

## City Council Special Called Meeting Transcript – 12/9/2019

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[10:19:52 AM]

>> Mayor Adler: All right, colleagues. We have a quorum. Let's go ahead and get started. Today is Monday, December 9th, 2019. This is the council meeting. We are in the council chambers. It is 10:19. City council, 301 west second street here in Austin. We had had on here two basic agenda items, the land development code discussion, as well as the motel. We're not going to be discussing the motel this morning. There were some emails that raised some questions. So we're going to hold that until tomorrow or at least not cover it now. So we'll put that back to later in the day if it comes up. Yes.

>> Kitchen: I just wanted to ask a question, you know, I'll defer to mayor pro tem, but I'm wondering if we might consider bringing it up later today if we can address some of those concerns.

>> Mayor Adler: If we can

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address the concerns we'll bring it back up.

>> Kitchen: Okay. I'll visit with you about it.

>> Mayor Adler: Let's see if we can address the concerns. That gets us to the land development code portion of this. We have some people who have signed up to speak. Not many, just four. So let's go ahead and call those speakers up and then we'll talk about how we're going to proceed. Is Paula Kothman here? No? What about Carlos Bonilla?

>> [Inaudible - no mic].

>> Mayor Adler: And what about Ryan Beardmore? Is Ryan here? Why don't you come on down. You have a minute and you can talk to us. Thank you, sir.

>> Thank you, mayor, mayor pro tem and council. My name is Ryan Beardmore,

[10:21:54 AM]

I'm speaking on behalf of property and transition Zones both in district 4 and district 9. And I would like to first thank staff for their hard work. It's clear to me that they've done their best in this expedited time frame. In ladders to the Leed rewrite, I want to echo the concerns of the planning commission. Please consider county may trick components of the transition Zones as it pertains to mapping. Please consider an appeals process of U.S. Map amendments and requests were submitted online per the city's line no response has been provided such and to my knowledge no update has been provided to council on those zoning changes, particularly after the dozens of global amendments to the code have been approved and discussed. Please continue to help with the objectives to the rewrite. Be achieved by providing an efficient and cost effective appeals process as well as a clear, streamlined cost

[10:22:55 AM]

development process. Thank you.

[Buzzer sounds]

>> Thank you.

>> Mayor Adler: Again, is Carlos Bonilla here? Colleagues, as we have said we will keep sign-ups open until 3:00 and let them come and have a chance to speak to us. Those are all the folks signed up here on the first couple of items. That have signed up to speak. Okay. And also on number 1 you might want to mark that the speaker has spoken there as well. All right. I think that we'll get started here this morning.

[10:23:58 AM]

I have spoken with staff to try to kind of figure out the best way for us to proceed in this in kind of an orderly way that gives everybody a fair hearing on everything that everybody wants to bring. In a second I'm going to ask for a motion for the base motion as we've discussed. That's been sent out to everybody. Without objection, that will then be our base motion. And then what makes sense I think is to just go through everybody's filed amendments. We'll start with district 1 and run through. Almost like a consent agenda. So if people want to pull anything that's on people's pages, we can do that. I think that there

may be some things we can take right away. I think there are some things that some folks might want to make a real minor change. And I was asked the question should we make the minor

[10:24:59 AM]

change and let it stay on consent? I think the easier thing to do is even with minor changes let's pull it and let's take them all in turn. So even with minor change we'll go ahead and pull things. There's been another document that was handed out to everybody -- that was posted this morning. I think everybody should have a physical copy of it. If you don't have a physical copy and you want some, would you hand them to the clerk if we have some? So what we did here is we took all of the amendments that people filed on the message board and then we have copied those items into the base motion by section. So everybody's -- we'll hand those out for anybody that needs them. Everybody will find all of their amendments on that

[10:26:00 AM]

page. Certainly if somebody wants to move something to a different section, then the one we'll put it into not a problem. You can move it into whatever section you would like to have it moved to. And then on the last as we go through these, we've been noticed to make amendments to the code. We have not noticed this hearing to adopt resolution or directions that are not changes to the code. So it's been advised to us so we don't run afoul of a meeting notice provision that things that are more problematic ordeal with budget ordeal with other things, that we create a seventh category called programmatic and we take all of those directions or amendments that are programmatic that are not changes to T code, we create a bucket, we put those things in that bucket and we consider all of them

[10:27:02 AM]

before we get to second reading. When we can broaden the notice provision for our meeting. We can certainly discuss them today if we want to and I want to give people a chance to discuss ideas, but in terms of taking action or something, all we can really do on those things today is put them into that seventh bucket, recognizing that all of those will come back before the council when we get back together again. Kathie and then Ann.

>> Tovo: I'm not sure which elements will fall into that, but as they come up I would like to address them one by one because I think in some cases they are intended to go alongside the code direction that we're providing. We're not providing amendments to the actual code, we're providing direction. Again, I'm not sure to which you're referring, but I would like the opportunity to talk about those. I didn't see any direction in any of our amendments. That seemed to me out of

[10:28:02 AM]

line for the very general policy direction that we're providing today.

>> Mayor Adler: Okay. And the goal here is not to stop anybody from being able to talk about anything or urge anything. I want to make sure we're not going to do anything that later somebody could object to and absolutely there's no prohibition on us being able to discuss something. Ann.

>> Kitchen: So the ones that you're referring to as programmatic, are they in this document?

>> They are in the document.

>> Kitchen: Okay. And did you put them in a particular place in the document?

>> Mayor Adler: We did not, just by the subject area. So to to give people the opportunity to make them into code amendments or whatever, but no, we kept everything there so that everything could be seen.

>> Kitchen: Okay. So I concur with councilmember tovo.

[10:29:03 AM]

We'll understand better the question that's being raised about whether they're programmatic as we talk through them. So because I had been thinking in terms that we would address a lot of these today. So we'll just see what they are.

>> Mayor Adler: I'm totally open to that. We just received that caution and I want to make sure that we're mindful of that caution.

>> Kitchen: Sure.

>> [Inaudible - no mic].

>> Mayor Adler: The caution was not to pass things that are not code amendments as was stated on the posting language for today's meeting.

>> Tovo: Mayor, by code amendments I assume you mean direction. It was my understanding that we're not doing amendment. I think I heard you say this did not -- we did not get an attorney-client memo about this?

>> Mayor Adler: We did not, but the attorney can talk to us about it if we want that.

>> Tovo: Is that when who caused the concern?

>> Mayor Adler: Yes, in

[10:30:03 AM]

the conversations that we've had. I discussed with Ann Morgan, but in any event -- let's go with the flow here and let's see how it shakes out. It may not be a big thing at all as we get into it. I'm just kind of flagging that. Yes, Leslie.

>> Pool: I want to flag the second item on our work list, that would be changing the imagine Austin comprehensive plan in ways that would align with whatever amendments or direction are made today because we have not had any legal memos as to the rec Ta 'tude of that act. We do not know what all the legal ramifications of it will be and we absolutely have not talked about it.

>> Mayor Adler: Okay. Before we get started we have one more speaker that has signed up. Mr. Gosling, you want to

[10:31:06 AM]

speak? You have one minute.

>> Thank you, Mr. Mayor, council. I'm here to speak in favor of an amendment as I understand it that is being proposed with regard to the northwest district panhandle. And I believe in consultation with I believe with downtown Austin alliance and with Dana, all three neighborhood associations agree with the concept proposed in that amendment. And in particular agree with the idea that they should work together and work with the staff and follow the council's policy direction to honor the downtown Austin plan.

>> Mayor Adler: Councilmember Casar K.

>> Casar: I've posted that amendment I think as you've

[10:32:08 AM]

described late here. I think that it's a good example of and folks in judges hill talking about parts of downtown, but some need or associated and worked out and so that's on the message board and we can talk about it. And since it's late, I know that there will be a recess between things posted on Friday and these, but as calls came into my office, often times from very different perspectives, I appreciate folks working together to find a path forward, so thank you, Mr. Gosselink.

>> For the record, I'm the vice-president of the judges hill homeowners association.

>> Tovo: And I have a question --

>> Mayor Adler: Mr. Gosselink, come back. And to be clear that wasn't an amendment that was taken up last week so it won't be taken up as we go through our first round of amendments.

>> Tovo: Thank you. I'm glad for that. This is my district.

[10:33:10 AM]

I am very eager. I appreciate you being here today. I have heard concerns about some of the conversations that were Tran expiring and it's not clear to me that this was something that the judges' hill neighborhood association actually voted on and has the support of judges' hill residents. So this is something I'm going to have to spend more time on. I know that you're familiar with it because you've posted it, but again as it is my district, it is going to require more of my time to analyze. But again, thank you, Mr. Gosselink for being present today.

>> I can respond to that, councilmember tovo. Judges hill neighborhood association is in favor of this.

>> Tovo: Have they voted on it?

>> They voted on giving us the authority to follow this particular conceptual approach, which we have done.

>> Tovo: I have heard -- for my colleagues' sake, I have heard concerns from some of the neighbors. As we consider this amendment, I would like to reach out to some of those, which clearly is not going to happen today.

[10:34:10 AM]

>> I am more than happy to discuss it with everyone.

>> Mayor Adler: And mayor, --

>> Casar: And mayor, by first round you mean today, tomorrow, Wednesday this week, but not in the first round of the ones posted on Friday?

>> Mayor Adler: That's correct. When we get through this round I suggest that we recess so people have the ample time to read and also to vet amendments and things that they really haven't had a chance to see yet. Okay? Yes, councilmember alter.

>> Alter: I would ask that in this process --

>> Am I dismissed, mayor?

>> Mayor Adler: You're certainly dismissed. You know, you might have somebody call you when this comes up later, but you are generally dismissed from the podium now.

>> Alter: I would like to suggest that there are some planning commission amendments that I need clarification or that I want to have further discussion on. I don't know that any of mine are the ones -- the ones that I want to pull are

[10:35:10 AM]

huge, but I'm uncomfortable with the notion that they all have to go in the base motion without us having some conversation if we're not all comfortable with some of the pieces of it. We never did have an opportunity really to discuss them before, and there's a few of them that I need some greater clarity. There's a mistake that I found in the -- two mistakes that I found in the base motion that I'm concerned about understanding so I'd like the opportunity to pull those from the base motion just as if they were part of the consent. So I don't know if you're going to incorporate that into the process.

>> Mayor Adler: Let's do that right away. Let's call up the base motion and have conversations about the base motion, our concerns. And then we'll get to the council amendments. Okay? So to start that off -- yes?

>> Kitchen: I just want to flag an amendment that I'm sending down that is new so I expect to be treated the same that we just talked about, councilmember, but I'm going to send it down.

[10:36:10 AM]

I think it's pretty minor, but send it down so we will have it now and I will get it posted on the message board.

>> Mayor Adler: Thank you. So we're going to begin. Is there a motion to adopt the base motion, which is the staff's recommendation, first and second supplement --

>> Harper-madison: Excuse me, mayor, I also have a question about clarification here. So the way I laid out my talking points and questions, concerns, et cetera, don't align with how this process is moving forward. In which case I don't specifically have item numbers to pull each individual item for you. That's not how I laid it out for myself, in which case I just don't feel comfortable moving forward at all. I need a few more minutes to prepare. Is that appropriate?

>> Mayor Adler: It would be. So -- I don't know how -- because everybody has organized differently.

>> Harper-madison: I didn't organize specifically my talking points, questions, concerns, et cetera, by item number as

[10:37:12 AM]

opposed to my colleagues' particular amendments, in which case I literally need to go through a packet and assign an item number to pull the item, given how we're proceeding currently. So I have some concerns.

>> Mayor Adler: Let's talk, because we could easily help with you that cross reference. The first thing we're going to do is go through all the colleagues' pages. We're going to go -- after we have the base motion, after we discuss the base motion, after we've answered questions on the base motion, we're done with establishing the base motion, then we're literally going to go through each one of our colleagues' pages.

>> Harper-madison: At which point it would be appropriate for me to say I would like to pull X and so, X and so, blah, blah, item.

>> Mayor Adler: Exactly. Then we'll go to this other document that has everything on there. Some of the things by section will have been adopted in essence for consent. When we get to those sections we'll be able to --

[10:38:13 AM]

I think this will make sense as we go through. If at any point in the process you say I need to to organize or the like, you will get that time, but let us start because I'm not sure -- I think that it's going to be easy for you to do it the way that you have organized it as well.

>> Harper-madison: Okay. While I can appreciate that, the thing you just said -- I thought you were following one another. I thought you said adopted on consent.

>> Only those things that were not pulled.

>> Harper-madison: That's exactly what I'm saying. I don't have the opportunity to pull my items, in which case are you asking me to vote on consent for items that I haven't had the opportunity to recognize that I would like to pull?

>> No, not yet. Before we take any -- let's not take any votes. Let's just start with going through our colleagues' pages.

[10:39:19 AM]

>> Tovo: I wanted to indicate that I am going to be handing out my amendments. They are the same pretty much as those that were posted on Friday except I've eliminated a few and I've changed the wording of a few.

>> Mayor Adler: So when we get to your page --

>> Tovo: I have no idea how to guide people in going back and forth, but I'll try. I did the same thing. I think we all probably -- I don't know. I can't speak for anybody else. I organized my materials the same way you did. I would ask for a lot of grace here today. If we figure out that we've passed -- that something is embedded within the motion that we had intended to pull, but because of the new organizational system we've missed it that we all support each other and go back --

>> Mayor Adler: Tons of grace today. Tons of grace.

>> Pool: I'm in the same place that councilmember harper-madison and councilmember tovo are. I'm real organized, but not the way you've organized it. So I'm comfortable with vote -- I'm not comfortable

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with voting for anything on consent at all.

>> Mayor Adler: Let's not make that choice until they get there. Let's start with the base motion. When we're done with the base motion then we'll talk about what happens next. Councilmember Casar makes the base motion, which is the staff recommendation, supplemental 1, supplement a, the PC items that were agreed. Councilmember Renteria seconds that motion. So let's now have discussion on the base motion? Councilmember alter, you had some questions about that. If staff could come up to the table. And I'm comfortable with staff sitting up here at the table. If you want to just camp here, I don't know if you want to be back with the team or you want to be up here, if we're discussing something that -- if we're discussing something that

[10:41:21 AM]

you guys think we should hear from you on, jump into the conversation. Don't wait for us to come to you.

>> Pool: Mayor, while we're waiting for staff I have a pack of my amendments on yellow paper to hand out as well that has not yet come down.

>> Mayor Adler: Okay. Are there different than the ones that you handed out -- that you've posted?

>> Pool: I'm handing out similarly to how my colleagues are handing out

[10:42:21 AM]

so that everybody has them. The text for the protest rights direction or amendment is -- which is on page 38. I have flagged that as language to come.

>> Mayor Adler: That sounds good. We'll get to your page in a second and you can walk us through all of your stuff and everybody will get that chance in turn to take everybody through their respective pages. Okay. We have a base motion, been moved and seconded. Councilmember alter, did you want to ask some questions about some parts of the base motion?

>> Alter: Yes. So my first question is on -- let me just say I think some of my other colleagues have some questions kind of more general questions, but I had some questions sort of specific to particular points that I'm not -- that are different in nature.

[10:43:22 AM]

So for T 5 it looks to me like T 5 and T 9 got confused in the base motion in that my understanding is that t9 had, as what the planning commission said, and I've got to look through multiple places here too, so forgive me. The planning commission for t9 said that we should look at mapping things by parkland where it was large and dedicated a and that was put in under what t5 is doing in the run of show. And I am working off of the base motion that should have been done last, which said for T 5 zoning map that read read of substantial size or programming with consideration of safety and it says staff will review

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centers for additional opportunities to maximize the opportunities of transition Zones. And then for t9 it says zoning map transition areas near parkland. There is no PC intent listed there. And then staff will review the application of new transition Zones to areas adjacent to parkland in high opportunity areas. So there's two parts to this. I'm trying to understand what t5 is supposed to be and then I'm trying to understand why t9 says adjacent to parkland and high opportunity areas when there was very specific direction from the planning commission that it should be near dedicated parkland of substantial size or programming with consideration of safety, which says nothing about high opportunity areas and also is more circumspect.

>> Mayor Adler: Colleagues, what I was

[10:45:23 AM]

looking at on page 8 of 39, which is the base motion, but also pulls in our a amendments, but if you look at page 8 of 39, the base motion itself -- yes. If you look at page 8 of 39 our amendments are in blue, but if you look at 8 of 39 there is at the top of the page a 25 zoning map -- t5 zoning map and a t9 item. Those are the two that councilmember alter is now raising. Does that make sense?

>> Pool: I'm not following. I'm looking at page eight of 39.

>> Mayor Adler: Then at the very top it has staff response in the far left-hand corner. Do you have that?

>> Pool: I've got it right here. Eight of 39. Staff response.

>> Mayor Adler: If you look below that PC t5. So the ones that councilmember alter has raised questions about here is the t5 and the t9 just

[10:46:25 AM]

below it.

>> Pool: So councilmember alter's pulling --

>> Mayor Adler: She's not pulling, she's asking a question about those and now staff is going to respond. I was just trying to locate everybody. Go ahead, please.

>> So my understanding, councilmember alter, apeek Beaudet, city of Austin -- annick Beaudet, city of Austin. These two recommendations, staff did support them and there is a nuance there that you have picked up on so let me see if I can explain it. So transition area near parkland is how the planning commission described that recommendation, and the description says -- the staff response is that staff will review -- this is t9. Staff will review the application of new transition Zones, which is the zone that we use in the transition areas as r4 and rm1, to areas adjacent to parkland and high opportunity areas. And so we are not wanting to

[10:47:35 AM]

apply transition Zones near parks. I think they missed that with missing middle Zones near parkland, looking at that as an opportunity where we could follow council's may 2nd direction for more missing middle in high opportunity areas, they had a criteria to have us look at parks B they miss named it as transition areas, as we've been applying it adjacent to corridors so that's not the intent. The intent is just to look at what missing middle Zones could be added around parks per planning judgment. And we said we didn't oppose that.

>> Alter: Okay. But that's not getting at they wanted to put them near parks that were of a certain size and that were dedicated, and that has nothing in there and it doesn't say -- I mean, this says parks. It doesn't say parks of a substantial size. It doesn't say that. And that was not the direction of the planning commission. I understand the nuance with

[10:48:37 AM]

the transition areas versus mapping the Zones there, and I understand you're saying you want -- that you're interpreting their direction to be for achieving high opportunity. We can have that discussion, but this is not the same thing as what they said. It is much, much broader. And I find it rather rousing. Then I also don't understand what t5 is supposed to be. And maybe we should just pull those off of the base and staff can come back and tell us what those are supposed to be and address the concern and give us something that we can vote on rather than having to resolve it. I would have liked to have been able to share this with you sooner, but given the time I had no choice but to bring it up in this forum, so I apologize for that. Ordinarily I would have done

[10:49:37 AM]

it in a different manner, but I also discovered this morning.

>> Councilmember alter, I think -- Brent Lloyd with the Idc team. I think that there are -- it's not uncommon that there will be PC directions that sort of slightly differ, but pertain to the same subject and point in slightly different directions. And I think the bottom line is if these recommendations are adopted by council as part of the motion, staff -- it would be staff's intent to work very closely with the parks department to set an amendment size threshold and we definitely think that the acreage of the park is going to matter significantly in terms of how the missing middle Zones are applied. So I think that would be -- we can say on the record that it would be our intent to look at acreage and to work very closely with the parks department in terms of sort of balancing all the criteria for where it's appropriate to map missing middle in high opportunity areas.

[10:50:41 AM]

>> Alter: I appreciate that. I hate to vote on something that doesn't say that. For t5, since you don't have it in front of you, what I had was increased depth in transition areas where conditions exist for maximizing density and high transit transit co-exist, these are areas where the corridor serve as transit routes and imagine Austin centers with high end density rms. I think if we could pull these out of the base and staff could get us back on what the true intention is and we can vote on those, that would be better. It's difficult to have a document when we don't know what we're voting on.

>> Mayor Adler: Councilmember Casar.

>> Casar: Mayor, I'm fine with pulling these and having them be discussed in their respective areas. However, I -- I want to express some discomfort of asking staff to draft amendments unless it's some sort of correction. With time and grace and

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knowing that we didn't have as much time as necessary, if councilmembers want to propose something that staff can produce, I'm comfortable with that. If there's an error I'm fine with staff addressing that.

>> Alter: So there is an area. There is an area here in that our T 5 that is presented here is T what maps up from what I can tell unless I'm wrong, which is possible given the amount of time I had, doesn't match up with what the planning commission recommendation was, so we're not voting like that's an error. And they put the explanation of the intent of the planning commission for t9 into Ta # so I think --

>> Mayor Adler: So I'm going to go ahead and pull.

>> Casar: That's why I wanted to lay it out to say if there are errors I'm comfortable with staff bringing those increases forward. If it's not an error and instead staff recommendation is a certain thing in response to planning commission, I'm comfortable with that. And I wouldn't want to ask staff to change their recommendation. Instead, in any of these cases I think it's

[10:52:42 AM]

appropriate to amend. So I'm not disagreeing with you, I'm saying there are two categories for me.

>> Mayor Adler: My belief is based on this conversation that we want to make sure that we adopt something in the base motion that accurately reflects what planning commission had in Ta and t9.

>> Casar: No, I don't think that's correct. I think I would like for it to be -- if planning commission voted for something and then staff took part of that and said we recommend this portion this way, then that's what's in the base motion. We're not starting to incorporate exactly planning commission. We want to incorporate it as staff laid it out.

>> Mayor Adler: Having heard the questions that were asked on t5 and t9, would it be best for us to pull these and let you have a chance or are you ready to --

>> Lindsey Garwood has further reviewed the PC recommendation and has a suggestion.

>> Mayor Adler: Okay.

[10:53:43 AM]

>> Lynndie Garwood, planning and zoning. So reviewing the planning commission report, it does look like t5 is supposed to say increased depth in transition areas where conditions exist for maximizing density where corridor centers and high capacity transit co-exist. These are areas where imagine Austin and tpn corridors also serve as high capacity transit service routes and interact with ia centers and rm and rs transition Zones. And map additional missing middle near parkland of substantial size or programming with consideration for safety. So when -- I believe that when staff was compiling our staff recommendation report, which was the foundation for the base motion, those numbers just got mixed

up. And the base motions are supposed to be what is read from the planning commission report. Staff agrees with those two recommendations and supports those.

[10:54:43 AM]

>> Mayor Adler: Okay. So if you could hand us out an errata sheet that indicates what the changes are to t5 and t9.

>> We can get that to you.

>> Mayor Adler: The base motion will contain the language that was contained in the PC report if you can get us an errata sheet. That's oh how we'll handle Ta and t9 moving forward.

>> Alter: Thank you. I appreciate that clarification. I wanted to make sure that we were proceeding. And then I had a question on T 28, if I can figure out where that is. Don't ask me where it is in this document because I don't know. It has the process working group, conditional use permits, consider clarifying that to the extent appropriate cups and mup's only have the site characteristics to the use and not all code

[10:55:44 AM]

requirements. Consider posting for cup and nup reviews. My question here is there's a number of PC recommendations that say like consider doing xyz. I would like to have a report that comes back when we -- I don't know how to put this in a direction, but I think when this comes back for second reading we need a report of how staff handled things, when the direction was consider and why. I don't know how why in the context of what we're doing to provide for that possibility but there's a number of things where I'm happy to have us consider it and see if it's a good idea or not, but I want to understand and have a lot of clarity when it comes back as to what happens. So can you speak to that process?

>> Councilmember alter, that would be our intent.

[10:56:44 AM]

Whenever there's -- whenever we're requested to use professional judgment in implementing any of these motions, we will definitely provide a narrative report that explains the guiding factors. And I think this recommendation in particular, which goes to kind of the heart of public process and mups are a new tool introduced in the code and I think they warrant careful review and discussion. So we will definitely for this item as well as all others that use the word consider, explore or anything similar, we will explain the thought process behind the recommendation.

>> Alter: Okay. I'm not sure that I have any disagreement with T 28 per se, there were a number of those that kind of bothered me. And I think the last one that I wanted to talk about was r22.

>> Mayor Adler: By the way, commissioners, P 28 was on page 35 of 39 of that page because it was process.

>> Casar: I asked if we're

[10:57:46 AM]

getting the paper.

>> Mayor Adler: Colleagues, the -- councilmember alter raised a question about P 21, down in the process section. It appears on page --

>> Alter: It was P 28.

>> Mayor Adler: P 28 is on page 35 of 39. And it's just one of many things that say consider. And I appreciate that the staff will come back and tell us how it resolved all the "Consider" elements. Councilmember alter.

>> Alter: The last question I had here for the planning commission items was r22. This is the garage F.A.R. Exemption. It says in calculating F.A.R., allow a garage, carport exemption of 200 square feet per unit. This would be under the residential one. I'm not sure where it falls in the document. Maybe the mayor can --

>> Mayor Adler: R22 is on page 2 because it's in the

[10:58:49 AM]

section on residential.

>> Alter:thank you.

>> Tovo: I'm sorry. So I'm working off of PC recommendations, including the ones I have questions about from kind of a list of PC recommendations so I need to go a little more slowly if we could.

>> Alter: Sure, r22, so it would be the residential section.

>> Tovo: [Off mic]

>> Alter: It says if -- it says it's a garage F.A.R. Exemption, in calculating F.A.R. Allow a garage/carport exemption of 200 square feet per unit. I wanted to ask staff, I'm not understanding the benefit of this exemption, so why would we want to exempt garages from the F.A.R. And encourage the use that have space for cars rather than for living.

>> Casar: If I may, I have an amendment on this that I

[10:59:50 AM]

imagine we're gonna -- I have an amendment to amend this, and so my question is, should we -- can we handle this during the councilmember ones if we're gonna be asking about something in the base motion that actually is gonna be addressed later in the day?

>> Mayor Adler: Let them answer the question from a policy standpoint and obviously this is something that is subject to an amendment so we're going to come back and discuss it at more length when you bring your amendment. But can you answer councilmember alter's motion?

>> The reason we were supportive of this amendment from planning commission is primarily because we heard from the community that by exempting garages completely from the F.A.R. Calculations that would incentivize people to build two or three car garages, larger garages than what we're really aiming for and the goal that we were trying to achieve would actually not be --

[11:00:50 AM]

[indiscernible] By excluding it from F.A.R. Instead this is an amendment where it would put garages back into the F.A.R. Calculation, but basically subtract out a one-car garage of 200 square foot exemption is approximately one parking space, so it would really incentivize building one garage and anything over a one-car garage would count against your F.A.R. It's, again, if you're going to go build a garage we just want it to be one.

>> .

>> Alter: And the current base document has -- allows for garage exemptions for the whole amount right now?

>> The current F.A.R. Calculation garage is excluded completely from calculations.

>> Alter: And attics are --

>> As are attics as well?

>> Alter: Okay. I just want to say I think this is moving in the right direction but I don't think we should be giving any exemption at all and I have an amendment that asks them to consider that. But it's helpful for me to

[11:01:51 AM]

understand that this was moving in the direction that I had wanted but maybe isn't going far enough in that regard. So thank you for the clarification.

>> Mayor Adler: Okay. Any other questions with respect to the base motion? Councilmember Casar.

>> Kitchen: So can I understand then this item, r22, we have basically pulled because we have amendments for it and we want to discuss it further so we're not keeping it in the base motion at the moment.

>> Mayor Adler: What I would do is I would keep it in the base motion because it's easier recognizing that we're hearing at least two amendments to this section.

>> Kitchen: Okay. So I guess we're saying the same thing.

>> Mayor Adler: Then you would amend the base language motion here.

>> Alter: I would say both of our amendments go in this direction, so ours would be both going further than this one.

>> Mayor Adler: Right. Hopefully we'll be in agreement on this one. Any other questions on the base motion?

[11:02:53 AM]

Yes. Councilmember tovo.

>> Tovo: Yeah I'm still trying to organize.

>> Mayor Adler: Want me to go to [indiscernible]

>> Tovo: Well, let me -- I can pull one of them for now, and that is nr1. But I don't know where that is in your list. This is two uncap F.A.R. And bonuses to remove the maximum F.A.R. And the bonus configuration of all mu and rm Zones.

>> Page 6 of 17.

>> Tovo: Thank you.

>> Mayor Adler: I'm sorry. What number was this?

>> Harper-madison: Page 6 of 17.

[11:04:04 AM]

>> Mayor adler: I'm sorry. It was nr what? Nr1, okay. So nr1, uncap F.A.R. And bonuses? Is that the section?

>> Tovo: Yes.

>> Mayor Adler: On the 39 it's page 13 of 39, and you can see two-thirds of the way down nr1. Okay? I'm sorry. Go ahead.

>> Tovo: As I understand the planning commission motion this would apply to properties that are proposed for rezoning within the transition zone, including rm1. Is that correct? I need to understand what the impact of this --

>> There is an rm zone that is used in the transition areas, which is rm-1?

>> Tovo: So this would be -- correct. This would be allowing it to have unlimited F.A.R.?

>> Is correct.

>> Tovo: I'm going to make an amendment.

>> Height would be the governing factor per this

[11:05:04 AM]

planning commission and impervious cover per this planning commission recommendation.

>> Tovo: What do you mean about impervious cover? What did you say about --

>> Impervious cover and height [overlapping speakers] Would still apply and be the governing factors with regards to limiting what could be done on the site in addition to other -- some other things but far would not be -- was the intent of the planning commission and staff did not oppose.

>> Tovo: What did staff not oppose? I mean, these are supposed to be house scale Zones. These are currently in many cases one of two lots on it. Why are you supporting unlimited F.A.R. In those categories?

>> So the only -- the only rm that's in the house scales category is the rm-1, and we can definitely consider slightly adjusted situation for it because it's kind of a unique case of the rms. The rest of them are

[11:06:04 AM]

slightly larger scale and obviously scale up to rm size. Staff was not opposed to this just because F.A.R. Is just one of the governors to size and bulk of a building. There's other factors that also weigh into it but F.A.R. Is one of the limiting factors to unit production as well, so if the planning commission recommended that for the bonus we unlock that inhibitor to unit production, staff was not opposed to that, but I do recognize the rm-1 is a little bit of a unique case because it does fit into that other

category of missing middle whereas the others do not. I think staff would support treating rm-1 a little differently from the other rms.

>> One other comment is that the rm was used in our criteria directly adjacent to the corridor lot, which is why we also felt that the scale was maybe a little bit

[11:07:05 AM]

different than the r-4, which was closer into the neighborhood. That was another part of it.

>> Tovo: And we'll have plenty of opportunity to talk about that, but as we've talked about, I mean, rm-1 is right in the middle of interior residential neighbors in the ones I represent. I'm gonna pull that. I would like to amend that to remove rm-1.

>> Mayor Adler: Let's do this. We have the base motion. What you're proposing is an amendment to the base motion, so it would then be an amendment that has yet to be posted on to the board, so we will consider this amendment to the base motion as part of the second tranche of amendments, but it's good for you to put us on notice that you're going to be amending -- everything we're doing is an amendment to the base motion.

>> Tovo: I understand that, but I guess, I mean, we have --

>> Mayor Adler: I've described what I --

[overlapping speakers]

>> Tovo: Okay, okay. So when -- okay. So let's just talk about planning commission

[11:08:06 AM]

recommendations and go through again how we're going to handle those. So they are all -- all of those that the staff agree with are currently in the base motion.

>> Mayor Adler: Correct.

>> Tovo: If we want to pull them out and vote and discuss and ask questions --

>> Mayor Adler: And the way to do that would be to bring an amendment to the base motion, as all the amendments are, and then we can vote on whether or not to change the base motion. So all of these are -- that we have -- that everybody has posted last week are amendments in one way or the other to the base motion. So I can't consider what you're raising now because I haven't seen it yet and I haven't thought about it, but you will have the time to bring an amendment to this section, and all you need to do is to post the amendment to this section that you want to.

>> Tovo: Okay. So, mayor, I just want to say we are -- I mean, I have a host of questions about planning, some of the planning commission

[11:09:06 AM]

recommendations. We have not had an opportunity in any of our work sessions to ask questions either of one another or of the staff about these. You know, except for the kind of 13 minutes we were allocated in last week's work session. So I have a large number of questions about planning commission amendments that I would like to ask. I don't -- it wasn't any intent nor was it my understanding but I guess part of the problem is we didn't really have a conversation about our process here today. I posted amendments on things I was bringing to the draft code. I didn't see any -- well, maybe there are some. I think some colleagues posted amendments to the planning commission amendments and others of us haven't. I wasn't prepared -- I was prepared to ask questions and then based on the information to make a decision about those planning commissions. I was not intending -- and I don't know whether my colleagues are, intending to post a new list of amendments based on the answers we get back today to the planning commission amendment questions.

>> Mayor Adler: How about if we do this? I don't want to stop anyone

[11:10:07 AM]

from engaging right now in the conversation about the planning commission stuff. Now would be the time to raise all those things. We can have a discussion about them. You can raise them as councilmember alter did and maybe the explanation satisfies you and maybe it does not. If it does not satisfy you and you think there should be an amendment as part of our process here you need to be able to have the time to be able to propose an amendment to the group to it. But I'm not going to cut off the discussion of the planning commission because that gives everybody the chance to air those and --

>> Tovo: My staff and I don't have the capacity to in the middle of this conversation start drafting new amendment pages so I would ask we handle them the way we usually do, which is to take them up here in conversation. But we can take them up later, I get it [overlapping speakers]

>> Mayor Adler: We can take them up tomorrow too. What I do want to do, if you have questions while you're here, it might educate or inform your discussion. Idea that would be helpful

[11:11:08 AM]

to you, to be able to raise some now because that may inform an amendment that you may or may not want to bring.

>> Tovo: Agreed.

>> Mayor Adler: So you have the ability to raise those questions now.

>> Tovo: So I have some others. Do you want me to continue?

>> Mayor Adler: Yes, please.

>> Tovo: I'll do a couple more and then I'll ask somebody else to jump in. Nr-21, which is to allow hotels through a conditional use permit and mixed use 1 and 2, and the staff have agreed to that. And I would - I have an amendment that's posted on my list about directing our staff to establish minimum residential components for our mixed-use Zones, but I would say that I wanted the staff to explain the rationale here. I'm concerned about it because we are undertaking lots of rezonings and lots of policy direction to encourage housing because of a housing crisis. I am concerned about we don't -- we have pretty healthy hotel industry and a

[11:12:11 AM]

pretty healthy -- and this would seem to compete with the need for residential housing. So I wanted the staff to explain their agreement to this position.

[Overlapping speakers]

>> Mayor Adler: One second. So I think that nr-22 is on page 14 of --

>> Tovo: Sorry, nr-21.

>> Mayor Adler: But I think it's been mislabeled as nr-13. Is that correct?

>> [Off mic]

>> Mayor Adler: What?

>> No.

>> Mayor Adler: On the page 39 -- on page 14 of 39, is it the allow hotels in mu-1 and 2? .

>> Mayor Adler: Cancel? I'm I'm starting to think my colleagues idea about regrouping and coming back is sort of a good idea. We're all working from different documents. I'm sorry --

[11:13:13 AM]

[overlapping speakers]

>> Mayor Adler: Nr13 but is that really nr-21?

>> Tovo: I'm not clear. I believe it's nr-21.

>> Mayor Adler: Number is wrong. That should be nr-21 and that's the one that councilmember tovo is now asking about. It's in the middle of the page on 14 of 39.

>> Tovo: So, again, just to recap my question you to is, this would seem to put hotels in competition with housing in areas where we're trying to encourage housing one our mixed-use Zones, so if you could address those, please.

>> Greg Dutton, planning and zoning. The thought was there's a huge and in for hotels we've seen in Austin and it would help relieve some of the pressure for that. There's competition between strs and holds, so it would relieve some of the pressures for hotels/motels, but it's to receive

[indiscernible] Where it's

[11:14:13 AM]

not currently allowed so it gives some level of review.

>> Tovo: Okay. In this case my amendment would be that we rope this down. So that doesn't seem to be -- we're gonna do it later as an amendment to the base motion.

>> Mayor Adler: That way your colleagues have a chance to vet that and other people, that kind of stuff. Noted that may be an area that you bring an amendment to .

[11:15:16 AM]

>> Tovo: I have another question on a -- so the ones that staff have partially agreed with are not currently in the base motion, correct?

>> Mayor Adler: That's correct.

>> Tovo: All right. I'll [indiscernible] [Off mic]

>> Mayor Adler: Does anybody else have any questions at this point about any of the PC recommendations that were agreed to and made part of this? . Does not appear to be. I don't know if Leslie had some. She's gone off the dais. The fact that they're not raised now does not preclude anybody from being able to raise questions that they would raise at this very moment, no one is precluded from raising questions later in this process. So, Kathie, do you want me to pause and let you look at that list for a second or should we move forward?

[11:16:24 AM]

Alison, councilmember alter?

>> Alter: So for nr-13 on page 14 of 39, it's grandfathered underparked buildings, can you elaborate a little bit on your response and what this actually means? It says create a process for allowing applicants th change of use or minor construction on sites that have not met parking requirements for more than ten years to continue without adding parking.

>> So, councilmember, the thinking there was that there are sites that, because they didn't have parking requirements at the time, typically when they want to change their use they can't do that because they have to come into

[11:17:26 AM]

compliance with current parking requirements. And it just prevents the adaptive reuse of those properties to turn over those properties in a way that would otherwise occur. It prevents that from happening.

>> Alter: So what kind of safeguards would you be putting in? Because there's vast differences for different uses in terms of the amount of parking that they need. You know, something may have not had it and it may not have been a particularly parking intensive use but then you could put a restaurant or something that has a whole lot more use. So what kind of guardrails would you be imagining with this?

>> I think there would be some guardrails. I don't think that we've got -- gonna done to that level of specificity in our thinking. But conceptually, when it was brought up at planning commission, we agreed it was something we should look into.

>> Alter: Okay. So this direction is just saying you should go look at

[11:18:27 AM]

it. It's not telling you you have to do it. It's not -- it's coming up with a mechanism that would allow to do that in an appropriate way? Is that a fair --

>> Right. And then if it was something that we were directed to do today or over the next few days between first and second reading, that's when we would be looking at the specific language on how to implement that.

>> Alter: Okay. Thank you. And then for nr-5 --

>> Kitchen: Mayor, I have a question about the same one.

>> Alter: Oh, sure.

>> Kitchen: Could I ask it?

>> Mayor Adler: Go ahead.

>> Kitchen: Nr-13, then, the way I'm reading it, I'm wanting to make sure that we're not referring to -- I would want to be looking for guardrails that anticipate if a location had not complied and had been asked to comply and was in violation. So I wouldn't want this to be a grandfathering for -- you know, for a circumstance

[11:19:27 AM]

where someone is in the middle of an appeal process with the city or someone has already received a citation or whatever from the city that they're out of compliance and that compliance impacts the use. So I may have an amendment to this one. I'm gonna have to think about this language. I think it's -- I think it's pretty broadly stated, and I have some concerns about that.

>> Mayor Adler: Okay.

>> Councilmember kitchen, I think we would interpret this to mean sites that are legally noncomplying with parking, which means that they -- not that they've illegally not provided parking, but rather when the use was established the parking they were providing was sufficient, so they're legally out of compliance with current code.

>> Kitchen: Okay.

>> We would certainly not read this as any sort of an amnesty provision.

>> Kitchen: Okay.

>> And I think just to councilmember alter's point, where it says create a process, we would read that as a directive to come back with something, but I think

[11:20:29 AM]

that we would -- we would absolutely include some guardrails in it and there would be definitely -- we would explain that to council when it's presented. But this is more than consider. It's create a process. But we would include some restrictions on that, including the one that I just mentioned.

>> Kitchen: Okay. So if what we're -- if what I'm hearing on the record is that you would not read this to include a location that is out of compliance -- I forget how you said it, Brent. You said it better than I'm about to say it. So could you repeat that?

>> Well, there are properties that are legally not complying with current regulations?

>> Kitchen: Right.

>> The term in the current -- in the proposed code would just be nonconforming with parking requirements so we would limit it to that universe of properties. If a property is illegally not providing sufficient parking we would not recommend covering it.

[11:21:29 AM]

>> Kitchen: Based on that interpretation I don't have any amendments.

>> Mayor Adler: Okay. Any other question before we get to amendments?

>> Yes, I startedted.

>> Mayor Adler: Yes, councilmember pool.

>> Pool: First I'd like to ask if we have a crosswalk to assist us -- being able to find in the compiled document the various different numbers and letters are, because what's happening is I'm trying to find - for instance I couldn't find I-13 so I have now found it. But I went through this packet three times before I could find it and I was not able to hear anything about the answers to the questions that have just been asked. So do you have a crosswalk, mayor, of when you put this document into this compilation so we can somehow find by page number where things are alphabetical, please.

>> Mayor Adler: I don't but we'll make sure we don't proceed until we've found it in the document so no one misses anything on the dais.

>> Pool: So I have questions.

>> Mayor Adler: Go ahead.

[11:22:31 AM]

That was not to you. That was to Mr. Flannigan.

>> Pool: I have questions for staff. I'll start with the I, since I brought that up, I-14, compatibility height setback distances. If staff could explain the intent and the impact of this recommendation for us, please.

>> Mayor Adler: Hold on. Which one are you raising now?

>> Pool: I-14.

>> Mayor Adler: Where is that?

>> Pool: That is on page 14.

>> Mayor Adler: I-14 of page 14 of 39. Hang on a second. Let me make sure everybody is caught up here. Okay. Everybody ready? Okay. Go ahead.

>> Pool: So this is compatibility height setback differences, staff supported PC recommendation. There's an intent in the staff response on the top of page 15, and what I'd like staff to do is to explain the intent and the impact of

[11:23:36 AM]

this recommendation.

>> Good morning, council. The intent here is our response to this recommendation is to review applying -- potentially looking at transit orient

[indiscernible]

>> Pool: I know I'm not hearing you so I imagine some of my other colleagues aren't able to hear you either. Thank you.

>> Excuse me. I'll repeat many myself, lacy Patterson, planning and zoning. To review transit oriented developments as we would looking at maybe centers and reducing compatibility based on this recommendation.

>> Pool: Okay. So that's the intent. And you want them to align with other types of

[11:24:37 AM]

developments. Can you tell us what the impact of this recommendation will be?

>> The potential impact could be the mapping of more missing-middle Zones in these areas. And along with the potential increase of missing middle housing and the reduction of compatibility in these areas.

>> Pool: In the staff response it says staff will consider the application of additional transition Zones near tods and centers to reduce the impact of compatibility on these properties. Do we have any more granular information or detail on where those additional transition Zones would be? Which tods and what the impact of the compatibility would be?

>> No, not at this time.

