that if you rebuild a single-family and a unit that is the r4, that you would have the same requirements that would be under the comparable single-family zone. But more broadly than just if you were doing the single-family, if we anticipate increasing the allowable impervious cover beyond what is allowed on that site today, will there be a unit threshold for accessing impervious cover. If you can build a duplex

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with sf-3 and tomorrow that site is zoned r4, will somebody be able to increase the impervious cover even if they old build a duplex or three units rather than four? >> So we really appreciated you bringing this up the other day, and I think we need to talk with the team, but I think -- so the idea was if you've got a r4 zone and you are allowing up to 50% to allow that flexibility to get the four units, that's not needed if you have it below that threshold if you are just coming you in at two units or one unit. I think that's something we'll want to look at and make sure that we think through for the code, right? Because I think we would want it to look more like a r2 level at that point. >>. >> Yeah, that regulation is still

developing and it has come up in discussions so we're looking at that closely and we can circle back. >>
Alter: Okay.

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Thank you. But then also to the question of what you are allowed to do, and this is not so much about the impervious cover, but if you are zoned to an area that's now four units, we've said you could build single-family house. Can you build two units if it's zoned for four? >> I think the answer is yes, but -- >> Yes, the answer is yes on how it's written now. >> Alter: Okay. Thank you. With respect to the sos changes, it's my understanding that if you go back and you look at codenext and the faqs, there were statements made over and over again we were not going to be changing the sos ordinance. I understand the rationale for -- that's being offered about why we want to consider it now, and I'm going to definitely need a lot of data and information and time to be able to be comfortable with any changes to that. But I'm curious if you've met with advocates in the

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environmental community about the sos proposals and what if any concerns did they raise. >> Yes, we have had one meeting with them recently. We've, of course, met over time about multiple of these issues, but more recently we did talk about the specifics of this -- of these proposals. And they brought up some concerns they had in the past, you know, regarding sort of numbers of residents or car trips and other things like that that they brought up in the past. >> Alter: Can you be more specific? >> Let's see. I'm trying to think if one would be -- so with the redevelopment exception, I mean very few landowners are probably going to take an old beat-up strip center with a lot of impervious cover and replace it with something identical in size so they would probably come in with something that has more activity and use and housing. That's one of the reasons we wanted to bring it back with this code change. The council asked for a

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redevelopment exception analysis as well, but we believe we would be able to provide -- the community would be able to provide for more housing and more options on these properties if they did have this redevelopment exception. If it were made more possible to use. But some of the folks in the environmental community have come forward and said we don't agree, we think that's -- we think they should use the whole site. We think they should -- we are concerned that the amount of the activity is going to increase on the site and therefore cause more issues. >> Just to rat a state the concerns I heard, there was a concern by allowing partial redevelopment we would not achieve complete redevelopment

of the site. There's a tradeoff to be made. Do we wait until market forces basically drive redevelopment in full compliance with sos which we

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haven't seen up until now or try to get that today by allowing partial redevelopment. Two as Matt alluded to does that additional density that could be facilitated taking advantage of the exception bring additional nonpoint source pollution issues, more wastewater lines, more fertilizer being applied, that sort of thing. Another concern we heard was specifically related to payment in lieu for -- the benefits of providing onsite in exchange for payment in lieu. The third one is the amendment necessary to achieve some of the city's goals with respect to missing middle housing in the Barton springs zone. I think it's some of the exact questions you just asked of the feasibility of achieving the higher unit count. >> Alter: Thank you. I'm sure we'll be hearing from folks on that, but I

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wanted to bring those out a little bit. With respect to the lot to lot flooding, which I hear about in my district, the proposal is to rely on the plumbing code to be able to then enforce that [inaudible] After it's built. I understand the innovation that is involved in that. I am concerned about ex post-enforcement mechanisms that require people to be knowledgeable enough of the law to know there was a code they could an even forced against their neighbors but it's already built and where does that leave folks had are then experiencing flooding from new construction in their neighborhood? And I would really like to Mike sure you are going to present us with some clarity on how that would work and play out because I have seen a lot of problems with enforcement over things that

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should be a lot easier to enforce perhaps than that. Like ftrs or traffic enforcement that the city is not really good at some of these kinds of enforcement activities and there is a certain amount of security that comes with believing that this is already baked into the permitting process and the health and safety standards that we have for our community when they go forward. I'm going to really want to understand that better for the lot to lot. One thing we didn't talk about that your discussion of the procedural appeals raised for me is I have a lot of grandfathered properties and it matters if that site plan gets extended tremendously for the environment and tremendously for other things. And I don't know that I would be comfortable with that just being this the procedural decision that has

