

City Council Special Called Meeting Transcript – 12/11/2019

Title: City of Austin

Channel: 6 - COAUS

Recorded On: 12/11/2019 6:00:00 AM

Original Air Date: 12/11/2019

Transcript Generated by SnapStream

=====

Please note that the following transcript is for reference purposes and does not constitute the official record of actions taken during the meeting. For the official record of actions of the meeting, please refer to the Approved Minutes.

[10:27:35 AM]

>> Mayor Adler: All right, colleagues. We have a special called on December 11th. It is 10:27. We're in city council chambers here at 301 west second street. We are all -- a quorum is present. Ann I saw a second ago, so we're all here. We posted this morning the second tranche and the programmatic lists at 8:00 roughly with some late filled stuff. It has been handed out on the dais. Is has b2 in the upper are not corner so that's the document I'm going to follow. It was my intent based on the conversation we had yesterday, that the suggestion that came from

[10:28:36 AM]

the dais yesterday better than mine, we just don't have that many of these, so I thought we would just follow these pages, that way everybody sees the order as we go through it and we can get to the end. That splits the tranche 2 from the programmatic stuff. Attached to the back of mine is councilmember tovo's amendments. It's the sheet that was handed out yesterday. I understand you revised one of those that will be coming.

>> Tovo: It should be on its way.

>> Mayor Adler: So the v2 does not have all of the tovo stuff on it, but we'll make sure that we cover that. It is 10:28. At about 11:20 we're going to stand down for about 20 minutes to half an hour. Councilmember harper-madison is going to get whisked out

[10:29:36 AM]

and whisked back, so we can kind of gather our thoughts at that point.

>> Alter: Mayor, did councilmember kitchen's items that weren't in there as of yesterday added in?

>> Mayor Adler: I think so. We have kitchen forward 14, kitchen 15 --

>> Kitchen: Yes, they're here.

>> Alter: Thank you.

>> Mayor Adler: Apologies if we've left anything out. If anything is not here it doesn't stop anybody from being able to bring it. So I would suggest that we get started in this, but before we do does anybody have a reading for us this morning? If not let's take a moment of silence here. That was also part of what we did, just to gather our thoughts. We just stop for a moment.

[10:30:37 AM]

Okay. Let's get ready to go. I am working off the v2 sheet, second tranche. The first one up is harper-madison. Remap and rezone missing middle housing and nccds. Councilmember harper-madison, do you want to speak to this? Isn't this something we already did?

>> Kitchen: Are question going thrgh to say what we're going to do consent on? I thought that's what we were going to do.

>> Mayor Adler: Let's go through on consent. Does anybody want to pull anything on page 1?

>> Tovo: I'm sorry, when I suggested that we do consent it was about the procedural. I think with mossies with the amendments we're going to need to move more closely. So is this one suggested for consent or --

>> Mayor Adler: What? First off, does anybody have any problem with harper-madison additional direction to tovo 4?

>> Tovo: I certainly have some questions about it.

[10:31:38 AM]

>> Mayor Adler: Okay.

>> Tovo: So yesterday we passed an amendment -- my amendment.

>> Mayor Adler: Just to be clear --

>> Kitchen: What is our process?

>> Mayor Adler: I want to know if anybody wants to pull anything on page 1? Kathie's pulling the harper-madison one. Does anybody want to pull any of the remaining three? Is kitchen 14 being pulled?

>> Casar: I think so. I hear that there's new language.

>> Mayor Adler: An amendment to that I've heard. Okay.

>> Kitchen: Yes, I have an amendment to that.

>> Mayor Adler: Okay. So kitchen 14 is going to be pulled. Does anybody need to pull -- so harper-madison at the top is being pulled, kitchen 14 is being pulled. Is anybody pulling either of the Casar?

>> Tovo: Yes, both of them.

>> Mayor Adler: Both are being pulled. My sense is we're going to pull a lot of these, so let's just go through them.

>> Kitchen: Okay, fine.