>> We would include that information because this is a consider clause. In the previous response, where we will get back to you with a report where the direction was for us to

[11:25:37 AM]

create a process or consider before second reading. So we would include this, more detail on that for you.

>> Pool: Okay.

>> But the general intent was, as Ms. Patterson pointed out, was trying to locate more missing middle in the centers and relieve more compatibility that we might notice in the centers per council direction.

>> Pool: So that will also include some detail and granular information on what you mean by standardizing the compatibility?

>> Yes.

>> Pool: What those standards would be?

>> Yes.

>> Pool: Okay. So then nr --

>> Kitchen: I have a question about this one.

>> Pool: I'm gonna move on to another one so if anybody has questions on this one.

>> Kitchen: Just a quick question. I assume that this is just a word that needs to be fixed because it says from the lot line of the triggering property provided transit Zones Arend mapped, you meant transition Zones

[11:26:38 AM]

there, right?

>> Yes.

>> Kitchen: Okay. Thank you.

>> Pool: So then nr five and nr\_13, I think we are fortunate in that I found both of them on the same page, 14.

>> Mayor Adler: On page 14, nr-5 and nr-13. Everybody ready? Okay.

>> Pool: On nr-5, can you tell me what nr stands for? Nonrecognition -- non-regulation or non-residential?

>> Nr, non-residential.

>> Pool: Thank you. On nr-5 if you can elaborate please on staff's response to the recommendation here, which is minor changes to bonus heights, pretty news not base height, would help computer more

affordable, parents, income-restricted housing. If you could give us some more detail on that please, what you mean by minor and which bonus heights that are not the base height, and so

[11:27:40 AM]

forth. .

>> I believe that -- and Greg can probably elaborate further, but I believe that staff determined in discussing with nhcd and all the members of the team that providing additional height for these properties would open up development potential, given the sort of way height relates to methods of direction and that in turn might create opportunities to computer more income-restricted units.

>> Pool: Okay. Mr. Dutton, do you have anything more to say? I mean, any detail to give us? It's all very kind of loose.

>> The changes to the heights that were proposed are minor, and I apologize, I don't have that in front of me. So I can't give you the

[11:28:41 AM]

specific changes. We have an exhibit that we could get to you at some point for sure. But the -- conceptually the intent was what Brent described, was to capture more affordable housing and more market-rate housing.

>> Pool: It would be great to get the additional exhibits and maybe the whole dais would benefit. In the the nr-13, I think councilmember alter --

>> Mayor Adler: I'm sorry?

>> Kitchen: Simplify another question on nr-5. So the staff response on that is minor changes to bonus heights. Can you just give us a little more clarification about your thought on the word "Minor"?

>> We will do that. I think the best way would be to get that exhibit that actually shows the actual changes in the heights. My recollection it was from 5-15 feet.

>> Kitchen: So it could be as much as 15 feet in

[11:29:41 AM]

addition?

>> Yeah.

>> Kitchen: Okay. I don't know if I'd call that minor.

>> Pool: I would not call that minor.

>> Kitchen: So you have an exhibit to share with us, then? I'm sorry?

>> Yeah. We can certainly get you the exact changes by district.

>> Kitchen: Okay. That would be helpful to have before we vote on this one because I still have some questions about it.

>> Mayor Adler: Okay.

>> We'll include in the report we were speaking of to consider and create. I'll note it to include that that was a question.

>> Kitchen: I mean, are we going to get that -- thank you. I appreciate that. But we're also going to get the exhibit before we vote? Is that what you're saying?

>> Yeah, we can give you those changes.

>> Kitchen: All right. Thank you.

>> Pool: So let's flag this one to come back to this, mayor, so when we have the additional information to see if we have any additional questions.

>> Mayor Adler: Absolutely. Anybody can bring an amendment to this section that wants to as part of this amendment process.

>> Pool: I'm hoping staff will keep a running list so that everything is comprehensive.

[11:30:41 AM]

I did have some is questions on nr-13. I know councilmember alter brought those up. I was trying to find things in this document, so I missed that. Could you just -- could you give me a summary, please? Nr-13.

>> I think that --

>> Pool: This is allowing hotels in mu-1 and 2. Nr-13?

>> Flannigan: It's actually nr 21 is the hotels one.

>> Mayor Adler: Nr-21.

>> Pool: So it would be nr-21 then.

>> Mayor Adler: Yes.

>> Pool: Now I have to find nr-21.

>> Mayor Adler: Middle of page 14 of 39.

>> Regarding the cups for hotel/motel in mu?

>> Pool: I see nr-13 on page 14 but I don't see --

>> [Off mic]

>> Mayor Adler: Nr-15 should

[11:31:41 AM]

be nr-21.

>> Pool: I'm sorry. It's nr-13, please.

>> Mayor Adler: Nr-13 was grandfathered under parking buildings. It's the one above it.

>> Pool: I see. Okay. Okay. There's two of them.

>> [Off mic]

>> Pool: Okay. All right. Thank you. We'll come back to it for me, too. Thank you.

>> Mayor Adler: Okay. Anything else on this? Yes, councilmember Flannigan.

>> Flannigan: I just wanted to add, it is very easy to find stuff in this document if you just open the document on your computer because you can search for the codes and it jumps right to the page.

>> Mayor Adler: Thank you. Councilmember Tovo.

>> Tovo: I wanted to explain to the public that's watching part of the challenge is that we've all been working from different documents as we prepared our notes for today so I think that is helpful but just understand we're also working from printout documents that we also are

[11:32:43 AM]

trying to crosswalk here.

>> Mayor Adler: Okay.

>> Pool: Then, mayor, I had two amendments to take out of the base motion. Can you remind me on what the decision was on how to handle removing language from the base motion.

>> Mayor Adler: It would be an amendment. First we'll go through the amendments that were found last Thursday. We'll handle all those. Then we'll do amendments that are not filed last Thursday with a potential -- with a break in between so people have a chance to look at those.

>> Pool: Thank you.

>> Mayor Adler: Okay. Anything else on this before we move forward? Okay. That's the base motion. Now we're gonna go into amendments. What I'm gonna do here now is I'm gonna start with district 1. Yes, councilmember kitchen.

>> Kitchen: I just have question about process. We did get a memo on the next steps for mapping, but we haven't talked about it or had any opportunity to ask questions. So will we -- what is your thought on when we have that

[11:33:44 AM]

conversation?

>> Mayor Adler: At the end of this process today.

>> Kitchen: Okay. So before we vote, we will understand what our process is?

>> Mayor Adler: Yes.

>> Kitchen: I don't care whether we do it now or later. I just want opportunity to ask some is questions before we vote on this document.

>> Mayor Adler: That's fine. Okay. All right. So now I'm gonna go through now everybody's pages. And let's begin with district 1. And the question I have is, does anybody want to pull any of these things that are not pulled then would be considered as consent changes to the base document. So, councilmember harper-madison, you had posted a white sheet -- you had posted something on the message board last week. You've handed out today a yellow sheet on the dais. Do you want to explain the

[11:34:44 AM]

difference between the two?

>> Harper-madison: Sure. There's some minor changes. I'd also like to take a moment of personal privilege and just say I didn't realize how unhelpful it was, but when we start out our proceedings with a prayer or poem, everything just feels better. Like, that part missing today has me off. So item number 4, slight change from R Zones and rm to missing middle. Item number 6. Just the direction for staff. In order for staff to implement the adopted council policy direction, item number 7 is an addition, generally, allow cohousing in all R Zones. Item number 9, one slight just -- for grammatical purposes, consider a process

[11:35:46 AM]

that will allow. And then moving down to process to expedite and simplify their development for pard and community groups.

>> Mayor Adler: Okay.

>> Harper-madison: And then lastly, you guys are all looking at it so I won't read it to you, but those are more substantive changes.

>> Mayor Adler: Okay. So does anybody want to pull any of these items? We're just gonna pull them now.

>> Harper-madison: And if I add any clarity just in case this is helpful for any of my colleagues on item 10, what we're talking about is mostly from an administrative perspective, we don't have the ability to take into consideration the most innovative, newest technology available by way of impervious cover, so some things that are in fact pervious are considered as such by way of our administrative definitions.

[11:36:57 AM]

>> Mayor Adler: Okay. The question now is, does anybody want to pull any of these items?  
Councilmember kitchen.

>> Kitchen: I have a question.

>> Mayor Adler: Okay.

>> Kitchen: First off, councilmember harper-madison has a new item here which I am happy to consider right now. I just think that we need to be consistent on whether we're gonna consider new items or not. So I just want to flag that. Then I also -- I would like to pull number 10 just for some more discussion just because I have to think about it. And it maybe okay with me at the end of the day, but I have some concerns about changes to impervious cover. So I would like to pull that one for some more conversation.

>> Casar: Mayor.

>> Mayor Adler: Excuse me. So two different things. First is to the degree that a new concept has been raised in this, we don't want to consider it now so please highlight that.

>> Kitchen: Which I did, number 7.

>> Mayor Adler: All right. So item number 7.

[11:37:59 AM]

>> Casar: Mayor,

[indiscernible] [Overlapping speakers] It's actually just a strike. It's the same as was posted. It's just striking group residential and leaving cohousing.

>> Mayor Adler: It looks like it's the same as number 7 as what was posted on the message board.

>> Kitchen: My apologies.

>> Mayor Adler: I think that one can stay in. I think they're all amendments. Which one do you want to pull, councilmember kitchen.

>> Kitchen: Number 10.

>> Mayor Adler: So we're going to pull number 10. I want to pull item number 6. I have just a minor change to that that I've handed that out on the dais. But I'm going to pull that one. Does anybody else want to pull any others of these? And, again, by waive -- way of grace this doesn't stop anybody from later in the day from saying they missed something, didn't see something or want to change something. All those things can continue to happen, are they? Councilmember pool.

>> Pool: I have an amendment that I think may be similar

[11:39:01 AM]

but I don't yet know because I don't know what councilmember harper-madison is looking for in item 7 on the cohousing in all R Zones. I have facilitating residential cooperatives in the code so I'll go ahead and pass out this amendment.

>> Mayor Adler: Do you want to pull number 7.

>> Pool: Yes.

>> Mayor Adler: Let's pull number 7.

>> Pool: But I don't know if it's the same --

>> Mayor Adler: Sometimes things are being pulled for minor changes or just to be able to discuss in greater detail so let's pull number 7. So far we've pulled six,, and ten. Any others to be pulled? Councilmember kitchen.

>> Kitchen: This is a clarification question, and that's my only reason for pulling it. It's number 4. I have an amendment that might be similar. I'm not sure, so I'm gonna have to think about it. So I just need to pull number 4 for some conversation.

>> Mayor Adler: Let's pull number 4 for conversation. By the way, as we go through this, I am perfectly fine with us having more than one amendment that addresses the

[11:40:01 AM]

same thing. And maybe even does the same thing. Because these are really just directions to staff to what to do. So if two people want to describe the same thing two different ways and we're okay with both descriptions we're gonna pass them both rather than trying to merge them or parse them. Okay. So we're gonna pull item number 4. Four, six, seven, ten. Anything else? Yes, councilmember alter.

>> Alter: So some of these I just need some clarification so I don't know what's appropriate, whether we want to do those now --

>> Mayor Adler: If it's a quick question you can ask. If you think it will lead to discussion pull it.

>> Alter: Okay. Item number 9, on the parks, I think it's a good idea for us to expedite and simplify the permitting process for parks. I don't want to make sure yours will allow pocket parks and parks under a quarter acre or is it only

[11:41:03 AM]

pocket parks.

>> Harper-madison: Forgive me. I just received five different sheets of paper so I don't get lost in all the paper let me --

>> Alter: Sure.

>> Harper-madison: All right. I'm ready. What's your question?

>> Alter: So for item 9 I think it's a good idea for us to expedite the permitting for parks. I just wanted -- originally you had said it was just for the quarter acre and in talking to the parks department there were some -- there was some sense it would be good kind of more broadly than that and I want to make sure yours was kind of pocket parks and parks under a quarter acre or that those -- like the parks under quarter acre wasn't somehow limiting the pocket parks, it was intended to be kind of a -- like, consider a process that would allow pocket parks and parks under a quarter acre. Those might be the same thing, but they might not be the same thing, to be

[11:42:04 AM]

approved.

>> Harper-madison: My specific consideration here had to do with pocket parks almost exclusively. I hadn't considered anything beyond that. The size specifically was making reference to the pocket park consideration. We've had some issues in my district with people's ability to do pocket parks by way of them having to go through the site planning processing so I hadn't considered it beyond that.

>> Alter: I don't --

>> Mayor Adler: Does it make sense if we consider a process that will allow and add the words just without limitation? Pocket parks, parks under a quarter acre to be approved through?

>> Harper-madison: Fine with me.

>> Mayor Adler: Does that work?

>> Alter: Yeah.

>> Mayor Adler: Let's make that change. Consider a process that will allow, adding comma, without limitation, comma.

>> Kitchen: This is -- which number?

>> Mayor Adler: Number 9, consider a process that will, comma, adding without limitation, comma.

>> Alter: Is parks staff here that we could ask them if that's sufficient? I don't know if they're

[11:43:07 AM]

here.

>> They are not present but we can collaborate with them before second reading and get back to you all if there's a problem.

>> Alter: Okay. I mean broadly speaking, if there are opportunities -- I don't know that I need to make another different amendment but if in this process of exploring this one you find that it would be helpful for parks that are not pocket parks to be expediting that process, you know, I worked on a park that was, you know, 2 acres and we had to go through a site plan and do a whole lot, and I don't know if there's some tweaks that could be made and are they're even appropriately in the code. Do you think this direction would allow you, if you found that in looking at this, to come back with some options to us in that regard?

>> Yes, councilmember alter. And I think definitely it is possible that the staff response to this would not necessarily be code amendments. I think some of the issues around the review process and what goes through site plan, I think that the level

[11:44:08 AM]

of application materials and what has to feed into the review process is something that can be adjusted administratively so we would look holistically at this proposal and come back with code amendments but also administrative enhancements to benefit parks.

>> Alter: Okay. Thank you.

>> Mayor Adler: Okay. Go ahead.

>> Alter: And then so if we'll do it as amended and with the understanding that you will proceed as you just described, I'm fine with 9 then. I wanted to get some clarity on item 3, councilmember harper-madison. If you were referring to existing or new commercial spaces? Because I'm comfortable with this with existing. I'm a little concerned about the blanket nature of it because it basically says they have to increase it. It doesn't say consider.

[11:45:10 AM]

But are you talking about existing or new?

>> Harper-madison: Both.

>> Alter: Talking about both. Okay. I'd like to pull that one. It may be a simple fix to just say consider instead of increase.

>> Mayor Adler: Which number is that?

>> Alter: Number 3. I need to think about that.

>> Mayor Adler: Let's pull number 3.

>> Alter: And then I have a clarification I need to get on 2 but I'm not thinking straight enough to ask it in the appropriate way.

>> Harper-madison: You needed that prayer or poem this morning.

>> Alter: Yeah, I needed that prayer. So I'd like a --

>> Pool: Mayor, I have a question on two and I maybe able to fill in for councilmember alter.

>> Alter: Go ahead.

>> Pool: On number 2, we've got all of the reviewing departments listed here, and the point here is to incorporate and implement policy direction/priorities to increase housing supply, regulation and affordability, achieve transportation goals, streamline the code, site preview and make it more predictable, I wanted to ensure that we also included that our environmental goals

[11:46:12 AM]

and include environmental cooperation as well because that is also equally critical to the success in our community. So --

>> Harper-madison: You said environmental goals?

>> Pool: Yes. You have achieve transportation goals, I would make a new 2, achieve our environmental goals and then renumber to little three I et cetera so we put our environmental goals in cooperation with the community in there. Then I'll toss the baton back to councilmember alter --

>> Mayor Adler: Anybody have any objection to adding two, achieve environmental goals?

>> Alter: That would address my concern.

>> Mayor Adler: Got it. Thank you. So that then -- we'll renumber then two to three. And three to four and four to five. Okay.

[11:47:13 AM]

Yes. Councilmember tovo.

>> Tovo: I'm sorry. Would you let us know where we are with which ones are being pulled at this stage?

>> Mayor Adler: At this stage it's 3, 4, 6, 7 and 10.

>> Kitchen: Not 7. We put that back. Did you pull.

>> Pool: Yeah, I passed out an amendment for ite number 7. I don't know if it fits under there so we'll see.

>> Harper-madison: You passed one out?

>> Pool: Mm-hmm. I did. And then, mayor, I wanted to ask a process question --

[overlapping speakers]

>> Tovo: I had asked you the question. I wanted to clarify I heard you correctly. Items 3, 4, 6, 7 and 10 are now pulled.

>> Mayor Adler: Have been pulled, that's correct.

>> Pool: Mayor, I had a process question.

>> Mayor Adler: Yes.

>> Pool: I had included all but one of my amendments in the posting, message board posting, so I didn't bring -- except for the one, I didn't bring yellow sheets.

>> Mayor Adler: You don't need to.

>> Pool: Okay, good. But I do have two new pieces to add to my colleagues, and

[11:48:14 AM]

one of them I've already handed out so I'll just stick with that. I won't be passing out any more paper.

>> Mayor Adler: That would be good.

>> Pool: I'll only have two more pieces of paper.

>> Mayor Adler: As you see the need to hand out more paper, hand it out.

>> Harper-madison: Councilmember pool, I see a full motion sheet, but it's item number 6, not item number 7. I just want to be clear that --

>> Pool: That's because that's your 7.

>> Harper-madison: The one you passed out that has your 6 is my 7.

>> Pool: I'm not sure it is. That's my point. We haven't talked about it so I don't know where in the lineup of things a motion about to expand on cooperative housing would fit. And you have raised the issue in your number 7, allow cohousing, which I'm assuming -- I don't know if that means -- for example, I don't know if you are thinking cooperatives like I have in my district. We have some neighbors come to ask that we look at

[11:49:17 AM]

facilitating cooperatives in other parts of the city. So that's what my amendment direction would look at.

>> Harper-madison: Okay.

>> Mayor Adler: Let's ask the question. Staff, if it says allow cohousing in all R Zones, does that include cooperative housing?

>> So --

>> Mayor Adler: I'm reading now number 7, harper-madison. Is that the question, councilmember pool?

>> Pool: And further to what councilmember harper-madison was asking me, where I have them organized by topic, this was number 10, facilitating residential cooperatives in the code. So this is reviewing the definitions for group residential and cohousing. So it may be that what councilmember harper-madison is trying to do and what my suggested language here will be, maybe we can ask staff to go back and look at those two.

>> Mayor Adler: Let's pull number 7 and we'll get into that conversation then.

>> Pool: And I didn't know where else to offer my co-op

[11:50:17 AM]

motion, but you'll see on the page that I passed out that it's number 10, facilitating residential cooperatives.

>> Mayor Adler: Okay. You raised that one. We get into the pulled items. Councilmember kitchen.

>> Kitchen: I might be able to resolve my question about number 4. I pulled it. But do you want me to take a minute and ask that?

>> Mayor Adler: If it's a quick question you think could be resolved quickly.

>> Kitchen: Okay, I don't know if it's quick.

>> Mayor Adler: Let's hold off until we get to that discussion.

>> Kitchen: I'll make it a quick question, and that is, I am not -- it maybe longer. I'm not understanding what administratively amended plats are and I don't know what residential improvement areas are under stated law. So those are the two areas I need clarification on. If those are longer conversations we can have that later or off-line.

>> Mayor Adler: Is that a short answer?

>> I will -- so --

[11:51:19 AM]

>> Mayor Adler: Councilmember harper-madison? He was beginning to answer that.

>> Harper-madison: Oh, no. Go ahead.

>> So mended plats are a way to -- the state law authorizes, if council designates an area residential improvement district which has no particular definition, you can use the amended plat process to create lots, which normally an amended plat process can't be used in that manner. We definitely recommend that if council wants us to consider this, that it include the word "Consider," because the city has never utilized this process before, and especially depending on how council votes on the next amendment, number 5, which relates to lot sizes, those two really relate together. If council votes to reduce lot sizes, then the administrative plat process, amendment process, becomes more feasible. If you don't vote to reduce lot sizes, it presents some real challenges. Regardless, this is one where we would have to work closely with the law department to explore, but I

[11:52:20 AM]

think certainly as long as there's the caveat of consider, this is something that we'd be happy to look at further.

>> Kitchen: And would you read this to -- in conjunction with other limitations on resubdividing? So if we -- or subdividing, whatever is the right word. For example, I have an amendment that relates to considering limitations on subdividing in areas where it would impact over the aquifer or environmental impacts. So it would have to read that in conjunction with any other limitations on subdividing, right?

>> Certainly. We'll look at council's direction holistically together and try to harmonize all aspects of your direction. So we would certainly consider, if the amendment you're referencing passes, we would certainly consider them all together.

>> Kitchen: Okay. Then my -- I'll probably want to amend this just to say except for, and we can deal with it when my amendment comes up so I may want to say this is okay

[11:53:22 AM]

except for my amendment, if my amendment --

>> Mayor Adler: Let's pull it.

>> Kitchen: Okay, thank you.

>> Mayor Adler: Pulling 3, 4, 6, 7, 10.

>> Tovo: I have more questions about this issue. Do you want me to ask them now or later.

>> Mayor Adler: Let's ask them later.

>> Tovo: I'm still not understanding.

>> Mayor Adler: Let's ask them later.

>> Tovo: Got you.

>> Mayor Adler: 3, 4, 6, 7, 10. Any objections to the others being added at this point into the base motion? Yes.

>> Harper-madison: Chair, would you please remind me who pulled item number 10.

>> Mayor Adler: Item number 10 was pulled by Ann kitchen.

>> Harper-madison: Thank you.

>> Kitchen: I can tell her what my question is if you'd like.

>> Mayor Adler: That's okay.

>> Harper-madison: I'm just trying to stay organized here. Thank you.

>> Mayor Adler: All right. The other items at this point get moved to the base motion.

>> Alter: Mayor, I wanted to ask some questions about 5 and I likely want to pull it. I wanted to understand what staff would interpret item 5 item five as -- as saying in practice.

[11:54:22 AM]

>> I think sort of the spirit of item number 5 gets to the issue of when people are doing duplexes or ads or some of the missing-middle housing types that the transition area zoning is intended to facilitate, it's easier sometimes for that to be financed and done. If they can do fee simple ownership. And else you can create a separate lot, you can't do fee simple ownership. It has to be done through a condo regime. I think the intent of this amendment is to do specifically targeted reduction and minimum lot size to facilitate fee simple ownership, so we would certainly read it within that context and if it passes we would have to do some careful analysis and review and determine where that's appropriate and look at the potential amount of the reductions that would be necessary to allow some greater use of fee simple ownership, but I think

[11:55:23 AM]

that's essentially the intent of this amendment.

>> Alter: Okay. I would like to pull 5. I'm sympathetic to the need for trying to find some mechanisms to address the ownership. I think this is a little bit too prescriptive and I want to think a little bit about how we might provide guidance to brainstorm how we might move forward. But I'm uncomfortable with kind of a broadbrush reducing of lot sizes without housing built on it and other issues of that. So I'll pull 5.

>> Mayor Adler: Okay. Five is pulled. So 5 is also being pulled. Okay. So 3, 4, 5, 6, 7 and 10 are pulled. The others are at this point moved into the base motion. Let's go then to mayor pro tem's amendments.

>> Harper-madison: Mayor, if I may.

>> Mayor Adler: Yes.

>> Harper-madison: Just for clarification, should I

[11:56:24 AM]

introduce my amendments -- items that I'd like to pull now or as we go through each individual council district?

>> Mayor Adler: We're going through each individual council district.

>> Harper-madison: Okay, thank you.

>> Mayor Adler: We've now gone through district 1. We're now going to district 2. And, again, the question is, there's a yellow sheet that's been handed out from the mayor pro tem. Mayor pro tem, do you want to describe any difference between this and what was posted on Thursday?

>> Garza: There are no differences. I'd just point out in one -- the boundaries have already been set by the staff. I would say that's kind of -- that's in the base motion. And then the same for -- oh, it's the same thing that was posted to the message board. The -- oops. Oh, sorry, I thought somebody else was [indiscernible]. Requiring on-site affordability. The C part maybe just

[11:57:25 AM]

mover -- I don't know if that's -- if there's -- removing the overlay. The second amendment is the child care one, and it's just calibrating it to allow a bit larger child care facilities in certain Zones. And then the small neighborhood grocers is really more -- I mean, I know this is all really direction, but we're trying to allow more opportunities for small neighborhood grocers so I was hoping our staff could work with the economic development department to identify what that square footage footprint would be and allow that use as a conditional use in all Zones.

>> Mayor Adler: Okay. So my sense is that item C is gonna be programmatic so probably go into that bucket

[11:58:25 AM]

when we get to that place.

>> Garza: Which one, sorry?

>> Mayor Adler: C.

>> Garza: Oh, yeah, okay.

>> Mayor Adler: As you pointed out. As that point I'd probably like a discussion on the yellow sheets that handed out, a, B, C, as the mayor pro tem pointed out, C is more programmatic. We'll put that into that bucket. And I'll want a conversation at the time about -- I'm hoping we're gonna do more of a yearly calibration of the affordability, make sure we're getting but in any event, any -- so C's going to be pulled for programmatic.

>> Casar: You mean 1-c.

>> Mayor Adler: Yes, boundaries C, future revisions of the overlay. Others are okay? Yes, councilmember kitchen?

>> Kitchen: I don't have any to pull. I want to talk about the approach to programmatic

[11:59:27 AM]

when we get to it. I didn't understand what you said earlier. I don't want programmatic to be dealt with earlier and not adopted at this point in time. Like this one, for example, this C is important to the a and B, so I wouldn't want to pull out the programmatic language that the mayor pro tem has and not pass it and not know if it was going to be part of her -- part of her proposal. So I don't mind a separate bucket for programmatic, but I do mind that if it means we're not going to -- if the staff doesn't come away understanding that we want them to pursue it.

>> Mayor Adler: Without making any decisions about what we vote on or not vote on now, let's create a bucket and have legal look at it. What I have is it was programmatic if it didn't pertain to the code, text or map. It doesn't have a change to the code, text or map. That said, we're not making any decisions on it right

[12:00:27 PM]

now. Let's put it in there and see what that universe looks like and then see what we can vote on.

>> Kitchen: I would take issue that we're not posted to take action on it. Our discussion was to include direction at a high level. So anyway...

>> Mayor Adler: Not resolving that now, any of those questions. Yes, Kathie. Councilmember tovo.

>> Tovo: I have a question, but I think in my mind I appreciate the distinction, but I would say that probably if we intend -- if we intend to have a mechanism for certain properties to be reevaluated or certain areas to be reevaluated that that eventually works its way into the code. That that has to be in the code text to happen or it would work to have it in the code text. So I see it as in line with our conversation today. But I had a question for the mayor pro tem in a. How are you defining multi-family? I know the staff defined it in a particular way when they did their mapping. I have an amendment about

[12:01:31 PM]

preserving existing multi-family that we'll talk about later, but I want to understand -- I'm supportive of this, but I want to understand what your threshold is for consideration of multi-family here.

>> Garza: That's a great question. How did you define it in yours?

>> Tovo: I would have to look back, but I think our staff in looking at multi-family only looked at large projects, 200 and up. I support looking at much smaller multi-family. My amendment, and this may not

be in line with your thoughts, my my amendment starts at about -- but my amendment starts at about four and up.

>> The definition staff uses is five and up because that's the data --

>> Tovo: It was my understanding, Ms. Beaudet, and maybe I was mistaken. It was my understanding in terms of following the council policy direction for not remapping existing multi-family properties that you were only looking at those larger multi-family

[12:02:32 PM]

properties.

>> No, we included five and up as far as not upzoning. So if there was anything multi-family five units or more that was in a transition area, we gave it comparable zoning and did not upzone if that would have been an upzoning having it included in the transition area.

>> Tovo: Okay, we must have had a misunderstanding because I remembered a conversation and the data you were using from the outside consultant only resulted in responses for those larger complexes. I think that that's a word we need to get out to our community because I know that there are definitely smaller scale apartment complexes that have different zoning. But I guess we can all be on the watch for it. So mayor pro tem, is that your understanding -- is that where you're setting yours is five and up.

>> Garza: Yes.

>> Mayor Adler: Councilmember pool.

>> Pool: Thanks. I wanted to ensure existing

[12:03:35 PM]

affordable housing projects five and up that the equity overlay will work to protect the existing multi-family everywhere that we have it. That existing, affordable, multi-family units are -- it sounds like staff has identified them as to be protected, but mayor pro tem Garza, is that what you have in your equity overlay?

>> Well, no because it's specific to the area as a map. But when I initially posted this, it did also say in -- I think in parentheses this could be applied statewide. So the if -- I believe that is the staff recommendation and then I'm fine with that.

>> Pool: I think that's really wise because if we are going to increase the opportunities for lower income people to live all around the city and we have existing multi-family affordable units, we should be protecting them no matter where they are.

>> Tovo: And mayor? Is that generally the

[12:04:35 PM]

sentiment without the dais? Is it not generally the -- I thought we were trying to increase opportunities for people to live all around the city, and if we have existing multi-family that is affordable, we should be protecting that and not incentivizing its demolition because whatever is built is going to be more expensive. So I don't want to be displacing people who may now be -- it's like that Riverside case that we had, which had voted against.

>> Mayor Adler: Thank you. Councilmember Casar.

>> Casar: Mayor, I'm really supportive of the equity overlay idea. I really want to thank everybody for having worked on it. I want to support it on consent and then I do think, to councilmember pool's point, if somebody brought an amendment to also in areas outside of the overlay, do some work, I would want to read that and I generally am supportive of that sentiment. So I think having this be in the overlay makes sense to me, something I would want

[12:05:35 PM]

to move forward on. And for something outside of the overlay boundaries I would love to read and would likely support if somebody handed something like that out. And I saw that -- as a matter of fact, councilmember pool has one of her amendments addressing this issue citywide and I have that on my list of things that I'm supportive of. If that makes sense.

>> Mayor Adler: Hang on. Councilmember alter.

>> Alter: I hear what you're saying. We had direction in the may thing that said to do it citywide, soiled be very supportive of making sure that we have -- I'm not sure procedurally how we get there and it's half a dozen of the other to me, but I think it's really important that we protect this market affordable housing all over the city. If you don't, -- we don't you will never get housing all over the city for everyone.

[12:06:40 PM]

>> Tovo: Okay, I think it sounds like councilmember pool, you have an amendment for making it citywide and I do too, but it sounds like as if our policy direction on this front was -- I remember it was to exclude it and so it sounds like from what -- I thought the glitch in -- was because the consultant was identifying that he had tools that were only identifying those larger projects, but it sounds like in

conversation to the extent that those smaller multi-family properties were not identified it sounds like it was simply an error, a mapping error. So I'm happy to -- I'm certainly happy to pass this excluding them from the vulnerable and I'm happy to pass mine on yours excluding them from citywide, but it also sounds like we did that in the policy direction and now it's just a matter of correcting the map in the places where we need to correct the map.

>> Mayor Adler: So let's do that. Let's pass this and let's consider the amendment of the other areas either or both, councilmember tovo's or councilmember pool amendments.

[12:07:40 PM]

>> Pool: I just want to make sure where we have affordable housing that we don't do anything to displace the residents who are there. And I hope I wasn't misreading the dais. I really do think that that was our agreement.

>> Mayor Adler: Okay. We'll get to that amendment when we get to the other pages. Did you have something you wanted to say?

>> Yes. On ba I just wanted to confirm that where we say require on-site affordability we're talking about where we would have bonus program, some sort of volunteer program.

>> Mayor Adler: Yes, as opposed to an exclusionary zoning prohibition.

>> While I have the microphone, if there are amendments that are made while we're going through this process that the law department might have concerns about, we would really want to work with the offices so that if you vote on them we can work with the offices between first and second reading to address any issues that we might have.

[12:08:42 PM]

>> Mayor Adler: That would be fine. If you see any you want to raise that are here, feel free to get recognized to do that. So the only thing to be pulled on this are the future revisions of the overlay that are pulled for the programmatic. We may vote on that momentarily. We'll see.

>> Harper-madison: You might have just clarified. Did you say that was being pulled? I was going to ask for additional direction for staff.

>> Mayor Adler: Future revisions of the overlay is going to be pulled for the moment. We'll consider it here soon.

>> Harper-madison: Thank you.

>> Mayor Adler: Everything else is now being put by agreement without objection into the contingent base motion -- into the base motion. That then gets us to district number three. Councilmember Casar. Oops, I'm sorry. District number 4, councilmember Casar. Councilmember Renteria?

>> Renteria: Right now I don't have any amendments. I'm working on those.

[12:09:43 PM]

Basically my whole thing is to get what's mapped on some of these items, on some of the partials. We have some public land that belongs to the neighborhood housing that have been zoned R 2, which is -- we have about a five acre lot there that is zoned R 2 and I will have to look at. It's on Tillery street and it's -- and it has a whole bunch of pecan trees on there. We've been working with trying to get multi-family there also. So the neighbors are in support of that. So in order to preserve the pecan trees. So I'll be bringing that up later on.

>> Mayor Adler: Sounds good. Obviously your handy work, you can see on a lot of the other amendments that are being brought forward by someone else. District 4, councilmember

[12:10:47 PM]

Casar.

>> Casar: I left the ones from the board. Is that okay? I'm happy to wait until after another district if folks need to print. I didn't want to hand out paper since I haven't changed any of my amendments?

>> Kitchen: No, I appreciate that. What might be helpful is if you know what page they're on here you can just tell us and that way --

>> Mayor Adler: I have an additional copy for you would like it.

>> Kitchen: Of his? That would be great.

>> Casar: Thank you, mayor.

>> Casar: So I have no changes other than I am withdrawing nz 2, little 1, which is -- mine are sorted in normal order. So the first is residential and then it's transition and then it's centers and corridors and then in non-zoning.

>> Mayor Adler: I have it

[12:11:48 PM]

on page five of seven. Nz 2.

>> Nz 2 little one, I was trying to average some impervious cover here, but after conferring with the staff I better understand it and don't need to move that anymore.

>> Mayor Adler: Is it just little one or just one and two?

>> Casar: Just little one. I'm just withdrawing that one from consideration.

>> Tovo: Would you mind just clarifying, multi-family use, et cetera?

>> Casar: It seems like the code already addresses that pretty well. Other than that I also want to note that in my density bonus calibration section, which is on the prior page, page 4, scar ah-- Casar, ah 2, just like the mayor pro tem had programmatic sort of recalibration questions, I'm happy to have my ah 21 and ah 23 be in that programmatic bucket because they are about recalibration and assigning of bonus dollars, which is more appropriate than the code.

[12:12:49 PM]

>> Mayor Adler: Ah 21 and ah 23 on page four of seven of yours we'll pull for programmatic. For that bucket. Okay. Does anybody else have anything else they want to pull on councilmember Casar's suggested amendments? Councilmember harper-madison.

>> Harper-madison: If we could have some discussion about Ta 1 R 4 and nz 1, I think it might be helpful with bringing me along in full understanding.

>> Mayor Adler: So let's pull on page 2 of 7, let's pull Ta 1-r-4 and then what was the other one you wanted to pull?

>> Harper-madison: Nz1.

>> Mayor Adler: That is on

[12:13:51 PM]

page 5 of 7, drainage.

>> Pool: I don't have that document.

>> Mayor Adler: This is what was posted on to the message board. With a copy that I just handed to Ann.

>> Pool: Right. So if we could go back when we're done with the five of eight or seven and go back to the 39 page appointment to identify them there too, please.

>> Mayor Adler: Nz1 is page 27. Do we know what page nz2 is?

>> Harper-madison:

[Inaudible].

>> Mayor Adler: Nz1 is on page 27. Nz -- nz1 was the only one you pulled. And the other one that you had was the Ta 1 R 4 on page

[12:14:53 PM]

nine of 39. And those are both pulled. Councilmember pool.

>> Pool: Okay. I wanted just to check with councilmember Casar on a couple of his items on the transition areas. There may be some issues on the redevelopment and whether we will actually see some meaningful reductions. So I want to pull item 2 for discussion.

>> Mayor Adler: Which item, I'm sorry?

>> Pool: That is Casar number 2 -- it says here -- oh, okay.

>> Flannigan: Res 2?

>> Pool: Ta1, transition area 1.

>> Casar: That has been pulled by councilmember harper-madison.

>> Mayor Adler: That one has been pulled, site

[12:15:54 PM]

development standards.

>> Pool: On Ta 2 it seems to make sense, but if it's -- is it the zone adjacent to the corridor and only if it matches the 45-foot r4 bonus?

>> Casar: Can you further elaborate on that? My intention is that currently r4 allows a bonus from 35 to 45. Rm1 just goes to 40 so that seems a little uneven so I'm having them match their bonuses in the 45-foot range and then have an new rm1 zone that is more home focused so we can have more options to map.

>> Pool: Right. And that is in the zone adjacent to the corridor.

>> Casar: Rm1?

>> Pool: Yes.

>> Casar: Yes. It is the zone adjacent to the corridor, but the goal is they might create a new zone that won't be mapped anywhere, but we could whenever we choose to, a zoning case or if we want to zone town home or row home,

[12:16:54 PM]

then we would have that.

>> Pool: And then down on your CC 4 where you have a number of changes, temporary uses for alcohol, number six, allow transfer stations to have composting services to transfer compost to facility. We need to get F.A.R. And -- have you talked to Austin resource recovery?

>> Casar: I'm not asking that to go on first reading. I'm happy for it to go on second reading.

>> Mayor Adler: Let's pull number six.

>> Casar: I'm happy to take it to second reading.

>> Mayor Adler: Let's pull it out if you want to urge that on second reading. Six is going to come out.

>> Pool: And then on your nr 22, cite an Ms 1 zone, can you talk a little bit about the intent?

>> Casar: Currently our Ms Zones are a little more intense. And creating an Ms zone --

[12:17:56 PM]

and the planning commission discussed this, creating an Ms zone that's more retail on the bottom and one little bit of housing on top, I think having that available could be useful because I often times hear in my community that it would be nice to have a main street, but if it's a really small main street, then we don't have as many options for that. So it's not asking to map this anymore, it's just to create a really low intensity main street zone because we might want this for something either in this code rewrite or in the future.

>> Mayor Adler: Where is this amendment?

>> Pool: It's nr 22.

>> Mayor Adler: Thank you.

>> Pool: And let me owe hold on. On nz 1, drainage is pulled. And my concern is that the duf and ic calculations and flood mitigation. Nz 1.

>> Mayor Adler: Has been pulled. Five of seven on your page.

[12:18:56 PM]

>> Pool: Have we pulled nz 2, the water quality one?

>> Casar: Nz 2 little one has been withdrawn. Nz 2 little 2 is still in. And I've talked with watershed and so that's in part why.

>> Pool: Yeah, they had some concerns.

>> Casar: And I -- do you want to pull it still because of little two?

>> Pool: I need to check to see if keeping nz 2 --

>> Mayor Adler: Let's pull nz 21, which begins explore allowing staff.

>> Pool: And then on nz 4 I want to pull that because I want to talk about the parking requirements for home occupations and lip work and so we understand what the impacts are there.

>> Mayor Adler: Nz 4 is pulled.

[12:20:01 PM]

>> Pool: On process, if I could get staff to clarify what they're meaning in the limited site plans and how site plan light is -- how staff envisions increasing site plan light.

>> Kitchen: What number is that?

>> Pool: That is process, which is p1. Why don't we just pull p1 and p2. We need input from staff on criteria manuals. And p3, the simple subdivision, I'm concerned about impervious cover limitations there and the ratios.

>> Mayor Adler: So you want to pull p3?

>> Pool: P 1, P 2, p3, and it looks like p4 and 5 are okay. I think there may be some amendments to go further on councilmember Casar's p6 to go further on Adu fees.

>> Mayor Adler: Those will be other amendments.

>> Pool: Thank you.

>> Mayor Adler: Did you have more illustrations on res 2?

>> Casar: I do.

[12:21:02 PM]

I just assumed we would be talking about F.A.R. Here generally. And what I have laid out on the message board has one illustration, but I'm happy to bring out others that still allow .4, but might encourage an add, ones that bring you from .4 to .35 on a bigger lot so that you're just not encouraging a 3700 square foot house. I'm happy to hand out other illustrations, but I didn't want to amend this right now so it would look just like the board. The goal is these are illustrations with the goal of trying to have family friendly.

>> Pool: Mayor, I could put nz 2, that number two back in. My staff has already responded that no more questions on nz 2.

>> Mayor Adler: Nz is back in. Councilmember Flannigan.

>> Flannigan: I just want to pull p4. I've already handed out alternative language for p4.

>> Mayor Adler: P4,

[12:22:02 PM]

conservation subdivision code you're pulling? Okay. We'll pull that.

>> Casar: Mayor, I'm happy to just withdraw mine and have it be on councilmember Flannigan's list if that works.

>> Mayor Adler: Is that one of your amendments that you filed on Thursday?

>> Flannigan: It's an amendment to his amendment.

>> Casar: That's fine. We'll have it pulled then because otherwise it creates a new amendment.

>> Mayor Adler: It does. Councilmember kitchen.

>> Kitchen: I wanted to pull CC 1 about the U.N.O. Area, I believe.

>> Mayor Adler: Universal, yes.

>> Kitchen: We just had a zoning case on that so I want to have more discussion about why -- what the thinking is.

>> Mayor Adler: Okay.

>> [Inaudible - no mic].

>> Mayor Adler: Two of seven. First one under centers and corridors. Or 15 of 39. Councilmember tovo.

>> Tovo: So I have

[12:23:02 PM]

relatively quick questions about res 1 compliant properties and F.A.R. Exemptions, and I have some others I want to pull. So yard to the compliant properties, can you clarify for me your intent and talk about how you see that working with the preservation incentive? And then I would like to ask the staff the same.

>> Mayor Adler: Tell me which number?

>> Tovo: Res 1, compliant properties of --

>> Mayor Adler: Paige one of seven.

>> Casar: So my goal here is considering that planning commission and others have recommended things like reduction of impervious cover by a slight amount in, say, a single-family house zone, but if somebody has their house already built in occurring impervious cover limit, I would concern that they would be made non-conforming and instead say that that new ic requirement for example is really when you're building a new house.

[12:24:03 PM]

So we want folks to be compliant. Or if we're trying to make it so that you get fewer really big houses and that changes F.A.R. Some, that folks could still build out to the far that their house currently is at and they could -- but the goal would be for new builds for us to Loy the multiple units. On the preservation incentive side I hope that staff -- I know that staff is harmonizing everything we do, so I want them to make sure is all makes good sense in the end and that there isn't any new odd things outside the Venn diagram. I don't want folks working the system.