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this automaticity. So I'm going to want to understand how that interacts with lots of properties that has all sorts of grandfathering, how that impacts with puds and other things in my district. >>

Councilmember, we'll describe that more fully in the staff report as to the proposals there, but I think principally one of the proposals with respect to appeals, and again it really comes down to an efficiency and cost benefit analysis is the one-year extension that can be given administratively to applications and whether that or to site plans and whether or not the granting of that one-year extension should be subject to appeal. So I think that's the clearest example where we've decide -- dialed back. With respect to nonconforming uses, it very clearly defines the process

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for appealing decisions about whether a use the nonconforming, what the extent of redevelopment is on a site that's nonconforming, and so I think hopefully there will be things that speak to your concerns with respect to those sorts of appeals, but there are some procedural deals that you alluded to that we're recommend to go dial back and I think that will be clear when the staff report comes out. >> Really quick note on the plumbing code, we are going to be talking with the code department as well to talk about enforcement post-construction. So we can report back on that after we've had more discussions about that, that possibility. Because we are concerned something might not be discovered until after the certificate of occupancy was actually, you know, obtained and somebody was already moved in and so forth. There's more to discuss on that. >> Alter: When it does rain, it rains a whole lot and if you said within six months you had to do it, it may not rain and there's

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some nuances there that raise concerns. Back to the procedural appeals, I'm going to really want to understand that. I've got these very weird situations grandfathered all over my district and I don't really feel like we should be automatically extending things that give folks the ability to have grandfathered rights to override our vernal regulations that we have -- environmental regulations that we have everywhere. Thank you. >> Mayor Adler: Leslie. Sorry, Jimmy. >> Flannigan: Thank you. Thank you all for your hard work on this. I know this part particularly was difficult to work through so I really appreciate that. And thank you, mayor pro tem, for what you said. I agree with you about that. I'm having similar situations for my district which for different reasons does not engage as much, but also a lot of misinformation reaching people that is not productive to what we're trying to accomplish. Just a couple of comments. I think the enforcement

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piece is important to understand. I would expect that anything that's in the code is enforced, whether it live in the plumbing code or zoning code or whether it lives anywhere. So understanding that better is going to be helpful. I don't think str degrees and traffic enforcement are fair comparisons, very different types of enforce the challenges but it will be good to know what the enforcement process looks like. And in terms of the impervious cover, you know, I want us to be really careful when we start thinking about what advocates are saying. You know, there have been advocates in this community who have told -- who have said in the media that all new development should go in the green field. I certainly have not forgotten that and I don't think anyone on council is saying all new development should go in the green field, but some of those environmental advocates are saying that. It's important to be clear what we're trying to accomplish with this code is improved environmental quality through this chapter, improved water

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quality, improved flood risk, while we also achieve our housing goals. And what I'm hearing from staff through this series of presentations is that we can actually do all of those things. And whether or not we can take up sos amendments now or later is kind of not as important to me. I think anything we can do to improve environmental quality is going to be a valuable step that we should do. So thank you all for that and I guess that's all I have to say right now. >> Mayor Adler: Leslie. >> Pool: I really appreciate the changes that were made about the number of units that would need to be built if you were pulling down a single-family home. I know we had in our guidance document the specific that four units on a house scale would be required and so forth and it really did create a pretty big -- a lot of head winds about people feeling like they weren't going to be able to manage their personal property, their own property, their real estate the way they would like to.

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So that was a huge shift and I really appreciate staff's nimbleness and willingness to acknowledge what was being said and the concerns that were being raised, so thank you all very much. On the impervious cover piece, I also want to just remind us that in the guidance document again we talked about the flooding and the mitigation was going to be calculad by individual watershed and not by the average over the entire city. And so it's in here a couple of times and I just want to reconfirm and reaffirm that that is -- that's the basis because it's going to be different in the shoal creek watershed than it might be in the Williamson creek watershed so we need to keep them separate and we'll have separate calculations. >> That's correct. Where we'll deliver both the citywide and watershed by watershed. >> Pool: Do you have a sense when we might see the maps of the aging and undersized infrastructure and the water pipeline maps? Any ideas?