>> Mayor Adler: So councilmember tovo, your

[10:32:39 AM]

question to councilmember harper-madison on the first one.

>> Tovo: Right. So I think this was inspired by the amendment I brought yesterday, which was to rezone or not upzone existing triplexes. Well, it was duplexes which got stripped out. But it was duplexes, triplexes four-plexes and other missing middle. The language changed to right zone. In other words, if it was in sf 3 and it was going to -- proposed to go to rm1 it would land at r3. So help me understand -- and that -- help me understand what this does that's different from that? Because as I see what we did yesterday, we have asked -- we have provided direction to right zone existing missing middle and multi-family housing.

>> Harper-madison: So the

[10:33:39 AM]

right zoning was definitely helpful, making certain that existing structures maintained -- artery zoned to represent what they -- are rezoned to represent what they currently produce. So that was helpful. The only other note I would add there is about four-plexes, but I think truthfully during our discussions yesterday we might have gotten to -- the right zoning is what got us to address my original concern.

>> Tovo: I see. So do you intend to withdraw this then?

>> Harper-madison: So the only additional offering there would be a continuation of the deliberation we had about nccds and remapping them to make certain that they represent accurately and appropriately what they currently entail.

>> Tovo: Well, I would suggest that I guess it would be interesting to have addresses of properties that

[10:34:40 AM]

you believe are not correctly zoned right now because certainly we have properties in the nccds that are in my district. I haven't looked at your nccd, but they are remapped, they are proposed for rezoning in many cases. I mean, they are -- I'm not sure what -- I'm not sure what this would accomplish, but --

>> Harper-madison: I have them and I can have my staff bring them down. If that would be helpful we can either table or have somebody jet down really quick. But in the interim maybe it would be helpful -- because the direction I received from staff essentially pointed us in the direction of the integral nature of remapping in order to move in order to complete this sort of right sizing process, the remapping of nccds. So if I misinterpreted the direction there, then I would be happy to have you elaborate.

[10:35:41 AM]

>> Councilmember harper-madison, with this motion we understand it to look at nccds and look at existing triplexes, four-plexes, missing middle multi-family housing, so that could include duplexes. We include duplex in the definition of missing middle. In the nccd areas, and right zone them for the lowest that -- we would put the most comparable zoning to the existing use that we could find, and that's how we understand this direction should it pass.

>> Mayor Adler: Councilmember Casar.

>> Casar: It sounds to me like -- like there's general agreement that the -- from y'all's initial exchange that the right zoning of missing middle housing types should apply regardless of whether something is in an nccd or not is what I'm -- and if it is, then just -- if something is triplex, let's make sure it's zoned

[10:36:42 AM]

as a triplex and don't let being an nccd or not being an nccd interfere with that process.

>> Tovo: Which, mayor, I would say is the substance of the amendment that passed yesterday. So I think it's accomplished --

>> Casar: I think we're --

>> Tovo: The only thing this adds which I think is beneficial is it adds duplexes back into the mix as having their zoning maintained, as I understood our staff. So an easier way to accomplish that would be to say we're also going to right zone duplexes.

>> Harper-madison: I think generally speaking we're all saying the same thing. You're saying remap, -- I'm saying remap, you're saying right zoned.

>> Tovo: Sorry, I didn't mean to interrupt you.

>> Harper-madison: I appreciate that. Yes, remap is what I'm saying. If that's the singular point of contention maybe we could talk through what remap means. Maybe we don't have the same definition but in my mind's eye --

>> Mayor Adler: I'm going

[10:37:42 AM]

to treat this additively. Maybe it's the same thing, but consistent with what we said before I don't think this conflicts with anything. Maybe it's additive, maybe it's exactly the same thing. Would you talk about the difference -- is there a difference that you would see in the word remap or rezone? With respect to right zoning for the larger unit housing, existing.

>> Remap and rezone we're taking as meaning the same thing, yes.