>> Tovo: Can you explain what allow -- that makes sense to me to allow the existing residential units to be compliant, residential uses. Allow such residential uses to expand to current code site development standards, I'm less clear on.

>> Casar: Here's the perfect example. Let's say that -- let's say

[12:25:05 PM]

we move to .37 F.A.R. For new builds of housing because we want to incentivize small and multiunit. If somebody currently has a .38 house that they've owned for a long time and they bought with the expectation that they could go to .4, I'm not excluding them.

>> Tovo: Current today, not current as of the code.

>> Casar: Exactly.

>> Tovo: Okay. That makes sense. With regard to the garage exception -- I think we talked about that before. Are we talking about with regard to the partial attic are you talking about habitable space?

>> Casar: The staff may be able to embellish on this more. We've heard the arguments that we don't want to encourage big garages or people to totally max out the attic because it's fully exempt. At the same time if they want to put a door on the garage, it can help you have

[12:26:05 PM]

a nice roof line for people to not have all of their attic count. So this is trying to give the staff the space to come up with as especially as they calculate F.A.R. For it to meld, for us to get to the kind of compromises that I think people have put out there.

>> Tovo: I'm okay with that for today, I think. With regard to preservation bonus, I do want to pull that one. I have --

>> Mayor Adler: Which number is this?

>> Tovo: That's res 4.

>> Mayor Adler: That's pulled.

>> Tovo: I have some amendments that I think work with yours and then I think I have some questions about other elements of yours that I think are better to take up together. Let's see...

>> Mayor Adler: Okay, we'll pull that one.

>> Casar: That was preservation -- that was residential four.

>> Res 4.

>> Tovo: And I think tea has been pulled?

>> Mayor Adler: It's been pulled.

>> Tovo: U.N.O. Has been pulled.

>> Mayor Adler: U.N.O. Has been pulled.

>> Tovo: CC 4 has also

[12:27:06 PM]

been pulled?

>> Mayor Adler: No. Number 6 has been withdrawn. So CC 4 uses are their except that six has been withdrawn. May come back at second reading or the like, but for today it's withdrawn.

>> Tovo: To allow transfer stations to have composting services is gone. Got it. We have pulled nc 1, we have -- I think that that may be -- just to clarify we've pulled nc 1 drainage, we've pulled water quality and 1 is stricken.

>> Mayor Adler: No, we haven't pulled that.

[Overlapping speakers]. What I'm being shown pulled on Casar's is --

>> Tovo: You and I have different lists. I was hoping to go down the list of the consecutive ones. I just have a couple more because I do have one more that I need to pull, I think. Nz 1 parking has been pulled, as I understand. And then the criteria

[12:28:08 PM]

manuals and the simple subdivision have also been pulled. Okay. Thank you.

>> Mayor Adler: So what I'm showing being pulled on the Casar sheet on is on page one of seven, res 4, r4 r4, CC 1, number 6 on CC 4 has been withdrawn. Also being pulled is ah 2 items 1 and 3 for the programmatic bucket.

>> Kitchen: Mayor, I'm sorry. Could you go slower and could you read from this and tell me what page you're on?

>> Mayor Adler: Okay. So on page 1 of 7 of what was posted, we can do both. I don't know where the pages are in the page of 39 documents, if you can help

[12:29:10 PM]

locate those. Res 4 is on page one of 39 and it's been pulled. R4 has been pulled and it is on page --

>> Casar: It's called Ta 1.

>> Mayor Adler: Ta 1. And on page what of the 39 documents is found where?

>> Page 27.

>> Mayor Adler: Page 27. Okay.

>> Alter: Mayor, is it possible to like get a -- I mean, this is --

>> Mayor Adler: I had thought we would just go through the things that people posted as they posted them. Then we would go to the document that pulled everything in and then we would mark on that document as we went through the things that were pulled and not pulled.

>> Alter: It's just confusing right now to go through this document at the same time and I still want to pull a couple more from his that I haven't had --

>> Mayor Adler: So if everybody could just look at

[12:30:10 PM]

what Greg posted right now --

>> Pool: Sorry, but you directed us to the compiled document for everybody else's.

>> Mayor Adler: Just so that people could find them if they were listening. Can we give you another copy of Greg's document if you don't have one?

>> Pool: I kind of wanted to work from one document as far as the base motion was concerned. I can't find on page 27 that councilmember Ellis said that the item was on page 27 of 39, but I don't see it there. It was Ta 1?

>> Casar: Mayor, I think we all said at the beginning we were going to go through each councilmember's in order. And if we need over the lunch break to print each councilmember's in order, we can go ahead and do that, but to be really clear, we were only going to go to that other document once we found out which ones were pulled so they could interact so that we could have the interactions between the pulled items.

>> Mayor Adler: That's right. The document to be looking at right now is the document that Greg filed on Thursday.

>> Pool: I see Ta 1 on

[12:31:12 PM]

page 99, but I don't see it on page 27.

>> That was my error on my list. I'm happy to control F as we move through this process if people want to work through 39 pages. I'm happy to assist.

>> Mayor Adler: If you could do that for us. Okay. So again, on the Casar's things --

>> Alter: Can I pull mine before you do that again?

>> Mayor Adler: Yes, pull the ones you want to pull.

>> Alter: Thank you. So I want to talk about Casar res 2 and res 3 and this is largely so we can have a coherent conversation about F.A.R. Because I think we might actually be in the same place. And so I want to have that conversation for res 2 and res 3 on page one of seven.

>> Mayor Adler: I'm looking at councilmember Casar's thing. What number is that? Res --

>> Alter: Res 2 and res 3.

[12:32:16 PM]

>> Mayor Adler: Res 2 Andreas three are pulled.

-- Res 3 are pulled. Anything else?

>> Pool: Was councilmember Ellis going to tell us where they were in the 39 page document?

>> Ellis: Page four.

>> Mayor Adler: Thank you. If you would keep helping with that, councilmember Ellis, I would appreciate that. Okay. So on councilmember Casar's sheet that has been pulled is res 1, res 2, res 4 -- Ta one, CC 1, on CC, 4 of 6 has been withdrawn. Also is ah 21 and ah 23. Also being pulled is nz 1, nz 4, and P 1, P 2, p3 and P

[12:33:18 PM]

4. The others are going on to consent.

>> Casar: Mayor, even though Mr. Holland is escaping, he's magically communicated to me that I should add the word permanent in front of the word irrigation on my -- on nz 3. Clarify that irrigation requirements do not require permanent irrigation when it is unnecessary.

>> Mayor Adler: Any objection to putting clarify the permanent irrigation requirements? Any object to the word permanent? Hearing none that's added. That then gets us to that. The next one we would do is councilmember kitchen. It will 12:33. Do we want to try to work through kitchen's now or after lunch? After lunch? Do you want to take a short lunch break? Do we want to try and come back here -- it's 12:30. Do we want to try to come back at 10:15?

[12:34:21 PM]

-- 1:15.

>> Kitchen: Mayor, I would like an hour. So -- and --

>> Mayor Adler: Let's come back at 1:30. Councilmember pool.

>> Pool: I had earlier in the meeting asked for a crosswalk so that we could find the -- find items a little bit easier in the 39 page document. Was your staff able to -- some staff able to pull that together?

>> Mayor Adler: We'll type in the control number on that document and give you an annotated list view.

>> Pool: So we'll continue working from --

>> Mayor Adler: We'll work off the list that the councilmembers filed on Thursday and posted, but we'll see if we can give you those numbers as well.

>> Pool: Because this is what we started working in.

>> Mayor Adler: That's the next document we go to. The first thing we're doing is going through everybody's things that they filed last Thursday --

>> Pool: Because we will then have to find them when we go through them individually we will have to find them on this document too so I was just trying to --

>> Mayor Adler: We're just going -- we're going to begin on page 1 and just work our way through the pages so that it's not going to be done by councilmember, it's going to be done by in

[12:35:22 PM]

essence subject area.

>> Pool: And that's great, but still somebody has to say that on page 1 res 4 was pulled --

>> Mayor Adler: That's correct, someone will need to do that.

>> Pool: So in order to find a little efficiency, I thought we could get that crosswalk. Somebody is going to have to do it. It would be great if we could get that after lunch.

>> Mayor Adler: When we get to those pages I'm sure that everybody who has things that weren't pulled will endeavor to make sure that we're not debating something that was already in the consent motion. Yes.

>> Alter: Wheel people are reviewing material over lunch I just wanted to flag that I made two small sort of typo changes to amendments that I had already submitted and then I have added an amendment 6 and I know we haven't figured out exactly how we're doing those, but I just wanted to flag that I had an additional amendment.

>> Mayor Adler: Item number six will come up at the end of the process. What are the other two things?

>> Alter: I just wanted to point out what was on my

[12:36:24 PM]

sheet.

>> Mayor Adler: Do you want to point out the other two changes?

>> Alter: I had changed it to amendment one instead of and it's an or schedule of those who have a regulated plan. Or to be mapped of 25. And then we made the language make more sense under amendment four so it's impacts on housing capacity and affordability. It's just a rewording.

>> Mayor Adler: Got it. That makes accepts.

-- Makes sense.

>> Kitchen: Mayor, I made a change that I just would point out to people as they're looking. And that is my direction number 6 relating to the transition zone areas --

>> Mayor Adler: Hang on a second. Let me get to your pages. Thanks forgiving this to us ahead of time. Okay. Councilmember kitchen, I'm with you now. What's changed?

>> Kitchen: Direction number 6, I've deleted the first two that I had and then I added a second one.

[12:37:25 PM]

So number one that you see there is the same as what I had before. Number two is new. And I deleted the one and two that I had before. I apologize, I didn't red line it.

>> Mayor Adler: Okay. I didn't quite follow that. On the one that you posted on Thursday,.

>> Kitchen: The one I posted had three numbers. I deleted number one and number two.

>> Mayor Adler: The set side compatibility is deleted.

>> Kitchen: No. This is direction six relating to reviewing the transition zone areas.

>> Pool: On her page three.

>> Mayor Adler: Okay. So the direction, the -- what you filed on Thursday, posted on Thursday, the side set back compatibility remains the same, the dumpster location --

>> Kitchen: No, you're looking at a different one. That's not the one I'm talking about. I'm talking about direction

[12:38:25 PM]

number six, if it's too complicated --

>> Mayor Adler: No, no. Your direction number one just remains the same.

>> Kitchen: The only one I changed was direction number six.

>> Mayor Adler: Got it. And then -- I'm sorry, now I'm caught up to you. And on direction number six what did you change?

>> Kitchen: What I had before I deleted number one and number two.

>> Mayor Adler: Okay.

>> Kitchen: I kept number three, which is now number one.

[Laughter] You should be happy I deleted number one and number two.

>> Mayor Adler: On number six you deleted number one and number two.

>> Kitchen: Exactly. That's it.

>> Mayor Adler: I see that.

>> Kitchen: Okay. That's all I wanted to point out.

>> Mayor Adler: Okay. And as concerns mine, just by way of head's up, I'm going to urge Adler 1 with respect to parks. On number 2, which is pld 5, I'm going to not urge that

[12:39:30 PM]

at this point. I'm going to hold that back for consideration on second reading. And then --

>> Tovo: Mayor, we don't have a separate sheet for you. You have it combined within here. Which was the one you said you're not going to urge today?

>> Mayor Adler: The second one, Adler 2.

>> Tovo: Which page?

>> Mayor Adler: I only have one page. It's pld 5.

>> Tovo: It's not on the compiled sheet.

>> Mayor Adler: It is on the compiled sheet. Would you check pld-5?

>> What page is that?

>> Page 30 of 39.

>> Mayor Adler: Pld 5 I'm not going to urge today. I'm going to work on it a little bit more.

>> Tovo: And the one that you are urging is?

>> Mayor Adler: Pld 4.

>> Tovo: Got it.

>> Mayor Adler: And then on the missing middle map changes, which was map-4

[12:40:32 PM]

that I had said not sure I will offer,, map-4 --

>> Ellis: Page 12 of 39.

>> Mayor Adler: I'm also not going to be urging that today. Considering bringing that on second reading.

>> Pool: I may bring that one. I'm not sure. Mayor?

>> Mayor Adler: All right. That said, it's 12:40. We're going to come back here at 1:30 and this meeting is in recess.

[12:42:54 PM]

Pld. Res.

[1:06:28 PM]

[Lunch recess]

[1:53:28 PM]

>> Mayor Adler: All right. Let's go ahead and pick this up. 1:53. Paula coathman, is she here? You want to come on up and speak to us? You have one minute. We have a quorum present.

>> Is it on? Okay. I'm Paula coathman. Councilmember harper-madison, I quote you. I don't think it's fair that any single community should bear the brunt of a city's development. Yet a single community does. The urban core community. Please do not approve mapping about 112,000 new units in your district 1, 69,000 in district 9, yet less than 10,000 new units in district 6th district 4. It's not fair for two districts

[1:54:29 PM]

to be upzoned for almost half the proposed new units. Despite a request, no one has documented that upzoning will not endanger the neighbors such as with floods or cause the property taxes to rise. My neighborhood, srcc and district 9, approved this

comment: All neighborhoods in Austin should share equally in the responsibility for providing more affordable housing units. If you have questions about the facts that support our recommendation, I'm happy to answer them. Thank you. And the graph shows the distribution that is planned with the current mapping. Thank you.

>> Mayor Adler: Thank you. All right, colleagues. This morning, there was a -- an errata sheet that was handed out by staff that I think fixed the error that councilmember alter had discovered morning with respect to the t5 and t9 zoning

[1:55:34 PM]

areas. You had a chance to look at that?

>> Alter: Yeah, I'm okay with this, costuming interpretation that Mr. Lloyd had reviewed on the parks was how they were proceeding with that.

>> Mayor Adler: Okay.

>> Alter: Language.

>> Mayor Adler: So let's go ahead without objection. This errata sheet will now change out what's in there with the understanding of the testimony that was given when we asked it earlier. All right. Let's continue where we were. Let's -- we're going through now individual councilmembers' amendments to see what should be pulled, and I think at this point we are up to councilmember kitchen. Councilmember kitchen, you handed out something that's ldc amendment direction for December 9.

[1:56:34 PM]

That's kind of in the second batch of amendments that we coidered?

>> Kitchen: I'm sorry -- there's a separate page --

>> Mayor Adler: Separate motion sheet.

>> Kitchen: For 19.

>> Mayor Adler: But that's something that wasn't posted on Thursday, it was the second tranche.

>> Kitchen: Uh-huh.

>> Mayor Adler: Just wanted to make sure. Now we're to councilmember kitchen's directions. Does anyone want to pull any of councilmember kitchen's items?

>> Kitchen: Does everybody have a copy? Because we brought down some more copies if anybody needs --

>> Casar: I'll take one.

>> Mayor Adler: Okay. Councilmember Casar?

>> Casar: Mayor, I'd like to pull direction number 1.

>> Mayor Adler: Okay. Direction number 1 is on page 9.

>> Casar: I'd like to pull direction number 2.

>> Mayor Adler: Direction number 2 is also on page 9.

>> Casar: I'd like to pull direction number 3.

>> Mayor Adler: Direction number 3 is pulled.

[1:57:35 PM]

That's on page 9.

>> Casar: Number 4. Everything's.

-- >> Mayor Adler: Direction number 4 is pulled, on page 9.

>> Casar: Number 5 -- nope, sorry -- yeah, number 5.

>> Mayor Adler: Number 5 is pulled. It's on page 10.

>> Casar: I'm now fine with number 6, given changes that councilmember kitchen made.

>> Mayor Adler: Okay. . >> Casar: On the updated one.

>> Mayor Adler: Anything else?

>> Casar: I'm fine with 7 and 8. Direction number 9 I'd like to pull.

>> Mayor Adler: Direction number 9 is pulled. That is on page 21.

>> Casar: Direction 10 I'd like to pull.

>> Mayor Adler: Direction 10 is pulled. It's on page 21.

>> Casar: Direction 11.

>> Mayor Adler: Direction 11 is pulled. That's on page 21.

[1:58:36 PM]

>> Casar: I'm fine with 12 and 13 and I'd like to pull number 14.

>> Mayor Adler: Number his pulled, page 28.

>> Casar: I'd like to pull 15, 16, and 17.

>> Mayor Adler: 15, 16, and 17 are all pulled. 15 is on page 29. 16 and 17 are on page 37.

>> Casar: And then I'd like to pull 18.

>> Mayor Adler: Number 18 is pulled. That's a page 37. Okay. Does anyone else want to pull any of the others on councilmember kitchen's pages? Councilmember harper-madison?

>> Harper-madison: Yes, items numbers 6, 8 --

[1:59:39 PM]

>> Mayor Adler: Which numbers?

>> Harper-madison: Starting with number 6.

>> Mayor Adler: Number 6 is pulled. That's on page 10.

>> Harper-madison: Number 8.

>> Mayor Adler: Number 8 is on page 17, we'll pull that.

>> Harper-madison: And number 14.

>> Mayor Adler: Number 14 has already been pulled.

>> Harper-madison: Thank you.

>> Mayor Adler: That's okay. Does anyone else want to pull any others on this? Hearing none, the others go into the base motion. That gets us to Mr. Flannigan's?

>> Kitchen: So can I just make sure I understand. So what's been pulled is 1, 2, 3, 4, 5, 6.

[2:00:39 PM]

>> Mayor Adler: 7 was not pulled.

>> Kitchen: 8's pulled. 9, 10, 11, 14, 15, 16, 17 and 18. So the ones that are not pulled are 7 -- so 7 is not pulled. And 12 and 13 are not pulled. Right?

>> Mayor Adler: 7 is not pulled. 12 and 13 are not pulled. That's correct. That turns us then to Mr. Flannigan's councilmember Flannigan's does anyone want to pull any in councilmember Flannigan's list?

>> Alter: Can I ask one clarification first? For number 2 on the parking,

[2:01:44 PM]

can you explain what this means about allowed in the downtown anticipate view corridor? So regional parking structures that include compatible uses such as transit supportive, bike and ped compatible should be used.

>> Flannigan: Right now it doesn't allow parking structures, freestanding parking structures. My thought is we should allow them where the view corridors are because you can't get tall buildings there anyway and allow nearby properties not to have parking on-site and use the parking structure, that way you can get more units out of a bonus. You can get more actual programmable space in the building by using the shared parking structure, and then for that you can use the ground level for showers for bike riders or bus service or whatever.

>> Alter: But that doesn't mean you're busting the view corridor limit?

>> Flannigan: That's why

[2:02:44 PM]

that is why a parking structure should be fine because you can't get any taller anyway.

>> Alter: Then I'm fine with that. I would like to pull process 1 alternative equivalent compliance.

>> Mayor Adler: Hang on one second. You're pulling process 1, which is on page 38.

>> Alter: I want to flag that I'm still fully understanding it, but I may need a conversation with law or board members to really fully absorb that one, so just on our timing I just want to flag that. I'm not sure yet on what I'll need for that.

>> Mayor Adler: So what's being pulled for Flannigan is process 1. Anything else? Councilmember tovo.

>> Tovo: I have a question with regard to -- I want to make sure I'm understanding the special use. Is this -- as I understand it, you are just aligning

[2:03:48 PM]

the non-discrimination policies.

>> Flannigan: Two elements, one is the non-discrimination policy, the draft code leaves out gender identity from a section and so I felt it better to reference the city's. That's the ounce one. The other one is allowing this category of special use in the district in many more areas. Right now that section is

incredibly limited to sites of certain acreage and certain percent of non-profit ownership and has all these other requirements. So my thought was one of the ways to make sure that these historic structures actually do provide community benefit is that we would allow owners of those structures to go through a cup process for a neighborhood grocery store or coffee shop or other types of uses. That way those historic structures then actually become open to the public and accessible and provide even more community character.

>> Okay. So let me make sure I'm understanding the first.

[2:04:48 PM]

>> Tovo: I guess I would ask the staff to just be mindful if there are other areas where the code is not referencing our full non-discrimination clause.

>> Flannigan: I was surprised to find it there.

>> Tovo: I was wondering if it was a cut and paste.

>> Flannigan: I did not see it elsewhere in the code.

>> Tovo: And you've --

>> Flannigan: Yes.

>> Tovo: So with regard to this, -- you're just adding this to smaller sites.

>> Flannigan: I'm suggesting to staff that they revise it, but not being descriptive so that we can talk both about what uses might be permitted in a cup process and what size of sites would be allowed to provide for a cup. But all of it would be for revision and review.

>> Tovo: That seems reasonable and I'm open to that. I'm not unique it in historic districts. Okay. To expand the applications

[2:05:50 PM]

for conditional use permits. And you're hoping to expand them not beyond the type of uses, but to the kinds of buildings to which they apply in terms of size or are you asking the bah staff to look at both -- asking the staff to look at both?

>> Flannigan: I'm asking the staff to look at both.

>> Tovo: I'm open to that consideration. I think that depending on where the sites are located some uses may not be appropriate in terms of what those end up being. There are some uses that are appropriate and some are that aren't. I'm assuming the staff would come back with prescribed uses that they would recommend, not any use to go through a cop process. The cup process is indeed useful, but I

don't think we should allow uses we don't think are appropriate within historic structures. Okay, thank you. I don't need to pull that one.

[2:06:51 PM]

>> Mayor Adler: To be clear, Mr. Flannigan, there's a yellow sheet with your amendments that you handed out here today?

>> Flannigan: That's right.

>> Mayor Adler: Real be quickly, the difference between that and what was posted on Thursday?

>> Flannigan: The differences are in red and underlined and this was in consultation with staff.

>> Mayor Adler: So it adds the words administrative procedure to signage and it adds -- the one that's been pulled, the language and include housing capacity codes and the --

>> Flannigan: And the back side has my amendments and two others.

>> Mayor Adler: You were not approving those now. Those will come up when that happens? Okay. So in essence those are being pulled or proposed. So what's being pulled is process one and the amendment that you have on the back of the page is also being pulled. Okay there? That gets us then to pool.

>> Kitchen: Mayor, I'd like to circle back on one

[2:07:52 PM]

thing with regard to five. Councilmember Casar, you pulled direction 9 that relates to vmu, which I really thought was in essence the same thing as your ah1, which I did not pull. So if we need to have a conversation about it, which is Fein, I would like to go back and pull ah1 from councilmember Casar's.

>> Casar: That's okay with me.

>> Mayor Adler: Okay. Let's go back to Casar. What page -- ah1 is on page # of Casar's deal. The existing vmu. Okay. Ah1 on Casar is pulled, the existing rm1. That's gotten us through. That gets us to pool. Does anybody want to pull any items on councilmember

[2:08:54 PM]

pool? Councilmember Casar.

>> Casar: I would like to under trees, one, there's four pieces of direction on the very front of your message board.

>> Mayor Adler: Which is also by the way on page 29 of the 39 page document.

>> Mayor Adler: And I would like to pull only direction trees a as I've labeled those four directions ABC and D, if that's on.

>> Mayor Adler: This is the one that says explore the possibility of being no net loss.

>> Pool: 50 by 50?

>> Mayor Adler: We'll pull that one.

>> Casar: The other three I'm fine.

>> Mayor Adler: The other three paragraphs stay in.

>> Casar: Then on number 2 in during protest rights I'd pull that one.

>> Pool: And I have that language for you.

[2:09:55 PM]

>> Mayor Adler: 2 is pulled.

>> Casar: And then 3, that direction to the next page is pulled. I'd like to pull from number three.

>> Mayor Adler: Okay. That's pulled. Number three is on page 10. Number two by the way was on page 38.

>> Casar: I'd like to pull the direction on number 4.

>> Mayor Adler: Number 4 is pulled. That's on page 10.

>> Casar: Number five I'd like to pull, but it's a programmatic thing since it's similar to a resolution that we passed that I think is more programmatic. But I'm not here to judge that yet, but just want to note it.

>> Mayor Adler: That goes in the programmatic bucket. That's pulled. By the way, it's on page 38.

>> Casar: Number six I'm fine with as I stated earlier. And number seven is fine.

>> Mayor Adler: Both six and seven are on page 22.

>> Pool: I do want to check the programmatic bucket. I thought we had had that conversation about that.

[2:10:56 PM]

>> Mayor Adler: We haven't decided what we're going to do with it yet. We haven't said we're not going to act on it.

>> Mayor Adler: Seven is not pulled, six is not pulled.

>> Casar: And did not pull number 1 as it relates to B, C and D. Just 1a.

>> Pool: Three, four, five. And then I had eight -- I had eight --

>> Ellis: Mayor, can I put 1c on the list just to have a discussion about that one?

>> Mayor Adler: We'll also pull 1c?

[2:12:04 PM]

>> Pool: Thank you.

>> Mayor Adler: Councilmember harper-madison?

>> Harper-madison: Can I get the page number for direction number 1?

>> Mayor Adler: Direction number 1 is on page 29.

>> Harper-madison: Then I'd like to pull number 6 and 7.

>> Mayor Adler: Okay. We'll pull those.

>> Pool: So I want to make sure six is the facilitating residential cooperatives in the code. And I also have it as nine on my list. Is that the one that you're pulling? So I think we needed to get some -- I'm glad you're pulling it. I think staff has some discussion for that one.

>> Mayor Adler: That's on page 22, by the way. So 6 is pulled and you're also pulling number 7. Which was on page 22.

>> Harper-madison: Could I also get a page number for what councilmember Casar pulled, number 8?

>> Casar: Mayor, I don't

[2:13:05 PM]

know if we have the same question, I don't know if it's the same as councilmember Flannigan's.

>> Mayor Adler: Hang on one second. Let me do to -- I thought you had called on me.

>> Mayor Adler: No, Mcraven.

>> Flannigan: I think we're talking about the same thing, but I'm not seeing the lineup between number 6 and what you said, councilmember pool, and then --

>> Pool: And number 2 is also --

>> Flannigan: I'm not done. What you posted on the message board goes to number 'and then you handed out a thing that says number six but is different from number six and then you handed out a thing that's number 10s there a number eight and nine that's not handed out yet?

>> Pool: Just to make it more confusing, Greg, you have number two as housing rights, but I have it as [indiscernible] And other multigenerational households. So I think we need to untangle.

>> Casar: So we're doing a

[2:14:05 PM]

different one than what you posted on the message board? Because if there were new amendments we thought we were taking those up after the recess.

>> Mayor Adler: I'm confused at this point.

>> Pool: Do you know what? Let me confer with my staff and we'll get to the bottom of it all.

>> Mayor Adler: Okay. We can come back to you. For right now with respect to what was posted on Thursday, what's not being pulled is 1b and D on trees. And then I think that everything else was pulled.

>> Pool: And I have the smart housing, which is number 6. And this was the one that was --

>> Mayor Adler: 6 has been pulled.

>> Pool: Right, but you you don't have -- this is a new one. You don't have --

>> Mayor Adler: That's in the second traunch?

>> Tovo: If I may, I think I understand what may have happened. I don't mean to jump in, but if it's helpful.

>> Pool: Great.

>> Tovo: So councilmember pool, I think you had numbered the ones on the message board on Friday and then when you organized them tockicly to go along with

[2:15:06 PM]

the mayor's topically organized one, I think you renumbered them, so I think that caused some of the differential in numbering.

>> Pool: So let me take a little bit time to get things organized and --

>> Mayor Adler: We'll come back to you at the end. Do you want that?

>> Pool: So the six is smart housing and number 10 is the residential cooperatives.

>> Mayor Adler: So six and 10 --

>> Pool: Those are new.

>> Mayor Adler: So those are in the second traunch.

>> Pool: Right.

>> Mayor Adler: We've gone through those now and otherwise we've gone through what you had on Friday.

>> Pool: Yes.

>> Mayor Adler: Good. That gets us past pool, councilmember pool. That gets us then to councilmember Ellis. All right.

[2:16:06 PM]

Both of --

>> Ellis: All right. Both of mine have been up on the message board. My Ellis number 1, if I am reading this correctly, on the 39 page document it's on page 30.

>> Mayor Adler: Was this the heritage tree one?

>> Ellis: Heritage tree preservation bonus.

>> Mayor Adler: Page 31?

>> Ellis: Page 30. I think people have had a little bit of time to read it. I know there's a couple of different amendments kind of talking about trees. So there may be some overlap here that we can work together on. This amendment proposes a heritage tree preservation bonus program that would apply to lots in centers, corridors and transit priority network locations.

>> Mayor Adler: Does anybody want to pull this one on heritage tree preservation bonus?

>> Flannigan: No, but I think it's similar to my alternative compliance, it was pulled already, but just a note.

>> Mayor Adler: And there can be lots of overlap. I have no problem with passing the same thing eight

[2:17:08 PM]

times. Staff can reconcile those. When we pass two things that overlap they're additive.

>> Alter: Mayor, I'm going to ask to pull that one because I think it was posted well in advance and I didn't end up reviewing it again. I'd like to look at it again to make sure I understand it. I don't know whether I have a problem, but I don't have it pulled up yet.

>> Mayor Adler: I'm going to call this Ellis number 1. And that is pulled.

>> Ellis: Yes. And there is an Ellis number 2 that's also been on the message board. If it's okay, I would like to have a little bit more time to work on it and make sure it does the things that I want it to do. So if it's okay, I think there were other amendments that we said wide take back and look at for the second reading. If that's okay I would like to revisit at that point in time.

>> Kitchen: Which one --

>> Mayor Adler: This is e2, the city of Austin high opportunity missing middle mapping.

>> Kitchen: Okay.

[2:18:09 PM]

>> Mayor Adler: Please bring that back. I am supportive of this. Make sure you bring it back for second reading.

>> Ellis: Absolutely. Thanks.

>> Mayor Adler: Let's see how that goes. Anyone want to pull that? It's being pulled at this point. Ellis 1 is being -- is being pulled. E2 is going to be handled before second reading. Okay. That gets us to tovo.

>> Tovo: Mayor, before we move on from councilmember Ellis, I'm sorry, what -- I think I have -- I think when I printed I didn't necessarily print out the final amendments. Councilmember Ellis, what is the amendment that is left that we're considering that has not been pulled?

>> Mayor Adler: The trees.

>> Tovo: That one has been pulled. And the other one is withdrawn. Okay. Thank you very much.

>> Mayor Adler: That gets us then to councilmember tovo. Does anybody want to pull any of approximate

[2:19:09 PM]

councilmember tovo's? Councilmember Casar.

>> Kitchen: Mayor? So councilmember Ellis, so you're pulling down all of your number one, right? Or number two?

>> Ellis: Correct. The heritage trees are going to be discussed today and the high opportunity missing middle is something I'm still working on and want to postpone until second reading.

>> Kitchen: What about item B? He will eliminate the entirety --

>> Ellis: The entirety of the amendment.

>> Kitchen: Is that something that you're going to handle through mapping or you're just thinking that you're not going to do it? What's the thought?

>> Ellis: We're just reworking and looking through it. So the entire amendment would be coming back with some adjustment. I can't speak to those directly at the present moment.

>> Kitchen: Okay. I may bring that one. I'll think about it.

>> Mayor Adler: Thanks. All right. That gets us then to

[2:20:10 PM]

councilmember tovo. Councilmember Casar?

>> Casar: I'm working off the message board version, so councilmember tovo, if any of the numbers are off,

>> Tovo: I apologize for that, but I eliminated a couple so the numbers have changed. I didn't add any, but I eliminated a few.

>> Mayor Adler: Help us as we go then.

>> Casar: Okay. Pulling number 1, 1, petition rights?

>> Amendment number 1, petition right. Greg Casar pulls that. That's on page 38.

>> Casar: Two, tie increases in entitlements to base zoning.

>> Mayor Adler: Okay. That is pulled. It's on page 23.

>> Casar: Five, three manage on-site affordable. Pull four to protect renters.

>> Mayor Adler: On page 23.

>> Casar: Pull five and six, allocate bond or other

[2:21:11 PM]

funding and to help existing existing.

>> Mayor Adler: Those are both on page 23.

>> Casar: And those seems to be things with intend to bring more resolutions so they may be debated in the programmatic section potentially. Fine with 7, which is properties in current rm1. Fine with 8, the standardized rm1. Fine with nine, include vmu. Pulling 10, exclude properties on. Pulling 11 --

>> Mayor Adler: Number 10 is on page 23.

>> Tovo: Pulling 11, assess an annual.

>> Mayor Adler: Page 24.

>> Casar: Pulling 12 for all ahbp.

>> Mayor Adler: Page 24.

>> Casar: Fine with 13 to continue analysis. Pulling 14 to initiate fees or fines. Okay with 15, should staff require a percentage.

[2:22:12 PM]

>> Mayor Adler: Are you pulling 15 or keeping it?

>> Casar: Keeping. I'm okay with str related ones.

>> Mayor Adler: So 16, 17, 18 and 90.

>> Casar: Pulling 20, pulling 21, maintain the F.A.R.

>> Tovo: That was just a weird numbering things. That was just supplemental information. There is no -- so that's just 20.

>> Casar: Got it.

>> Mayor Adler: So 21 is not an amendment?

>> Casar: It's now part of 20. So if I want to talk about the amendment it's now 21?

>> Tovo: No, it's 22.

>> Casar: No, it makes it easier.

>> Tovo: Keeping everybody on their toes.

>> Mayor Adler: So there is no 21.

>> Casar: Like there's not a 13th floor on the elevator.

>> Harper-madison: So you're pulling 22?

[2:23:13 PM]

>> Casar: Yes, I am pulling 22.

>> Mayor Adler: On page five.

>> Casar: For the preservation incentive. Pulling 23 for the safety --

>> Mayor Adler: You pulled B and C.

>> Casar: All of 22.

>> Mayor Adler: Okay.

>> Casar: 23 for the safety pulled. 24, do not zone pulled. 65 to foster complete -- 55, foster to complete pulled. 26, transition pulled. 27, revised map pulled. 28, develop a strategy, I imagine that may be a programmatic thing, I'm not sure. Seeing as it has to do with emergency vehicles, trash collection. 29, pull, retain current. Pulling on environmental number 30, remove exemptions to.

>> Tovo: 30 is gone.

>> Mayor Adler: 30 is gone.

>> Casar: Is --

>> Mayor Adler: By the way, the ones we just

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pulled, 23 through 28 are on page 11 and the rest on page 12.

>> Casar: Is 31 about the commercial irrigation requirements?

>> Tovo: That's gone too.

>> Casar: That's gone?

>> Tovo: So I now can clarify that the amendment numbers are staying the same with the exception of 21 because it was actually just notes for 20 for that item. The amendments that we've withdrawn are just gone, the numbering stayed the same.

>> Casar: Got it. So you've dropped 30 and 31 from the message board?

>> Tovo: Correct.

>> Casar: But you have 32?

>> Tovo: Correct.

>> Casar: I would like to pull that. And that's the one that councilmember Flannigan had mentioned he had an amendment for. 33, I'd like to pull that has to do with the consistency with the comp plan.

>> Mayor Adler: That's on page 38, by the way.

>> Casar: 34 and 35, which is updating the draft code

[2:25:15 PM]

on U.N.O. And in Mueller I'm fine with. I'm okay with. 36 I'd like to pull, provide resources and support. I think that's more of a programmatic issue.

>> Mayor Adler: On page 39.

>> Casar: I think 36 seems to me to be in the programmatic direction instead of the code, so may want to bucket that. 37, require public notification, pull, and 38, require affidavit, pull. And pull 39 on bars.

>> Mayor Adler: The ones I am showing as not being pulled at this point are amendment 3, amendment 7, 8 and 9, amendments 13, 14, 15, 16, 17, 18, 90.

[2:26:16 PM]

30 and 31 are gone. 21 is combined into number 20. And also not being pulled are 34 and 35. Councilmember Ellis?

>> Ellis: I would like to pull 17 just to have a conversation about type two and type 3 strs within transition Zones.

>> Mayor Adler: 17 pulled. Anything else? Councilmember harper-madison.

>> Harper-madison: I'd like to pull items number 3 through 8 or three through 9 if that hasn't already.

>> Mayor Adler: Three had not been pulled. That is pulled now. And seven, eight, nine are now pulled.

>> Harper-madison: So three, four, five.

>> Mayor Adler: Three, four, five and six are

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already pulled.

>> Harper-madison: So I have page numbers for everything else item number 14.

>> Mayor Adler: Item number 14 is on page 24.

>> Harper-madison: And then item number 38.

>> Mayor Adler: Item number 38 is on page 39.

>> Harper-madison: Thank you.

>> Casar: Mayor? And I do just want to note here that on a -- while I may disagree with some number of these, there may be some that I just have one word I'm adding, but rather than belabor that now we can hand that out and maybe deal with a lot of these quickly. I'm not saying we do that now, but I want to raise it.

>> Mayor Adler: Got it, thank you. Those are tovos. Okay.

>> Kitchen: What did you end up with? What's kept? What was not pulled?

>> Mayor Adler: What is not pulled is 13, 14, 15,

[2:28:19 PM]

16, 18, 19, 21 gets rolled into 20. I think also 22 was not pulled, is that right? Was 22 pulled?

>> Yes.

>> Ellis: I think it got pulled.

>> Mayor Adler: 22 was pulled.

>> So was 14.

>> Mayor Adler: So the ones not pulled are 13, 14 -- 14 was pulled? I'm sorry, by Casar.

>> Tovo: I have 13, 15, 17, 18, 19, 21 gone. That may be it.

>> Mayor Adler: 34, 35.

>> Tovo: Correct, 34, 35.

>> Harper-madison: And my apologies, I intended to pull 19.

>> Mayor Adler: And 19 is also pulled.

>> Ellis: I thought 34 was but maybe I just wrote it down wrong.

>> Mayor Adler: Which one?

[2:29:20 PM]

>> Ellis: 34.

>> Mayor Adler: 34.

>> Ellis: I had it circled. Maybe it was my error.

>> Mayor Adler: This was recent zoning changes and update. No one has pulled that yet.

>> Pool: Mayor? The confusion on my amendments was based on how I had numbered them in a particular order, so when they got reordered, we tried to go back and track that. So there are a couple of errors. And so I just want to clarify them. On page 10 -- so I have nine amendments. Page 10 has amendments three and four --

>> Mayor Adler: Which --

>> Pool: I'm not talking about -- I just want you to know where they are.

>> Harper-madison: There's too much happening right now.

>> Mayor Adler: What document are you looking at?

[2:30:20 PM]

>> Pool: I was looking at the compilation document. So the new ones are going to be numbered at the end. The new ones are going to be numbered at the end, 8, 9 and 10. And otherwise you had the correct numbers for everything except for I think protest rights showed up in somebody's list as 2 and it isn't 2. I'm sorry, showed up as 6 and it's 2. And 8 and nine -- 8, 9, 10.

>> Alter: Can we confirm which ones from councilmember pool are --

>> Mayor Adler: So there's another document for pool that's being handed out right now. Councilmember pool is handing out on the dais. I'm going to call that pool a. The document that's being handed out on the dais right

[2:31:23 PM]

now, I have labeled that pool a. On pool a on the direction under number 1, a has been pulled by Greg Casar, the first one of the four has been pulled by Greg Casar. B has not been pulled. Paige Ellis pulled C and D has not been pulled. On the number 2, that's been pulled by councilmember Casar. Number 3 been pulled by councilmember Casar. The actual direction is on the top of the next page. Item number 4 has been pulled by councilmember Casar.

>> Pool: I want to make sure we're pulling the right topic, so that's the multibedroom --

>> Mayor Adler: That's the

[2:32:24 PM]

review of multibedroom.

>> Pool: Okay.

>> Mayor Adler: And number 5, streamlining, that was pulled. The directions at the top of the next page could be considered as part of the programmatic area. And that was pulled. I think by Casar. 26 -- 6, rather, the direction delivery of services, that was pulled by harper-madison.

>> Pool: I think that's preserving existing affordable multi-family.

>> Mayor Adler: Yes. And then 7 ensure support has been pulled by harper-madison. And 8, 9 and 10 are in the second traunch.

[2:33:25 PM]

>> Pool: Well, 8 is already in here as number 2.

>> Mayor Adler: It's just in here twice?

>> Pool: Which is why Greg pulled it as number 2 and that was confusing to me.

>> Mayor Adler: That's the direction for amendment language to come. That's in the second traunch because no one has had a chance to look at the language. So 8, 9, 10 are in the second triage traunch.

>> Pool: So 9 I think I handed out as six and 10 is 10. So I apologize, but I think we got it squared away.

>> Mayor Adler: Cool. All right.

>> Casar: Mayor? Just so that I can know as we analyze the new amendments, councilmember pool, on your amendment number 9, which it seems like a good amendment to me,

[2:34:25 PM]

I just want to -- you have the words projects would be reviewed ahead of other applications included where an expedited review. I want to make sure I understand it. That you mean including -- the reason I ask is I just want to make sure that -- that I understand it. So when projects have paid an expedited reviewing fee, the intent is for the smart housing projects to get ahead of even those, which I have no problem with. I just want to make sure I understand.

>> Pool: Right, trying to embed the priority.

>> Casar: I got it.

>> Pool: Thanks for catching it.

>> Mayor Adler: So it's still part of the second traunch. Okay. I think we've gotten our way through councilmember tovo's. That gets us to councilmember alter's. Does anybody want to pull any of councilmember

[2:35:26 PM]

alter's? Item number 6 on alter's is a second traunch. Anyone want to pull items 1 through 5? Councilmember harper-madison?

>> Harper-madison: I'd like to pull items number 1 and 4.

>> Mayor Adler: Okay. Councilmember harper-madison pulls 1 and 4. Anything else? All right. That gets to mine. Again on mine that was posted, pld 4 is staying. Pld 5 is being withdrawn at this point. Downtown regulations stays, compatibility stays, missing middle map changes, I'm going to bring that back

[2:36:26 PM]

before second reading. A little more work on that. Councilmember alter.

>> Alter: I just wanted to make a clarification to your first amendment on pld 4. We were working together trying to understand whether there was a problem or not with pld. I just want to confirm that the overriding goal is to clarify code text to require current practice and should as reviewing more carefully they find that the direction throw below it isn't reflective of prior practice when they've had more time to review it that that intention is really to reflect current pard practice. So that should be raised to our attention somehow.

>> Mayor Adler: It could certainly raise to the attention. I'm not sure there was an agreement on what current practice was. I know some people thought there was current practice and I thought people approved it because they thought it was current practice. But it's intended to be there the way that it is to

[2:37:28 PM]

the degree that it varies from pard, I have no problem with staff pointing that out. I just want to make sure that it would be -- it would be voiced and an appropriate forum should the language that you tried to fashion in the limited time that we have prove inadequate to capture current practice that we're not - that we want that information surfaced to us in a way so that we could act on it if it doesn't. I think it does, but I just -- I just want to have that escape involve if we find that there's some little thing that we didn't anticipate as I believe you're going to be asking them to do further review on previous cases that something may arise in this subset. And I just want to make sure that we have a mechanism for surfacing that if we didn't cover that appropriately with this amendment.