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>> Let me turn -- >> In a week or more. >> Right. >> Pool: I'm sorry? >> Probably in one week. >> Pool: Oh, great. >> We'll put some caveats on this. This is engineering data that's used as a step one to actually make a determination and it's unfortunately pretty easy to misinterpret if you look at it. >> Pool: Then on the sos -- yes, please. >> Watershed protection department supervising engineer. We have 1100 miles of data in the city of Austin. We have modeled about 900 miles of that so we'll have that data available readily, we'll have data showing where it's located, but we don't have any capacity information on that. >> Pool: But it sounds like you are doing a really good job of getting that modeled and up to date. >> It's been a seven-year and he -- effort.

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But thank you. >> Pool: That's necessary for us to know what we're looking at. The one thing I just remind myself about and when I look at projects that come to the council for -- and variances that come to council, we know we have rules and regulations and restriction, but we also are the appeals process and variance process. So a lot of times what starts off as one thing ends up as something completely different. And my real, I think, justifiable concern about digging into and opening up any of the sos amendments is that we can say that we think that we are going to have really strong requirements and we're going to change things and it's all going to be better, but the fact is if we as individuals who are in the position whether it be at the staff professional level or the policy level of the council, go ahead and allow somebody to do something that's beyond what the regulations require, then --

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which happens frequently, and then we end up with losing the robust nature of the -- the regulations and the rules that we had put in place in the first instance. If we had guarantees that there would be no sliding down a slippery slope of loosened ordinances and restrictions then I'd say let's really open up that and look at it because maybe we will get -- I mean, it sounds like -- and my rationale brain tells me you're right, it would be better, but the fact is there are no assurance that's more wouldn't happen and it would end up being worse or that we would end up with all kinds of unknown at this point ramifications and I'm just not ready to go to that place just yet. So. . . >> Mayor Adler: Okay. Any -- >> Can I clarify one thing on the impervious cover, mayor, please? In answering your question, mayor pro tem, the zoning

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districts were collapsed from our previous work and don't match, and they don't match exactly to the zoning districts of today. To answer the question did any other -- was there an increase in any other zoning district, the correct answer is that the new zoning districts that match what we know today, some went up slightly and some went down slightly. For example, along the corridors the new zoning district went down by 5%, whereas some in the missing middle went up so overall in the new categories you're going to see a balance and that's what we're trying to do really hard in staying consistent to the council direction on the impervious cover with the new zoning districts in staying under, and that's all the records that watershed has and running. We've been giving them iteratively our new calculations because we're really trying to match the new zoning districts by modernizing the code to the product for that missing middle and also look at

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complete communities as councilmember harper-madison pointed out. What is the product that's needed to create a modernized code and what is the impervious cover through testing that is needed to create the -- that square footage or that many units, and so what you'll see is a balance, and we're really trying very hard to keep it decreased overall and by watershed. So thank you for letting me classify that answer. >> Garza: I had a quick follow up. So you said that you're also going to provide per watershed the percentage of -- it would be nice to know the percentage even per watershed because my assumption is it's a small percentage where impervious cover has -- tracks that impervious cover will have increased. So you're going to do that by watershed? >> Correct. We'll look at each parcel within each watershed and aggregate those together, so onion creek, Williamson, et cetera would all each have its own accounting.

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>> Garza: Okay. Thanks. >> Renteria: Mayor. >> Mayor Adler: Yes, Mr. Renteria. >> Renteria: I just want to say thank you for the presentation. It was very informative. I had a lot of questions, but y'all answered so I didn't have any questions and I'm glad you answered some of the myths that's out there. You know, I've heard it also, and it's not true. You know, we -- I have been to -- visited many other cities that are having the same problem we're having. Some took the opposite direction and you see the sprawl that's gone out there. And it's even worse for an environment because they're outside the city's regulations and that's always been the big problem of having these kind of developments out there where, you know, that water is gonna run off that and it's dirty and they don't have water quality plans, they don't have retention ponds and it comes down in through Austin and further down the city, it's causing a big problem in the environment. And so I really want to

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thank you all for looking into all of that. >> Thank you. >> Mayor Adler: Great. Thank you very much. Manager, you want to close us out? >> I want to thank mayor and council for this discussion this afternoon. As was said at the beginning this is the last special called before release of the code next month. I will note we have a work session next Tuesday before council meeting on Thursday so on October 1 I will regroup with staff to see if there's any other items we want to bring forward to that work session as well so we have one more chance to have any dialogue as needed but I want to thank everyone for their conversation today. >> Mayor Adler: Anything you might be a surprise, let us know. And with that, it is 4:04 and this meeting is adjourned. [Adjourned]