>> Mayor Adler: Okay. That makes it easier. Any objection to --

>> Alter: I have a question. I have a question. So is this relative to the draft of October 4th or relative to what's in the base of the nccd? Okay. So I'm concerned that this is actually going in the opposite direction of what we were trying to do the other day. It's my understanding

[10:38:42 AM]

that -- I don't have any examples. I'm trying to -- the way that I read it is if I had something like what we're trying to do with the equity overlay and the affordable housing if it was accepted to be less intensive as part of the nccd to retain that housing we're not taking away that protection and unleashing that for further development. And I think that's in the opposite direction of what we were trying to do, but I may be totally misunderstanding this, but this is not written in the same direction. This is saying that if they've been down zoned you're going to upzone them.

>> Harper-madison: The opportunity not to diminish in transition Zones, but with the caveat being that the transgression is by way of staff's, their ability to ascertain where it is and is not appropriate. I don't want to make certain specific areas diminished by way of capacity because of the specifics that pertain to the nccds.

>> Alter: But this sweeps

[10:39:42 AM]

in a whole bunch of nccd that's not already impacted by this map potentially. I don't know what's on the ground or how many cases there are --

>> Harper-madison: It's on the way. If we should pause the conversation until I can have it in your hands where you can review for yourself as opposed to -- us just speculating. It's on the way right now.

>> Alter: That's fine. If I could just finish my thought.

>> Harper-madison: Sure.

>> Alter: This doesn't say it only applies in transition Zones and nccds. It says the whole nccd. And I just - you know, I'm not sure why this is any -- necessary given the other, if given what you're saying, but the way that it is worded has a lot of slippery slope there that I don't understand how it would be interpreted in that context. It makes me very uncomfortable and I'm not familiar enough with the nccds. This doesn't only say in the transition Zones, it doesn't -- like -- it seems

[10:40:43 AM]

like it's the Pandora's box that we decided we were not going in. And I just may not be understanding it, but I'll look for the examples.

>> Tovo: Mayor, I would ask that this be tabled. To me this is get starting to get into -- we have voted on the policy question and most of the nccds with the exception of the one that's in harper-madison or in my district, without really understanding the impact on the properties and which properties are being identified, I too can't assess the implications and certainly here on this last day I'm not sure that -- I mean, it amounts to almost map changes, but I would ask that we table the item for now, please.

>> Mayor Adler: Okay. So I'm fine tabling this so we can figure this out. I thought we had already -- I thought your motion yesterday, councilmember tovo, said we're not going to lose duplexes or triplexes where they're built and we want to ensure that. We want to ensure that those

[10:41:43 AM]

are mapped to that use so that we don't lose those.

>> Tovo: I will just point out that duplexes -- I would love to add duplexes in there, but it was not the will of the majority. Yes, it did. It's not clear to me what the implications are of this that are different and so

the fact that it's being brought forward as a different amendment means that I really need to understand it. I mean, if we're all in agreement that we're making sure that we're not losing entitlements on existing missing middle property, then that's done.

>> Mayor Adler: Okay. So would you check? I think -- look at the amendments. I think the intent was to make sure that we're not losing triplexes, quads and the like that exist anywhere in the city, and we need to map in order to be able to make sure of that. If you could confirm that's what we've already done, if we need this -- do you know?

>> So I think I can just

[10:42:44 AM]

Speak to the way staff would interpret the direction and I think we can harmonize the direction, but just to be clear, the direction with councilmember harper-madison's amendments would essentially be to look at all these unit types as they exist today regardless of what their current zoning is, and that is include in the nccds and outside of the nccds. And I think the distinction between the terms upzone and right zone would be that we would look broadly at whether the zoning is appropriate and that would mean looking at triplexes, duplexes that are currently zoned single-family that are not zoned appropriate to the unit types so that if there was a redevelopment it would be a redevelopment to another --

>> Mayor Adler: I think the issue is --

>> Mayor Adler: I thought we had already done that for all over the city. As I read this from councilmember harper-madison, it seems to me that this might not be

[10:43:45 AM]

adding anything to that and --

>> Morning, council.