>> Mayor Adler: I imagine there's going to be much further conversations on this.

[2:38:28 PM]

To the degree that pld 4 does not reflect current practice you should point that out to us. But what is being passed on consent is P pld 4. That's what's being passed.

>> That's correct.

>> Mayor Adler: Anything being pulled on that?

>> Kitchen: I have a question. I may not have the numbers right, but the one that you have is -- is this the one you're just talking about is the development on parcels within activity centers and fronting activity corridors? I have it number 4 down. Is that a different number?

>> Mayor Adler: Yes, cmp3.

>> Kitchen: That's not what you were talking about. I have a question about that one. I'm wanting to understand the differences between that and i14, which was a pc1, so should I pull it for -- maybe I should pull it for questions?

>> Mayor Adler: Why don't you pull it then. Let's pull that.

[2:39:37 PM]

And then the last. So those are all the groups. Okay. Yes.

>> Alter: Do you also have a new one related to nccds?

>> Mayor Adler: Well, that's actually --

>> Alter: An amendment to harper-madison?

>> Mayor Adler: It's an amendment to harper-madison number 6. Which was pulled. So I would say we handle that when we get to that in the pages.

>> Tovo: I do have a question about the corridor and center sites. I guess I need to pull that and ask questions. I'm trying to determine how that would impact the benefits that we have included on affordability. It would --

>> Mayor Adler: That has been pulled.

>> Tovo: I apologize.

>> Mayor Adler: That's okay. It's been pulled. Okay. All right.

[2:40:37 PM]

>> Kitchen: So mayor? I think this might be a good point to kind of stop and ask what our process is going forward for the day? Just so we could all be prepared. >> Mayor Adler: So I think the intent was we now have a document that was posted that is the base motion. It has in blue the amendments that have just come over from all of our amendments. Some of them have been accepted on consent, some of them we need to discuss. And I was literally just going to start on page 1 and just start working our way way -- working our way through.

>> Kitchen: Okay.

>> Mayor Adler: Does anybody want to take a five minute break?

>> Kitchen: My question is more just to plan out the rest of the day. So there's two things I have a question about. One of them was to the point

[2:41:41 PM]

at which we will ask our staff to talk with us about the memo that they proposed yesterday. So whenever that's appropriate I don't want to lose that. And then I would like to understand how late we are going to go today. Because I'd rather kind of know that now than be thinking about it later.

>> Mayor Adler: All right. So I think -- my suggestion would be that we continue to work. Obviously I don't want to work when we're not fresh doing that. I've asked council what the rules are with respect to extending over this meeting to tomorrow. My understanding is that we can recess this meeting and extend over until tomorrow. There's a group of us that have a campo meeting tonight. I think everyone has made arrangements not to go to the campo meeting.

>> Kitchen: I haven't, but --

>> Mayor Adler: You haven't?

>> Kitchen: I can take care of that.

>> Mayor Adler: Okay. So I think that we're here to work on that. We have Wednesday, we could carry over to Wednesday if

[2:42:42 PM]

we wanted to and we're set for another special meeting on Wednesday if we wanted to have a second session.

>> Kitchen: Okay. Here's my suggestion. Just for purposes of conversation. I don't think we can carry over to Tuesday because councilmember pool will not be here on Tuesday. She's off on business that she has to be at. So I think if we carry over it's got to be Wednesday. The second thing is I would like to have an idea of when we're going to stop tonight because I do not want to go really late because I don't think we'll be prepared for that. I'm open to hearing what people think, you know, in terms of what that time is. I think we should discuss it right now because I'd like to understand what our end time is that we're working towards. For me personally I'll just throw out a number. I would like it to be in the 8:00ish category. 8:00. Or 7:00 if you want to do 7:00. I can't tell what you mean, mayor pro tem, but I don't

[2:43:44 PM]

want --

>> Tovo: I was thinking earlier.

>> Mayor Adler: Let's give some other people a chance to talk to. Councilmember Casar.

>> Casar: Mayor, I have no problem with ending early, however, I've counted the number of pulled amendments, plus some of the new ones. It's just shy of 80. So at 15 minutes a go, 80 times 15 divided by 60 is about 20 hours' worth of work. I hope that many of these fall way short of 15 minutes. So 80 times 10 minutes divided by 60 you're talking about 13 hours worth of work. So I think in part what we should do is start seeing if we can keep them to five, six, seven minutes, otherwise there's no way that we can do this in that time period as has been laid out, ending at 6:00 or 7:00. If we can keep these going at five or six minutes and take up or down votes and not overextend it, then I think we could get out at a decent time. I think we should come back Tuesday and accommodate

[2:44:46 PM]

councilmembers' schedules the best that it is that we can. And I don't know what people's schedules are, but we can take a break, figure it out. And of course, if there were any votes that would be determine tif and somebody had no not be here, we could retake those with that person or anybody

back. But I think if we're able to keep it to five or six minutes we can. If it looks like we're taking 10 to 15, we're talking about 18 hours, which is two full days here that we would need.

>> Kitchen: Mayor?

>> Mayor Adler: Give other people a chance to speak.

>> Casar: But otherwise I think 8:30, 8:00, 7:30 if we're keeping it at 6 or seven a minutes.

>> Mayor Adler: For me, I want to make sure we get this done and I'm fine carrying it over to tomorrow's meeting. My understanding -- there's the retirement meeting. I know that's on your calendar tomorrow afternoon.

>> Pool: It's a -- it starts at 10:00 and it goes all day and it's a meeting. It's the year end meeting

[2:45:47 PM]

for our pension board that I'm a trustee on and I had already advised I would be there. I never agreed to a recess to continue this meeting over to Tuesday, but I did understand we were going to have a special called on Wednesday, which is why we were going to keep the audit and finance committee meeting really short. Plus I think some people are going to be out of town on Wednesday. So I'm doing the best I can to accommodate as well, but I do have city business tomorrow that is also imperative. And that business can't be taken up on another day.

>> Mayor Adler: All right. And my understanding is I think a lot of these things we're all real familiar with I think we could deal with a lot of them pretty narrowly and work through them quickly. I think the degree to which people actually want to discuss them, air them out, we can certainly do that, within the framework of making sure that we get this done. And I want to make sure that we take whatever available time we have and use it the best way, again, to make sure that we can finish.

[2:46:48 PM]

Mayor pro tem.

>> Tovo:

>> Garza: I was just going to suggest that we take Leslie's amendments first so she could be here for those and then if we -- I don't know how we can do this without going into tomorrow with the math that was just given. And if there's any votes that -- one vote would have made the difference, then we all agree that we're not going to vote on that one. But I'm hoping to -- I guess I hope we all came in -- I don't know if you said with grace about this process. And many of the votes are going to be same, with all due respect to everybody. And if -- of course it's anybody's prerogative to draw this out as long as possible and that's fine too, I guess, but -- anyway, just a suggestion.

>> Mayor Adler: Okay.

[2:47:49 PM]

Councilmember tovo.

>> Tovo: Mayor, I have significant -- I think that we should all try to move as expediently through the process as possible, understanding that we've been here for day long meetings, a lot of them here in this last week. I'm happy to stay late. I don't know that I'm going to be terribly coherent in the -- toward the late hours, but I think it would be good right now to sort of set some expectations if we're going to stay late or not and then we'll move forward. But I would have really significant concerns about taking a vote on this product without one of our councilmembers, any one of us, being here. And so since we have a schedule, if we have to run into two days, which it seems very likely we will, I would urge that we do so on the other day that we have scheduled, which is Wednesday, so that our colleague can be here. This is an important issue for every one of our districts and I think it's just -- I really don't believe that we should be taking a vote on first reading on this without a full dais.

[2:48:51 PM]

So is there-- I guess I would just ask can we come to an agreement to have -- if we need to run into a second day to have that day be Wednesday? And if we're going to try to stick it out and go as late as we're able to tonight, if we could kind of come to that agreement right now, that would be helpful for planning purposes.

>> Mayor Adler: I'm looking at the posting of the retirement board meeting meeting, system meeting tomorrow. Councilmember pool, it looks like it begins at 1:30. Maybe there's a chance for us to meet at tomorrow morning before you need to leave for the 1:30 meeting if people wanted to continue over to the morning?

>> Pool: Mayor, I understand what you're looking at, but that does not include the additional work that I had committed to take with that assignment in the morning. And you know, I -- I just have to say at this point I have rarely ever asked for a meeting accommodation. Maybe once. If I can't be here, I have always told people in advance I can't be here, and when others on this dais

[2:49:52 PM]

have asked for issues to be delayed because they are out of town for -- tough down for whatever -- to you out of town for whatever purpose. I stay until 3:00 and 4:00 in the morning and on a diminished dais I'm one of the people who stay until the very end null the cows come home. So I'm asking for this one

piece of -- for you to oblige me, please, so that I can attend to my other intergovernmental responsibilities that I had already planned to take care of tomorrow. This meeting was not posted for tomorrow. The only thing that's posted for tomorrow -- I understand about recess. The only thing that's posted for tomorrow is real estate. When I saw that on the special called meeting, I made the determination and advised my colleagues, who need me in this other -- in this other setting that it

[2:50:53 PM]

looked like I would have to unfortunately miss voting on real estate matters tomorrow, bustles comfortable with that -- but I was comfortable with that decision because I feel like knowing where we all are on that, I was fine doing that. I do not feel that way with this issue and I would, mayor, please, ask for your indulgence so that I can attend to other work-related matters that I had long planned for tomorrow, and acknowledge that we didn't post this for tomorrow. We posted it for Wednesday. So I was working along with the public postings that you had provided.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: I'd just like to say, yeah, I'd be happy to move through this as quickly as possible. I'm looking at my amendments now, since the vast majority of them were pulled, to figure out which ones that maybe I can put over to the second. So I'll do my part to make this as fast as possible,

[2:51:54 PM]

but I also just have to say that to my mind our participation on this dais is about all of us, and all of us having something to talk about that we need to talk about. It is not about going fast because we're going to be voted down. And it's not about foregone conclusions on how people are going to vote. And I find it really kind of disturbing and I'm sorry -- I will just take a deep breath, but when I hear folks say that we already know how the vote's going to be, and I hear folks say that if we could just spend five minutes or so on something, then we'll get done in time, to me that is not respectful. Of the concerns that we have and the things that we need to discuss. And I am -- I'm sorry, I'm just going to say one last time, I can't believe that we're talking about fact that we might vote without councilmember pool here.

>> Mayor Adler: Okay. Councilmember Casar.

>> Casar: Again, I'm just trying to fit things into the schedule and I think

[2:52:55 PM]

we're all trying hard here. Is there a time that the irs meeting is going to be done?

-- The ers meeting is going to be done? The employment retirement system meeting is going to be done?

>> The meeting goes all day. Sometimes it goes later than 5:00.

>> Casar: Is there --

>> Pool: So I don't know because, like these meetings, they are determined by the amount of conversation. I think -- do you know what? Why don't we just agree that we have posted for this for today and we've posted for this for weekend and dive in and see how much work we can get done today without further -- without further pushing me out.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: I think it is possible to move through these items quickly. And I think respect runs both ways. And as long as we don't find

[2:53:56 PM]

ourselves repeating the same statements because we disagree, going back and forth 100 times like we've seen on zoning cases or other items on this dais, then I think we can move through this pretty quickly. We just have to get started, so maybe we should get started.

>> Casar: Mayor, I don't want to be the person to perpetuate it, but I want to speak to wanting to include councilmember pool. I don't want you to -- we all care about each other as colleagues and we're just trying to figure out how to make this work. Many of us canceled things tomorrow, understanding from work session that it might go long and that we might have to roll over. Other folks may have had more trouble canceling things. I'm not trying to put anything on you or anybody else here. We're all just trying to solve a problem here. So I want to express --

>> Mayor Adler: This is my suggestion. I suggest we get started. Let's work for the next couple of hours and let's see what our pace is and how it is that we're going. And then we'll have more information to inform the conversation. So let's go ahead and get started. I have the base motion in

[2:54:56 PM]

front of me right now. The base motion is in black, already carried over in blue are the items that came from councilmembers. Beginning with this page here, I'm on page 3 of 39. Harper-madison number 3 was something that was approved on consent. That gets us to harper-madison number 6.

>> [Inaudible - no mic].

>> Mayor Adler: You did. I apologize for that. So harper-madison number 3. Councilmember harper-madison moves this amendment. Is there any discussion on it? Is councilmember alter, pulled it -- councilmember alter, you pulled it.

[2:55:57 PM]

>> Alter: On so I would be a lot more comfortable if we could say to consider ways to increase opportunities rather than telling them they have to because I think our planners have different views and different places, and they may decide to map it in certain places.

>> Harper-madison: I'm comfortable with that. I think what you said earlier was consider opportunities and I'm perfectly comfortable with that.

>> Mayor Adler: So take out increase, put in consider. Consider opportunities. With that change --

>> Alter: I want to note that we accepted one earlier from councilmember Garza, mayor pro tem Garza, that was particularly for grocery stores. It's when you add everything in there, I'm not as comfortable as I am with a little grocery store. Thank you.

>> Mayor Adler: So we're going to say consider opportunities with that change. Are we okay? Let's move on to the next one. I pulled this item number 6. And I've handed out an amendment on the dais.

[2:56:59 PM]

I think that we've made the decision as a group we were going to keep the nccds, but there were certain things we wanted to overlay on top of that that I would say we wanted to have control. I'm comfortable with all of the list that you have and I think that it's all pretty clear. The preservation bonus I think the staff needs to try to still figure out if they can do that, but I'm real comfortable leaving it in. And just the lot size. At this point I would keep everything that you have, I would just take out the lot size because I think that's potentially the most problematic part.

>> Harper-madison: So you would be comfortable leaving in should be remapped in order to accommodate? Because that's the issue that I have with your amendment.

>> Mayor Adler: Preserve and amend existing nccds to ensure -- yeah. To degree that those are map changes. Where they're not map changes I still think -- some of the things we won't apply without map changes.

[2:57:59 PM]

I mean, they're just code things and they apply to different mapping categories. But I'm okay with keeping it should be remapped. But otherwise -- sometimes it's done by remapping, sometimes it's not done by remapping. That's why I put in to ensure, meaning if it happens by remapping, that's great. If it happens by code language change, I don't want to miss it if it's not something --

>> Harper-madison: I understand. So I'm comfortable with preserve and amend, nccds --

>> Mayor Adler: To map and ensure changes related to? To map and ensure changes?

>> Harper-madison: Sure.

>> Mayor Adler: To map and ensure changes to.

>> Harper-madison: And then

>> Harper-madison: And then this would probably be a good opportunity, if it's time for me to ask some questions as it pertains to your amendment to figure out whether or not I'm comfortable with the removal of lot size. If I could ask staff some questions about nccds and just I guess basically in

[2:59:00 PM]

order to accommodate what it was that I'm asking for in my direction and the mayor's potential amendment. If I could just get some clarity about -- I mean, I've said this before. I honestly look at nccds as de facto segregation in a lot of ways and I want to make sure we address it in a way that's comprehensive but I don't want to prescribe what staff should do. I guess what I'm asking is what needs to happen in order to make certain that nccds accomplish the goal they are attempting to accomplish?

>> So, councilmember, I think what we've said in the past and based on the October 4 draft, is that this is very similar to the direction we got in may about how to treat nccds and we did try to do as much as possible based on that direction, but it kind of got to a point where if we try to make too many changes to nccds we are at the

[3:00:01 PM]

point we'll basically just need to remap them to new Zones, and we feel like we did as much as we could with the October 4 draft to address the things in the direction that you've also got here. So I guess we might end up kind of where we are, again, today if we go back and look and come to the same conclusion.

>> To speak specifically we did include ads and parking within the nccds. That was able to be accommodated within the existing view, but the preservation bonuses, affordability bonuses, lot size were not able to be incorporated into the transition -- excuse me, into the nccds with their current

structure. We did map transition areas in areas of the nccd and we can take a look at that again but as Greg said that is something that might bring us back to where we are in the proposed code.

>> Mayor Adler: So with regard to this, right now the nccds are mapped 525 or are they mapped otherwise?

[3:01:02 PM]

>> They are, except for the transition areas.

>> Mayor Adler: Correct. And I think that's -- I think that's what it needs to be in order to be able to preserve that. So I think that the language I have is probably the best language because I don't think it's handled by remapping them. I think it's -- because the transition Zones are mapped transition Zones. The rest of it is mapped as f25, but we want to make sure that all these other provisions provide -- apply even in those 25 areas to the degree that we can. And you were able to do it with most all these things, with the exception of preservation bonuses and lot sizes. Lot sizes I understand why that can't happen, but I'd like you to take another look at the preservation bonuses to see if we can figure out a way to do that. So it's noted really a map change because I would propose we keep it as f25 but we try to make these things apply.

>> Harper-madison: Just for clarity, though, are you saying the mayor's amendment ads, parking preservation bonuses, affordability bonuses, are you saying

[3:02:02 PM]

affordability bonuses and lot size are not a possibility? And thus need to come out -- is that what the --

>> Mayor Adler: No. What I'm saying is --

>> Harper-madison: No, no, not you. Staff made particular reference to that. You're on the end if I'm sorry, I don't know your name.

>> Can yes, lindi Garwood. So the affordability bonuses are tied to the zone. And typically sf-3 are the Zones associated with the current code nccds don't have affordability bonuses associated. Of course affordability unlocked does apply to the nccds because it applies city-wide. Lot sizes are closely tied with nccds and are designated in the nccds specifically, and then the preservation bonus, we can take a closer look at that. I don't know if that was part of the original direction. I can't remember off the top of my head but we can definitely take a look at that again.

>> Harper-madison: I think

[3:03:02 PM]

I'm generally comfortable with what you're saying but I have two more questions. Do you mind if I ask those? I'd like to ask, what was the barrier -- I mean, you made reference to the direction that was provided in may. What was the barrier to implementing that original policy direction concerning nccds? Was it language specifically? Was it some element that couldn't be executed? I'm just -- I'm curious what was -- what prevented us from making progress from the direction that was provided in may to now?

>> So, councilmember harper-madison, the N -- it's hard to explain, but the nccds are a very sort of tightly integrated set of regulations. They sometimes -- the regulations are not sort of applied. They vary within different sections of the nccds. Sometimes they vary for individual lots. And we start to change things like floor to area ratio or lot size. It becomes -- it upsets sort of the balance of other regulations that apply, and

[3:04:03 PM]

it starts to become just very difficult to sort of make singular changes to particular regulations without potentially creating conflicts within other parts of the nccds. So what we did was we took the elements of council's direction that could be applied within sort of the context of the current nccds, and then we recommended that if council wants to go further than that, that you remap. Because it's -- council's direction was both to retain the nccds but then make a list of changes. And we made the changes that really worked within the overall directive of also keeping the nccds. And I know it's a difficult answer to articulate, but nccds are a unique sort of zoning regulation, and we encountered difficulties with -- technical difficulties with making some of the changes that council had initially

[3:05:06 PM]

directed.

>> Harper-madison: I think I understand. Thus, as long as you're comfortable leaving in the remapping component to ensure -- because it sounds to me like the remapping is a critical component, which I thought it was.

>> Mayor Adler: I think by leaving the remapping language we create more confusion than we solve. I think it has to stay f25, because that's what the nccd is, but -- so I think it's probably best to keep the language as I originally proposed it but it effectively does the same thing. I understand you weren't able to get the preservation bonuses in but yet were able to get affordability bonuses, affordability unlocked. I would really, like, for you to push for you to be able to get that in. I think that gets everything that you had wanted, councilmember harper-madison, other than the lot size, and I just think that's really problematic within the nccd context. So remapping the way that they use that word might imply changing it from the f25 to something else. And then I don't think that's gonna work.

[3:06:08 PM]

I think we want to maintain the nccds but make sure these other things apply in the nccd areas.

>> Harper-madison: Well, I can appreciate that perspective. I don't know that we're gonna come to an agreement on this one.

>> Mayor Adler: Okay.

>> Harper-madison: I have one more question. Just curious about the cost of nccds on permitting. Or the cost of permitting by way of them being in the nccd.

>> Councilmember harper-madison, I don't know. I don't have numbers specific to that, but definitely we do look at sort of how much review time is required for certain types of regulations and nccds are among the more complicated ordinances to apply, so the review times for nccds I think are definitely on the higher side but I don't have specific numbers for that.

>> Harper-madison: Maybe you could respond sort of in a comparative analysis.

[3:07:08 PM]

You said on the higher side. So is it, you know, one to five or five to 25? I mean, just some general idea would be helpful.

>> I don't have

[indiscernible] May be able to help us with that.

>> Harper-madison: Thank you. I appreciate that.

>> Tom nicolotti, development services. I don't have the fee with me. I can look that up. I know there is an increased fee on the nccds on the permitting process.

>> Harper-madison: Which I can appreciate. I guess maybe when you're able to provide some tangible, that would be great. Thank you.

>> Mayor Adler: Okay. I would move this amendment as written. Any further discussion?

>> Tovo: Yes.

>> Mayor Adler: Councilmember tovo.

>> Tovo: This language is nearly the same as the direction provided in may, as our staff said and I don't know that it's

[3:08:08 PM]

clearly -- I'm just gonna underscore it. I mean, there are quite a few properties in the nccd that have been mapped for transition zoning so they have been remapped so I absolutely can't support sending forward the same direction policy again with the suggestion that we're actually asking for more of the nccd to be brought into the transition zone. I wish we had time and out of respect for those of you who have asked that we move through this quickly I won't bring forward the maps to illustrate that in some of our nccds, but if you look at fair view park, if you look at the Hyde park nccd, I mean, there's quite a bit that has been added to the transition zone. Frankly, I think it's an issue, and also we have had testimony and we've had emails, all of us have, talking about the numbers in the nccds refuting some of the misconceptions about it. Nccd in Hyde park, for example, laud adus on smaller size tracts before

[3:09:08 PM]

the rest of the city did. So I think that we have received evidence -- we have received a fair amount of correspondence on this that would dispel some of the concerns but I can't support sending forward direction to remap things that have already been mapped. I mean, this policy direction is virtually identical to what was passed in the spring so it's not at all clear to me what we would be achieving by frankly either amendment.

>> Mayor Adler: In this respect on these -- the whole issue of the nccds is obviously a hotly contested and discussed issue. I think as we move forward there are some kind of compromises that have been built into this, not dissimilar to compromises reached about the cadet classes and the like, where people had real strong feelings to end cadet classes, and we shall able to fashion something then abled more of the whole process to move forward. In any event that's why I'd bring this amendment. It's been moved and seconded -- I move the amendment. Is there a second to my

[3:10:08 PM]

amendment? I need a second to my amendment. Councilmember Casar seconds it. Any discussion?

>> Flannigan: This is your amendment to her amendment?

>> Mayor Adler: It's an amendment to her amendment.

>> Mayor Adler: Those in favor of my amendment to her amendment --

>> Mayor, the amendment is now as written?

>> Mayor Adler: As written, as handed out. Those in favor of the amendment please raise your hand. It passes. Let's take a vote on the amendment as amended. Those in favor? Those opposed. This is your amendment, councilmember harper-madison.

>> Harper-madison: I'm sorry.

>> Mayor Adler: We're now voting on your amendment. Sure.

>> Mayor Adler: My amendment that was handed out amended councilmember harper-madison's amendment. It passed. Now we're voting on councilmember harper-madison's amendment as amended. Those in favor please raise your hand.

[3:11:08 PM]

Those opposed. Voting no are tovo, kitchen, pool and alter. Others voting aye. This amendment passes. Okay. That gets us then to the next --

>> Alter: Your amendment wasn't laid out in the -- like if we're trying to track it, it's not --

>> Mayor Adler: It's not. It was handed out on yellow sheets.

>> Alter: I saw that. It's just not in the running document.

>> Mayor Adler: That is correct. That was passed. That gets us then to the third amendment, Leslie pool pulled this one, allowing group residential or cohousing uses in all R Zones.

>> Pool: Yeah. I will withdraw that because mine will come up later and under, let's see, let me just --

>> Mayor Adler: You're okay with this one now

[3:12:08 PM]

proceeding?

>> Pool: The co-ops, which is my number 10, will come toward the end when we go to process. And I do want staff to talk about that type of housing when we get to it, but I withdraw my pull on --

>> Mayor Adler: Okay. The third amendment passes. Yes.

>> [Off mic]

>> Mayor Adler: Okay. Councilmember pool has pulled this. Anybody else want to speak on this number 3, which harper-madison seven, that's what's before us now, harper-madison 7, to add the language to allow group residential or cohousing uses in all R Zones is what is now in front of us. Yes. Councilmember Flannigan.

>> Flannigan: Councilmember harper-madison, did you not change this to just say cohousing as opposed to group residential or cohousing? Number 7?

>> Flannigan: Yeah.

>> Harper-madison: It says cohousing.

>> Flannigan: It's just cohousing.

>> Mayor Adler: Got it. Mayor, you said group residential.

>> Mayor Adler: That's

[3:13:09 PM]

right, it's just cohousing.

>> Alter: Mayor, I have a question for staff.

>> Mayor Adler: Okay. Staff.

>> Alter: I'm not really understanding what this means relative to our code, and R Zones goes, you know, all the way down to r1 and up. So I'm trying to understand how this interplays with our occupancy rules and -- I see the value of co-ops, but I don't really like dorms so I'm trying to understand what the import is of this and I just don't understand it.

>> Councilmember, so the cohousing use would be a new use for us that's different from co-op, which is an ownership structure that the city doesn't regulate. Cohousing as it's written in the draft code is really about having a centralized common area, kitchen, laundry, facilities and detached sleeping units.

[3:14:09 PM]

That's how this use is described in the code. It would mean allowing that use, it looks like, in all of the R Zones.

>> Alter: So it's already described in the code somewhere and where is it allowed in the code right now.

>> It's first allowed currently in r3, I believe.

>> Alter: Can we get some clarity on that? I'm trying to understand. All this is doing is adding cohousing into our single family areas so it basically explodes the occupancy requirement -- I'm trying to understand what are it's doing relative to things that we've been concerned about.

>> So it is first allowed in r3 in the draft code so really it would be -- from the city's point of view it would just be allowing that structure type in those Zones where it's not currently allowed. I mean, you could do

[3:15:11 PM]

cohousing -- a house could be considered cohousing with one kitchen and multiple bedrooms, considered the sleeping units, but it allows for a form where those can also be separated. So they can have a separate structure for the common facilities and then sleeping units that are separate from that structure. So it would be allowing that new type of structure layout in those Zones where it's not currently allowed.

>> Alter: How does that interplay with our occupancy rules? Because I could see the value of the structure, but I don't understand how that -- what is that interplay?

>> So I think occupancy currently is defined in the draft code as six unrelated per dwelling unit and for the higher Zones we want to make sure more than six people can be accommodated for cohousing and group housing. If this were allowed in these lesser Zones I think we could put a provision in there to limit it to six unrelated, so six sleeping units or something that would get at that, if that's

[3:16:14 PM]

what the concern is.

>> Mayor Adler: Councilmember Casar. Then come to.

>> Casar: My understanding is, though, this is a use type of -- structure type. We're not editing occupancy limits by this change, right? We're not taking occupancy limits up with this.

>> Right. The occupancy limits are not changing, but in the -- like, in today's code we have a provision that allows group housing to --

>> Casar: I understand. I want to understand the impact of this specific amendment. This specific amendment is about allowing the cohousing type such that if it's a r2 zone but there's preservation bonus in three units that you could have a shared kitchen. This isn't editing occupancy. If it were I would want to know but I don't want to talk about occupancy if it actually isn't editing occupancy? So it's not?

>> As it's written it doesn't appear to be, no.

>> Casar: I just want to talk about what's written here. What's written here is basically saying in an r2 zone somebody did a duplex

[3:17:14 PM]

or preservation third unit you could have a shared kitchen, which might bring down costs, but it doesn't edit occupancy?

>> Right.

>> Casar: I just want to make sure everybody understands. That's why I think we can -- why I think it should be pretty easy hopefully for us to adopt.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Yeah, I have several questions about it that kind of get to what councilmember alter was asking. Can you tell me where in the code cohousing is? I just need to review the definition?

>> It's in the definitions of the land use, the uses -- it's with the zoning code.

>> Tovo: Okay if somebody has a page for me, that would be great because I want to look here. Can you help me understand? I represent neighborhoods that have -- when we have had group residential in the form of fraternities within residential areas, it has caused a lot of conflict and it's caused a huge amount of work for our legal staff, for our code department, for our council policy staff, and I can think of at least

[3:18:15 PM]

two instances where the properties were not zoned to allow for fraternity use but they in essence rented in one case an apartnt complex and in another a house and it causes great conflict in our interior residential neighborhoods and I think it causes great conflict for those fraternities. I don't think they are enjoying getting called -- having the police called on them. It's not clear to me how cohousing -- frankly, I will express that that's a concern with one of the -- with group residential being allowed in so many of the categories in this version of the code. I've heard from multiple constituents and neighborhoods around the university that that's a concern, around UT, as well as other universities in Austin, that that's a concern. Also I'm concerned now about cohousing. While we want to encourage cooperative housing, I think I heard you explain, Mr. Dutton, that the cohousing definition not talking about the ownership

[3:19:17 PM]

structure. It's simply talking about living in one facility. And so, you know, we had a very long stakeholder process that happened before any of us were on council looking at high occupancy healthing, i.e., steth dorms and that came to some conclusions that I think were the only way to kind of address it had to do with occupancy. But it was a long and complicated process, and it was one where I think we were able to stop the proliferation of that particular housing type, which was helpful, because it was resulting in a lot of demolitions to create that housing type. So I need to understand, I guess, number 1, is it -- would there be anything to prevent organizations from occupying a property under cohousing in residential areas, r2, r2b.

[3:20:17 PM]

>> No.

>> Tovo: Okay. And can one of you -- I don't know that any of you have been involved in some of those legal cases, but I know our attorney has been, and so perhaps it would be useful if we're gonna contemplate this kind of use, I think it would be helpful to get some sense, city manager, of the amount of city resources that have been expended dealing with these concerns. Because it's considerable. And would be considerable moving forward if we're making -- if we're increasing the opportunities for that conflict to occur. So if -- I'm all for encouraging cooperative housing. If we can find a way to tweak the definition of cohousing so that it includes an ownership component, I think that would be helpful in distinguishing group residential from cohousing as well. I think there's a lot of support for cooperative housing throughout the city. I think we're asking for a lot of conflicts if we leave the code as-is with regard

[3:21:17 PM]

to group residential and consider this amendment. So I'm open to solutions here, but that's -- that's the challenge and the conflict that I see at the moment with this amendment and also the staff proposal for group residential.

>> Mayor Adler: Okay. Harper-madison amendment is in front of us.

>> Harper-madison: If I may offer some clarity. From my perspective I get a lot of those probably similar passionate calls, but in the opposite direction from people who are really looking for a tangible, accessible affordability option. And for them cohousing and, you know, by way of how you described it, it's essentially being able to make housing truly affordable for a lot of folks who just can't afford it. And so while I can appreciate wanting to see how much city resources went into issues that arose by way of cohousing, I would beg to argue that as many, if not more, city resources go to us trying to find solutions for affordability.

[3:22:17 PM]

And for a lot of folks being able to share the cost of the expensive parts of construction that, the kitchen, bathrooms, being able to share those more expensive items really truly makes housing affordability for d1 residents so while I can appreciate your concerns, I think a lot of my constituents have concerns but in the exact opposite direction than yours.

>> Tovo: Mayor, if I may?

>> Mayor Adler: Yes.

>> Tovo: I mean, I live in a neighborhood that includes a lot of different housing types, including houses that have been converted, one, into a co-op, one into a triplex. Help me understand, and I guess maybe this is a question for staff, I mean, this is really going to drive the production of new construction. It's not speaking so much to how we use our existing construction, which are -- currently allows for those type of cohousing opportunities as Mr. Dutton said in our existing housing stock. It's not at all clear to me what a cohousing option

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would look like within a existing neighborhood. I mean, it would allow them to have a kitchen in one building and then three outbuildings that don't have kitchens, just have rooms?

>> Right. They could be separate and detached.

>> Kitchen: Okay. Yeah to me that will lead to -- I mean, that will be used in certain areas, and they will be used for kind of private dorm-like options because there's great financial gain in doing so. So if we're -- if there's a way to think through how we could encourage the kinds of situations that you're describing, you know, I'd be open to that, but at the moment I don't see a way around -- I don't see options that will foreclose the issues that are already -- and those are, again, when it's encouraging the production of a new housing type of that sort it tends to result in the demolitions of existing structures. The co-ops that I'm familiar with are largely in existing

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houses that have been converted and that's one help to remaining affordable.

>> Mayor Adler: Councilmember pool.

>> Pool: Would they also -- if they're detached and they don't have to have a kitchen, what about a bathroom?

>> The idea there is -- I think so -- they would be allowed to have a kitchenette inside or potentially some kitchen facilities, but -- and I'm sorry, yes, and a bathroom.

>> Pool: Otherwise it sounds like sort of an Adu but without the mod cons, if you will, that you would expect in an Adu. So I'm confused now over a detached cohousing and why it wouldn't have the typical - I hope it would have toilet facilities.

>> Councilmember pool, the definition, just to read it for the record so everybody is clear, the definition in the code is a cohousing is a residential development of three or more sleeping units in which sleeping units are separate and detached from

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common areas that include kitchen, laundry and other shared facilities. This includes cooperative housing.

>> Pool: So I don't hear anything in there about bathrooms. Is that an error in the -- maybe we can move on to the next one. This seems odd to me. Detached housing without bathroom facilities. Again, I would understand not having a kitchen or kitchenette, but. . . Having a shared kitchen.

>> Harper-madison: While they deliberate, may I add some clarity to my rationale here? It really is to be able to maximize the use of the preservation bonus, you know, achieving affordability by way of tapping into the preservation bonus. If that helps to answer any questions any of my other

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colleagues have about rationale.

>> Councilmember pool, we checked with dsd and they would be able to have a restroom with a sleeping unit so it would be the sleeping unit and a restroom and then the kitchen and laundry facilities would be in a common space and it would just be the sleeping unit that would be detached and separate.

>> Pool: You said they would be able to.

>> Yes.

>> Pool: Who would make that decision? Is it required --

>> Dsd. Is it required, Donna? I'll let Donna speak to whether it would be required or not.

>> I don't think it would be required. But it would certainly be allowed and probably would be the preferred mode of construction, but to your question it would not -- we would not interpret that as being required. One other point I would briefly make is these in the -- the cohousing would have to satisfy all the applicable site development standards. We would not read this -- council direction as giving any relaxed site development standards for it. It would just be allowing it

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in a broader range of Zones.

>> Mayor Adler: Okay. Councilmember harper-madison.

>> Harper-madison: Just wanted to point out one more thing. Anybody who had the opportunity to visit the community first village, it's literally the exact same model they use. All the laundry and kitchen facilities are shared and sleeping and restroom facilities are independent of those shared facilities.

>> Mayor Adler: Okay. Yes.

>> Alter: So I have a better understanding kind of what you're trying to accomplish with this and I'd like to see us find a way to allow that to be, but thinking through the way I've seen some things play out in my district, I think this is just gonna -- this will -- if we don't figure out some of the parameters, this is gonna end up in a lot of situations like the pool house example that I've given before, where people will take advantage of this and call something another

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unit and you'll get sort of McMansion-like things without any additional housing. They won't call them ads and so I just think there's a lot of elements of this that we have to get right. And so I don't have sort of the language, but perhaps we could -- instead of telling them that they have to allow it in the districts without having all those other things in place, if we could figure out a way to provide direction to explore that and come back with ways to do it. Because I don't know that just at large allowing it in every R everywhere kind of is gonna put the guardrails on that that we need. I totally hear what you're saying now. I didn't understand what cohousing was before we had this conversation. I just think in some scenarios this could be used in ways that are gonna be counter productive to our

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goal. So gonna there's language we could use that would explore how to do this, but there's so many pieces here that I feel like need to be ironed out so we don't get too many unintended consequences.

>> Mayor Adler: Okay. Councilmember Casar.

>> Casar: I'm comfortable moving forward with the amendment as it is here. It's -- doesn't apply to group residential so this doesn't have anything to do with big frat houses, is a sorority houses. I'm comfortable with the language but I think the staff and councilmember harper-madison and everybody understands that we didn't want this to enable somebody to build a couple of pool houses. We want you to write it in a way that really gets to the cheaper cohousing model, as councilmember harper-madison has described. Since it's about three sleeping units, it would be when somebody builds two more units having that shared facility. So I intend by voting for this that you work on the

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guardrails, as councilmember alter describes, because I think the goals are the same here.

>> Mayor Adler: Okay. We have a motion and second. Mayor pro tem Garza.

>> Garza: I feel like we're gonna have similar conversations throughout however many days that we do this, and I sincerely appreciate -- I feel like a lot of times we say appreciate. I sincerely appreciate the position that you take in your decision-making, but -- and the reason I think about this because I've been asked when is this thing gonna be final and I've said it's really never final because we are constantly tweaking our code. In fact, you know, we tweaked the Adu ordinance. We tweaked the str ordinance. We're constantly doing that, and I hope we can, like, kind of step back from the 1-offs unintended consequences because they're gonna happen, regardless of how we write this, there's gonna be those one-offs where somebody does something and that allows us the opportunity -- when we see that, idea that's how

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the stealth dorm thing came about. You saw a certain trend happening and we came back and kind of did something. So I just wanted to express as we're going through this, we're not gonna get it perfectly right, but, you know, we need to move in the direction that allows different types of uses and different types of structures and housing options.

>> Renteria: Mayor? I'm comfortable with it. I see it happening right now where there's a couple of areas where -- even in my district where there is about, you know, up to six different people living in one house, and they use the common kitchen. Usually most of them are young professionals that haven't been able to afford the apartment cost of living in this city so they share their house and each one shares -- each one has their

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own bedroom. So it's happening right now, and I think that it's a great tool.

>> Mayor Adler: Councilmember harper-madison moves this amendment. Is there a second to many amendment? Councilmember Renteria seconds it. Further discussion before we take a vote. Yes?

>> Tovo: I'd like to add an amendment to it, to include an affordability requirement. Allow cohousing in all R Zones, and then the understanding would be that in any Zones that the -- that are not currently proposed, where we're expanding it, the staff would propose what kind of income restrictions or affordability component should be attached. So my language would be more or less with income restrictions or with -- excuse me, with an affordability component.

>> Mayor Adler: It's been moved to amend the amendment to add with an affordability component. Is there a second to that?

>> Harper-madison: I'm not comfortable --

>> Mayor Adler: Councilmember pool seconds that.

>> Harper-madison: -- relatively nature of

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affordability. I really am not comfortable dictating that.

>> Mayor Adler: Okay. Amendment has been moved and seconded. Any further discussion? Those in favor of the amendment -- councilmember alter?

>> Alter: So I'm gonna abstain on this, but I hope that -- I want to sort of see the details when they come back and I hope that staff will pursue achieving this goal as they've heard the intention. I don't think we're gonna be able to capture it all in sort of align and that you -- as you think about this, that you think about the appropriate guardrails that will be necessary. Not every -- everything is gonna work well everywhere, and it may very well undermine a lot of the units in high-opportunity areas. I think we need to be careful as we're thinking through that, where we end up with that.

>> Mayor Adler: Okay. Amendment to the amendment. Those in favor please raise your hand. Tovo, kitchen, pool.

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Abstaining is alter.

>> Alter: I was abstaining on the -- I'm gonna vote for this one but abstain on the next one.

>> Mayor Adler: With alter that's four against -- those opposed. Balance of the dais. We're now back to the harper-madison amendment. Those in favor of the amendment please raise your hand. Those opposed. It's tovo, pool, with alter abstaining. That amendment -- harper-madison number 7 is adopted. Harper-madison eight was withdrawn. That gets us then to Garza number 3, which is the -- allow the --

>> Garza: I thought that was put in the programmatic --

>> Mayor Adler: Harper-madison eight I think --

>> Casar: Number 10 is

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environmental. We're in residential right now.

>> Mayor Adler: Yeah. It's just not there yet. Eight was withdrawn. That gets us to Garza small neighborhood -- allow neighborhood small grocers. That was in by consent. That gets us then to the direction item at the top of the page we're gonna put in the programmatic bucket for action here in a second. Casar resolution complaint properties is in by consent. That gets us to site development standards. Casar resnumber 2, councilmember Casar makes this amendment. Is there a second to this amendment? Councilmember Flannigan seconds it. Councilmember alter, you pulled this one.

>> Alter: I'm sorry. I'm totally confused.

[Off mic]

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>> Mayor Adler: So there was a harper-madison eight was withdrawn. Garza 3 in by consent. The direction at the top of the page into programmatic. Casar resolution number 1, in by consent. That gets us to Casar resolution 2 pulled by alter. Councilmember Casar moves it, seconded by councilmember Flannigan. Councilmember alter?

>> Alter: I don't know if councilmember Casar has further examples that he wants to share first I'd be happy to have him --

>> Mayor Adler: While that's coming out why don't you raise what your objection was or why you pulled it.

>> Alter: I'm just trying to understand all of the pieces together on the F.A.R. And having a coherent kind of understanding of where we're going. I think I would benefit from

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hearing his examples.

>> Mayor Adler: Okay.

>> Casar: So the goal of the amendment is to not prescribe specific F.A.R. For the staff because the staff is already exploring this, but it's to make it really clear what sort of general principles they should be using in thinking about to bless that by the council and then provide some examples of what that might look like, with the goal of we know we're adding F.A.R. Units but we want that extra square footage to go to building more units if possible and to keep them family friendly, knowing you usually need around 1100 square feet if you want to get to three bedrooms, so getting to that 1400, 1500 square foot range. I've handed out a second one below. This illustration shows what it might look like if you had single family at .4 like it is now. It also shows the possibility of saying what if we capped F.A.R. At .35

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and allowed you to go to .4 but only if you build an Adu? Which would be another way of incentivizing multiunits, saying you can go to your .4 but you have to build an Adu and to leave .1 of F.A.R. Left over for that Adu because we could set two unit F.A.R. At .5. The staff showed us at work session what it might look like to say maybe on really big lots you have tighter F.A.R. Restrictions and on really little lots where you still want a family friendly house on a really little lot you might have bigger ones. So my amendment is really going towards this idea of getting to a goal, letting staff work with stakeholders and with council offices, and there's ways to make it work with a .4 F.A.R. There's ways it might work better if we go to .35, or maybe we leave it at .4 but we're gonna make you have an Adu if you want to max out your F.A.R. Essentially, it's laying out that framework which is really saying graduate the

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F.A.R. And try to have -- incentivize more modest size by family friendly units through R zoning.

>> Mayor Adler: Thank you. Councilmember alter.

>> Alter: So thank you. I think -- so my first clarification I just want to make sure -- and I think this is what you intend. So there's not confusion down the line, your examples are simply illustrations. You're asking them to figure this out so that the -- you have increased sizes based on the number of units, not that they have to follow your particular calibration that you have defined.

>> Casar: That's right.

>> Alter: That's correct.

>> Casar: That's correct. That's why I handed out a second illustration to show you don't have to follow the first one I handed out or second one. When folks have done it

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another way -- I'm admitting there are many ways to do this.

>> Alter: Okay. So I'm fine with res2 then. I just wanted to clarify that. I think it kind of goes with the --

>> Casar: With res3.

>> Alter: Res3 goes then with my 4.

>> Mayor Adler: Let's hold off on res3 for just a second. On res2 councilmember alter now is okay with this. I have some concern, councilmember Casar, about going to .35 with a single home but I'm happy that's just an illustration. You all can figure that out, policy, and maybe the Adu is a way to do that. I don't know. I'm fine with this going forward as well, too. Anybody object to res2 being incorporated into the base motion?

>> Harper-madison: I'm sorry. Can you repeat that?

>> Mayor Adler: Anybody have any objection to Casar res2 being incorporated.

>> Harper-madison: I also have questions about it, if we could continue the conversation.

>> Mayor Adler: Yes.

>> Harper-madison: I have questions for staff specifically. As I understand it F.A.R.

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Doesn't incentivize smaller units. It requires them. Currently our biggest limitation to small unit construction and why we see such large homes is our minimum lot size/site area requirements. It causes the price per square foot of small units to be exorbitant because land is in fact pricey. I guess I just want to make certain that I'm understanding that correctly to be the case. That's sort of a two-parter. Does limiting F.A.R. Not in fact incentivize smaller units to be constructed?

>> So, councilmember, today we have F.A.R. Limits by lot, and so it doesn't really say that a unit has to be a certain size. It just gives you an F.A.R. For the lot and how that's allocated depends on what uses are constructed on the

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lot. So having an F.A.R. Limit can get at unit size, but it doesn't -- the way we have it in the code doesn't really get at the level of specificity being suggested here, where it's graduated by unit count.

>> Harper-madison: Okay. I don't think that answered my question, but I think you did your best, given the limitations that you have. I think more or less what we're saying is, though, the limitation and subsequently the cost is the direct result of how much you can build on the lot and then the minimum lot sizes being able to dictate that. So, yes. And then -- yeah. That was all the questions that I had. But additionally, the other concern that I had is if we could consider incentivizing small unit construction by eliminating minimum site area requirements and other regulations that impose high fixed-cost construction in order to make small construction financially feasible for those who

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deliver the yield was my concern/question -- contribution. I'm concerned that limiting that offering these limitations won't achieve the goal.

>> Mayor Adler: Further discussion? Amendment by councilmember Casar. Councilmember alter.

>> Alter: So I just want to clarify, again, that what this is doing is saying that you should graduate the F.A.R. By the number of units. It's not setting out how you do that with the minimum amount is, you're gonna have to figure out how that impacts with what people can currently do and what you do for any potential grandfathering, all of that would be something you guys would have to figure out. But the idea is to get it to incentivize more units rather than bigger units.

>> That's correct.

>> Alter: Okay.

>> Mayor Adler: Let's take a vote. Those in favor of this amendment please raise your hand. Those opposed. Those abstaining. Harper-madison and pool abstain.

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Others voting aye. This amendment is approved. That gets us --

>> Kitchen: Mayor --

>> Mayor Adler: Yes.

>> Kitchen: I'm sorry. She wanted to say something first.

>> Harper-madison: I didn't mean to abstain on that one. I was distracted. I'd like to vote for that one.

>> Mayor Adler: Okay. Let the record reflect I miscounted the hand that was actually another vote for. Pool abstained. Others voting aye.

>> Casar: Mayor, I'm gonna get the second illustration over to the staff.

>> Mayor Adler: Please. I'm assuming that -- that is part of the amendment, both illustrations, the one on the yellow page and one you're handing out.

>> Kitchen: Mayor, before we go to the next one, I just wanted to say that I'm going to pull down four of mine.

>> Mayor Adler: Okay.

>> Kitchen: D1, d16, d17, and d18.

>> Mayor Adler: D1, d16, d17, and d18.

>> Kitchen: Yeah.

>> Mayor Adler: Councilmember kitchen is pulling down d1, d16, d17,

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and d18.

>> Kitchen: Yes. And just -- I think others had pulled down theirs, too, to work with staff more on them. So I think that those are four that I can pull down right now and I'll continue to work with staff on them.

>> Mayor Adler: Great. Thank you. All right. We are continuing on on page 4 of 39. We are in res3, which was the F.A.R. Exemption. Councilmember Casar makes this amendment. Is there a second to this amendment? Councilmember alter seconds this amendment. Discussion?

>> Alter: So I pulled it.

>> Mayor Adler: You pulled it.

>> Alter: So I pulled it because I wanted to have a -- this broader discussion of the F.A.R. Exemption. So as I'm understanding it, right now we have F.A.R. Exemptions that are allowed for attics and garages, and they're just exempted. If you call it an attic or you call it a garage. And what this is saying is that we're only going to

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allow that to be 200 square feet, which is in the right direction as far as I'm concerned. But I wanted to just kind of have that conversation in the context of my number 4, which is not saying what has to be in the code but I want you to come back and demonstrate the impacts on housing and affordable. So we changed the language a little bit in there to housing capacity and affordability if we eliminated the attic, garage, and balcony exemptions from the F.A.R. Calculation. So we've been having talks about how you get huge balcony spaces and some of these things and other things as part of that that end up kind of incentivizing weird things and that did we want it to be sort of habitable space if it's getting the -- if it's counting towards F.A.R. And stuff. So I think that this one and

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mine are compatible, in that this one is saying we already know we want to go to this 200 square feet limit for how much you can get for exempt. But I think we should consider going further, and I want staff to come back with that analysis, and I've added balconies in my number 4.

>> Mayor Adler: So we'll get to your amendment when we get there. Okay. Any objection to this item res3 being included? Hearing none, it's included. That gets us to res4, preservation bonus. It's been moved by councilmember Casar. Is there a second to that? Harper-madison seconds that. It was pulled by councilmember tovo.

>> Tovo: Yes. And some of it I agree with and I think works with what I've brought forward. There were some elements about which I had

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questions. So number 1, allow the preserved unit to be expanded and remodeled up to the allowable F.A.R. You know, that works for me if we're very specific about how we want that expansion to happen, and I think the preservation Austin and others have worked together on some of those specific points that I brought forward as part of my amendment. So to some extent, my opinion about 1 sort of depends about some of the other elements I'm bringing forward. And I think you may have pulled mine, so --

>> Casar: I'm happy to --

>> Tovo: Maybe we can talk about them together.

>> Casar: If the mayor would allow, I'm happy, since some of them were just about to pull up tovo's, if we could take a vote in ways that makes this make sense.

>> Tovo: At least let's talk about them together. Then number 3, so can you help me -- talk me through

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number 3? This would allow -- this would allow a lot to use the preservation bonus to add an additional unit and then to subdivide that lot?

>> Casar: That's right. So one concern folks have raised is let's say somebody wants to preserve their house and now with the preservation bonus they could have a little duplex in the back to help them stay in their house but there's been the concern or question about what if some folks don't have access to the equity to -- to build that, if they could actually sell the duplex in the back of their lot, then in that case it would I think be much more accessible for way more people. So this would more easily allow -- the goal would be to more easily allow somebody to subdivide the preserved unit away from the preservation units.

>> Tovo: You currently have the opportunity to sell that under condo regime. People do it all the time in all of our neighborhoods.

>> Casar: I understand. This would be if you don't want to have a condo regime

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on your house, it would make that a little easier. I think Brent may have a comment here and the mayor is writing it, so --

>> Mayor Adler: Go ahead.

>> So tying lot size to a particular development, normally or current code lot size just applies based on your base zoning district. It sets a minimum lot size and it doesn't vary based on the type of development. And we were definitely concerned that that would be a challenging regulation to implement and apply, and we have many concerns about that direction. But if it's something that council wants us to look at, we will absolutely do that. We're not saying that it can't be achieved, but we would need to work with the law department and really just look at how it would work. It is very easy to make height -- you know, tie height to the type of unit being built, to tie F.A.R. To the type of unit being built but lot size is sort of fundamental and creates

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opportunities about subdivision and does raise some challenges. We would just ask with respect to that one item that if you include that, that you make it a consider rather than --

>> Casar: If it can't be done then it just can't be done. I think we understand that.

>> Tovo: Mayor. So, Mr. Lloyd, your suggestion on number 2 is consider, to add a consider before limit the size, et cetera, et cetera? Or consider -- well, I heard him talking about --

>> It would be number -- councilmember tovo, I think that's item number 3 that I'm concerned about, the allow lots utilizing the preservation bonus to do a simple subdivision bonus --

>> Tovo: Would the same not be true of 2? In terms of maintaining the regulation of the size of the Adu, you don't see that as a challenge, especially if it's been subdivided potential?

>> You know, I think we can find a way to work with sort

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of tying F.A.R. To the -- to a unit type, that it's when you start making minimum lot size dependent on a particular type of structure that that just creates challenges and it's different than how our code has been crafted in the past. So I think it's just number 3 that is one that we would -- we would have some challenges working with, but we're certainly able to consider it and look into it.

>> Tovo: So then, councilmember, number 6, increasing impervious cover, I have a concern about that one.

>> Casar: It's both increasing impervious cover and reducing it. So in this case we would want to increase its applicability on -- with the preservation bonus units but we would want to negate its impact by reducing it in other r2 Zones. I think this was also posted and maybe already adopted with councilmember alter and the mayor's -- or maybe it was just the mayor's -- or was it not? I don't know if this was included in someone else's. It was on the a message

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board post. So, this might be the only place it is. It is both increasing impervious cover if the preservation bonus is used but reducing impervious cover in r2 Zones to negate any increase.

>> Tovo: Have you done any analysis to determine whether that actually balances out? I mean, especially in areas where we have older housing that would seem to be -- to completely throw off the impervious cover. I know there's a lot of work by [indiscernible] That we have. Anyway, let me just say I'm not gonna support increasing the impervious cover by 5%. So maybe that's the enter of

-- end of the day here, end of the discussion that we need to have unless anybody else has questions about it. I guess I'd ask if we have any analysis to determine what the impact of this is and? They really would balance each other out or is there any way to tell at this point?

>> Sure, Matt Holland, watershed protection. We have not yet looked at this. This is a new amendment. I'm actually not sure how we would model this because

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some would be going up, some going down. It would be sort of conjecture to some extent, but we could look at it.

>> Tovo: Okay. And, let's see. Number 7. Okay. So I think that's the substance of my questions, and then I'd like to take them up separately. Some of these I can support and some of these --

>> Mayor Adler: Does anybody have objection to adding "Consider" in front of number 3?

>> Kitchen: Mayor, I had questions.

>> Mayor Adler: We'll get to you in just a second. I'm following up now to see --

>> Casar: Mayor, I'd like to leave it the way that it is.

>> Mayor Adler: That's fine.

>> Casar: I'd like to include it and if it doesn't work we'll forgive them for not including it.

>> Mayor Adler: Just needed to ask. Further discussion on Casar res4? Councilmember kitchen.

>> Kitchen: That's what I was gonna ask, was, councilmember Casar, if you would consider -- consider, because there are some of these that we just don't

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know what the impact is. So what was your -- I didn't quite understand what your reservation was about using the word "Explore" or "Consider" or that sort of thing.

>> Casar: On subdivision one in particular, if somebody can have a smaller lot size for their preservation units I'd like for it to be included, but then if they just can't do it, then we ask them to try. Explore/consider doesn't make it clear whether the council actually wants to include it in the second one or not, in the next draft that's produced so that's why I wouldn't have the word "Consider" there. On the impervious cover one I think it makes it clear that we want -- I want to get to a place where watershed comes back and says this small increase on this particular kind of use and this small decrease on this -- which is gonna be all throughout the same streets, we feel good that that mitigates and negates that impact, and so instead of considering/exploring it I want to be very clear this is what we want them to try

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to do and we'll hear back what they find.

>> Kitchen: So your understanding then is this process just brings us back an alternative? It's not actually changing the language? So we'll be able to look at our -- is that what I heard you just say or no?

>> Casar: I mean I would hope in their next draft they bring something back that says, yes, we managed to increase the flexibility of the preference bonus but instead of going up to -- by 5% we went up by four because we reduced r2ic by 1% and we think that that more than negates it, you know.

>> Kitchen: Okay.

>> Casar: And so they would come and put that into their next round of text that they bring to us.

>> Kitchen: Okay. So even though you say "Increase" you don't say "Consider increase," you're allowing for the staff to come back with a different number than your 5%? Is that what you're saying?

>> Casar: Yes. I am totally fine with the percentage number being something a little bit different than that. It's just we've seen and

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heard that if you're building a couple more units, that that would be very useful.

>> Kitchen: Well then I would feel for comfortable if you actually changed the language. Because what you're asking us to vote on is an actual increase of 5%.

>> Casar: Okay. Why don't we say --

>> Mayor Adler: What did about it just says refuse impervious cover to r2 Zones, take out 5%. Just say by 5%, keep it r2 Zones for development. And then you go on to say to -- and then you take out the word "Potentially" on that last --

>> Casar: Sure.

>> Mayor Adler: Take out the word "Potentially" so as to reduce the -- reduce impervious cover in those Zones and reduce by small percentage to compensate.

>> Casar: That's fine.

>> Kitchen: Okay. Then would you consider adding language that allows for the fact that you may not be able to compensate in some areas? Because I'm --S it -- are you reading this to mean that it is in the same area that you're talking about reducing some and raising

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some? Or are you talking about reducing and raising in different parts of town?

>> Casar: I believe these would happen concurrently because we're really talking about r2 Zones. The places you'd be increase Aring are the same places --

>> Kitchen: There's r2 Zones all over the city.

>> Casar: Right. Yeah. Help me understand what you're trying to --

>> Kitchen: Okay. What I'm trying to get at, actually, really, I would leave this -- you know, I really want to rely on staff to see what they come back with. My question would just -- I want staff to be clear that -- I'm not clear that you can actually do this, that you can actually offset this way. Because of the way impervious cover works and because of the impact on different watersheds be and different parts of town. So I would feel more comfortable if this language was just, you know, asking the staff to model this, take a look at it, see if it

[3:59:55 PM]

could even be done. I'm not convinced that it could be done, that you can.

>> Casar: I would hope they try to do that negating by watershed and by area. And because -- I think that -- and I think and hope that it can. If they come back and said it didn't work, we couldn't fulfill this direction, you have the option of increasing or the option of not increasing because we couldn't full till it, that's fine, but if they can, I want an end. I want an end if they can do it.

>> Kitchen: So maybe some language that says -- maybe I should ask staff, I want to be really clear that this is -- is that staff has the ability to model this and come back. And if that's what you think. And I'm talking about Matt. If that's what you think, be able to come back and tell us that you really are. You can't just balance it that way. Do you feel like you need

[4:00:55 PM]

some more language I guess is I guess what I'm asking. Because I'm wondering, councilmember Casar, if we could add an caveat that says provided that the impact of -- the impact on the watershed is not a negative.

>> I think we will be having to make assumptions about how many people use county preservation bonus. So it would be assuming 10%, blank. If assuming 20% -- these ranges and what that is in reality we of course couldn't tell.

>> Kitchen: All right. Well, I'm not comfortable with it being this prescriptive.

>> Mayor Adler: Do you want to add in front of number six, if possible, comma.

>> Casar: I think that's the intent.

>> Mayor Adler: Is there any objection, we'll add the words if possible.

>> Casar: I'm not asking for the impossible.

>> Mayor Adler: Okay. It's added. Further discussion? Councilmember tovo.

>> Tovo: I want to better understand how the subdivision works with the impervious cover. So in your mind or in your

[4:01:56 PM]

intention is it if the lot -- if a property owner takes -- decides to utilize the preservation bonus, preserves the front house and then subdivides, is it your intention that the impervious cover on both of the resulting tracts or all three of the resulting tracts would go up to 50%?

>> Casar: If everybody -- if every tract is 50% then the whole tract is 50%. It's not like you have three tract going up to 55% and that increases ic. If you divide 55% by three then you wind up with three 55 percents.

>> Tovo: I see where you're --

>> Casar: With condo regimes then folks can determine who gets which portions of the ic, but then splitting is the same.

>> Tovo: All right, thanks thanks.

>> Pool: Mayor?

>> Alter: So I just wanted

[4:02:58 PM]

to ask staff what concerns you have about this? I think there's broad consensus that the preservation incentive is not calibrated yet where it needs to go and I think staff have presented some options and have been working hard on that. I'm a little concerned about being too descriptive and putting them in a box and I would just like to hear from you all any concerns you have about this that we should know given what you've been studying on this. I know I haven't had enough time with this amendment and with folks who have better understanding of how it would play out to really understand it. So I don't know who the appropriate staff would be, but my concern is you understand very clearly that we want to fix this. I think you have a sense of how we want this to work. I'm concerned that if we put too many prescriptions on it we are putting you in a box, but I don't know enough to

[4:03:58 PM]

be able to say if that's what we're doing here.

>> If you added a general caveat to the very front of this list of items that says that staff should use these as sort of criteria as a baseline, but make them not prescriptive, I think that we can work with this. I think there's a lot of valuable guidance in this list, but as we've discussed, there are some of the more detailed ones that would require some further vetting and internal review. So I think if there's just a general caveat with the understanding that we may come back with something that differs in some of the particulars, I think it would help move the ball forward and we could work with it.

>> Mayor Adler: So amend the bonus as follows, parenthesis, without specific numbers being persistent.

[4:04:59 PM]

And number six will say impervious cover preservation bonus is used of developments of only one unit, continuing on. It would also begin if possible.

>> Alter: So Mr. Lloyd, does that phrasing that he used give you the latitude that you felt like you need?

>> Yeah, there's not a particularly phraseology that's required, but if you can signal to us these are not a descriptive list but just illustrative of things to consider we would view it corrodoringly and probably come back with a proposal that doesn't exactly match all of the specifics, but I think the general intent of these provisions is something that we all would try to work with.

>> Alter: I think you also had other things that you had already thrown out there as things that we also don't want to preclude.

>> Mayor Adler: Let's take a vote. We'll go through in order.

>> Tovo: Mayor, I'm not sure if everybody wanted to do that or if it was just my

[4:06:00 PM]

request. If you read me the request about not being prescriptive that may accomplish it.

>> Mayor Adler: Amend the preservation bonus without being specific numbers prescribed. Yes, councilmember kitchen.

>> Kitchen: Without specific numbers or methods being described.

>> Mayor Adler: Without specific numbers or changes being prescribed. Are we okay with number six? Six goes in with those changes. That then gets us to Casar res 5.

>> Tovo: Mayor, since we're talking about the preservation bonus would it be okay to pick up my piece, two down? I'm just wondering if there's a utility to --

>> Mayor Adler: Yes. We'll do that because the next one has been by consent. That gets us to tovo 22.

[4:07:00 PM]

>> Tovo: Great.

>> Mayor Adler: So councilmember tovo moves number 22. Is there a second to councilmember tovo's 22? Councilmember kitchen seconds that. It was pulled by councilmember Casar. Do you want to say why you pulled it?

>> Casar: While I really respect and understand that we want to make preservation really mean something, I also have gone to my district, and there are a lot of people that are excited about the potential to use the preservation bonus and I just want it to be really easy and accessible for a lot of

folks to use. And I don't know whether these specific things on roofs are the ones that get us there. I would trust the staff to make it be preservation, basketball make it really easy for an everyday homeowner. And this reads a little bit more to me like it's an historic house. I know it's not the same thing. I would rather not include this for now and let the staff continue to refine the bonus.

>> Tovo: Mayor, I would say that we've had multiple conversations in this community about the extent

[4:08:01 PM]

to which the renovation ordinance is insufficient. And I understand the -- our staff are taking a look at the preservation incentive to strengthen it. These are incentives brought to us by preservation Austin and I think they were working together with other organizations to come up with these sections. I think if we're going to have the ability for any homeowner in the city to add two units where they currently have one or two with the understanding that they're maintaining the existing structure, then that really has to mean something. And again and again, on Saturday and in our email, we've had urgings that we create a reservation incentive that is meaningful and doesn't result in what we see all over town, which is two walls of studs, sometimes those even go in the next go round. But again, if we're allowing a very significant entitlement of allowing one or two additional structures, it really has to have some provisions that are -- that preserve that existing structure. Otherwise we've just not

[4:09:02 PM]

accomplished what I thought was our goal, which was to make sure that this didn't become just a giant loophole. So I am happy to add some language if it's helpful, councilmember Casar, that says consider specific -- consider specific guidelines such as the following and have them like that. I mean, yours was fairly descriptive, but we added in that. I'm happy to add language along the lines of what I've just described to preface this and then ask staff to take a serious look at it. But we have mentioned several times we want it stronger. At this point I think it's time to get really specific and include ideas about what that really looks like in implementation form, where otherwise we're just going to be having this conversation again on third reading.

>> Mayor Adler: So I think it really important for us if we do as good a job as we can possibly do to avoid the abuse of the situation. I'm uncomfortable with these particularly prescriptions.

[4:10:02 PM]

If we use the exact same language that we used for councilmember Casar's, it would say for buildings 30 years or older without specific numbers or methods being prescribed, but here are examples to take a

look at this and find out what we can do in order to know what we can do for there not to be abuse. Are you okay with that?

>> Casar: In this case my objection is not the prescriptiveness. And frankly in mine if you look at it, all of them say eg in example, except for the icu one, I wanted it to stay the same. Throughout the rest -- I don't want this to be a loophole. I think the staff should work on it to not make it a loophole. But in reading this it just seems like more than many homeowners would want to do. So I would -- I don't want to vote for this and just hope that the staff continues to work to make it not a loophole. And I don't think it will be.

>> Mayor Adler: Are you continuing to work to make sure it's not a loophole? Are you looking at that?

[4:11:04 PM]

>> Yes, we're looking into it and continuing to work on it to make sure that some character in some ways are retained.

>> Mayor Adler: A lot of us have mentioned that. So that's ongoing work that's going on now. What would you like to do?

>> Tovo: I'd like to go forward with it because again this is something that we talked about during codenext. We've asked can you look at best practices. Can you look at programs around the country. And again, I think we're going to need to get to some more specific language. So I would suggest, mayor, your language would accomplish it as well. But I would-- I will amend my motion to say consider specific provisions that would prevent -- consider specific provisions that would support the retention of existing structures such as guidelines -- including guidelines such as the following. And I think that offers lots of outs for the staff to come back and say, you know,

[4:12:05 PM]

the particular placement that's been suggested behind the roof line was interesting, but we propose X. And I would just point out that any homeowner that's adding two structures to the back is going to probably have to have some experts on board helping with that effort. So I think they can help interpret this as well. Elsewhere I think councilmember pool and mine and some others, we've got some suggestions about ways to make it easier for homeowners who add ads. I think it's still a big undertaking to add construction to your lot. So while I understand councilmember Casar's point about wanting to make it as easy as possible, again, anybody who is adding two units to their property is going to have some other experts involved. That's just the reality of it. I don't think this is going to be any more complicated than any other provision.

[4:13:06 PM]

>> Ellis: I think in some places where you don't have a regular street grid sometimes I think it helps to put it in a different location. One in particular you go down a street into the woods and there's a roundabout with eight different units you would never know was there. I'm okay with softening the language, but I want to know what it's doing in my district. I appreciate you doing that.

>> Mayor Adler: Okay. Further discussion on this issue? I was talking so I didn't hear what you said at the end if there was something I was supposed to be doing in response to that.

>> Ellis: No. Just appreciating the amendment.

>> Mayor Adler: Okay. The amendment has been made. The language has been suggested. Let's take a vote on the amendment. Those in favor of the tovo amendment with the language change that she's included, please raise your hand? It is tovo, kitchen, pool, alter and Ellis. Those opposed please raise your hand? It's a balance of the dais.

[4:14:07 PM]

It does not pass. The fact it does not pass -- I wasn't sure if these were the right things to be doing, but I think it's absolutely important that we've identified this as a challenge with the abuse and we need to figure something better than what we have now. Continuing on, Casar objected to alter amendment -- I'm sorry, we have alter amendment number 4. Harper-madison objected to this. Is there a motion -- councilmember alter moves alter amendment number four. Is there a second to that? This is alter number 4. I need a second to that. Councilmember kitchen seconds that. Councilmember harper-madison, you pulled this one?

[4:15:27 PM]

>> Harper-madison:

[Inaudible - no mic].

>> Mayor Adler: We're not on Casar right now. We're on alter number 4.

>> Harper-madison: And that one was -- da, da, da... Oh, okay. So I actually just had an amendment to this one.

>> Mayor Adler: Okay.

>> Harper-madison: Proposed amendment.

>> Mayor Adler: Okay.

>> Harper-madison: Which is I'm proposing that we strike, da, da, da... The language that says the new code should include an updated -- include definition of residential units so that only spaces truly meant for separate habitation are allowed to access increased F.A.R., and impervious cover entitlements.

>> Mayor Adler: So are you moving to --

>> Harper-madison: I'm moving to strike the last sentence.

>> Mayor Adler: Okay. Councilmember harper-madison moves to strike the last sentence.

[4:16:30 PM]

Is there a second to that? Councilmember Flannigan seconds that? Discussion. Councilmember alter -- councilmember harper-madison, do you want to explain your amendment? Councilmember alter, do you want to explain what you meant by -- why the last sentence?

>> Alter: Sure. There is not really a clear definition of residential unit that prevents folks from gaming the system with the F.A.R.S as we have it currently and as we are increasing the F.A.R. At least in person parts of town it is creating situation where that is not used to create additional units where people are living. That's why I had it there.

[4:17:32 PM]

I'd be totally comfortable in having them consider that if they can't find a way to have them do that or consider doing that, but I think it's important that we address what a residential unit it is as we're creating all of these opportunities for additional units. Now, obviously if we move forward with the co-housing we would have to have that definition, allow that to move forward, but there are lots of ways that the system can be game at the moment.

-- Gamed at the moment.

>> Harper-madison: I just wanted to add that while I generally appreciate this measure, my concern is that it will negatively -- potentially negatively impact artists and musicians who want to have studio on-site.

>> Alter: I understand your concern about the studio, but we are trying to create opportunities all over for the residential

[4:18:33 PM]

units. That seemed to be the overriding goal of what we were trying to do. And trying to avoid a situation where we get a lot of pool houses and game rooms.

>> Mayor Adler: Okay. Councilmember harper-madison moved to strike the second sentence. Further discussion?

>> Mayor, I'm unsure whether y'all actually have a difference in position on this one. I'm trying to understand.

>> Harper-madison: I think generally our position is the same and I appreciate what she's calling for with the clear on residential. My only concern is it could negatively impact artists and creatives. That's my concern. But --

>> Casar: Is there a way for us to word it so that we avoid something called a game room, but make sure that artists and musicians -- the artist and musician thing is covered. I just feel like we're talking cross purposes here and I want to know how --

[4:19:35 PM]

>> Mayor Adler: Do we let the staff figure it out and say that only appropriate spaces are allowed for the increase in impervious cover and let staff figure that out balance?

>> Alter: I'm not sure we ever had a discussion about increasing the F.A.R. For studios. I thought the whole point of doing the additional units and the F.A.R. Was to get more residential units. And we might have a discussion about the studios, but that's new to me and --

>> Mayor Adler: I think it was looking at studio spaces within -- studio spaces within a residential unit. With whatever work/live allowances are made otherwise in the code.

>> Alter: Can you say

[4:20:35 PM]

again what you're suggesting?

>> Mayor Adler: I'm saying the new code should clear an updated and new explanation of residential units so that only appropriate spaces are allowed to access increased F.A.R. And impervious cover entitlements. The new code should include an updated and clear explanation of residential units so that -- I was adding the word appropriate spaces are allowed and I took out truly meant for separate habitation so that only appropriate spaces are allowed to access increased F.A.R., number of

[indiscernible] Entitlements. Councilmember kitchen.

>> Kitchen: Perhaps there's another approach too to keep this sentence, but then just allow another sentence that asks our staff to look at the -- look at options allowing for this to

[4:21:39 PM]

occur in work life situations that impact the artists or creative community.

>> [Inaudible].

>> Kitchen: I was trying to suggest keeping the language that councilmember alter has, but adding a sentence asking the staff to explore the situation that you're raising? Allowing for studios in homes is an affordability issue for artists. And so it's all a matter of balance, of course, but perhaps we could -- if it works for councilmember alter to -- I'll allow a sentence that asks the staff to -- in addition to keep the sentence she has, but in addition explore the potential for accommodating studio spaces. Would that get at what you're trying to --

>> Mayor Adler: In that sense allowing for work/live opportunities?

>> Kitchen: I actually would just call it studio spaces. That's the one that I'm most

[4:22:40 PM]

concerned about. It's -- work/live is kind of broad.

>> Harper-madison: Do you not have any concerns about the people looking for us to clarify what the definition of studio space is?

>> Kitchen: Well, you're right. Maybe we say studio spaces in other work/live arrangements. We're just asking the staff to come back to us with some ideas, right?

>> Mayor Adler: We're adding a sentence at the end that says allow for studio and other work/live opportunities.

>> Kitchen: We said explore allowing for. So what we're --

>> Mayor Adler: Explore allowing for studio and other work/live opportunities. With that addition to the last -- does that get you?

>> Alter: I'm fine to explore. It's a new sort of concept and I'm not sure how it fits in with stuff. I would like to ask councilmember Casar if adding studio space fits in with your notion of graduated F.A.R. For additional residential

[4:23:41 PM]

units. So it's just -- I understand the need for that. I'm just trying to put it all together and I'm having trouble getting there.

>> Casar: My sense is that we really do want an ABC unit, for example in the preservation bonus. And I think that we're really making sure residential units are residential units makes sense to me. If having explore don't understand the impact on artists, but exploring the I want packet is fine with me. Impact is fine with me.

>> Alter: Can you repeat the language again.

>> Kitchen: Probably could be wordsmithed better, but what I have is explore for studio and other work/life spaces.

>> Alter: Staff is sort of shaking their heads over here a little bit.

>> Kitchen: Okay. Maybe we should ask them what they think.

>> Alter: What do you think on this? I'm not objecting to the notion of studio space, but I've been singularly focused

[4:24:43 PM]

on the residential units and how the F.A.R. Was not necessarily getting us the smaller units and the numbers of units. So I haven't given it much thought, but I don't know if you have either. But --

>> I do think that it seems to us like the amendment is going a different direction now. It seemed originally for a full unit on the F.A.R. When that is provided and I do think that studio space is certainly a topic worthy of discussion. I just don't know that it dovetails with this exactly. I'm not sure what we would get from this if you passed it with the addition of studio space other than look for ways to grant additional apportionment of F.A.R. To studio space. But it does seem like kind of a different topic.

>> Casar: I think unway to square is it somebody is adding an additional residential unit and you want to make sure it really is a residential unit, but

[4:25:44 PM]

that additional residential unit has a studio in it -- I think that you should be looking at making sure that somebody's not just building a studio in their backyard and calling it the B unit. At the same time as you better try to define what a B unit is, make sure that if it's a -- that it's an artist space and an artist lives back there that you make it easy.

>> Alter: Perhaps we could separate these and you could bring a different amendment because I just -- I mean, I don't want to lose the whole thing. I just -- I thought the whole data was for housing units.

>> Kitchen: We could find another way. I'm comfortable not trying to attach it on to this. One of the things that we did accept by consent was language that I had about artists and studio spaces. Actually, it was broader than that. I'm looking for it right now.

[4:26:44 PM]

So we could just include that as part of that.

>> Mayor Adler: So I'm still back to Natasha harper-madison's amendment, which is to strike the second sentence. That's the amendment in front of us to strike the sentence.

>> [Inaudible - no mic].

>> Mayor Adler: And I had a clear definition of residential unit so that only appropriate spaces are allowed to access increased F.A.R. That would have the staff considering what's appropriate or not appropriate and the context of residents. Which could include live/work options or whatever was appropriate associated with residences.

>> Alter: Mr. Park has a --

>> Peter park, consultant with the staff.

[4:27:44 PM]

As Greg mentioned, the discussion of the artist studio and the priority of the residential unit seemed to be getting kind of either mixed or -- or are they separate things? Right? So if we focused on -- if the focus was on making sure that it is legitimate residential unit, I think we could probably construct language for that and maybe -- you know, it would say something that is including artist studio or including studio -- something that is a live-work space. If I understand the concern it's that the definition of residential unit wouldn't be defined so tightly that it would eliminate the potential of a studio that's occupied as a residence. If I think that's -- that's a concern. So I think we could do it.

[4:28:45 PM]

It's not -- it's not that one gets the additional F.A.R. Bump in impervious cover if you did a residential unit, or if you did a studio. It's like your work studio or -- it has to be a residential unit for sure.

>> Mayor Adler: So what wording should we put in here with respect to that last sentence to accommodate that?

>> An updated clear definition of residential unit, including artist studio -- residential use for an artist studio or something like that. Something that makes it clear that it is a live-work kind of occupancy.

>> Alter: Within the unit, within the additional unit. Within the additional unit.

>> Kitchen: Right.

>> Alter: Yeah, I'm fine if they're living in it and they have a studio. That would not be precluded by what I'm proposing,.

[4:29:46 PM]

What I'm concerned about is you have another -- you take advantage of the additional unit stuff for a studio beyond what you would normally -- you can still do an Adu and make it --

>> Mayor Adler: How about this, we keep the sentence the way it is, we put a comma after the word entitlements at the end and we say parenthesis, including artist studios within the additional unit.

>> Harper-madison: Did you abandon the idea of the language being live-work opportunities and just shift it to artist studio? I'm fine with it either way, by the way.

>> Mayor Adler: Artist studios and other live-work spaces within the additional unit.

>> Alter: But the thing is that they have to be living in that additional unit. So I just want to be clear we're not saying you get to create another unit that you get to then put your office in and do that and add all those other stuff. You can do that as an Adu now, but when you're adding all these other --

>> I think we're clear that

[4:30:47 PM]

one does not get more F.A.R. Impervious cover for only doing a studio. It has to be a residential unit.

>> Mayor Adler: So the new code should include an update in clear definition of residential unit so that only spaces truly meant for separate habitation are allowed to access increased F.A.R. Impervious cover entitlements, parenthesis, including artist studio and other live-work spaces within the additional unit. Okay. Any objection to that? Hearing none, that's in with that objection. Anybody have an objection to this alter 4 going in? Hearing none, alter 4 goes in with that amendment. Okay. That gets us to the transition area section. I'm on page I think eight of 39 maybe. Harper-madison number 5, councilmember alter, you've pulled this.

[4:31:49 PM]

Harper-madison moves item number 5. Is there a second to that? I need a second to that.  
Councilmember Casar seconds that. Councilmember alter, you pulled this.

>> Alter: Staff, can you speak to what -- how this interacts with the code that we have before us and what we should be thinking about this means if we were to pass it?

>> I think if this passes we would look at potentially coming back with a proposal that reduces minimum lot size to facilitate placing ads on a separate lot so that they can be owned in fee simple as opposed to a condo regime. So I think if this passes we're mindful of the importance of lot size and I think we would lie trustee to look at what we felt like

[4:32:50 PM]

the most moderate reduction would be that would sort of help to -- help to facilitate that goal. But that's -- we would read it as a reduction in minimum lot size, but one that is narrowly tailored as possible to just facilitating fee simple ownership.

>> Mayor Adler: Councilmember Casar.

>> Casar: When I read this I read missing middle Zones which I think is what it says which generally means r4 and rm1 Zones.

>> That's right.

>> Casar: So in that case more than ads in particular, what I've heard and I think the testimony that we've got and part of why I seconded and am very supportive of this is if there are ways for the lot size, for example, of town home to be large enough for have four on a lot, that it would be easier to have fee simple ownership of those. So I think it would be less for this to be some broad swath, you really in the

[4:33:51 PM]

missing middle Zones if people build missing middle sometimes it's rental, but we want to facilitate fee simple in those zoning categories.

>> Mayor Adler: Okay. Councilmember alter.

>> Alter: Do you have a sense for how this is harper-madison or for staff, but like do you have a sense of the magnitude of the reduction that's needed. I appreciate it's limited to the missing middle zone, that makes it better and easier for me. But when you say missing middle, we've had a lot of definitions. In your mind or because we've talked about the duplexes and the triplexes, that is all missing middle.

There is some ambiguity if this is only applying to rm1 and r4 too. So can you speak to both of those things, the size needed and whether this actually says r4 and rm1?

>> We interpret missing

[4:34:52 PM]

middle Zones to mean rm1 and r4, whenever that's used or whenever transition area is used. But we would really need to do some research. We would look at other sort of -- we would look at Mueller. We would just look at all the different sort of options that are available. And I would point out we do have-- for different development types we do have specific lot sizes that are fairly small like the townhomes that can be attached that have to be three units in a row. Those have an 1800 square foot minimum lot size, but I think this would be facilitating more duplexes, ads and the other sort of missing middle housing products and trying to point away towards allowing them to be held in fee simple ownership rather than a condo regime on those sorts of sites.

>> Alter: Someone else had a question, I think. I think someone else -- Ann, did you have a economy?

[4:35:53 PM]

>> Kitchen: Yes. It's really a question about how you would read this. In terms of looking at reducing the minimum lot size, I would want -- I want you to also consider concerns for the -- for green infrastructure and that sort of thing. So I wouldn't want -- I wouldn't want reduced lot sizes and sacrifice trees, for example. Because I think that I agree it's really important for a smaller size housing and smaller lots. I have no issue with. But what I don't want to end up with is allowing for these kinds of things to happen while not allowing and understanding that everybody needs access to the green infrastructure that we have. So would you read it that way or do you need me to add a sentence to that effect?

[4:36:55 PM]

And do people agree or is there a concern? It seems to me that you could carry this out, but I don't want this to be interpreted to carry this out and to do so you have to waive requirements that relate to -- you know, relate to our environment.

>> Flannigan: Mayor? I don't read it that way because it's not written there.

>> Kitchen: Well, I'm just checking.

>> Flannigan: It's not written to waive any other requirements, just talking about lot size.

>> Kitchen: I'm just asking.

>> Flannigan: We could ask it for every single item. I don't think it's necessary.

>> Kitchen: I do in this case think it's necessary.

>> Mayor Adler: I think it's important to raise so we get it on the record. I don't read it to waive any of the other requirements as W.

>> Kitchen: Okay. And staff doesn't either, right?

>> Councilmember kitchen, I apologize, but could you repeat the idea?

>> Kitchen: The concept is that as you're looking for ways to reduce the minimum lot size you wouldn't be looking at also reducing

[4:38:00 PM]

other factors like trees and things like that or requirements related to trees?

>> No. We would solely read this as being about minimum lot size.

>> Kitchen: Okay.

>> Mayor Adler: Okay. Anything else on this one? Are we okay with this moving forward then?

>> Alter: I have a question.

>> Mayor Adler: Councilmember alter.

>> Alter: So subject to the needs to facilitate the ownership structures, are there other mechanisms besides this that we should be looking at that are options.

>> I encourage law to weigh in if they have other knowledge, but I think the two methods of ownership would be a condo regime or fee simple and fee simple would require a separate parcel, a separate lot. I think those are really the two options. And if council gives this direction we will try to be as creative as we can, and there's some other directions I think from

[4:39:02 PM]

planning commission as well as directions that council has posted that sort of get at the same idea of looking at ways to facilitate subdivision process. So we would read all these holistic by, but also be mindful that council is cautious about reductions, further reductions in minimum lot size. So we would tried to balance the letter and spirit of all these different directions as best we're able.

>> Alter: So I want to see us sort of try to solve this problem, which I know we've heard from a lot of people is an issue. So if I'm understanding this correctly, all of the other rules, though, would still need to apply because -- I mean, there's still issues with driveways and like all of that would still have to be kind of figured out and we have issues with curb cuts and we have other amendments, I believe, where it was not supposed to be

[4:40:05 PM]

impacting some of our mow balancety stuff. Everything else is still applying. I share councilmember kitchen's concerns about the environmental sort of impacts. So how you're constructing this I think would be really important for it to be clear.

>> Those would be some of the challenges. And additionally just to give a little more detail, if you had a lower minimum lot size and somebody tried to then subdivide using that lower minimum lot size, if that would then render one of the lots, like the lot that already has development on it, if it would render it in violation of setbacks or some other development standards, that might pose a real impediment doing that. And so we don't read this -- we don't read this language as waiving any of those restrictions, so I think there would be other requirements that have to be

[4:41:05 PM]

met and might limit the extent to which people would be able to use this and they would have to be thoughtful in laying out their projects. But it would potentially open the door for some additional fee simple ownerships. And again, we would look at it in tandem with all the other relevant direction that council and commission has provided.

>> Alter: But right now we can do -- in the code you can do townhomes on 1800 square foot lots like three of them in a row on the 6,000 square foot lot, but you still -- and the particular southbound rules if you're doing those, but even with this sort of new configuration, everything else was still holding there?

>> The town home is unique in the sense that it it has a zero lot line at the point of connection between the units and we would not read this as creating a zero lot line. We would read this as sort

[4:42:06 PM]

of facilitating a duplex and Adu being held in -- those being on separate lots, but we would not read it as altering setbacks necessarily or anything like that.

>> Alter: So this doesn't -- so I just want to be clear. So this not making it so that you suddenly get to do a four-plex on a much smaller lot. It's that the units gets to be -- the unit gets to be on a smaller lot and cumulatively it adds up to whatever question currently have mapped and allowed for say r4 or rm1 but each individual unit in that four-plex or triplex gets to be a single unit on a separate lot. Is that correct? And then -- yeah. And then you would have to figure out over time what the rules are for adjustments in those areas?

>> Correct.

>> Alter: Okay. Thk you.

>> Mayor Adler: Any objection to the

[4:43:07 PM]

harper-madison 5 going forward?

>> Harper-madison: If I may just to add some clarity to my intent here. Just as a council we've talked a lot about affordability and about people being able to get in a home ownership, sort of removing the barrier from people of more modest means. And the thought around this was as a person with a conversation we've had with the experts, the 1400 square foot minimum lot size for townhomes would just make it easier for builders to build them on existing lots that are commonly found throughout the city. So as long as that's accurate, that was the motivation there.