>> Mayor Adler: I think that's what councilmember tovo was trying to accomplish yesterday.

>> Morning, council, lacy Patterson, planning and zoning. This language clarifies that the intent was to within the language that was adopted yesterday to also ensure that nccds -- that's how I interpret, to clarify that nccds are included in the citywide --

>> Mayor Adler: So to councilmember tovo's intent yesterday, to do it everywhere, this just clarifies that.

>> Yes.

>> Tovo: I'm going to stay with the motion I had and request that we table this.

>> Mayor Adler: Is there any objection to tabling this at this time?

>> Casar: I object. I think we just --

>> Tovo: I wasn't aware that we had an opportunity to discuss tabling. Yesterday when I tried to I was told I --

>> Casar: I'm not --

>> Mayor Adler: I asked if there was an objection to it. Tabling is not a debatable motion. Those in favor of tabling this matter, please raise

[10:44:46 AM]

your hand? Tovo, kitchen, pool, alter. Those opposed to tabling please raise your hand? It's the balance of the dais. Tabling does not pass.

>> Casar: Mayor, can I make a motion?

>> Mayor Adler: Yes.

>> Casar: I'd like to move because the language I think is in contention I would like to move as Ms. Patterson said because I think that's what everybody thought is clear, to make it clear that the tovo number four around right zoning these housing types applies citywide whether you're an nccd or not, but that's the intent.

>> Harper-madison: I appreciate that clarification, thank you, Ms. Patterson. I think you were able to speak more eloquently to my intention here than I was. So including, but not exclusive to is when I should have said. So thank you for making that clarification.

>> Mayor Adler: So the motion is to make clear that

[10:45:47 AM]

the tovo amendment applies citywide. Is there a second to that motion? Councilmember harper-madison seconds that motion. The motion is to make clear that tovo number 4 applies citywide. Harper-madison seconds that motion. Is there any discussion? Councilmember alter.

>> Alter: I just wanted to clarify if anyone was working off of the version of the tranche 2 from yesterday versus what was just handed out, there were changes in it for this one that are different. And my comments before were made off of the other one. I'm still trying to understand the new one, but in case anyone else is having that problem on this or other items, I just want to point out that there's amended

language that in this crazy process that we're doing, we might have missed. So we might just want to be sensitive to that.

>> Mayor Adler: I think that's good. What is in front of us is the Casar motion to make clear that tovo 4 applies

[10:46:47 AM]

statewide. It's been seconded by councilmember harper-madison. That's what we're discussing. Councilmember kitchen.

>> Kitchen: I need to understand that in the context of the language that was taken out from previous. The previous version says to ensure multi-family isn't demolished and replaced with a single-family home. And then it starts with remap and right zone. Which makes sense to me if we keep that in to do citywide. If we don't keep that first clause in then this isn't telling me the repurpose of remapping and right zone.

>> Mayor Adler: The motion is not to adopt what is at the top of v2. It is not to adopt that. In lieu of that we're just adopting an instruction that says tovo 4, which is the language you just read, is intended to apply citywide.

>> Casar: And mayor, councilmember kitchen has a point. Councilmember tovo's direction starts in order to

[10:47:48 AM]

protect renters. So it has a protect renters clause.

>> Alter: May I ask where would tovo's -- how is tovo's constraint before?

>> Kitchen: Where is it written?

>> Alter: Was it constrained before? I don't remember which item it was.

>> Mayor Adler: What page is tovo 4 on? It was adopted. Duplexes came out and market affordable came out.

>> Alter: Well, I don't see any difference if you're going to say that hers applies stay wide --

>> Mayor Adler: It either makes no difference or it's Claire active as staff said.

>> Alter: I'm just restating if the motion is simply to make sure that we know that tovo 4 applies citywide, I don't know that

[10:48:49 AM]

there was any.

>> Mayor Adler: That's all it does.

>> Kitchen: I'm sorry, after today we'll forget, I want to know exactly what language we're voting on. Are we voting on harper-madison 1 and saying that what it means is taking tovo 4.

>> Mayor Adler: After right zone it would say citywide. Right zone citywide existing existing.

>> Kitchen: So right zone in tovo 4?

>> Mayor Adler: It's all of the language in tovo 4. To protect renters, to not right size zoning city -- do not right size existing missing middle housing citywide, including triplexes and four-plexes.

>> Kitchen: Okay.

>> Just adds the word citywide.

>> Kitchen: We're taking an amendment to tovo 4.

[10:49:53 AM]

Fix mayor Adler, do not right zone.

>> Alter: I think there was an amendment yesterday that changed it to right zone existing.

>> Mayor Adler: All we're doing is add the language citywide to tovo 4.

>> Mayor Adler: That is withdrawn and no longer given the amendment that was made. That gets us to Casar cc5. Councilmember tovo, do you want to address that?

>> Tovo: I do. I'd like to ask staff as I understand the impala -- first of all, I guess I'd like to ask our housing staff.

[10:50:57 AM]

>> Erica leak, neighborhood housing.

>> Tovo: If you could first talk us through what the implication -- I'm sorry to interrupt. If you could talk us through what this would do and clarify your recommendation, please.

>> I can note how I understand it, but if that is not the intention of the councilmember, I think probably the councilmember should speak to that. My understanding would be to remap some of the parcels in

downtown potentially from CC to DC, which would increase their base entitlements. Some people think somehow that would potentially increase participation in the downtown density bonus program. I don't yet -- I can't yet conceive how that could be possible because it seems like if you have lower base

[10:51:58 AM]

entitlements you would be more likely to participate in the bonus program and we would receive a greater amount of community benefits. So I don't recommend the change unless there's something that I'm not understanding.

>> Mayor Adler: Councilmember Casar, this is your amendment. Do you want to speak to it?

>> Casar: I don't understand that necessarily one way or the other myself. I don't know -- I've heard and people have been really consistently saying -- that if there's this additional base you can make the bonus more attractive and in the independent that it works together. Generally my understanding has been we're just adding to the bonus. That's why my language isn't asking for more DC Zones to be mapped. It says if staff -- not if somebody else, if staff demonstrate that we're going to get greater participation in the density bonus by going to DC then I think you would recommend going to DC. If staff does not demonstrate that that works

[10:52:59 AM]

then we shouldn't do it. So I think -- trimester to be really intentional with my words here to say we are adding height in the bonus in CC, which I think the staff agreed to in their report, and I think that's good. And if staff -- if staff finds that some of our assumptions are wrong and DC actually gets more participation in the bonus, of course come back with -- come back with DC Zones because then I think we would all agree. And I just don't know what the answer to that is. And this is after there had been enough folks downtown that have said that they think that this works. I would ask that staff go to check with downtown stakeholders if they're right. If staff thinks they're right, great, if they think they're wrong, then I'm not going to support adding it to the base.

>> Tovo: Mayor, if I may, I'd like the staff to talk about the downtown Austin planning process which I was involved with as a community member. I'm not sure if others on the dais were involved in that. It was a very extensive,

[10:53:00 AM]

very long process that involved lots of different stakeholders, including business owners, property owners and others. Like our other grassroots processes, community planning processes, there were

agreements made about which areas would get rezoned for very substantial increases in height as be fitting our central business district. And then there was an intent to retain our existing historic neighborhood of judges' hill. As I seed this, this is a phasing and approach that would change the entitlements. The staff came in with a plan to retain the base entitlements. It was a long process, it's one of our most recent processes and basically this sort of renegotiates what was a careful, intentional, deliberative process of determining which areas we wanted to prompt development in downtown. So I wonder if staff could

[10:54:02 AM]

speak to why the base entitle men's were retained from the -- entitlements were retained from the downtown Austin planned and whether that continues to be your recommendation.