>> Mayor Adler: Okay. Without objection this item --

>> Pool: Mayor, I was going to vote no on this one.

>> Mayor Adler: Let's take a vote. Those in favor of harper-madison 5, please raise your hand? Those opposed? Those abstaining? Pool voting no, the others voting aye. Harper-madison 5 passes. We have one speaker, last speaker today signed up is Chris Paige. Is Chris Paige here?

[4:44:09 PM]

No? Without objection -- we'll keep it open in case Chris Paige comes back.

>> Tovo: Mayor, on that last vote I didn't raise my hand because I was still trying to sort out. I can't completely understand the implications of that one. I'll abstain on that one.

>> Mayor Adler: Let the record reflect I miscounted. Councilmember tovo is abstaining. Okay. That gets us to harper-madison number 10. As you recall, harper-madison number 10 is handed out on the yellow sheet is different than what we see on this. On number 10 it turned into a study and model potential. It's not prescriptive with percentages. This was pulled by councilmember kitchen. Harper-madison

moves number 10. Is there a second to this item number 10? Councilmember Casar seconds it. Councilmember Kitchen, you pulled this.

>> Kitchen: Well, my concern was the reduction of impervious cover. I think it's really

[4:45:13 PM]

important to do all the things that councilmember harper-madison has here with regard to green infrastructure. I just don't know that it can be -- that it actually can be swapped out, that green infrastructure can actually be swapped out for impervious cover in all cases or in any cases actually. So I'm wanting to understand if that was a critical part of what you were looking at. I just want to understand what you'd like to come out of this? Because I like all the language except for that part.

>> Can you refer specifically to the part that is problematic?

>> Kitchen: It says study and model all provisions to all impervious cover. It's the to all impervious cover that causes me some concern. The rest of it makes a lot of sense to me. I'm particularly interested in ways that green infrastructure can be used

[4:46:14 PM]

to unlock affordability. And the other things that you have here. But it's that phrase that I would like to delete, but I'm not sure what the phrase is.

>> Harper-madison: They go together. All impervious cover in missing middle Zones. So are you intending that -- are you thinking in terms of being able to raise impervious cover by using a green infrastructure? Is that what you're thinking?

>> Harper-madison: Just thinking through some of the conversations I've had with staff about the most productive ways to capture storm water and understanding if we're going to be able to maximize the building potential some of these Zones, we may have to raise the impervious cover limit. But also offset the way to have the most robust, innovative storm water recapture. In which case, yes, it definitely is -- it's a

[4:47:16 PM]

critical part of the construct of the proposal or amendment.

>> Kitchen: Could I ask a question of staff? Mr. Holland? I'm just wanting to understand how you would look at the language as revised, if you have the revised language. And if you have an opinion at this

point about the ability to swap out gsi for impervious cover or if that's something that you would have to model and consider.

>> Matt Holland, watershed protection. This is a very interesting topic. This class of properties is very small. I mean, we're really generally talking about a house -- an individual with residential single-family lot scale, which actually usually falls below the threshold of requiring water quality at all.

[4:48:17 PM]

>> Kitchen: Okay.

>> So almost any way you look at it. So you normally only require -- if council has asked us to look at 5,000 square feet of impervious cover as a flesh hold. So most of these projects won't even have 5,000 square feet so they wouldn't have to have this. So generally in the past we've had a lot of discussion about this, but we've tried to avoid having very small especially residential sites with essentially tiny ponds on them, which we found are pretty hard to -- over the course of time to make sure that folks are adequately maintaining and inspecting and keeping up with these and so forth. So that would be -- this just says study and model, so we absolutely could look at this and report back and tell you guys what that would look like. It would be useful to know if there is an upper bound on the impervious cover that you're hoping to explore as well. Again, rm1 is at 60. I know the original language said 85. I'm not sure where in there you guys were looking for.

[4:49:26 PM]

>> Mayor Adler: Any further discussion on this? Councilmember tovo.

>> Tovo: Councilmember, can you help me understand consider ways in which gsi can be used to unlock affordability? Is this proposal aimed at the units that would be affordable? Aimed at only redevelopment that would include -- mean affordable units on site?

>> Harper-madison: I don't know I would say only at, but definitely to include. Sue it's not just at projects that have other on-site affordability.

>> Harper-madison: No, not just at, including.

>> Tovo: Okay.

>> Any objection to this going in? Let's take a vote.

>> Kitchen: Wait, I wanted to suggest a language change change.

[4:50:26 PM]

I wanted to suggest that just to broaden it, that is says study and model potential code revisions in missing middle Zones including revisions to impervious cover and then go on and says the utilization. So what I'm trying to do is allow for study of how gsi could be used to unlock affordability even if it doesn't work with regard to changing impervious cover?

>> Harper-madison: Would you read that language again.

>> Kitchen: Study and model revisions in missing middle Zones, comma, including revisions to impervious cover, comma, and it goes on with the rest that you have.

>> Harper-madison: Did you intentionally leave out the words all impervious cover?

>> Kitchen: No, I didn't.

>> Harper-madison: So code revisions to all impervious cover in missing middle Zones, comma, including --

>> No, it would be code

[4:51:26 PM]

revisions in missing middle Zones, comma, including to all impervious cover. My thinking there is I didn't want to limit this study of gsi to only situations in which you could actually make a change in the impervious cover. If that makes sense. Do you see what I'm saying?

>> Harper-madison: I don't see how shifting all revisions in impervious cover to where it is now to being behind the what in missing middle Zones including all impervious cover. I guess I don't see --

>> Kitchen: Maybe I'm making a distinction too long not necessary. That's not necessary. So would you say for the items being suggested here regardless of whether or not there's a change in the impervious cover?

[4:52:29 PM]

>> The higher in impervious cover or more the controls you get. So you're relying more and more on what we call structural controls and less and less on non-constructive impervious cover limit on types of control. So it's probably going to be more of a qualitative discussion honestly than otherwise. Again, we're really bringing in an entirely new class of projects into our portfolio if we do this. This would be a big change.

>> Kitchen: Okay.

>> Yeah. And remember, we're -- we were recommending the streamline process for regulatory oversight be up to 50% impervious cover. So we're talking about the -- so this would probably be in that realm of getting an engineering review, getting all that kind of stuff at least. Unless something else changes on our side.

>> Kitchen: Okay. I understand the concerns and the difficulties. I don't know that I can get this to a place where I'm comfortable with it. So we'll just -- I'll just withdraw the proposal that I had.

[4:53:31 PM]

>> Mayor Adler: Let's take a vote. Harper-madison number 10, those in favor please raise your hand? Those opposed? Tovo, kitchen, pool, alter, Ellis voting no, the others voting eye, this passes. Okay. That gets us to Garza number 2 was on consent. That gets us to Casar ta1. This was pulled by councilmember harper-madison. It's been moved by Casar. Is there a second to ta1? I need a second to ta1? Councilmember Casar moves it. Mayor pro tem seconds it. This was pulled by

[4:54:33 PM]

harper-madison. Was this already covered somewhere else?

>> Casar: I don't think we've addressed this one yet. This is to increase the ic allowance a small way for r4 and to decrease it in r2 in a way that mitigates for it. I'm happy to have the language saying these numbers aren't prescriptive, but illustrative of what we're trying to get done.

>> Mayor Adler: Okay. So it could just say increase impervious cover and balance with reduction in [indiscernible] R2? So increase impervious cover --

>> Casar: Part of the reason to have the illustrate stiff number is that we're not talking about a lot, a very small increase in r4 to have that more feasible and to decreases in the R2s nearby.

[4:55:34 PM]

The hope would be to did he gate any impact.

>> Mayor Adler: Small increase in impervious cover in r4 with balancing reduction in impervious cover in r2 Zones. To mitigate the increase. Any objection to that change being made to the amendment? Hearing none, that's the amendment. Discussion on the amendment? Yes, councilmember kitchen.

>> Kitchen: We covered something similar in res4. Of course, that was specific to the preservation bonus. So our conversation at that time was in terms non-profit being prescriptive.

-- In terms of not being prescriptive. Also I'll raise the concern I did at that time is that I'm not -- I would like to say something like if possible to mitigate the increase in impervious cover in in the same watershed or something like that because

[4:56:36 PM]

because --

>> Casar: Yeah, I don't want to even do if possible. I want to tell them to do it.

>> Kitchen: Yeah. That's where we have a disagreement.

>> Casar: So you don't want them to mitigate it potentially. I'm telling them to mitigate it.

>> Kitchen: Oh, I see what you're saying.

>> Casar: If they come and tell us it's impossible, that's one thing. I'm saying I want the council direction to say if we want to increase the rc in r4, go ahead and Mitt da gate it next to the r2s.

>> Kitchen: So in your mind if you can't mitigate it you wouldn't increase?

>> To my mind if they can't mitigate it, they would come and say here are the things we tried and no, I wouldn't say that they then put it immediately into the code. But if they can mitigate it, put it in the code. Kitch okay. Then I would suggest that we say consider instead of increase because this is telling them to do something to do if we don't do it yet. So I would say consider.

>> Does it say --

[4:57:37 PM]

>> Mayor Adler: The instruction is small increase impervious cover in r4 if possible to balance with reduced impervious cover in r2 Zones?

>> Casar: Sure, I think it's the same thing.

>> Mayor Adler: I think so too, but it has the possibility and it puts that test in. So increases the impervious coverage in r4 if possible to balance -- if it's possible to balance the --

>> Casar: The watershed impact.

>> Kitchen: That was not my amendment. I mean, I appreciate that. But I wanted to say consider.

>> Mayor Adler: I understand. Councilmember kitchen's amendment is to say consider.

>> Kitchen: The other thing that I would add is in will same watershed, so mitigate in the same watershed.

>> Are you okay with that?

>> Casar: In the same watershed is fine.

>> Mayor Adler: Okay. Councilmember kitchen's amendment is to say mitigate

[4:58:39 PM]

mitigating impervious cover in r4 with r2 to mitigate in the same watershed the increase in impervious cover. Any discussion on that amendment? Is there a second to the kitchen amendment. Councilmember pool seconds that? Discussion on the kitchen amendment?

>> Kitchen: I have another question. So if your thought, councilmember Casar, that in an area -- in the transition zone in a neighborhood, you would consider increasing the impervious cover and then reducing the impervious cover in the neighboring homes that are next door?

>> Casar: Yes.

>> Kitchen: I'm sorry I don't understand this, but I can't tell from this what the impact of it is so I won't be able to support it.

>> Mayor Adler: Kitchen makes the amendment to add "Consider," and the language >> Mayor Adler: Kitchen makes this amendment to say consider -- anybody object to putting in, in

[4:59:42 PM]

the same watershed?

>> Mayor? Councilmember kitchen? You're not going to support this amendment?

>> Kitchen: Well, let me see if people support my amendment first.

>> Flannigan: That's fair.

>> Mayor Adler: And same watershed is language that's added. What we're talking about is whether we add consider before the first line. Those in favor of aing the word consider, please raise your hand. It is tovo, kitchen, pool, Ellis, and alter. Ellis and alter. Those opposed, please raise your hand? It's the balance of the dais. "Consider" does not go in. Further discussion on Casar ta1? Yes, councilmember tovo.

>> Tovo: I want to point out we're looking at tracts that for the most part currently have, I believe, a 45% impervious cover limit so we raised it to 50 in nr 4, and what I see here you're suggesting raising it 55. While we've been having conversations, I want to make sure the public is

[5:00:43 PM]

clear, while we're having conversations out in the public, yes, we're proposing to rezone tracts with a current impervious cover limit of 45, and either current restrictions, in many cases, for two units, and we're allowing for the potential to quadruple, or times five, in some cases, the number of units, we're going to maintain the impervious cover. So now this proposal, in essence, takes it up 10% more than we currently have. I think that's a substantial concern. I think it's really -- I think it's a substantial concern. So I'm not going to support the amendment. I also want to better understand how it interacts with the earlier -- how it interacts with the earlier amendment, if we have two lots in the transition zone in the same watershed, we've allowed for those other r2 tracts to increase in impervious cover, I'm trying to line up your earlier one with this one because, as I

[5:01:44 PM]

understand it, now we're asking -- we're asking -- we're allowing for impervious cover on those other tracts to go up to 50% if a preserves bonus is used and reduce the preserves bonus in r2 Zones but that's exactly where the preserves bonus would be used. This allows for r4 to go up if you've mitigated it in r2, but earlier that allowed that to increase. The staff is going to have to balance all of this, they're going to have to look at how an increase in watershed to 55% could be balanced by r2, then allowing for preservation, the lots that may go up to have an increase because they've maintained the unit to be balanced by other R2s. So it's just -- you've -- I mean these amendments together work to increase the impervious cover in ways that I believe we committed or those of you who voted for the

[5:02:44 PM]

policy document committed not to do. I think that's of substantial concern. I hope if these pass, that you will give serious consideration to one of the amendments that I brought forward, to not zone for transition zoning in areas with documented localized flooding because I think these are going to interact in ways that are extremely problematic given our aging infrastructure in just the areas these are likely to be utilized.

>> Casar: Mayor, just one last question.

>> Mayor Adler: Yes.

>> Casar: I totally respect people voting no on this, it's fine, but I want to make really clear that what has passed so far, if this passes, is a reduction in impervious cover for single-family rebuilds, by about 5%, and that's the vast majority of teardowns result in a rebuild so you're actually getting less impervious cover in that way, and every single amendment where we added impervious cover, we asked for

reduction to negate it. Even if it turns out that we can't get it done, let's talk about it then, but I would hate

[5:03:45 PM]

for anybody -- and I don't want anybody to get the impression that folks voting for this are breaking the direction about impervious cover because every single one is written in order to meet it. I understand people's concerns we may not meet it but they've all been crafted with that goal in mind. I want people to still be able to communicate that that is the goal of the amendment, even if people have concerns that it may not work out and let's see that on second --

>> Tovo: Mayor, can I ask Mr. Holland again how he's going to line these up and make assumptions about how many r2 tracts would stay r2, how many r2 would utilize the preservation bonus, I mean, how will you approach this kind of work? And do you have concerns about the -- if it's fair to ask -- well, you're our staff. Is it -- could you --

>> So once again --

>> Tovo: Provide us with some sense of whether -- whether you have a clear path to how you

[5:04:45 PM]

would mitigate the increase in impervious cover if it goes up to 55% in r4?

>> That's a good point, that this is going to directly interact with the res 1 complaint properties amendment prior to this, with the preserves bonus. So we'd have to kind of look at all this in tandem and again, we don't know how many properties are going to be taking advantage of that, versus total teardown, and so I think we would appreciate being able to kind of look at it as a whole and be able to come back to you, council, with maybe a proposal or try to tease all these things out. Because once you get past 50%, we're starting to get out of the streamlined regulation territory, so we need -- there's a number of considerations that we would want to look at it from the watershed side.

>> Mayor Adler: So for me, I support this because it's balanced, because this could

[5:05:45 PM]

result in less impervious cover, with the understanding that to me, I read these sections to be able to wade into this, it's perfectly acceptable to figure out whether these tools made sense to use, if they could practically be used, if we have enough information or could predict with any measure of reasonable or sufficient certainty to be able to do it, it's acceptable to come back to say you couldn't do

this, but to not limit kind of your analysis on what you can be looking at as you fashion a possible solution, I think this gives you that, so I'm going to support the amendment, understanding you can come back to us and say it doesn't work, but my understanding is that we've taken out the numbers, so the language as it reads right now, just is a small increase in impervious cover in r4, with reduced impervious cover in r2 Zones to mitigate in the same watershed the increase in impervious cover.

[5:06:49 PM]

Councilmember alter.

>> Alter: So, Mr. Holland, can you explain to me how you would even go about calculating this, given a what we learned about capacity the other week is that our projections say that we're going to get no capacity from the changes in r2? So if we're going to get no changes in capacity, what with you gain from changing the impervious cover limits down in that area the offset what we're assuming is going to be a lot of changes in these other areas?

>> I'm not sure about -- I wouldn't be the right person to ask about the capacity piece that you know, people build -- add on or tear down and rebuild, you know, all the time, so there is that sort of, you know, change over time. A lot probably rests on whether or not you guys hold everybody who's currently under 40% to 40%, or if you let that whole class of properties that's at 45 now go ahead and go on up to 45, unless they do a total teardown, that's

[5:07:50 PM]

probably going to be a lot smaller subset of properties.

>> Alter: So I didn't follow that.

>> Well, if we're relying on this 40% number to help make up for some of these other things -- and it could be a big change, from a cap of 45 down to a cap of 40, but if everybody -- if most of the current properties are able to go ahead and go on up to 45 because they're already there and they can just add on, that changes the dynamic considerably. So that earlier amendment that was basically saying you can go ahead and preserve and go to 45, probably has a significant dampening effect on the and the of this amendment to achieve a lower impervious cover have.

>> Alter: And will you be combining these in your analyses somehow to figure out the net effect? Because if the majority is voting for both of these, then you have to be able to move forward, and I understand Mr. Casar is not telling you it has to be 5%, but

[5:08:54 PM]

I just -- these numbers are confusing and given what we're being told about the R2s and the different things, I just am having trouble understanding how this will play out. And I don't know whether it's the gain that is there is worth the amount of time and effort staff is going to have to play and put into this, and the amount folks are going to react to it in the public.

>> Sure. We're going to have to huddle and figure out exactly how to put all these differently pieces together and make sure we understand how the analysis needs to roll, and we would probably make a series of assumptions, if this percent decided to do this, then this is the level you'll see. If this other, higher amount of people preserve, then blank, et cetera. So it will be a series of assumptions, that we have to go. Modeling might be a pretty fancy way of putting what we have to do.

>> Alter: So I would ask that you, you know, make sure that you make those models and those assumptions available for us to

[5:09:54 PM]

understand those as we move forward to this path. I'm not going to be able to support this, and I just want us to, as we're going through these things, remember that some of these tiny, marginal changes, they may be in the right direction of additional capacity, but they have the possibility to further create distrust us in from the community. And I just -- I've been really trying to refrain from mentioning that today and trying to be very constructive, but I just want us to think about that some of the choices have repercussions for our ability to move forward with the process, and we need to think about whether the benefit that we're getting from that little marginal change is worth the amount of time that we're going to be spending addressing concerns by the public. And I know that no one intends to do that. I just -- we're all struggling to

[5:10:54 PM]

stay on top of all of this and keep moving forward and I just think it's important to understand what the -- how certain steps will be perceived, whether that's the intention or not in the community.

>> Mayor Adler: Okay. Yes, councilmember Flannigan.

>> Flannigan: I agree, councilmember alter, that we need to be mindful of that, and I think we all need to be mindful of how we characterize the things that are going on on the dais because sometimes we can maybe unintentionally reflect concerns of the community and sometimes make them bigger, and I think we can be better that the individually.

>> Mayor Adler: Okay. Casar, r4. Small increase in impervious cover are r4 with reduced recover impervious cover in r2 Zones -- those in favor, please raise your hand.

>> Kitchen: We already voted on

[5:11:55 PM]

that one.

>> Mayor Adler: We already voted on this one?

>> Kitchen: R4. It passed 6 to 5.

>> It was consider we voted on.

>> Mayor Adler: Those in favor, please raise your hand. This is Casar's r4. Raise your hand, please. Harper-madison, Flannigan, me, Casar, mayor pro tem, Ellis, Renteria. Those opposed? It's the other four on the dais. It passes. That gets us to Casar -- rm1 was approved on consent. Kitchen number 1 has been --

>> Kitchen: Pulled down.

>> Mayor Adler: Withdrawn. That gets us to kitchen number 2, dumpster location.

>> Kitchen: I think Casar ta2, I show that at pulled. What did you say was approved on

[5:13:01 PM]

consent? Ta2 is site development standards, the height bonus.

>> Mayor Adler: I didn't have that is being pulled. Let me look here. Certainly it can be pulled.

>> Kitchen: No, I had -- I circled it. Somebody pulled it. I didn't pull it but somebody did.

>> Ellis: I don't have it written down. I don't know if anyone else.

>> Mayor Adler: I had ta1 as being pulled. I did not havet2 as being pulled. Anybody want to pull ta2? Hearing none, ta2 is in.

>> Kitchen: I think this is the one where the councilmember talked about creating a new rm1 zone that focuses but the not mapping it, just creating, and that was the question, that was the back and forth that he and I had earlier this morning. That's what ta2 was, but I don't know that that meant it got back

[5:14:02 PM]

onto consent. So --

>> Mayor Adler: Does anyone want to pull ta2? Okay. Then ta2 gets included.

>> Harper-madison: Mr. Mayor, do you remember how you called Mr. Page earlier, one of the speakers? He's back.

>> Mayor Adler: You want to come down and talk to us? Come on down. We'll give you a minute. Next one up will be kitchen number 2. Is there a motion approve -- councilmember kitchen makes that motion. Is there a second to kitchen number 2, dumpster location? Councilmember pool seconds it.

-- Sir, you have one minute.

[5:15:02 PM]

>> Thank you. So I want to finish the statement I was making yesterday about the need for environmental compatibility requirements. I do think that it would really help the city in terms of figuring out some of these mapping issues in terms of where things are actually final. So the solution that I'm presenting is that this environmental compatibility -- compatibility requirement could be appended to any zone to essentially prevent new environmental stress that would result in structural failure or property damage to neighboring residential properties. I think it's really important, I think for residents, because we don't have the equivalent financial means of businesses or other, you know, large-scale building owners to try to mitigate some of these environmental effects. I think it would also be useful, especially in east Austin where the environment is particularly unstable geologically, to prevent

[5:16:03 PM]

property damage to affordable housing. My neighborhood, in particular, is identified as most vulnerable under the U.T. Uprooted study, and under the proposed mapping, there's a very high probability of property damage, if not foundational, basically irreparable damage that will take place for every house on my street. That's pretty much all I have today. I know your guys time is precious, so I'm sure you'll see more of me in the days to come. Thank you.

>> Mayor Adler: All right. That gets us to kitchen number 2, dumpster location. Councilmember Casar, you pulled this one?

>> Kitchen: Could I speak to it, quickly? It's my amendment.

>> Mayor Adler: It is, but let him -- the way we've been doing that is he can speak to what it was, then it goes to you.

>> Kitchen: Well, I think I can save us a bunch of time by saying that I like his amendment.

>> Mayor Adler: Okay.

>> Kitchen: So, councilmember Casar, I think that your amendment is fine. I meted to -- you made the amendment on my older version. I had also said "Or other design

[5:17:07 PM]

standards," because I wanted the staff to have the ability. So we could keep your, or affordability unlocked, and I think it would be okay with, or other design standards, then the rest of it's fine with me.

>> Mayor Adler: So regulating plan, comma, affordability unlocked or other design standards.

>> Kitchen: Right.

>> Casar: In short, there are design standards in east Riverside, also dumpster standards unlocked.

>> Kitchen: Or any others --

>> Mayor Adler: Any objection to this being adopted?

>> Alter: I'm sorry, this kitchen --

>> Mayor Adler: Kitchen number 2, dumpster location.

>> Alter: And what would it read now.

>> Mayor Adler: East Riverside corridor regulating plan, comma, affordability unlocked or other design standards. Yes.

>> Tovo: Can I ask staff to clarify, I just asked for this information but now I've gotten the answer to it. At what point does it kick into a requirement for commercial, trash pickup? I believe it's at four units?

[5:18:09 PM]

Is that correct? That's not something we've talked about before, but I think some of these properties will be required to have commercial dumpster pickup rather than standard -- more than four. So once you get to five units, it's required to go to a dumpster? Okay. Thank you.

>> Mayor Adler: Okay.

>> Tovo: And of course toe

-- of course to another company, a private hauler. Is that correct? In addition to switching to a dumpster, they would also have to contract with a private hauler.

>> Mayor Adler: Okay. So kitchen 2 passes. Let's now go to kitchen 3. Is there a second to kitchen 3? It's been moved. Councilmember pool seconds it. Mr. Casar, you pulled this one?

>> Casar: On kitchen 3, general parking requirements?

>> Mayor Adler: Yes.

>> Casar: Yeah, I pulled it

[5:19:09 PM]

because this -- my understanding is that the staff is saying that we're going to waive the parking requirements only when a sidewalk is present or when it's on the high priority map, which means funding is likely coming. This doesn't say waive, it says reduced, and this says funding is identified, which I think is different than what the staff is proposing and so I feel the staff came to a good compromise on this, and I support where the staff is currently. I respect the amendment, but would just vote to leave it the way staff is.

>> Kitchen: Could I speak to that?

>> Mayor Adler: Yes.

>> Kitchen: Okay. I understand. I really appreciate what the staff has come up with, but the problem is that it leaves -- it leaves a gap because we have not identified funding. And so my concern is that -- you know, I'm concerned about things like vision zero challenges, I'm concerned about people having a safe place to walk and bike and kids in these neighborhoods. And reducing the parking

[5:20:11 PM]

requirements, at least right now, until we can get -- you know, until our city evolves into better transit, we are going to have more street parking. So we do have neighborhoods where that's going to cause a constriction of the street. It will cause difficulties with the safe place for people to walk when they don't have a sidewalk. And so all I'm trying to do with this is, I said "Explore," so I wanted to ask the staff to see what they could come up with. Maybe there isn't anything. But I would love for them to see what they could come up with that -- and I suggested some options all the way from -- all the way from some ways to make sure that we do have the funding at least identified for sidewalks, to another kind of suggestion, which would be maybe a trigger or a delay or a phasing in of parking reductions. I just -- we just have to acknowledge that -- that we have not yet identified funding for

[5:21:12 PM]

all these sidewalks, and I think to go forward in a way that we're not -- we haven't allowed for the infrastructure is going to cause difficulties and be counter to our goals for safety in neighborhoods. So

that's why I wanted to bring this forward. And, again, it's written as "Explore," which just means the staff will come back to you with some options and we'll see what we can do.

>> Mayor Adler: Okay. Further discussion on kitchen amendment 3? Councilmember pool.

>> Pool: Yeah, I just wanted to emphasize again the vision zero aspects of this and the work that we've been doing to support the efforts to reduce injuries and deaths, and we really have to have some sidewalks in areas where we have the gaps, and I would support exploring what approaches we need to take in order to ensure that we have that infrastructure. So I think this is a good

[5:22:12 PM]

amendment.

>> Mayor Adler: Okay. Ready to take a vote? Those in favor of kitchen number 3, please raise your hand. Tovo, kitchen, pool, alter. Those opposed, please raise your hand. It's the balance of the dais. Councilmember Ellis abstaining. Does not pass. That gets us to kitchen number 4, parking? Transition areas. Is there a second to kitchen number 4? Councilmember pool seconds it. Councilmember Casar, you pulled this one?

>> Casar: I'd like to move the following amendment as handed out to kitchen 4 and I'll explain it if I get a second to amend it.

>> Mayor Adler: It's coming out right now. Hang on. Let's give a second here. Let's give councilmember kitchen a chance to read it as she passes it down.

[5:23:23 PM]

>> Kitchen: Could I ask a question?

>> Mayor Adler: Yes.

>> Kitchen: Okay. So -- so councilmember Casar, let's see, I'm trying to understand what -- what your concern bits the way that I had approached it because I was talking about on-site parking. And I think if I'm reading this correctly, you are talking about off-site, on-street parking. Is that the difference?

>> Casar: Correct, instead of paving and new spots on the land, finding ways for there to be on-street spots for these folks. And I understand that the caregivers and food deliveries may not be able to use an ADA spot, and that's why I didn't label it that way, I just found -- I just think that on a case-by-case basis, if someone needs that kind of support, I would be interested in having the code give mistake of the authority to save some space in front of that person's house or near that person's house.

[5:24:28 PM]

, Rather than in so many or every case having to pave an additional parking spot that may not be needed.

>> Mayor Adler: Councilmember Casar makes that amendment, is there a second to it? Need a second. Councilmember Renteria seconds. Discussion?

>> Kitchen: Okay. So this was recommended by the commission on seniors. So -- so you're thinking in terms of the circumstance where you're talking about -- you're not thinking in terms of larger units; right? Are you thinking in terms of places where it's multifamily? Or are you thinking in terms of individuals?

>> Casar: I'm -- the concern you raised is if there is a senior who needs things delivered.

>> Kitchen: Right.

>> Casar: And there may not be parking on their property.

>> Kitchen: Right.

>> Casar: Rather than mandating parking on the property, potentially, what if in the code

[5:25:29 PM]

it said that there was a way folks could ask for a space in front of their house so that we're not paving new parking spots for those temporary needs? That may be case by case.

>> Kitchen: I was thinking -- I'm sorry.

>> Casar: So here, the difference is on street versus on site paving.

>> Kitchen: But would you not consider the circumstance to be different if you're talking about a single-family home, as opposed to a condo complex?

>> Casar: Again, explain to me the goal, like what you're -- your question --

>> Kitchen: Well, on-site -- parking on the street might be difficult. It also might make it harder, depending how far someone has to walk. So I was just wanting to see if you were wanting to do this in all cases or if you saw a difference between --

>> Casar: This is transition area mapping so I imagine with a fourplex, if somebody was doing a kind of fourplex and only did three parking spaces, for example --

>> Kitchen: Uh-huh.

>> Casar: -- Because they were able to figure that out, and in

[5:26:29 PM]

that case, that's always going to require a private street frontage so it's always going to be up against the street, and instead of mandating more spaces be there, if somebody needs someone to drop things off because they're in the position they need someone to drop things off, let's have to tell staff explore reserving some space on the street near that property for those sorts of options, rather than having them to -- having to have extra parking spaces on the property itself. And in this case, in transition transition areas, you're talking about threplex, fourplex --

>> Kitchen: Sometimes more, and I thought the parking was paved in those areas entirely.

>> Casar: Correct.

>> Kiten: So there wouldn't be any on-site parking. You could have a situation where you have -- you have more units in a larger complex, or not -- you know, where you have four, six, potentially seven or eight, in a few places, and you wouldn't

[5:27:31 PM]

have -- and you don't have to have any on-site parking.

>> Casar: Correct. And in the case where somebody is a senior and needs somebody to drop things off for them, rather than having a spot -- a parking requirement for that situation on the property, I'm suggesting it on street. And we can just decide which of the two we want.

>> Kitchen: Okay. I just don't think it's as accessible. So --

>> Mayor Adler: Councilmember pool.

>> Pool: Well, the difficulty is that we are now taking up, with the repaving on a number of roads, for example, shoal creek boulevard, there are significant parts of that street that no longer have parking in front of people's houses. And I am not talking about the side of the street that is reserved for bikes, I'm talking about the side of the street that's reserved for car parking. But because of the distance from the intersections, the car lanes are right up against the curb. For example, in front of my house, there is no parking permitted now in front of my house of any kind because that is the travel lane.

[5:28:32 PM]

And that's not just on shoal creek boulevard in certain circumstances, that will be everywhere around the city. And so I don't know how we could even accomplish what you're asking for, councilmember

Casar, in significant parts of town, including having it being a movable type of designation. You say that "Will ensure that caregivers and other cases, on an as had of needed basis, in a way that's legal," but that means finding out where people are living who actually have to have those services, and then do they need to have things changed, is there a place near their home that could be reserved on street, and is it accessible for the type of vehicle that that caregiver may be driving, considering all the services that may be necessary. And it is exacerbated by, as councilmember kitchen mentions, that for the larger developments that may also be -- and I'm in a transition area, so not only is

[5:29:32 PM]

my house in a transition area where it could be an eight-plex, there is literally no parking.

>> Renteria: Mayor?

>> Mayor Adler: Hang on.

>> Pool: On I completely understand the point that councilmember kitchen is going for. We have had significant concern raised by our constituents about where I it that people who are helping them, people who are elderly and who need services, how do they get to them? You know, I -- well, obviously, I'm going to be voting against the Casar amendment and for the kitchen amendment because we can't turn our backs on the medical and transportation needs of our elderly and vulnerable communities.

>> Mayor Adler: Councilmember Renteria.

>> Renteria: Thank you, mayor. I'm going to support it. You know, I wouldn't want -- I wouldn't build a house without a parking lot -- a parking space on it if I knew that I was going to have to have a service like someone coming to my house. So it doesn't make sense to me.

[5:30:34 PM]

This is just an option of not having to build parking. It's not a requirement that you can't build a parking space. So I just don't see how -- how someone would build a house and then say I'm not going to put a parking space in my house there, and then say, well, I need -- the streets are going to be full, so my services will never get to me, so it just doesn't make sense to me.

>> Mayor Adler: Okay. Casar amendment is on the floor in front of us. Councilmember kitchen?

>> Kitchen: I appreciate people's concerns. I just wanted to help people understand that I'm not just talking about a single-family home, this is in transition areas. So we're talking about duplexes, triplexes, fourplexes, maybe eight-plexes. So that's the kind of situation that concerns me more. I agree with councilmember Renteria that if I was just building my own house, I would probably take care of that. So it just reduces the ability for people who have these kind of

[5:31:34 PM]

needs to live in these places because it reduces their -- it reduces the potential accessibility, and they have less choices for where they can live.

>> Mayor Adler: Okay. Casar amendment is in front of us. Those in favor of the Casar amendment, please raise your hand. Renteria, Ellis, Casar, me, harper-madison, Flannigan. Those opposed, raise your hand? The other four on the dais with councilmember -- with the mayor pro tem off. That amendment passes. We're still on this item. Yes.

>> Alter: I just want to say that I think that Casar's amendment is better than nothing, but my preference was for kitchen's amendment.

>> Mayor Adler: Okay. Now let's vote on this matter as amended. Those in favor, please raise your hand. Those opposed? Kitchen votes no, pool votes no. The others voting aye.

[5:32:37 PM]

Alter abstaining. Mayor pro tem off the dais. It passes as amended. Okay? That gets us, I think, to kitchen number 5. Reduced restrictions on parking for elder care facilities. Is there a second to kitchen number 5? Councilmember pool seconds that -- councilmember alter seconds that. Councilmember Casar, you pulled this.

>> Casar: Yes, mayor. I'm very supportive of reducing parking for senior -- for seniors, and I'm supportive of that. I think that actually passed on consent. My only issue was, I want to flag that occupancy limits by age may be an issue. I'm not sure if that actually -- if we can do that. So I just wanted to reduce the --

[5:33:39 PM]

to put that in, in parentheses.

>> Kitchen: You don't have a change, you're just --

>> Casar: I'm raising that question. I mean, I think we probably strike it, then you can maybe confer with legal or maybe I have to, but it's just something that was flagged.

>> Kitchen: Could I speak to that, mayor?

>> Mayor Adler: So you're saying don't do anything that's illegal.

>> Casar: That's right.

>> Mayor Adler: I think that goes without saying. I think it's inherent in her language.

>> Casar: I'm not saying that it is, I'm just wondering whether we can have occupancy limits based on age.

>> Kitchen: Well, mayor, I think that -- can I speak to it?

>> Casar: I think it's fine. I'm happy to drop it --

>> Mayor Adler: I think it just gives a list of things to consider. Is there any objection to kitchen number 5 being adopted? That said, kitchen number 5 is adopted. Kitchen number 6, transition zone --

>> Kitchen: That was not -- that was not pulled. It's changed from the version you have in the major -- in the big document, but it was not pulled.

>> Mayor Adler: I think that

[5:34:43 PM]

number -- I have harper-madison pulling that.

>> Kitchen: I have it not pulled.

>> Mayor Adler: Uh-huh. So I think direction number 6 had -- was three parts, one and --

>> Kitchen: No --

>> Mayor Adler: -- Two, initially, 1 was taken out, 2 was kept, then there were two new things.

>> Kitchen: No, that's not correct.

>> Mayor Adler: Is that wrong?

>> Kitchen: Yes. As I said before what you -- the original one that is in the -- in your document here, number 1 and number 2, you can strike. The only one that I kept was number 3.

>> Mayor Adler: Correct.

>> Kitchen: And again, let me just ask, did someone pull this? I have it down at not pulled.

>> Mayor Adler: Councilmember harper-madison pulled it.

>> Kitchen: Okay. Great. So to make sure that it's clear --

>> Harper-madison: Can I real quick -- I'm sorry, you moved on

[5:35:43 PM]

to six before I was with able to resolve my position on number 5.

>> Mayor Adler: Okay.

>> Kitchen: Okay.

>> Mayor Adler: Go back to number 5?

>> Harper-madison: Yes, please.

>> Mayor Adler: Okay.

>> Harper-madison: I don't know if it requires discussion but I would like to be noted as voting against it.

>> Mayor Adler: Okay. Let's take a vote then on number 5. Those in favor of number 5, please raise your hand. Those opposed? We're going to back to the the one we did just a second ago. We're going to take a vote. Those opposed? Harper-madison voting no, others voting , " with mayor pro tem off the dais. Number 5 passes. So on number 6, 1 and 2 is shown on that were not kept.

>> Kitchen: They were deleted.

>> Mayor Adler: They were deleted. Number 3 was continued.

>> Kitchen: Right.

>> Mayor Adler: But it became number 1.

>> Kitchen: Right.

>> Mayor Adler: And then there was a new number 2 added, as I recall.

>> Kitchen: That's correct. It's on this cheat sheet that I passed out.

[5:36:43 PM]

>> Mayor Adler: Right. So I was taking the number 2, I was putting that into the second tranche budget - second tranche bucket, so we'll come back and get that one.

>> Kitchen: Mayor, I disagree. I'd like to understand -- which one are you -- just number 2?

>> Mayor Adler: Uh-huh. Just because it was new.

>> Kitchen: It's -- I don't think it applies as part of new. Other people have amended theirs and you haven't taken them.

>> Mayor Adler: Okay.

>> Kitchen: So I think it's all part of 1.

>> Mayor Adler: Okay.

>> Renteria: Mayor, can they read all three items that we're going to be voting on?

>> Kitchen: Would you like me to read it, councilmember Renteria?

>> Renteria: Yes.

>> Kitchen: I apologize for the confusion. What it says now, direction number 6, review transition zone areas greater than five lots, then it says to review council's direction to map depth two to five lots, and these are the two items, 1 and 2.

[5:37:45 PM]

Number 1: Review activity centers and apply the same criteria for mapping areas adjacent to activity centers as was applied for those adjacent to transition it priority networks. Number 2, as part of the capacity analysis, include categories that were not previously counted.

>> Mayor Adler: Okay. So this is the amendment from councilmember kitchen. Is there a second to the kitchen amendment? Councilmember tovo seconds it. This was pulled by councilmember harper-madison. Do you want to address kitchen amendment number 6 as changed in her materials we got today? 1 second and.

>> Harper-madison: I'm trying to -- 1 and 2.

>> Harper-madison: I'm trying to find the document. I can't find it.

>> Casar: Mayor, again, this is about adding some additional

[5:38:46 PM]

missing middle near these places.

>> Kitchen: That's what -- yeah. That's right. Uh-huh.

>> Casar: So from having heard it, I think I'm supportive.

>> Mayor Adler: Okay. Hang on a second. While councilmember harper-madison is looking, fill Flannigan, do you want to say something?

>> Flannigan: Yeah, I'm supportive of this. When I've looked through the map in certain activity centers, there's still -- there's still some r2 zoning, and so part of this feedback from staff that I'd like to see is where r2 zoning continues to exist in activity centers, how that would comply with this.

>> Mayor Adler: Okay. Councilmember harper-madison, do you still want to pull this one?

>> Harper-madison: I'm sorry?

>> Mayor Adler: Do you still want to pull this one?

>> Harper-madison: Yes. And that was the result of -- there was a vote by the planning

[5:39:51 PM]

commission. It was -- let me just make sure I'm -- oh, so the item number 6 that I pulled and this item number 6 are not the same item.

>> Mayor Adler: Right. There were two -- there were changes. So 1 and 2 in the original number 6 are no longer there. Number 3 is kept. So number 3 now becomes number 1, and there's a new number 2.

>> Mayor Adler: So the original that had reference to transition Zones greater than five blocks -- that part has been removed?

>> Mayor Adler: That's correct.

>> Mayor Adler: Okay. Then no. Thank you.

>> Mayor Adler: Okay. Any verification?

>> Alter: Could staff get clarification on number 2 as part of the next analysis including not previously counted, because all categories were counted in the capacity analysis.

>> Kitchen: My understanding -- can I speak to that?

[5:40:51 PM]

>> Mayor Adler: Go ahead.

>> Kitchen: My understanding is that r1, 2, 3, and 4 were not counted in the capacity analysis. When I look at the capacity report, if I'm remembering correctly, I think it was r1 2, 3, and 4, I have to go back and look at my notes, but they were noted. Our methodology included vacant properties only because of the state of the practice for that, so we did not -- we don't have a separate capacity analysis for doing a different methodology.

>> Kitchen: My request is to change that methodology so that you can include the undercounted properties and not only count the properties in -- as you did.

>> Flannigan: Mayor, is this part of the second tranche or the first flank.

>> Mayor Adler: To me it was a new discussion to debate so I was comfortable putting this in the second tranche. Councilmember kitchen says she disagrees with that and thinks it is an amendment that arises out of the other two -- other three

[5:41:57 PM]

that she had originally.

>> Casar: Mayor?

>> Mayor Adler: Yes, councilmember Casar?

>> Casar: I read this as saying to count the new capacity created by this new mapping, if it's asking to change the way we do the capacity analysis, I can't support that, and I would amend this, if I'm given the chance to just say count the new capacity by this mapping, not for you to go and change your already very fine-grained way, best attempt to do capacity analysis.

>> And I want to clarify it was r2, we only included vacant properties, but for r4, we had a different methodology. But it was for all the r2, ar2v, the capacity wars conservative done on vacant land only.

>> Kitchen: The document I have shows more than r2, but regardless, I don't think this is new but it could be considered problematic, so as direction, if you want to consider it when we consider the direction, I'm happy to do that.

>> Mayor Adler: So let's move 3

[5:42:58 PM]

off right now.

>> Kitchen: It's 2.

>> Mayor Adler: I mean 2. Yes. Number 2, we're going to move off, put it in the programmatic bucket. Thanks. All right. But 1 passes without objection. Is there any objection to number 1? 1 passes without objection. That gets us then to pool number 3. Is there a second to pool number 3?

>> [Indiscernible]

>> Mayor Adler: Councilmember seconds number 3. Councilmember Casar pulled this you want to address that, then we'll come back.

>> Casar: Mayor, I just think that it's in conflict with the one that we passed earlier about increasing some in r4 and decreasing others, I'm just going

[5:43:59 PM]

to vote no.

>> Mayor Adler: Okay. Councilmember pool.

>> Pool: So this is to ask staff to give us scenarios to consider holding the impervious cover limits at 45% in r4 and rm1, and I think as far as us getting additional information from staff before second reading, it would be really important for us to see what the modeling looks like and what the scenarios look like. It also is related to staff's supplemental report number 2 where they had graduated impervious cover, which was consistent with the planning commission's recommendation, and the planning commission said to reduce allowed impervious cover to 40% for residential house scale Zones with one unit. We also had a staff and a PC recommendation on mm2 impervious cover for two unit residential, then the P.C. Recommendation itself, R 35, impervious cover reduction for single units where the planning commission said to reduce impervious cover for single units in all Zones where 45% down to 40%, whichever is

[5:45:01 PM]

greater, and establish rules that grandfather in the current allocation of impervious cover. So that was the planning commission recommendation.

>> Mayor Adler: Okay. In I further discussion on pool number 3? Let's take a vote. Those in favor of pool number 3, please raise your hand. Tovo, kitchen, pool alter. Those opposed please raise your hand. That's the balance of the dais. Pool number 3 does not pass. Let's look at pool number 4. Is there a second to pool number 4? Councilmember kitchen seconds pool number 4. Councilmember Casar, you pulled this?

>> Casar: Mayor, I'm just going to vote this one, I think, we're incentivizing multi-bedroom through the graduated F.A.R. With more units.

>> Mayor Adler: Okay pools and this is different, and this is a monitoring and compliance fee. Again, this is coming from the P.C., from the planning commission, and it's different from the piece that you're talking about, councilmember.

>> Casar: Yeah, we can get to that one or we could talk about

[5:46:02 PM]

numbering. I'm talking about the multi-bedroom --

>> Mayor Adler: That's the one we're on right now. Pool number 4, increasing multi-bedroom housing to benefit families with children and our multigenerational households.

>> Casar: We're still going off the numbers, I think, as posted --

>> Mayor Adler: Hang on a second. Let's take time here.

>> Pool: Okay.

>> Alter: Councilmember Casar, can you explain to me -- I understand how graduating the F.A.R. Increases the units but how does that impact the bedrooms? I'm just not following your argument. I understand how it incentivizes the more units but how does it prevent all those units from just being studios or one bedrooms, versus two or three bedrooms?

>> Casar: Sure. I think that the concern some folks have raised is are we going to allow lots of either very small single units or lots of very big ones, which is why we've seen the really big pictures. The graduated F.A.R. In I will

[5:47:03 PM]

vacations I've handed out incentivize things like on a 5750 lot to have three 1250-square-foot units. That's -- add you've said, folks really want to use the entitlements they have, so we should have reasonable limits but reasonable allowances. 1200 is a three -- is usually a three-bedroom or a two-bedroom that has some extra living space. And so I think, as you've said, people try to build out to their entitlements when they can, and so this gets you there without us making missing middle zoning so complicated as to mandate certain bedrooms in certain places, and at the same time, I think there are oftentimes families, many of my families that feel our public schools are actually living in a one-bedroom or two-bedroom, so we want there to be -- we want families to have a choice, and I think that is good way to incentivize multiple bedrooms by giving people a choice.

[5:48:04 PM]

>> Mayor Adler: Pool.

>> Pool: So the direction I had here was simply to review a multi-bedroom requirement for residential Zones that start with r4 and give us a method to target requirements in areas within a half mile of our urban public schools. I completely understand what you're saying, councilmember Casar, but it isn't always the best situation for large families to live in a small unit where everybody is living -- sleeping in the same room, for example. So when we're talking about multi-bedroom requirement, it's to acknowledge that we want to encourage families to live near our schools. And in the residential Zones. So increasing multi-bedroom housing to benefit families with children and other multigenerational households, it's simply direction. So, I mean, if this is going to be defeated, mayor, my other one was also direction to look for just additional information, which is all we're asking for here.

>> Mayor Adler: Councilmember

[5:49:04 PM]

tovo.

>> Tovo: Yeah, I want to just support something that was said. Councilmember Casar has left the dais, but he talked about having choice -- oh, I'm sorry, I didn't see you behind me. You talked about having choice, and I think that's what -- that is what incentives or requirements to have multibedrooms do because right now the market is not producing multi-bedroom units that are supporting our goal of creating multigenerational housing. And so, you know, if we continue to allow the market to provide what the market has been providing, it's going to be efficiencies and one bedrooms and sometimes two-bedrooms. So I support this amendment. If it fails, I have some amended language that I'd like to suggest. But, you know, we've had considerable planning recommendations that we attend to the kind of -- the kind of new construction that's coming online and the kind of new construction that we're encouraging through our requirements, and having

[5:50:06 PM]

multibedrooms, it does provide more choice for families. If that product isn't available, families with children or families with caregivers don't have that option because that's simply not a product that's available. And we've had this conversation before and I've offered you examples, but that is not what is being provided through the market right now.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: Through.

-- Thank you. I appreciate the concerns on this. There's a lot more complexity to this than to say urban schools or half mile -- our underenrolled schools, that's very distinct geographical implication there, I don't think we mapped r4s in areas where schools are underenrolled so I'm concerned about the unintended consequence to this one and the extent we can dictate to the market what they're going to provide.

>> Mayor Adler: Further discussion on pool 4? Let's take a vote. Those in favor, please raise your hand. Tovo, kitchen, pool, and alter.

[5:51:06 PM]

Those opposed, explained balance of the dais, pool 4 does not pass. Yes, councilmember tovo.

>> Tovo: Mayor, just as others have before I'd like to propose some amended language to councilmember pool's, and it would read this way, and this would be direction to staff to provide feedback about how the land development code with proposals, with regard the elements especially with missing middle categories, could impact the construction of multi-bedroom units. Again, just asking

for staff to evaluate the totality of the code that we're proposing and especially with regard to the missing middle categories.

>> Mayor Adler: Okay. Is there a second to that amended? Councilmember pool seconds that amendment.

>> Tovo: It's not prescriptive, just asking for information for staff to touch base with us on how these could impact, and I've left it general, could impact the construction that may be to

[5:52:06 PM]

increase, it may be to decrease.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: I feel like this is similar to the item from councilmember kitchen previously where we were talking about analysis, and I would like to be able to consider all of the additional work we're asking from staff at the same time.

>> Mayor Adler: You'd like to what?

>> Flannigan: If we're going to be asking staff to do a bunch of different types of analysis, I'd like to be able to consider that full list at the same time so we're clear exactly how many different things we're asking from staff.

>> Mayor Adler: Okay. Can we do that? Can we take that idea and let's move it to the programmatic section?

>> Tovo: I think it's fine to take it up, but I would just again urge that we do give some consideration since there have been goals set to try to encourage multiunit housing, multigenerational housing, to try to be the most family-friendly city in the nation and reverse the trend of families moving out of the central city.

>> Mayor Adler: Okay.

>> Tovo: I think it's entirely appropriate that we ask staff to analyze whether the code is actually going to further that aim or impede it.

>> Mayor Adler: Okay. And, too, if you could get you or your staff to post that language,

[5:53:07 PM]

that would be helpful. Okay. The next one is Ellis number 2, that's been withdrawn. That gets us to tovo number 23. Is there a second to tovo 23? Councilmember pool seconds tovo 23. Councilmember Casar, you pulled this one?

>> Casar: Yes, mayor, and I'm handing out an amendment. Just give me one second here.

>> Tovo: And, mayor, maybe after this item, could we just sort of take stock of whether we're going to have a dinner break, whether we're going to go all night, what sort of our plan is here?

>> Mayor Adler: Okay.

>> Casar: So I move an amendment to change tovo 23 to say the code should protect the health and safety of all residents.

[5:54:09 PM]

>> Mayor Adler: Okay. Is there a second to Casar's amendment? Mayor pro tem seconds it. Councilmember Casar, you want to dress it first?

>> Casar: I just think that it's very clear that we're not going to leave people with inadequate sewage and that we're, of course, working on drainage, we've got reports back on that, so I just want to make it really clear that the code is going to protect the health and safety of everyone.

>> Mayor Adler: Okay. Councilmember tovo.

>> Tovo: I certainly will support and vote for your item, which I think is entirely different from the one that I brought forward. So, I mean, it is our job, our sworn duty to protect the health and safety of Austin residents. Obviously our code needs to achieve that. It's probably in state law or federal law or whatever it needs to be. So I'll support adding that as direction, but what I am -- what I am doing is making a commitment that we're going to have the sidewalks and the stormwater infrastructure and other things that are necessary for the increased density that's being

[5:55:12 PM]

contemplated by the code. At our work session last week, I mentioned one example, the Guadalupe storm drain which has been underway and contemplated for the last nine years, it's a \$40 million project. It has yet to be on the ground, and, you know, we've had, I don't know, four or five floods in the last five years. One of them, I was stuck in Hyde park, unable to get to my home because the flooding was so high. It was -- I mean, there were cars submerged. It is -- it is a significant issue for people who are in areas where localized flooding throughout the city, and I think that if -- I think we need to make a strong stand that we're going to make sure that the sidewalks and the stormwater infrastructure that needs to be in place to support the people living in these neighborhoods is there. So I do think it's entirely -- it's not entirely different, obviously they're both in sync, but I would ask that we take both of them up separately.

>> Mayor Adler: I would suggest we take them both up on the programmatic section of this and move them to the same place we have those directions. So let's hold on this.

[5:56:12 PM]

The next -- we're almost done with this section. Let's just keep going here real fast and get through this section. That gets us to tovo 24.

>> Tovo: And I did amend from the language that you have in your cumulative document, mayor, because I went back to the language that staff -- that is actually the language on our watershed maps. And so if you would give me a minute, I just want to be sure I characterized that proposal. And that is localized flood identified problem areas. So the amendment would read do not zone as rm1 or r4 properties within areas identified as localized flood identified problem areas. So most of us in our watersheds have maps of different areas where there are little dots saying these

[5:57:14 PM]

are reports of localized flooding, but this is a different category. These are areas that the staff have identified as localized flood identified problem areas, and I'd welcome Mr. Holland to confirm that, but that's the intent of this amendment.

>> Mayor Adler: Okay. So would you come up and talk about this for a second? There was some analysis you said you were already doing on this.

>> Yes. That is correct. Matt Holland, watershed protection. Page 6 of 39 talks about the localized flooding potential map changes item there, staff 2lcf-1, potential map changes. Pending outcome of ongoing analysis of improve changes within local flood problem areas, consider reducing the application of missing-middle Zones if warranted to mitigate the risk of drainage problems. So we're definitely committed to looking at this very issue that's before us in this -- in tovo number 24.

[5:58:17 PM]

>> Mayor Adler: Okay. Does 24 add to that? Or were you already doing that?

>> I think -- what we're gonna do is look at each of the areas and where the problems are. We had councilmember alter brought up an excellent point at our work session so we'll be looking at some of the properties and flow lines of those. I don't know that we'd be going into and saying this whole street doesn't need to have something, but we will be looking at it, you know, pretty -- in a fine grain detail.

>> Mayor Adler: Okay. My only concern here is that it prescribes the solution to the challenge they're looking at.

>> Tovo: Okay. I understand that. We've prescribed a lot of different things today, but I am comfortable with the staff's analysis. I assume that you would be paying careful attention to the areas of localized documented flooding, so I think we all will get the analysis that we need and recommendations we need from our watershed staff. So that's fine. Thank you for pointing that out, Mr. Holland.

>> Absolutely.

>> Mayor Adler: Thank you. 24 is withdrawn.

[5:59:18 PM]

Tovo 25 was pulled by councilmember Casar. Is there a second to tovo 25? Councilmember pool seconds that. Councilmember Casar, you pulled this.

>> Casar: Yes. I'm gonna vote no. I think that the or elsewhere language is a problem because that transition areas where elsewhere is everywhere, meaning we wouldn't upzone anywhere, and even if that was removed I think that what mayor pro tem has already done has addressed the child care issue. I think that amendment from councilmember kitchen in many ways sets up more protections for cultural venues. I think we have established cups for more grocery stores, so I think that generally we're addressing many of these core issues that have been laid out in this amendment so I'm

[6:00:18 PM]

comfortable just voting no, given that we've set up protections for many of these things as they've been listed.

>> Mayor Adler: Councilmember tovo.

>> Tovo: I'm gonna move approval my amendment.

>> Mayor Adler: I didn't know why you wanted to address it. It's been moved and seconded.

>> Tovo: I would just say this is in sync with imagine Austin. I think we're losing site and not furthering means within emerging Austin and this is intent to really pay attention to some of those other limits. I agree with you that some of them have been picked up but I'd still like to move approval and provide staff with policy direction they need to pay more attention to some of those other elements that haven't been discussed already, including import -- well. . .

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: , Which we haven't done anything yet to preserve cultural venues. We have -- what we've done so far is a starting point, of course.

[6:01:19 PM]

So I just wanted to let you know that. I mean, what we approved -- or, I mean, at the end of the day, the amendment that I have says that we're -- we are wanting to create a placeholder in the code to go through a process of developing what would go in that placeholder to protect cultural venues, but we haven't actually done anything yet to -- and I just wanted to make sure you understood that.

>> Casar: Mayor. I understand that. I appreciate what's beened aced. I recognize there's more to do. What I will say, and I'm glad that you piped up, councilmember kitchen, on this one, for example, if somebody were to bring a specific map amendment when we're on second reading, like, on Thorton studios, where we chose to have -- not have a V designation there, and people raise that for a cultural venue, I would certainly really entertain that, that sort of thing. So for folks to be looking at what's -- if there's specifics on a cultural venue where they don't like the zoning, very open to look at that.

>> Mayor Adler: Let's vote on 25. Those in favor please raise your hand.

[6:02:21 PM]

Tovo, kitchen, pool. Those opposed please raise your hand. Balance of the dais with councilmember alter off. 25 does not pass. That gets us to tovo number 26. Is there a second to tovo 26? Councilmember pool seconds tovo 26. Councilmember Casar you pulled that.

>> Casar: I'm going to vote no on this one. I think the reduction that we have in the base motion for these types of streets is a good start. I'll look at the new map and consider whether to modify that any further in a future reading, but eliminating it I think is -- kind of goes all the way and I think we're making a compromise in this reading.

>> Mayor adler: any further discussion?

>> Tovo: Sure, I'll have more to say about transition Zones either tonight or when we pick this up again. I would say if I had to pick one issue causing the most consternation in our city

[6:03:22 PM]

it's transition Zones. I think they are religious residential upzonings not contemplated by imagine Austin. I don't think they're necessary. I think we can target the city in just the places we committed in imagine Austin to do, which is our commercial corridors and major roads throughout the city. Cutting through the -- the level of rezonings that are triggered by some of the residential transit priority corridors I think are entirely inappropriate, go well beyond the two to five lots in many cases and I think -- again, I think they're unnecessary. And I would say that if -- it also seems to be very located in a particular -- in particular areas and not focused around the city, and so, anyway, that's my comment at the moment

about this. I don't think minussing -- I don't think the subtraction of one lot accomplishes or addresses the concerns that we've heard raised by hundreds of people at this

[6:04:24 PM]

point.

>> Mayor Adler: Okay. Let's take a vote on tovo 26. Those in favor of tovo 26 please raise your hand. Tovo, kitchen, pool, alter. Those opposed please raise your hand. Balance of the dais. 26 does not pass. Is there a second to tovo 27? Councilmember pool seconds that. Councilmember Casar, you pulled that.

>> Casar: I think same issue as the last one on this one.

>> Mayor Adler: Okay.

>> Tovo: So I guess then I'd like to invite my colleagues to please explain why -- why we are allowing the staff to go beyond two to five -- why -- the policy direction was two to five lots. That does seem to be held in most districts in most cases. It is far exceeded in certain areas. The policy -- I mean, why -- why can we not support -- I guess I would just ask those of you who plan to vote against the amendment, why can't you support an amendment that upholds the policy direction that we gave in the spring?

>> Mayor Adler: So the for

[6:05:24 PM]

me I think the answer to that question is the diagram that the staff prepared that we've asked them to get up for the public to be able to see. It seems fundamentally unfair -- well, I think the way that we -- many of us had thought about it was with streets that were behind the corridors that were parallel to the corridors. So that you'd have a row of properties that were in the first and then behind that a row of properties that were in the second. Generally speaking, if you have 100-foot depth to lots within a 60-foot right-of-way that gets you back 260 feet. On the other hand if the roads -- if the roads are perpendicular, which is something I hadn't thought about, and you have just one lot next to another lot with a 50-foot wide lot you could be at a hundred feet and it just doesn't seem fair when you're mapping transition Zones that it would be 30%

[6:06:27 PM]

or 40 deep just because the street that you're on is a perpendicular street as opposed to a parallel street. So in my mind I think the staff, recognizing that the disparity in those two things, came to a good

solution in trying to figure out what the distance represented by the two to five lots. You keep waving at me. Did you want to say?

>> Tovo: Mayor, I could probably show six examples where that just isn't the case. In some cases it is the situation staff described where you have six lots on one side that are -- that equate to three lots on the other. There are situations that -- where that's the case. We have an entire four-block area where I believe there are -- I'll look at my notes here in a minute -- between 13 and 16 properties deep for all four of those blocks. I mean, just -- there are multiple scenarios throughout my district that

[6:07:29 PM]

exceed five and I'm not talking about exceeding five, because they're trying to get equivalent distance on either side. It's just, you know -- again, we can talk about this more extensively later, but that scenario that we looked at in work session is just one of the multiple scenarios. And, again, it exceeds the policy -- I mean, I'm looking at the transition Zones. There are a couple of properties. I mean, here and there properties in district 6 rezoned. Primarily one lot. District 8, same thing. You have very deep transition Zones throughout district 9 in multiple places.

>> Mayor Adler: And for me --

>> Tovo: I mean if we're going to treated similar properties similarly, then we ought to stick to a standard.

>> Mayor Adler: Okay. Yes, did you want to say something?

>> We were going to pull up the diagram if that would be helpful.

>> Mayor Adler: I'm not sure. I think we've already seen

[6:08:30 PM]

that. With respect to that, I mean, individual -- lots in areas where you think it's been applied is something that I would very much like to take a look at with you as we look at the mapping issues in January before we get to second reading. And, you know, I'd need more time to meet with you. Further discussion on this tovo 27. Councilmember kitchen.

>> Kitchen: Mayor, I understand what you're saying, but what are we trying to -- I would like to go back to -- and I know people don't have the patience to have a long conversation about this, but I truly thought that we were limiting it to two to five lots, that we were not talking about feet when we did this. So what is it that you are trying to -- what do you feel like we were trying to accomplish? Because I don't understand what you mean when you say it's fair to use the 850 feet and it's got to be 850 feet instead of two to five lots. I don't understand what that concept of fairness is to you.

>> Mayor Adler: It's more

[6:09:31 PM]

consistent.

>> Kitchen: Consistent with what? It's not consistent with the number of people impacted. It's not consistent with the number of units that are impacted. It's only consistent with geography, which is not consistent across the city. So to my mind, I don't think -- you know, I don't buy the argument that it's a fairer approach.

>> Mayor Adler: I know. And we disagree on that. Councilmember Flannigan.

>> Flannigan: I think this is one of those areas where an example is helpful, and that seems like what we're headed for in second reading, where we can spot specific areas on the map and go into more detail as opposed to a blanket city-wide policy so I'll vote no now but I will entertain that conversation at second reading.

>> Mayor Adler: Let me give somebody else a chance to speak but then we can come back.  
Councilmember alter.

>> Alter: I think if we have that discussion, I'd really like to see what's considered feasible in those areas. I'm very concerned we are mapping these areas, they're not even feasible to redevelop and yet we are

[6:10:34 PM]

creating concerns in the community that need to be addressed. And if they are feasible we need to do that as well.

>> Mayor Adler: Okay. Further discussion on tovo 27?

>> Tovo: Mayor.

>> Mayor Adler: Councilmember tovo.

>> Tovo: May I propose, I do think examples would be useful. I don't know that we're gonna accomplish all of these amendments this evening. I would like to ask we hold this one. I'd be happy to show you examples quickly at some point in our conversation. I think that would help. I would say the transition Zones are causing huge upset and disruption and concerns and I think the feasibility of the redevelopment of them is useful. I think looking at the capacity being projected is useful, but I think having some of these examples would really help us craft a better policy decision that really is context specific.

>> Mayor Adler: With that objection let's lay 27 on the table.

>> Tovo: Thank you.

>> Mayor Adler: Subject to recall. Turning the page we have

[6:11:36 PM]

three left in this section -- two left in this section. We have tovo 28.

>> Tovo: Mayor, can I just ask instead of be subject to recall I'd ask that it be in the second tranche?

>> Mayor Adler: Okay. Move it to the second tranche.

>> Tovo: I don't usually ask that.

>> Mayor Adler: I know. Where's Ms. Houston? We're gonna take 27 and cover that with the second group of these. That gets us to tovo 28.

>> Casar: Instead of me raising my concerns I think that is pretty programmatic because it's about trash collection and work crews.

>> Mayor Adler: Can we move that to the programmatic section?

>> Tovo: Let me think about it. We are getting questions about this, and what what I would like to ask our staff to do is really show us, basically model for us, how that would work. And so I'm not sure -- I'm trying to understand how that's programmatic. It's really about an

[6:12:37 PM]

illustration of some of the -- how those properties who take full advantage of all of their entitlements would actually manage this, and I would like that in an illustration. So...

>> Casar: If we're taking it up now I can take it up now. If you need to deem it programmatic, I've kind of been leaving that up to the body.

>> Mayor Adler: Okay.

>> Tovo: If you want to talk about it in another section, that's fine. I do think it's really important that we have some --

>> Mayor Adler: How's the best way to communicate to the public how these things happen in areas where parking is limited?

>> Staff could entertain some sort of illustration along with a description. So to put that in the programmatic would be appropriate because it would be a staff analysis.

>> Mayor Adler: Okay. So can we put -- let's put this in programmatic. Does anybody have any objection for the staff drawing it and giving us an illustration of how that works? I'm gonna do things, put

[6:13:38 PM]

this into programmatic and I'm gonna --

>> Tovo: Great. That's super. If I could emphasize I think it's really important that it show the worst case scenario, full buildout, so we're not getting into concerns about then showing that illustration, having people saying it's only four units and you can have a maximum of nine. Anyways if we can make sure that shows the fully built out, fully entitled properties that -- lots that take full advantage of the entitlements in both of those two categories.

>> Mayor Adler: Okay. Councilmember Casar.

>> Casar: I want to say the same thing that I think councilmember tovo meant but maybe different words. The hope is and the understanding is that our city is functional enough that these things aren't bad, so it's not a worst case scenario because my hope is that our city does what other cities do and have a bigger joint trash can or does things that other cities do. And if it's a street that's so narrow that emergency vehicles can't get through

[6:14:40 PM]

easily, that we have no parking on one side of the street if it's so determined by our department. So I think what -- what I would expect from our city is that if there's an issue we're going to address it. The trash is gonna get picked up. The fire truck is gonna make it down the street. It would be unacceptable for those things not to happen. So I don't want an illustration of a fire truck knot getting down the street because I disrespect our fire truck to make it down the street. Period.

>> Tovo: Yes, agreed.

>> Mayor Adler: All right. Moves us then to tovo 29. Is there a second to tovo 29? Councilmember pool seconds tovo 29. Mr. Casar, you pulled this.

>> Casar: Yes, I'd like to hand out a potential sort of compromise on the parking near schools issue. My goal -- and I believe from conversations over the last few years that the

[6:15:42 PM]

safest walking to school is if you've got a child on the sidewalk and if there's parking or bike lane between the child and moving traffic that that's even better. So having some on street parking near school is not a bad thing and if you've got a sidewalk that's probably the safest thing because then you've got more of a buffer. So my amendment is to leave in place the status quo parking requirements for residential park properties if they're immediately adjacent to the school, unless there's a sidewalk on one side of the street or the sidewalk is planned for the very near future, and then for other streets that aren't immediately adjacent I kind of leave it to staff to think about that. But really for those properties right up in front of the school I really want to push towards getting a sidewalk where those don't exist, and then there being less -- more on street parking when there's that sidewalk I think actually makes it safer. So this would make a little carve-out for those areas immediately adjacent to the schools.

>> Mayor Adler: We have an

[6:16:42 PM]

amendment from councilmember Casar. Is there a second to the Casar amendment? Mayor pro tem seconds it. Discussion? Councilmember tovo.

>> Tovo: Just as a bit of context, this is an amendment that was actually passed by aid trustees back in 2017 when codenext was being contemplated and then it was endorsed by the joint subcommittee in its resolution. I have, however, made a couple changes to it, so just one of the changes that I made to the basic element that they suggested is that I changed the language. I think it initially said eliminate parking reductions for commercial property, and I changed it to no more than 30%. And we did have an opportunity to have conversation with some of the trustees of the joint subcommittee the other day. It is not just an issue of student safety. It's also an issue of having access for parents and teachers and staff who are driving to schools that don't have adequate parking, which is a lot of them.

[6:17:42 PM]

So I know that our staff -- our aisd staff indicated that they wanted -- they would provide us with examples of those schools where there is a particular concern, but I just want to be very clear. A lot of our schools do have sidewalks because of our great safe streets -- safe --

>> [Off mic]

>> Mayor Adler: Safe routes to school.

>> Tovo: That program. But we do also have the challenge of people who are -- parents going to to have lunch at an elementary campus. If there are -- the concern is that if we are eliminating parking or significantly reducing it for commercial businesses and residential developments near schools that it will impede access to those campuses.

>> Mayor Adler: Okay. Discussion? Councilmember Flannigan.

>> Flannigan: I'm not sure that these distances are ones that I'm comfortable with or the concept overall, but I'd be willing to continue this conversation into second reading if we could get some example campuses. The campuses in my district obviously have build a lot of on-site parking so it's a very different experience. It would be helpful for me to understand what the

[6:18:43 PM]

distance looks like and all that kind of stuff if we had a couple of examples to work from. But I'm happy to do that at second reading, too.

>> Tovo: Do you want to propose some language that would make it more general? More general evaluation for staff?

>> Flannigan: I'd rather not get into language crafting. I think we can just take it up at second.

>> Mayor Adler: I'm comfortable -- I mean, we may take it up in second and refine it further and come up with stuff. I'm uncomfortable with the prescription distances because I don't know they're the right distances. I think that the -- that the Casar amendment will have the staff for us starting to lay out those variables, and I'm fine, as with you, Mr. Flannigan, seeing specifics on that. I think the language coming from councilmember Casar initiates at least that initial work before second reading. I like us looking at this. I think this is an important thing for us to look at.

[6:19:44 PM]

Again, I think the Casar amendment starts us off right. Councilmember pool.

>> Pool: I'd like to -- since we're gonna be looking at this I'd like to get definition for what is meant by in the near future, which is the new language. Leave in place current parking requirements for the residential properties and so forth unless there's a sidewalk on one side of the street or unless a sidewalk is planned in the near near future you and with regard to safe routes to school that is an ongoing program but I want to know how this integrates into our safe routes to school program and get definition for what, councilmember Casar, you mean by "In the near future."

>> Casar: I think it should be defined in the same way the staff has defined the near future --

>> Pool: What is that?

>> Mayor Adler: The sidewalks when you were looking at disturbance or something next to transition areas.

>> Is current, staff, the way we've defined it, it's either in place or ranked high to very high on the

[6:20:46 PM]

current sidewalk policy for the city.

>> Casar: And on the --

>> Pool: Then I would like to see if we could have -- if we could get that for us so I could see where all of the sidewalks that are yet to be laid down under the safe routes to school program and where there are as far as priority on the list to see what is happening next year. I know that you have in the queue.

>> Ask that is data that would be easily gathered and provided. We can do that. You can add it to your programmatic when we get to that point. That is data from the 2016 bond that's easily done.

>> Pool: Then I think we can also get something a little more specific in here. If you do have a definition for in the near future I'd like to see that. We don't have a starting point or ending point.

>> Casar: I don't mean any in the near future. I want it to be the highest priority ones which I understand and hope we can make it more public.

>> Pool: Let's find a way then to make that more clear so people understand. Thank you.

[6:21:47 PM]

>> Mayor Adler: Okay. Further discussion on this? Councilmember Casar.

>> Kitchen: Yeah. I don't think it's necessary to line out councilmember tovo's amendment. I think these two can work together. I think you can keep hers, retain current on-site parking requirements for residential parking, put residential properties, cut out the distance, and then say and limit parking reductions for commercial properties within an area of an urban core public school to maintain needed parking for parents, visitors, teachers and staff at school campuses. I appreciate her bringing this, and I appreciate your thoughts, too, councilmember Casar, but I don't think it's necessary to start over from her amendment. So I'd suggest we keep both sentences and we just reduce -- take up the

[indiscernible].

>> I can.

>> Tovo: Councilmember kitchen, can you read what you would cut again.

>> Kitchen: Cut within 750 feet and then you would

[6:22:47 PM]

cut the to no more than 30% and then you would cut the 1500 feet. And replace it with an area.

>> Mayor Adler: Okay. Councilmember Casar.

>> Casar: In my reading of this they are in direct conflict. Mine attempts to, when the sidewalks are in place actually reduce parking, which in my view makes it safer because then you'd have some street parking and some people walking on the sidewalk. The language proposed by councilmember tovo, regardless of whether the sidewalk is there or not, would retain the current parking requirements. Totally a fair amendment to make. I just think they're in conflict so I'm still gonna urge my amendment the way it is.

>> Kitchen: Can I ask a question? I don't see how they're in conflict if you use both sentences together. I wasn't saying instead of yours. I was saying keep hers and you can add yours because your thought is -- your thought is -- unless that's different than what councilmember tovo was thinking, but your thought

[6:23:47 PM]

is really virtually the same as hers. You're just adding some more detail that if there's a sidewalk then you're addressing this circumstance.

>> Casar: I think the commercial properties thing, mine is just about residential properties and I think if you've got a sidewalk and then there's commercial property -- anyway, I understand that there could be a way to read them together. I'd urge my motion because I think that the goal is to have less pavement for cars off-street, near those schools. I think that's a good thing. Try to get us the sidewalks, and so, yeah I understand the way they could be read together but I still prefer it the way it is here.

>> Kitchen: I'd like to read it together and I'm not understanding --

>> Mayor Adler: I'm going to die the question. We'll vote first on the Casar language, so have a separate vote on each. Councilmember tovo.

>> Tovo: I wanted to ask councilmember Casar, does

[6:24:50 PM]

your amendment address the other concern that I raised about preserving access to the school for staff who need to park on the street as well as parents? And if so, which clause would you point me to for that, for addressing that concern? I mean you're talking about student safety walking but not necessarily the preservation of --

>> Casar: So what your concern is here, if a commercial property is within 1500 feet of a school, your concern that reducing the parking requirement for that commercial property might result in on street parking.

>> Tovo: Absolutely.

>> Casar: Which might be used for on street spaces for people visiting.

>> Tovo: To be clear this is aisd's concern we're eliminating, but, yes, as contemplated in the code results in street parking, which could impair people's ability to actually get to that campus who need to be there either as staff or as parents.

>> Casar: I hear that entirely and I guess what I'd come down to I know

[6:25:50 PM]

having more on street parking is hard. I hear it all the time when I go into my district. I hear it all the time under the existing code as well. I know it's hard. I think it's part of the growing pains of the -- of the city, is that it's sometimes when there's more and more folks and they're driving, it's harder and harder to find a spot. And I just want for us to have more walkable neighborhoods, more sidewalks have mass transit to deal with that issue and I think forcing, say, a local theater opening up to have -- still have the parking under our existing code, I don't -- I would like for them to be able to have that bit of a reduction. Yes, that might mean some people park on the street, and I know that's hard, but that's something I'm willing to accept as we try to address environmental issues and transportation issues and affordability issues.

>> Tovo: Okay. I just wanted to be clear that whether or not -- I wanted to be -- to clearly understand whether you envisioned your last sentence as addressing that in any way. I think there's a way in which we can transform it

[6:26:53 PM]

but I would jussie as a parent as somebody who has gone to school and seen the drop-off situation, it is important to have opportunities for people to drive. It is -- many people are driving, especially in a city like Austin that has transfer policy that is extremely liberal, you do have lots of parents going to schools that they don't necessarily and can't necessarily walk to. The situation around some of our campuses, especially our elementary campuses in older neighborhoods that don't have lots of parking on the school campus itself can sometimes be really harrowing so you've got cars pulling up and dropping kids off midway when a parent can't find a spot. Again, I do think this is an issue that we need to have some thought around.

>> Mayor Adler: Okay. Let's take two votes. Mayor pro tem first and then councilmember alter.

>> Garza: I agree with what you're both trying to do here. So then I'm wondering, how

[6:27:55 PM]

many -- like, how many properties does this affect? If we -- and I know you can't answer that right now, but I was okay with the idea of tabling this to understand specifically how many properties this affects because I'm one of those parents that drives to a school because the one closest doesn't offer the dual language program that we want. So --

>> Mayor Adler: Do you want to put this in the second tranche, Kathie?

>> Tovo: We can. I will see if I can come up with some language along the lines of what councilmember kitchen suggested that takes out the [indiscernible] And asks our staff to make some recommendations in concert with aisd staff.

>> Mayor Adler: Okay. We'll move that one to second --

>> Alter: Mayor? I've been working on this. So it's fine that we take it up in the next tranche. I have an amendment in the next tranche. The challenge we have here and my concern with your amendment -- I appreciate

[6:28:56 PM]

you trying to address the issue, Mr. Casar, but I can't think of a single school in my district that doesn't have a sidewalk in the front and they have the problems now, and then if you add the no parking -- you know, if you have everyone parking in the streets you just make it worse. And it's not something that necessarily affects every school because there's different amounts of parking. But precisely in those areas where you are potentially putting transition Zones near schools and things that don't have the parking, it really compounds a problem, and it is not solved by the sidewalks. And so I appreciate the intention to this issue, but if somebody can give me a school that has -- doesn't have a sidewalk in the front where people drop off, I'd like to know that and, you know, we need to prioritize that for safe routes to schools, but -- and all means we should do something about this there. But there are a lot of schools where this is an

[6:29:56 PM]

issue, and aisd has a very good idea of where it is and where they have particular problem spots because there's just different size parking lots at different schools. And so Round Rock school -- district school that has a much larger parking lot, which I have some in my district, versus an aisd one that has been there for a hundred years, they're very different setups in terms of their drop-off. Different schools have different catchment Zones so they don't even have buses access for the large majority of the students because you have to be 2 miles away. But you can be 2 miles away and you can be address 38th street or across Lamar and you still don't get a bus to school. And you can't let a 6-year-old walk to school, you know, doing that. It just doesn't always work.

>> Casar: Mayor.

>> Mayor Adler: Yes.

>> Casar: My understanding is planning commission also passed something asking the ability for aid to reserve

[6:30:57 PM]

more curb space for the school, and I think that that could also be a way to address it. I'm happy for it to be tabled and for folks to look at it. I just also want to just raise that when we're talking about a little more impervious cover over here and little less over there and trying to make things worse than when we talk about parking that we don't talk as much about how that forces impervious cover. So I just want -- I believe finding ways for that to be on the street and to be available makes good sense.

>> Mayor Adler: Okay. It is 6:30. We have -- my guess is probably about a third of the way through this document. We have the second tranche. I'd suggest we take a break for dinner. We come back from dinner. First thing we should pick up is trying to figure out what we do in terms of timing. Then I think everybody should think really hard about how they would help us -- how we can set out a schedule over the next two days, however that looks like, that has us being able to get this done. I for one am happy to stay however late and come

[6:31:59 PM]

however early in the -- in the morning. In order to make sure we can get this done. Councilmember harper-madison.

>> Harper-madison: I just had a comment on the last item. One, my kids' school does not have a sidewalk in front of it. More importantly, I wanted to acknowledge two things. One, when you said get some examples of schools, I'd like very much for the examples to also include situations where parents and staff not parking at the school has increased people's quality of life. A lot of the parents at my kids' school, they walk their kids to school or ride bikes to school or take an alternate to a car. So truth of the matter is parking is never an issue at my kids' school. And there's very, very little of it. But it works for our school. So I'd like to make certain that we have examples of both ends of it, like where it works where there's very little parking and where it doesn't possibly. I'd also like -- I appreciate one of my colleagues brought this up

[6:33:00 PM]

earlier, this concept of us being very careful about language. When we say stuff like eliminate parking, I think it really scares people. It doesn't truly convey the intent, which is eliminate the requirement for parking, which does mean eliminating parking. Excuse me. I just wanted to be real careful about making certain to be clear about that. And what the implications are around reducing the requirement of parking. It drives down the cost of construction, which is a good thing. We want to be able to spend less on building homes near schools and businesses to be able to spend less on construction costs because of the decreased parking requirements. Just wanted to point that out real quick.

>> Mayor Adler: Okay. 6:30, what time do we want to come back? Mayor pro tem.

>> Garza: I had no idea we were going to go later. Tonight is my husband's company party. He sacrifices a lot for me.

[6:34:02 PM]

He's already said don't worry about it. I guess I just want to point that out, that we're all making sacrifices to be here to vote on this. And I hope we're not gonna go too much later. I also understand that dinner is not here yet, so I don't know if now is the time to take this break.

>> Mayor Adler: Dinner is not here? It's on its way.

>> Kitchen: Mayor?

>> Mayor Adler: Do we want to keep working until dinner is here? Yes, councilmember kitchen.

>> Kitchen: I would like us to think right now about how late we want to go. I respect what the mayor pro tem is saying. I don't think there's -- the deadlines we have created are all of our own deadlines and I don't -- from my perspective, I don't think we do our best work when we stay late. I don't think we do our best work when we're having to choose between family and being here on the dais and things like that, and it's just simply not necessary.

[6:35:03 PM]

Because we do have Wednesday that we've already set aside. That also gives us time to think between now and Wednesday. Maybe we can consolidate some more, maybe we can pull down more, maybe we can share more amendments on the message board. That could actually make it go faster on Wednesday. I just don't see any reason to work really late tonight, and I don't think it's productive for us or useful for the product. And I just don't think it's necessary. So I would rather say right now I'd like to work a little bit longer and then that's it for tonight, so that we have time to think and time to come back and approach this on Wednesday in a way that we could perhaps move even faster.

>> Mayor Adler: So people's druthers with respect to calendar?

>> Ellis: I cleared most of my week because I wanted to make sure I was for all of these. I'm available if you all

[6:36:03 PM]

want to do a little earlier tonight. I know councilmember pool talked about her commitments and I completely respect that. But I'm free and available and ready to do a recess and keep hitting it hard, whether it's Tuesday and Wednesday or whatever that looks like.

>> Mayor Adler: Councilmember Casar.

>> Casar: Yeah, I mean, if we have to come in before the meetings tomorrow, I mean, I don't want to -- I don't know the staff's schedules but I could be here at 7:00 A.M. I could come back at 5:00 P.M. I could do -- I mean, same thing. I understood this week was gonna be it. I canceled things my staff told me not to cancel but I did those things so I could -- if and there are things that just can't be moved, I want to include people. I'll be here at 7:00 A.M. Or 5:00 P.M. Tomorrow through the evening. I just don't -- I think that we'll be on such a crammed time line if we only leave this on Wednesday. It will impact us if we only leave it on Wednesday, I think.

>> Mayor Adler: Councilmember tovo.

>> Tovo: I guess I'd be interested to hear from the dais what the availability is like the rest of the week beyond Wednesday, too.

[6:37:03 PM]

I also -- I mean, I've got appointments but I can also be available Wednesday, Thursday, and Friday. I don't think it would take that long. I agree with councilmember kitchen, that if we -- if we had tomorrow to kind of reflect and organize I think we could come in and hit it Wednesday and be really efficient. I am willing to stay tonight if it resolves the issue for -- if that's the only way we can resolve the issue for councilmember pool because I'm -- my absolute -- I just can't support taking this up without a member of our council here.

>> Mayor Adler: I'm out of the country on Thursday and Friday.

>> Tovo: Oh. That does make it challenging.

>> Mayor Adler: I would feel better about doing it Wednesday if we could get maybe a couple hours in the morning and maybe a couple hours tomorrow at the end of the retirement deal. That would give us in essence another half day. I think if we did that then maybe we could get it done on Wednesday.

[6:38:07 PM]

And then, you know, councilmember pool could keep us abreast of how that meeting is running. But I'm fine coming in early tomorrow morning for a couple hours and hitting it after the meeting is over.

>> Pool: I just wanted to point out the audit and finance committee had been shortened in order to allow for the special called meeting to continue this conversation on Wednesday, but I also understand that we might not have made the quorum because if I remember right, mayor, you and councilmember Flannigan weren't able to make that meeting so it was down to me and the chair. And I think -- anyway, scheduling for audit and finance was difficult for Wednesday, and we got to down to 9:30 to 10:00 for 30 minutes to do the stuff we absolutely had to do. Is that still the case? Is.

>> Alter: That's what we have right now. But --

>> Mayor Adler: Councilmember tovo.

>> Tovo: I'd suggest if we're looking at Wednesday I think we might need to think

[6:39:08 PM]

about counseling both the audit and finance and health and human services interviews for that afternoon and I think that's appropriate. I hate to do that because we've delayed the sobering center appointment, but I think this is appointment to continue the momentum and so I certainly could be available in the morning. I think if we start to talk about super early or in the evenings we really need to get clear on that because some of us are going to have to arrange for child care and haven't necessarily done that. But if we looked at, say, 9:00 to 12:00, if that --

>> Pool: Then the other thing on the 11th, in this room from 6:00 to 9:00 is a functional democracy event. Does anybody know if that has been canceled?

>> Mayor Adler: That's on Wednesday, Wednesday evening, yes.

>> Pool: That's what I'm talking about, Wednesday the 11th.

>> Mayor Adler: My sense is that's probably something that could get moved back to the bullpen area perhaps.

>> Pool: I wouldn't want to make that decision here

[6:40:11 PM]

unilaterally without talking to the folks who are gonna do that. I can be here tomorrow morning, but from about 9:30 I have to leave at 11:30. So I can do two hours.

>> Mayor Adler: Can we start at 8:00?

>> Pool: I cannot be here at 8:00. I'm pushing I can get here at 9:00 but I have to leave at 11:30.

>> Mayor Adler: Then could we pick back up in the evening at 5:00 or something?

>> Pool: At this point after talking with the executive director about the heavy agenda that we have, he was not willing to tell me how long the agenda would go. We have gone late in the past. I can keep you all posted, but if it gets toward, like, 6:00 or 6:30, I don't know if you want to come back in and have another couple hours in the evening until

[6:41:14 PM]

9:00 or 10:00 at night tomorrow night. I will say I agree that these are our deadlines. They're --

>> Mayor Adler: Other suggestions from the council? Thoughts? I'd be fine working late tomorrow night. We got the -- yes, councilmember alter.

>> Alter: If we're gonna work late tomorrow night and do this in the morning I think we should break now and give ourselves and our staffs a break.