>> Councilmember tovo, thank you for your question. The zoning that was brought forward was brought forward to be consistent with the downtown Austin plan. I do want to clarify that it would be our intention should council pass this amendment that we would also bring forward proposed amendments to the downtown Austin plan to ensure consistency. And we would work with the law department to ensure that the procedural requisites for such an amendment would be brought forward and we would bring forward an amendment that is narrowly tailored to simply achieving the necessary consistency between the mapping changes that are contemplated by this amendment and the downtown Austin plan. And we would again work with law to make sure that all the necessary procedural steps are followed.

[10:55:02 AM]

>> Tovo: And I understand that's necessary because typically you adopt a plan and then follow it. And in this case we would be making a change that is out of sync with that plan so otherwise it would be unauthorized. I guess what I'm really asking, though, for is the rationale for the staff's recommendation to retain the current base entitlements in the downtown Austin plan.

>> Greg Dutton, planning and zoning. Councilmember, the way we interpreted the may direction from council was to respect the dap in a way that would also do that, but achieve some of the goals that council has for housing. So we're recommending that the zoning proposals or recommendations from the dap be carried forward into the new proposal, but that the areas be increased a bit. So that way the base entitlements stay the same but there's a chance to get more affordable housing.

>> Tovo: And that's in the

[10:56:02 AM]

staff recommendation.

>> Correct.

>> Tovo: And this amendment as you understand it and as the councilmember described, which go in a different way than the policy direction that was adopted in June and now prompting changes to the downtown Austin plan.

>> Yes, that is a council's prerogative --

>> Tovo: I understand that. I'm just clarifying that this runs different -- in a different direction than the policy direction last spring. Okay. Thank you.

>> Mayor Adler: Okay. Any further discussion on Casar cc5?

>> Alter: I'm not as familiar with the downtown Austin plan, and northwest doesn't provide me enough clarity. Can you let me know the boundaries that you're talking about that would be impacted by this?

>> Casar: Yes. So there are a few different components to this. One is a planning commission and staff agreed to idea that in the CC Zones that

[10:57:03 AM]

are in most parts of downtown that they have an unlimited bonus just like in many other Zones, and I'm retaining that. However, there are some CC Zones that -- and there are some downtown Zones that abut some of the house scale neighborhoods in downtown where they do not have a bonus. Under this I am actually saying let's not go to unlimited bonus in that area. Let's state an intent that we do want more height there, but we want some level of transition. So in that area where there aren't bonuses, which is what's called the northwest district, if there isn't a bonus, let's not go ahead and add one on first reading. Let's have folks between first and second reading talk about how to add more height and more bonus there while having it be a transition to the house scale.

>> Alter: What is the distinction between first and second reading if all we're doing today is providing direction to go do things that's going to come

[10:58:04 AM]

back on second reading? Aren't you essentially telling them to go do that?

>> Casar: No. In this case I'm saying we think that the staff recommendation is good for having the bonus be unlimited in all areas, except the staff recommendation where you want a transition to house scale Zones, let's hold off on that. Let's not actually add that on first reading. And for this to indicate to stakeholders that we want them to work between first and second on what that transition would look like. And I understand those conversations have been ongoing between Dana and old Austin neighbors

and the judges' hill folks. So this essentially says planning commission and staff's idea is good, let's adopt it, except right here in this transition. Let's hold off on making a decision. Let's state council's intent that we do want more height there, but let's not decide exactly the height right now.

>> Tovo: So your question

[10:59:05 AM]

about the boundaries wasn't answered. To be clear, there is a transition zone already. The downtown Austin plan was designed in a way to provide different heights and projected heights so it transitioned to the shows scale areas which are basically neighborhoods. And so I just want to point that out, you know, and again, it is -- I mean, there are different stakeholders who are involved in crafting the downtown Austin plan. We now have people who do not live in that area, who live in highrise, very dense areas prompting changes in a separate area. I mean, I just think we need -- we need to acknowledge what's going on here, and that is that -- and we have asked people to participate in community based planning efforts. They've come together, they've crafted compromises, they've crafted plans that were representing different

[11:00:06 AM]

needs and making sure that we identified areas for very high density but had transitions to house scale Zones that were valued and around which there was an interest in preserving, and yes, we now have voices from judges hill working -- working to try to mitigate some of the plans that have come forward to rezone the northwest district. I would ask that we stick with the staff recommendation of maintaining the downtown Austin plan and that we not use our land development code rewrite to under mine all of the community planning that we've asked our residents to do in good faith for years.

>> Mayor Adler: Okay. Yes, councilmember harper-madison.

>> Harper-madison: If I may, I have more questions and I do have comments. As per my understanding, the downtown Austin plan was created during a time, for lack of a better expression, a downturn in Austin, and it's over ten years old.

[11:01:07 AM]

And so as we're addressing the need to sort of right size, modernize, be innovative with our land development code, it occurred to me that this might be just another one of those items that we need to get right and make modern. Would that be the opinion of the staff? I'm mostly just asking for your professional and expertise here.

>> Councilmember, the plan was adopted in 2011, I believe, so it's -- as far as plans go, it's -- it's had some time, but I think the opinion of the staff is that while we have heard that the plan may need some updates because it is getting up there in age a little bit, that it would benefit from a more focused effort. We've tried to pull some of the things from the plan into the code that we think

[11:02:09 AM]

are the most applicable, but the plan contains a lot of stuff, recommendations that are not even necessarily code related, and if it were to be updated, we think it would take a more holistic effort.

>> Harper-madison: I appreciate that you use technical term like stuff.

[Laughter] Thank you.

>> Mayor Adler: Further discussion? Councilmember Flannigan.

>> Flannigan: I just want to note we should be careful to entertain arguments that only people who live in an area get to have a voice about what happens in that area. It's especially true in downtown where people from a region participate. As we all represent different districts, we did not divide the city into ten planning areas and pass a code, we are trying to work through this together.

>> Mayor Adler: Further discussion? Councilmember kitchen.

>> Kitchen: And I appreciate that, councilmember Flannigan. I'll keep that in mind. What I heard councilmember

[11:03:09 AM]

tovo speaking about was the neighborhoods in that area, which we don't all live in. The downtown area is certainly, I could understand that.

>> Mayor Adler: Councilmember alter.

>> Alter: So I just -- I'm trying -- this amendment is written in a particular way that I'm having a little bit of trouble grasping. Compared to what you said. So as I understand it, the staff is not proposing any bonus area. Like this makes it sounds like urology backbone news -- you are rolling back areas which they have not proposed that. I think we need to be clear that what you are suggesting is adding bonus areas where they are not and coming back to us with that in second reading, which is a change from what the base recommendation is and a change from the downtown Austin plan. Whereas what I heard you say was something totally different than that, as if you were dialing back something, and you are not dialing back something, you are adding density. And you may want to do that,

[11:04:10 AM]

but there's a very different approach embedded in there and it's confusing.

>> Casar: Let me clarify that. So my understanding -- it may be unclear, but these areas have CC Zones in them and thereas a planning commission and a staff agreement to go to unlimited height in those density bonuses. And the downtown Austin plan does say there could be a foreign based density program in that district at some point. And so I think that there may be folks that said, well, the downtown Austin plan doesn't have a bonus so it didn't apply to us. There might be folks that say, oh, my gosh, if we pass it this way it's going to be limited everywhere without transition. What this is trying to make clear is folks are good -- let's do the CC bonus as planning commission and staff said everywhere except in this particular area where concerns have been raised, let's just state that the intent which I think alliance with the plan of saying we want a density bonus, we want more height, but we're not going to

[11:05:10 AM]

decide and map it this time, we just want to figure it out as a transition. That's the reason it's a little complicated. I'll say folks from Dana who want more height here, signed off this this idea let's have a transition. Ted from iwana who represents a portion of stakeholders has signed off, the judges hill executive committee has signed off on it. People ask this question saying is this going to not change it? With staff recommendation and PC not going to change it or is it going to unlimited. Instead what this says there should be more height, there should be a bonus, but we're not going to decide on first reading. We want folks to go and talk, we want some, but how much --

>> Alter: You're saying within this area there's some that's zoned CC already, which because they are making the motion in the base to upzone all of CC to

[11:06:11 AM]

unlimited, those areas are affected by that. The properties within that are affected by that, and you are pausing that.