>> Mayor Adler: Okay. So. . .

>> [Off mic]

>> Mayor Adler: how about we

[6:42:15 PM]

work for another 45 minutes tonight, come here tomorrow at 9:00, work from 9:00 to 11:30. We may not be able to work tomorrow night. We need to check the law on that. And then on Wednesday we start at 10:00, which is when we're set for, and on Wednesday we stay and work until we are done.

>> Alter: So we can keep audit and finance for that half hour? There's a couple things they've said that we have to -- I don't remember what they are, but I understand there were a couple things that they really needed us.

>> Pool: Right.

>> Mayor Adler: Maybe the thing to do is to convene it as a set time.

>> Alter: It's set for 9:30 we have that we would do a half hour.

>> Mayor Adler: I would suggest that we convene that at 9:30 just to postpone it and pick that back up at 11:30 when we lose councilmember pool.

>> Pool: I don't know. You're gonna have a quorum because you and Flannigan weren't able to come to audit and finance tomorrow. Is there a quorum?

[6:43:15 PM]

>> Mayor Adler: I don't know that I can't come. I'm ready to be here.

>> Alter: There were several of us trying to go for the ground breaking for the 620 and 222 but it sounds like if we're here for the land development code we'll be here anyway so we could potentially open the meeting at 9:30 and then take it up whenever we finish.

>> Mayor Adler: Everything I have on my calendar has to be secondary to this, to being able to get this done.

>> Pool: I think somebody needs to reach out to the folks putting together -- it was a fairly intricate plan and program that had been developed for functional democracy and included using this room.

>> Mayor Adler: If we need to we can go to the boards and commission room to meet.

>> Pool: But we were part of the event. The council --

>> Mayor Adler: And I recognize -- I mean, at some point we have to -- I'm beginning to think now we have to stay later here to work longer tomorrow during the day.

>> Pool: All I'm saying is --

>> Mayor Adler: We have to get this done.

[6:44:15 PM]

>> Pool: I think we can figure it out. My point is I wanted to make it really clear that a lot of the planning had gone into the event Wednesday night and I wanted to acknowledge and respect that so it isn't easily amended. Whatever -- but I'm sure someone will call and talk with Amy and let her know what's going on.

>> Mayor Adler: And I'm -- if we need to make sure we're done by 6:00 then I think we need to figure out what we do tonight or tomorrow to make sure we're done by 6:00 on Wednesday. Councilmember Casar.

>> Casar: So my proposal, and it is okay if people don't agree, is we have centers -- we have centers and corridors left, affordable housing, non-zoning, the second tranche of amendments and programmatic. That's what we have left. Centers and corridors has very few amendments that have been pulled. We could get that done today. And then that means for tomorrow we could try to get affordable housing and non-zoning done with the smaller number of hours we have.

[6:45:16 PM]

And that -- and if we get lucky we could get some into process, but if we get done with both of those all we'd have is process, second tranche and programmatic for Wednesday and I think then we could all have fun at the fun event easily at 6:00 with a break for whatever I'll alcoholic bench you want.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I would add to your suggestion we post on the message board if we can because I know that the affordable housing stuff we may be able to work out. And if we can post on the message board amendments we might be able to come in when we do come in and be faster.

>> Mayor Adler: That would

>> Casar: how do folks feel about that schedule? Corridors tonight. Affordable housing and non-zoning tomorrow. If we get into process, great, if not we finish out process and second tranche on Wednesday.

>> Alter: 9:00 A.M. Tomorrow.

>> Mayor Adler: Convene at

[6:46:16 PM]

9:00 A.M. Tomorrow?

>> Alter: On time?

>> Mayor Adler: On time at 9:00 A.M. 11:30 we'll do the real estate matter when councilmember pool leaves at 11:30 we'll do the real estate matter at that point. Attorneys will tell us whether or not we can come back on Tuesday night or are we just gonna decide no on that?

>> Casar: I'd like to come back Tuesday night --

>> Mayor Adler: If you'll let us know.

>> Tovo: We never just --

>> Casari'm not agreeing to. I'd like to know whether it's possible.

>> Tovo: Got you. Some of us are gonna have to make sure --

>> Mayor Adler:

[Overlapping speakers]

>> Mayor Adler: Whether or not we can meet tomorrow. Post on the message board so that we can know. Then on Wednesday we'll meet at 10:00, and we'll do whatever it takes for us to be done by six --

>> Casar: By 4:00.

>> Mayor Adler: By 4:00?

>> Casar: Yeah, happy hour

[overlapping speakers]

>> Alter: What are we doing for audit and finance then?

>> Mayor Adler: We're gonna

[6:47:16 PM]

postpone audit and finance and health and human services.

>> Alter: I'll have to check check with the auditor if we can postpone. I don't remember doctor.

>> Mayor Adler: I would be fine if you do it, I'd be fine with convening it at 9:30 -- recessing it and I'm happy to join audit and finance at the end of the special called meeting on real estate. I could join in at that point, noon or whatever.

>> Alter: The special called meeting is tomorrow and audit and finance is Wednesday.

>> Specific called real estate is tomorrow. There is a 10:00 special called for land development code set at 10:00.

>> Alter: My staff and your staff will figure out audit and finance tomorrow. I'll let people know. Don't make other plans for 9:30 or for after just in case.

>> Mayor Adler: Okay.

>> Alter: Or if somebody can identify a time --

>> Mayor Adler: Audit and finance keep 9:30 on

[6:48:16 PM]

Wednesday open.

>> Pool: I can be there for the audit and finance committee meeting. It's tomorrow that I have to leave at 11:30.

>> Mayor Adler: I understand.

>> Pool: Not Wednesday.

>> Mayor Adler: Understand. Councilmember tovo.

>> Tovo: I'd like to propose an why ultimate to what we can knock out tonight. I think we have a lot of agreement around the affordable housing piece -- we don't. I think the center and corridors is actually

gonna take us some time because there are amendments about downtown, amendments about uno. I think that we're gonna spend some time there. I would suggest we knock out the other one. In any case, what's our time frame here? We're gonna do 45 minutes?

>> Mayor Adler: Let's keep going. All right. I am now in Roman numeral number 3, centers and corridors. Harper-madison number 1 is accepted by consent. The next one is Casar cc1.

[6:49:21 PM]

This was pulled by kitchen and tovo.

>> Casar: My goal is not to increase the base but to increase the bonus as it's written here.

>> Mayor Adler: Okay.

>> Kitchen: Could I --

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I had a question then. Perhaps I didn't read it closely enough. So my concern is that we just -- we just went through a process with the uno, and so I wouldn't want to redo that. Are you saying that this is something we didn't address as part of that zoning?

>> Casar: In that case a code amendment was initiated that was very specific. It was an agreed-to code amendment, and I think what the council decided was they just wanted to pass that agreed-to code amendment and examine uno later as part of this process. That's what a lot of the comments on the dais were, so that's what I'm urging here. So it could be similar or different to some of those new things that were brought

[6:50:22 PM]

up, and I just want to

[indiscernible] Get more affordable units out of these sections of uno. Some of it may very well look similar to that but I'm not prescribing it one specific way.

>> Kitchen: If I could speak to that. First off, I would suggest that your language says increase, so it makes a decision right now on zoning in a particular area when we just had a zoning conversation about it. And so I don't think that that's appropriate. I mean, we just -- and I don't think that -- that was not my understanding when I voted on uno at the time that we were gonna revisit it again.

>> Mayor Adler: Okay.

>> Kitchen: So I can't support this.

>> Mayor Adler: Councilmember tovo, did you want to speak to this.

>> Tovo: I agree. I think this is very much the issue that we discussed at our last council meeting or maybe the one before, and, yes, they were saying that they had agreed-upon it but they were also saying that there was very careful work going into crafting the Zones and determining the heights and that is absolutely linked to which

[6:51:24 PM]

are available for bonus provisions, and so allowing it to increase the affordable housing bonus capacity in those two areas in essence is allowing them to go to heights that was not -- that are not in the original concept, and so I do see this as relitigating those issues around which we had -- we heard concerns.

>> Mayor Adler: Okay. Councilmember Casar, are you okay putting in language that says without increasing the base?

>> Casar: Sure. That's fine.

>> Mayor Adler: Okay. Any objection to that being added to the amendment?

>> Tovo: So in essence -- but that still is increasing heights --

>> Mayor Adler:

[Overlapping speakers] It would allow for bonus height. It doesn't increase base height.

>> Tovo: But that's in essence what we were doing in uno. We were increasing all of the -- [overlapping speakers] Were all about the affordable housing --

>> Mayor Adler: That's right.

>> Tovo: So this is exactly what was being suggested.

>> Mayor Adler: It was, and in the conversation we had then there was a discussion about several of us talked about deferring the question, and some of those other things until we got

[6:52:25 PM]

here. And I recognize some people think that it's inappropriate or the wrong thing to do, and there's a difference of opinion on that.

>> Tovo: So then in essence what we've done is just -- I mean, if you voted one way you've deferred it for a week until the point where the stakeholders who were involved in the conversation are not present to weigh in? I mean, that just doesn't seem to me terribly transparent to relitigate the issue that we just decided. But I guess they'll have an opportunity to come down if it passes and talk about it. I

think for all the same good reasons they mentioned uno is crafted in a way and in part it was designed with particular heights and particular bonuses in mind to avoid? ING the redevelopment of co-op housing and fraternities and sororities providing some of our most affordable housing on campus at this moment so I think this goes against what we're trying to achieve there, which is preserve the existing relatively affordable housing that we have.

>> Mayor Adler: I understand that. I can't think of anything more transparent than while

[6:53:27 PM]

everybody was out there to have said that and that's what I said for me when everybody was here two weeks discussing this issue. Further discussion on this is the Casar amendment? Any further discussion? Councilmember Kitchen.

>> Kitchen: Mayor, I don't think it was the will -- the consensus on the dais that we were gonna bring this back as part of the ldc process. So my concern with this is that we are talking about one area, one neighborhood. We're not talking to the people in that area. We're saying that we want this done. We haven't even had any conversation with the people. We don't understand exactly what this will do on the ground. At a minimum, it ought to say bring forward options. So I don't think this is fair. I don't think this is the right way to do this, and I -- I mean, councilmember Casar, how would you feel if we took one of your neighborhoods and just said, okay, we're gonna rezone your neighborhood?

[6:54:27 PM]

This is a specific zoning for a specific neighborhood. It is not an application of rules across the city. Which is what we were focusing on today.

>> Casar: Mayor -- councilmember kitchen, I haven't addressed you in this way through this, and I think that maybe with -- because -- we haven't held back anybody's ability to bring back any amendments and I think that we're all available to do -- to bring forward amendments, I think that adding bonus height in this area where there's large heights is an appropriate thing to do and the consensus can be achieved through a respectful vote. I think everybody here is trying to be as fair as they can be and in my own conversations and staff's own conversations with people that live in this neighborhood many of them have advocated for this and some people disagree and that's okay and that's what we're here to vote on.

>> Mayor Adler: Let's take a vote on Casar cc1. Those in favor of this amendment please raise your hand. Those opposed.

[6:55:28 PM]

Voting no are tovo, kitchen, pool, and alter. This passes. Casar cc2 is consent. Cc4 was consent. With number 6 taken out. Number 6 is not part of the consent. Number -- Casar pcr consent, pcr17 consent.

>> [Off mic]

>> Mayor Adler: Yes. That's okay.

>> Alter: I lost you after Casar cc4 with six removed.

>> Mayor Adler: Six removed. Next one that I have is Casar pcnr10 consent. Pcnr17 consent. Pcnr22 consent. Kitchen 7 consent.

[6:56:30 PM]

And then I have --

>> Mayor.

>> Mayor Adler: I'm sorry.

>> Tovo: I need to back up a little.

>> Mayor Adler: Okay.

>> Tovo: I am -- I was not aware that Casar's pcnr17 passed on consent.

>> Mayor Adler: We can pull it now.

>> Tovo: Yeah, I need to pull that now.

>> Mayor Adler: Okay. Let's talk about Casar pcnr17.

>> Tovo: So mobile food trucks would be allowed with a minor use permit or with a conditional use permit?

>> Casar: It would be allowed in rm2 and above with a cup and mu1 and mu2 with a mup.

>> Tovo: So what are basically right now single family tracts we'd allow a conditional use permit to put a mobile food vendor on it?

>> Casar: Which single mobile trucks are rm2 or

[6:57:31 PM]

mu2.

>> Tovo: Rm2, my bad, okay, thank you.

>> Casar: Of course.

>> Mayor Adler: Okay. So pcnr17 goes forward on consent.

>> Tovo: Long days at seven --

>> Mayor Adler: That's okay.

>> Tovo: [Off mic]

>> Mayor Adler: Pcnr22 was consent. Kitchen 7 was consent, and that got us then to kitchen 8. I think that councilmember harper-madison pulled kitchen number 8.

[6:58:36 PM]

>> Kitchen: do you want me to speak to it or councilmember harper-madison --

>> Harper-madison: [Off mic]

>> Kitchen: Okay.

>> Harper-madison: just to be clear that number 8 was provide family friendly housing and [off mic]

>> Mayor Adler: Mature uses and mu5 be zone.

>> Harper-madison: [Off mic].

[6:59:39 PM]

>> Kitchen: What this is about is looking at a bit more closely about what we're doing with this particular use, which is the adult entertainment use allowance, particularly under this mu 5-b, and the concern was that second part -- if you look at 23 where it says 50 percent or more of the lots are used for residential use, it does contemplate that you would restrict that kind of use when you have areas that are residential, but what's unclear is whether 50% is the right threshold, so I wanted to ask for the staff to consider adjusting the 50%, go back and look, and then the other thing is I wanted to be sure that the residents that are actually part of the commercial tract were considered. So for example, the way I was reading this, if you

[7:00:40 PM]

have a commercial tract that has residential in it that you could have an adult entertainment use right next to people who are living there. And that the considerations about whether or not that's appropriate would not be triggered because they're not counted unless they're around -- if they live in a neighborhood around the commercial use they would be counted, but if they're actually living in the commercial area they wouldn't be counted. I just wanted to ask staff to go look back and consider some other ways to look at this. Does that make sense, what I was trying to do.

>> Harper-madison: Sure. It does still trigger my question about why we can't just sort of change the designation for the -- could we use like mu 5? Do we have to do the mu5b?

>> Kitchen: In an area that's coned mu5--- that's

[7:01:44 PM]

zoned mu5-b -- that allows a use that is adult entertainment and there may be places that we want something to be mu 5-b because of the residential component of it. So it's just -- it has to do with the zoning of that particular zoning category and the uses that are allowed in it.

>> Harper-madison: When you ask staff to determine whether or not it's appropriate, my one concern there would be what measure of propriety are we using to gauge that. That would be my only -- my only concern.

>> Kitchen: I'm really just asking about why 50%. So I don't have another thought in mind.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: I would add for staff as they go through this if there was a

[7:02:44 PM]

residential on the same lot that it wouldn't be allowed at all. That might take of that question. And when you have 50% or more of the lots, are we talking about land area it's just a number of lots then that's obviously going to cause a math problem based on is there one lot next door or is there 100 lots next door. You see what I'm saying. So it might be more appropriate to -- some other metric than just number of lots.

>> Mayor Adler: Okay. Anybody have any objection to kitchen eight going in? Hearing none, kitchen 8 is in.

>> Flannigan: Zoning 1 was on consent. That's in. That gets us to tovo number 20, Rainey street district. Tovo moves that. Is there a second to tovo 20? Councilmember pool. Councilmember Casar, you pulled this.

>> Casar: I'm comfortable

[7:03:46 PM]

with staff rec on Rainey.

>> Mayor Adler: Okay. Is there any discussion?

>> Tovo: Yeah. We have heard -- I am comfortable with the staff recommendation for Rainey once we actually have implemented some mobility improvements in that area. And I know that's something that's -- that the staff are undertaking and it's in progress, a mobility study. We're trying the car-free Rainey situation, but I think we have heard considerable testimony from Rainey, business owners in Rainey that the current situation sun tenable, it's unsustainable, it's not safe. I think going and increasing the entitlements in this area without a concrete commitment to improving the mobility is just not responsive to those constituents who have every right to demand a safe environment.

>> Mayor Adler: Okay. Let's take a vote.

>> Harper-madison: I was just looking over the downtown Austin neighborhood

[7:04:46 PM]

board. The proposed use Rainey density bonuses to pay for Rainey transportation improvements. Are you comfortable with that? As opposed to the other bucket?

>> Tovo: I'm not because to me it's -- I appreciate you raising that, thank you. I appreciated the suggestion, but to me it sounded a lot like the Rainey historic district fund. That was initially created with an intention to do place making and provide for the infrastructure. That was part of the deal crafted that we were going to -- we being the council, before us, was going to substantially increase the entitlements in Rainey and then use the money from that development to invest in the infrastructure. That didn't happen, as we know in that conversation that we had about the Rainey street -- the Rainey historic district fund. This council decided they didn't want to allocate that kind of funding for infrastructure in that way that we would instead allow Rainey to -- infrastructure improvements to be funded as a general fund instead of

[7:05:47 PM]

funding and I guess that gets us back to the same question of whether we would be designating funds from -- I guess the bottom line is I support the general philosophy, however, this council didn't support it with regard to how we tried to do it so I couldn't be comfortable doing it because I'm concerned we wouldn't be honoring the commitment. I would rather see the investment and then we go back and

revisit the increased entitlements. I'm comfortable believe comfortable with the increased entitlements if we have mobility improvements that are in place that are making a difference there.

>> Mayor Adler: Okay.

>> Tovo: Sorry, I'm so tired that I'm rambling, but that was my concern about that.

>> Mayor Adler: Let's take a vote on tovo 20. Yes, councilmember alter.

>> Alter: I'm going to support this. I think we heard a lot from the Rainey neighborhood about the need for mobility improvements. And just -- it just doesn't seem right to be providing this unlimited height in

[7:06:49 PM]

that area. I appreciate councilmember harper-madison's suggestion from the da, but you know, we have our bonuses for our affordable housing and if we use them for other things we won't get the affordable housing.

>> Mayor Adler: Okay. Let's take a vote, tovo 20. Those in favorite of tovo 20 please raise your hand? Councilmember tovo, kitchen, pool. And alter. Those opposed please raise your hand? The balance of the dais. 20 does not pass. That gets us to tovo 34 was on consent. Tovo 35 on consent. Tovo number 39. Is there a second to tovo 39? Councilmember pool seconds that. Councilmember Casar, you pulled this.

>> Casar: Mayor, I'm handing out an alternative

[7:07:50 PM]

on this one to try to make the rules as clear as possible. My amendment is to leave in place the current conditional use permit requirements for late night outdoor bars. There are already in the staff proposal stricter rules for those late night outdoor ones. And then for the non-late night outdoor bars, so your neighborhood bar that closes earlier to try to make sure that staff has a graduated scale that allows those establishments by right and the most -- in the most intensive Zones and requires mup's and cups as the zone gets less and less intense. So rather than what councilmember tovo has here, which is just requiring a cup generally in those

[7:08:50 PM]

categories, for the requirements to scale, if you're in a more neighborhood, less intense category, have a stricter requirement, but as you get into more and more intense Zones, allow it to be membership or permitted for the neighborhood, -- money for the neighborhood or not late night a bar.

>> Mayor Adler: Is there a second to the councilmember Casar amendment?

>> Tovo: I need some time for that. If we could have those sooner,, that would be great to see.

>> Mayor Adler: Do you need more time with this?

>> Tovo: I do need more time. I can read it and make a decision, but I need the opportunity to read it.

>> Mayor Adler: Okay.

>> Tovo: Councilmember Casar, I think as I understood your explanation,

[7:09:52 PM]

are you saying for lower impact neighborhood bars establish a graduated scale or are you saying leave the cup in place for late outdoor bars and lower impact?

>> Casar: My understanding is that the late -- late night outdoor bars there is already a higher threshold. So we'll leave the higher threshold. I'm not trying to get rid of that higher threshold.

>> Tovo: But you're saying for lower impact establish a graduated scale. How would you define more intense Zones versus medium and low? What's going to be the measure of those?

>> Casar: I want to leave that to the staff. Ms Zones go through Ms 3, right? So sort of looking -- I would want them to look at the map of where they've mapped those Zones and allow them in the highest attendant ones and then where it makes the most sense to start requiring mups and cups as it scales downward. That being in a low

[7:10:54 PM]

intensity zone you don't get it by right. You need to come get a planning commission vote, but if you're talking about neck loop, it's a great place -- north loop it's a great place where it might be more appropriate depending on which Ms zone is mapped there for you to be able to have there the kinds of things that people love.

>> Tovo: I think that I want staff to -- in some of the areas that now have proposed for main street that are adjacent to residential areas. So I'm not sure how often those areas are really mapped in areas of high intensity. So I would -- your language doesn't-- your language is pretty prescriptive if we're asking the staff to reevaluate where those are switching to minor use permits versus cups and

[7:11:54 PM]

really be cognizant of the residential areas that they are adjacent to, then I could be pretty comfortable with this, but your plank is pretty -- your language is pretty prescriptive. Can you walk it back a bit?

>> Casar: I think we're on the same page. Establish what people love, not as a hard as the late night thing.

>> Tovo: Let's leave it as it is with the understanding that residential areas would fall into that low intensity zone.

>> Casar: Inch the staff has a question.

>> Just to clarify, would this also apply to alcohol sales or just to bars?

>> Tovo: I'm primarily -- the concern I heard was about bars.

>> Okay, thanks.

>> Mayor Adler: With that understanding, this -- any objection to this? Yes, councilmember alter.

>> Alter: I wanted to add a wrinkle to be thinking about as you're putting this together. We have some areas where there's a very much a concern that they're going to be -- if this process

[7:12:56 PM]

isn't clear that there will be a whole lot of bars that are kind of right in the middle of a residential area. I'll be happy to talk with you offline about particular areas so you can look at them. But I think people are concerned about that and I think if we can structure this in a way that that's not as likely when it's so close to the residential -- I think north loop is on a corridor type thing and is all commercial in a particular type of way that's different than some other places. And I don't have language to put that, but I just want to throw out there that when you start having multiple ones of these uses, it creates a different environment than just one area.

>> Mayor Adler: Councilmember Renteria and then councilmember Flannigan.

>> Renteria: I'm really concerned because the old established bars are now allowed to go up until 2:00 and sell mixed drinks. And the state supersedes us.

[7:13:56 PM]

So whatever the state allows. So these are really going to be new sites that are going to be the ones under regulation and not the existing bars because we have no say so over it. But I really want to really

understand how it's going to affect the newer-- the density when it comes, we're going to -- there's going to be pressure to put bars inside these restaurants, and I just really want to stand where we're going to be able to regulate, because once they get that permit I'm afraid that it might be -- might come out of -- we won't have any say so in it after that because this the state will just go ahead and decide what they want to do for those bars that we won't have any say so to prevent them to go to 2:00 no matter where you're at. We'r experiencing that right now on sixth seventh

[7:14:57 PM]

and Cesar Chavez where we cannot regulate them.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: Just as an idea for staff, it might be interesting to have a process for bars that it might be an mup/cup, much like you have a p/mixed use for adult, where if it's within 2,000 feet. It might be the only way to have that level of direction in the document that elevates it to a cup.

>> Mayor Adler: Okay. So the word establish in this pertains to the lower impact neighborhood bars, right? Okay. That goes in by consent. Next one is alter number 1. This was pulled by councilmember harper-madison. Harper-madison pulled alter number 1.

[7:15:58 PM]

Is there a second to alter number 1? Councilmember kitchen seconds that. Councilmember harper-madison, you pulled this. Do you want to address it? Take your time. Take your time. This includes the language change from the order "And" to "Or." This was about imagine Austin centers. Yes. You it made it --

[7:17:00 PM]

>> Yes, thank you for catching that.

>> Mayor Adler: I will point out that the document that we're working off of does not have necessarily the amendments with the language changes we made this morning, right? So that is just one example of that. This has the word and, but we already changed it this morning to or.

>> Alter: Before we vote on the final, can we make sure that things that we already voted on we had the clarity on the language. I don't know how we do that.

>> Mayor Adler: Yes.

>> Harper-madison:

[Indiscernible] Was the imagine Austin centers.

[7:18:23 PM]

I think my concern here was around Greenfield development. If I could get some clarity there.

>> Alter: Sure. So we didn't want to map additional missing middle in the vulnerable areas as has been, you know, previously agreed to. Where there would be displacement, but the thought was that in Greenfield areas where missing middle staff thought that missing middle would be appropriate for designation in those areas that it could be mapped there. That was the idea that, you know, really the questions we were having about not mapping in vulnerable areas had to do with displacing people. So if it's Greenfield there's not somebody living there.

[7:19:26 PM]

>> Harper-madison: Matt, do you mind if I ask a question about Greenfield building. What are the implications of us doing development in Greenfield areas? The environmental implications?

>> It would probably depend on the location of the Greenfield area, but generally our imagine Austin plan is to have a much more compact and connected city so you would like to see that development going more toward the -- not on the periphery where people have to drive further, so generally we refer a redevelopment -- prefer a redevelopment project over a brand new Greenfield project environmentally. But it's really -- there's a lot of nuance to it and it really depends -- is very context sensitive in terms of where it could be.

>> Alter: Can I say it's Greenfield within an imagine Austin activity center not Greenfield at large.

[7:20:30 PM]

So there are some -- don't ask me where. There are Greenfield areas within imagine Austin centers that are in the vulnerable areas. So it's not Greenfield like everywhere that we're saying, but that within an imagine Austin center where we've designated we want the growth that Greenfield is a potential target for missing middle mapping to happen.

>> That's correct.

>> Mayor Adler: Okay. Does anybody have any objection to this alter 1? Councilmember harper-madison, are you okay with 1 moving forward? Are you okay with 1 moving forward? Okay. Number 1

moves forward. The last one in this section was my number 4. This was pulled by councilmember kitchen. Is there a second to Adler 4?

[7:21:31 PM]

Mayor pro tem seconds that. Councilmember kitchen, you pulled this?

>> Kitchen: Yeah. I think I just had a question about it. So -- yeah. So I might need to have you explain what you're trying to accomplish here. It says development on parcels within activity centers. So I get that part. You're talking about within an activity center. But then you're also talking about fronting activity centers -- activity corridors, right? So that would be like along our major corridors.

>> Mayor Adler: Right.

>> Kitchen: That are participating in a bonus program should receive a waiver of compatibility standards. What I'm not understanding is that the transition Zones don't trigger compatibility and they're behind the activity corridors. So I'm thought sure what you're doing here.

>> Mayor Adler: This would only be in that situation where there was not a transition zone. So there was nothing that prevented compatibility from

[7:22:32 PM]

being triggered.

>> Kitchen: So why would you -- so our intent was to put transition Zones -- let me back up for a minute. I'm sorry. One of my understandings about the intent behind transition Zones is that step-down aspect.

>> Mayor Adler: Correct.

>> Kitchen: Stepping down into a neighborhood from a major corridor where we have transit. And we didn't want to limit what you could do on the corridor because of compatibility. So -- but you are now talking about an activity corridor so I want to know what you mean by an activity corridor --

>> Mayor Adler: This is just intended in the situation in most places where we have activity corridors, we've put the transition Zones directly behind it in order to prevent compatibility from being triggered on the corridor, a commercial corridor site. But in some of the conversations we've had, we may be not using transition Zones or in vulnerable areas, we may be pulling back on that. And I wanted to make sure that we weren't losing the

[7:23:35 PM]

ability to put additional density or things that are on our corridors in those situations where there was not something that was otherwise stopping the triggering of compatibility.

>> Kitchen: So you could have a -- we're reducing transition Zones in vulnerable areas, gentrifying areas. So if you take away compatibility, you are talking about the potential for really large houses -- I mean, really large commercial next to residential without -- without any kind of compatibility.

>> Mayor Adler: I think we need to zone those corridors appropriately with whatever level of commercial is appropriate, but at the overarching perspective with respect to this, we're trying to pick up the additional density in transitions and on corridors, and I just wanted to make sure that we were preserving that right on -- that ability on the corridors. I don't think it's going to concern many areas or many

[7:24:38 PM]

places, but where it was, I want to make sure that we were being able to maximize it for whatever it was zoned. And I want to -- obviously we need to map that appropriately. But whatever we map there I want us to be able to achieve.

>> Kitchen: Would you consider language that says explore or think about or consider or something like that? Because without understanding more the areas -- this really runs a risk from my perspective that for what sounds like an unintended consequence, but to simply direct our staff to do this causes some concern for me because it's really only going to apply in vulnerable areas because otherwise that's the areas we're pulling back on.

>> Mayor Adler: But in those areas I don't think the intent was to stop the development on the corridors. The intent was to stop the upzoning and new entitlements being given to

[7:25:40 PM]

the residential areas.

>> Kitchen: But there's a relationship there between what happens on the corridor in the neighborhoods behind it -- all I'm talking about is if -- compatibility is much more than -- it's height. It's also noise. It's setbacks. It's green space in between. It's all of those kinds of things. So if we're just waiving all compatibility standards, we're running the risk for -- in vulnerable neighborhoods that we-- that we're not thinking about that activity that's happening on the corridor and those neighborhoods. And those are vulnerable neighborhoods. That's why we're pulling back from them. So I just think that this -- I don't have any problem with the staff, you know, kind of thinking about what that might look like because we definitely want to keep -- we're trying to keep that going. I just -- I just think it needs to be talked about in a way that is more of an explore. That's all I'm talking

[7:26:41 PM]

about.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: Clarity on this, mayor, when it says within activity centers and fronting on activity corridors. Do you mean or?

>> Mayor Adler: Or, yes.

>> Kitchen: I just think like the equity overlay --

>> Mayor Adler: Give somebody else a chance to talk too.

>> Ellis: I appreciate where you're coming from this, councilmember kitchen. The way that I read it, it's to encourage the participation in the affordable units. So I think that's where I see the bonus of it. I certainly don't want to waive anything that creates more chaos, but as far as encouraging participation in the affordable units, I've heard almost all of us say that at some point during this process that that's what we want for vulnerable areas, to make sure we're protecting people. That's just kind of how I read it if I'm reading it correctly.

>> Mayor Adler: Hang on. Let's give other people a chance to talk too. Councilmember alter.

>> Alter: I'm trying to understand how this proposal -- I understand -- so I understand the basic concern that as we change things in the vulnerable areas we don't want to give up the gains on the corridor

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where we all agree we want to have the density. So I understand that sort of need, but I wasn't hearing that we were getting rid of enough transition zone in those areas that you wouldn't -- you would be compromising the compatibility. But my biggest concern is how this undermines affordability unlocked because if you give away the compatibility for a much smaller amount of affordable units, than you would have under affordability unlocked, you are essentially undermining the incentives that we have to proceed and leverage that. So I don't know if there's a way -- if there's a way to be slightly less prescriptive in this, but address the concern about the corridors, which I think we have wide agreement that we need to allow the corridors to build there, I'd like to see us getting some of the affordability when we waive that compatibility in the process, but I think that

[7:28:43 PM]

ship has sailed, but I hate to see us undermine the programs that get us more of our affordable units. Unnecessarily. And I just don't know -- again, I'm fine to say go find a solution when you map stuff for the vulnerable areas, we end up with a problem in our corridors or in activity centers, but I don't know that that is necessarily the right solution because those would be precisely the areas where a true affordability unlocked would be really welcome, I think.

>> Mayor Adler: So I hear that and I don't want to have us giving us affordability. And this only pertains to when there's an affordability bonus. I'm comfortable in putting a clause at the end that says, but no less than affordability unlocked so that that's something that gets looked at. But you know, we're trying to achieve balances here even in the areas where

[7:29:45 PM]

we're putting in the equity and the overlays. And the -- I think this helps us balance that because we don't want to give up the density. I'll be really comfortable adding to the end of it that we certainly have no less -- don't put us in the position that we're getting less than we would have gotten under affordability unlocked. It's to make sure that we still incent people to do an affordable -- to participate in an affordable bonus program. I don't want because of what we're going to lose the ability to incent affordable units from going on the corridors as well.

>> Alter: I would be comfortable with that.

>> Mayor Adler: Without objection I will add no less than affordability unlocked. Make sure we preserve that. Further discussion on this? Yes.

>> Kitchen: Just a last question. When you refer to compatibility standards, which standards are you speaking to? Are you -- are you meaning the height and that kind of

[7:30:48 PM]

stuff, but are you also meaning setbacks and green --

>> Mayor Adler: It would mean it would be treated the same way as if there was an r4 tract behind it.

>> Kitchen: Okay. So I'm concerned somewhat about that. I would rather ask the staff to think about the parts of compatibility that may be appropriate for these neighborhoods that maybe the green buffers, for example, setback, something like that, not the height, per se.

>> Mayor Adler: And if staff wants to come back with those kind of recommendations I think that would be fine as well.

>> Kitchen: Okay. I want to make sure they don't come away thinking that they don't have the --

>> Mayor Adler: If there's better ways to make it work that would be fine.

>> Kitchen: Does that make sense? I'm looking at staff. Brent, can you say that on the record?

>> Mayor Adler: Is that okay, Brent?

>> We will consider potential context sensitive

[7:31:49 PM]

incorporation of --

>> Kitchen: Of compatibility?

>> Of compatibility standards that are perhaps less than what would otherwise normally be required, but are less than -- are more than just a complete elimination of compatibility.

>> Kitchen: Okay.

>> Mayor Adler: Sounds good. Any objection to this going in? Hearing none, it goes that way. All right, guys, that gets us to the end of this. So tomorrow morning we're going to -- okay. So we have the ability to -- we're going to start tomorrow at 9:00. We're going to go from 9:00 to 11:30. At 11:30 we're going to go into the special called meeting on real estate. We do have the ability to convene tomorrow night, so I would suggest that people keep available tomorrow evening. We can make the call tomorrow morning based on how far we go as to whether or not we do that, but we

[7:32:49 PM]

have the ability to do that. But we'll start tomorrow at 9:00 sharp as soon as there's a quorum present. Yes, mayor pro tem.

>> Garza: Do we have a general idea of the evening? Because I have committed to the trail of lights and a couple of other things. Is there a general idea of when we would come back in the evening?

>> Mayor Adler: You know, I think we're going to be waiting. We're all going to be watching to see when the retirement board ends tomorrow. Councilmember pool could let us know. I think Ed van eenoo is on that board as well. We can have him text us and let us know. We can post it on the message board. Let's see how far we can get from 9:00 to 11:30 tomorrow. If we can blow through a lot of this tomorrow maybe we can agree we don't have to come back. Yes, councilmember pool.

>> Pool: Can you preview which items are pulled that we'll take up at 9:00 tomorrow morning? Where do we pick up?

>> Mayor Adler: We'll pick up on affordable housing, which is number 4.

[7:33:51 PM]

The ones that are on consent are Garza number 1. Future revisions is going to go into programmatic. Casar -- Casar ah4 I think is -- Casar ah1 -- Casar ah1 -- I can't tell if that was pulled.

>> Kitchen: I pulled that one.

>> Mayor Adler: Ann kitchen pulled that. Casar ah2, number 1 is programmatic. Number 2 is scent, number 3 is programmatic. Casar ah3 is consent. Casar ph15 is consent. Kitchen 9 is pulled. Kitchen 10 pulled, kitchen

[7:34:52 PM]

11 pulled. Kitchen 12 is consent. Kitchen 13 is consent. Pool 6 and pool 7 both were pulled. Tovo 2 is pulled. Tovo 3 is pulled, tovo 4 is pulled. Tovo 5 I think is programmatic. Tovo 6 I think is programmatic. Tovo 7 has been pulled, tovo 8 has been pulled, tovo 9 has been pulled. Tovo 10 has been pulled. As has tovo 11 and 12. Tovo 13 is consent. Tovo 14 has been pulled. Tovo 15 and 16 are consent. Tovo 17 has been pulled.

[7:35:53 PM]

Tovo 18 is consent. Tovo 19 has been pulled. Alter 3 is consent. In the non-zoning section, harper-madison 9 is consent. Casar nz 1 has been pulled. Casar nz 2 -- I think that may have been withdrawn, nz 2, has been withdrawn, but number 2 under nz 2 is consent. Casar nz 3 is consent. Nz 4 has been pulled. Nz 5 and nz 6 are consent.

>> Alter: I want to confirm for nz 3 we did have an edit with relation to permanent irrigation.

>> Mayor Adler: Permanent irrigation, yes, thank you.

[7:36:55 PM]

And then kitchen 15 has been pulled.

>> Alter: From nz 4, nz 5 and nz 6 for Casar were those pulled or not consent?

>> Mayor Adler: Nz 4 was pulled. Nz 5 consent. Nz 6 consent. Kitchen 14 pulled. Kitchen 15 pulled.

>> Flannigan: Non-zoning 1 consent, non-zoning 2 consent. Pool trees has been -- the first paragraph has been pulled. The second paragraph is consent. The third paragraph is pulled. The fourth paragraph,

which is the top of the next page, is consent. Ellis 1 has been pulled. Tovo 30 has been pulled. No, no, has been withdrawn. And tovo 31 has been

[7:37:56 PM]

withdrawn. Tovo 32 has been pulled. Adler 1 is consent. Adler 2 was withdrawn. And then the last is process process. Harper-madison 2 is consent. Harper-madison 4 pulled.

>> Going too fast.

>> Mayor Adler: That's okay. Page 36 of 39.

>> Alter: There were some amendments to harper-madison 2 with respect to environmental that would be incorporated in that.

>> Mayor Adler: Yes. Harper-madison 2 went on consent with some amendments made. Environment was put in there. All right. Harper-madison 4 pulled. Casar p1 pulled. P2 pulled. P3 pulled.

[7:38:58 PM]

Casar p4 figure pulled. Casar p5 is consent. Casar p6 pulled. Kitchen 16, 17, 18 have been withdrawn.

>> Kitchen: Mayor? I withdrew them because I was trying to get through the day. So I think I'm going to put them back on and then we'll just see -- since they're at the very end, we'll see how we're doing.

>> Mayor Adler: Okay. So they may be back on. You already made me cross them out on my page.

[Laughter]. Flannigan at the top of the next page, process 1 is pulled. Process 2 consent. Pool 2-2 has been pulled. Pool 5 -- pool 5 I think is the first sentence has been pulled. The second sentence is

[7:40:02 PM]

programmatically. Tovo number 1 has been pulled. Tovo 33 has been pulled. Tovo 36 I show as being programmatically. Tovo 37 has been pulled. And tovo 38 has been pulled.

>> Pool: Mayor, the two new amendments that I brought that were for the second review, number 10, which was the co-ops, would fit under my pool number 5 on page 38 if you want to take it up there. And the one on smart housing would fit under affordable housing page 22 under my number 7. That's the smart housing amendment.

>> Mayor Adler: Say that again, I'm sorry.

>> Pool: My smart housing

[7:41:03 PM]

amendment --

>> Mayor Adler: Which is number?

>> Pool: I'm not sure if it was number nine or it was a different number because remember we had the problem with which document we were working with, but I did -- it is on that stapled document --

>> Mayor Adler: Just so we don't get lost, we're going to finish going through these pages just the way they are or I'll get confused. And I'll pull all the stuff that's in the second traunch and we'll do those tomorrow. We'll do the second traunch of this tomorrow. Councilmember alter.

>> Alter: I don't know, maybe mayor, since your office has been getting really good at this, if it would be possible for them to pull together the second traunch so that we have it maybe by the time we're breaking at 11:30? And maybe if we could somehow pull the programmatic ones into one place so that we don't lose our place, that would be really helpful. But rather than every office having to do it --

>> Mayor Adler: We'll take a stab at both the second traunch and the programmatic bucket.

[7:42:06 PM]

Sorry, guys.

>> Ellis: On that same note it might be helpful if there's stuff on the second traunch if it could be on the message board. There have been a lot of papers flying around and that staff make sure they know what we're proposing. That might be helpful.

>> Mayor Adler: Okay. It would be helpful too if anybody has anything on second traunch that they didn't post on the message board it would be go ahead to go ahead and do that. Councilmember Casar and then councilmember kitchen.

>> Casar: I had my one second set of amendments posted this morning. I have one more that I will post tonight that's going back to the compliant -- my residential 1 to actually try to figure out better ways to keep the ic down in some of those compliant properties given some of the concerns raised today. I'll have both of those posted. I also have four amendments left on some of the ones that I had pulled. They're mostly really small.

[7:43:07 PM]

I'm happy to someone to pick up the paperwork here, but I can also post them on the message board so you don't have four stacks of paper right now. If we're about to adjourn if somebody wants to grab them paperwise I'll have them here.

>> Kitchen: What are they on? You don't have to tell me the specifics, but which categories.

>> Casar: They're on kitchen 11, tovo 2 and 4, tovo 10 through 14 on affordable housing, and that's it.

>> Kitchen: Okay.

>> Mayor Adler: I'll take a copy of each of those. Councilmember kitchen.

>> Kitchen: Sorry, I don't -- I forgot.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Thank you, councilmember. I'd love to pick up a set and I think that's helpful in terms of our speeding through. I want to just clarify, and I'm sorry, we talked about this earlier today. I need to really understand what we're doing with programmatic tomorrow or Wednesday. Are we intending to vote on those? Because there are some that

[7:44:07 PM]

really I think are critically related to what we do next. So for example, -- let me just throw it out and we can continue the conversation tomorrow, but the alternative mapping is something that I'm proposing we provide some resources for between first and second reading. So I wouldn't want to take that up later. I really feel like it needs to be taken up in this conversation this week as we're having the conversation about first reading. So some of the programmatic are just essential I think to knock out this week. I would say they're very related and within our posting.

>> Mayor Adler: That makes sense if it's alternate mapping it makes sense to me.

>> Tovo: All right. So the programmatic stuff is going to be combined into one document and we're going to take it up together, but we are going to render some decisions on it this week to the extent that we believe it's within the posting.

>> Mayor Adler: To to the extent that we're all comfortable doing it.

>> Mayor Adler: So we'll go through the remaining three sections that we have. We'll do the second traunch, then we'll do the

[7:45:09 PM]

programmatic. And then we'll be done. All right. We are going to just recess this because of the late hour? We will reconvene tomorrow at 9:00. And we will start as soon as there is a quorum sitting on the dais, we'll start blowing through it.

>> Alter: Mayor, I want --

>> Mayor Adler: We'll recess now at 7:45.

>> Alter: I want to note there will be a couple of amendments related to discussion on PC as we go back that got pushed that I don't know if were included in other things.

>> Mayor Adler: Okay. As much as can you post for people to see, that would be -- it would be helpful. Okay. We're in recess. Staff, you guys did a great job. Thank you so much. Thank you.