>> Casar: Yes, areas where there is not a bonus, I'm making it very clear we're not currently adding a bonus but we would like to create one and we would like folks to talk about it between first and second. And there's a map and I'm happy for us to take this up a little bit later if people want.

>> Alter: I would love to see the map if we could have a little more time because I think this is -- I'm trying to understand that this is one of those cases we haven't had enough time to talk about so we're not understanding each other or whether this is problematic.

>> Mayor Adler: Councilmember tovo.

>> Tovo: I want to point out, as I see it there are four different amendments within this motion. The first is to -- and maybe councilmember Casar, I just want to -- I want to just ask that you listen and make sure that I'm understanding

[11:07:12 AM]

this correctly. The first is to allow an unlimited CC bonus in the areas that currently have access to a bonus.

>> Casar: Correct.

>> Tovo: The second is stating an intention to increase the base entitlements in an area that is -- that contains -- the boundaries of the northwest district. So that's -- second sentence. Council intends to add a bonus with new height and density in the northwest area. I think it should be northwest district. That's the area of downtown that includes judges hill. And the intent, as I see it here, you're stating the intent and saying we're not going to tell them exactly how now, go and figure it out by second reading.

>> Casar: Correct.

>> Tovo: And then the third --

>> Casar: We're not determining here.

[11:08:12 AM]

>> Tovo: Okay. So you're saying there's not an intention necessarily to rezone the base entitlements, but perhaps just to add --

>> Casar: Correct.

>> Tovo: Clarify that. Let me just keep going through what I see as the four parts to make sure I'm understanding the four different actions that are included within this. Then you're asking the staff to assess whether DC zoning would produce more affordable housing, and I think that was the recommendation that Ms. Leak was saying she's wondering -- let me put it in my own words. I would wonder how granting those entitlements about a bonus would yield more. I'm happy for them to do the analysis, though it seems common sense that if you increase the base entitlements rather than keep them the same and ask people to participate in the -- in the bonus program, you are going to end up with more housing. But in any case. And then 4, you would be allowing cocktail lounge uses in areas where they

[11:09:12 AM]

currently wouldn't be by way of cp.

>> Casar: No. Opposite of that. I'm helping you and maybe you are surprised.

>> Mayor Adler: Explain it.

>> Tovo: Well, I mean -- I am surprised in part because I'm trying to in three days understand a complicated amendment that impacts an area that I represent that you -- that you and I haven't spoken about. I would invite you when you are making changes that impact my district to please come and work with me just as I would grant you the respect of doing the same if I were proposing rezonings to your neighborhood.

>> Casar: I'm sorry. So in this -- my understanding is that some of the zoning downtown is permitting late-night cocktail lounge use as permitted where it previously was not permitted, and I'm saying the middle ground of the cup makes sense.

>> Tovo: You are suggesting that change. So I think -- I would ask

[11:10:14 AM]

that we take these up separately in the four parts as I've identified that I think are consistent with the four separate actions. Well, never mind. Let's take them all together. I think that's fine. With the exception of the cocktail lounge. And I would ask -- I'm going to -- let me think about it for a minute because I would like to make sure that that second piece about asking people to sit down and try to work out a response to this really be done in a way that -- I think this is a -- I agree with the staff's recommendation that this is something that requires an actual some level of a planning process rather than to try to make changes on the fly in the midst of this. And by the way, councilmember kitchen, I appreciate your clarification of my point about making sure that we

[11:11:15 AM]

are inviting community members in but also giving privacy to the people who actually are directly impacted by the changes.

>> Mayor Adler: Okay. So where are we? Are we going to divide this question and vote on the first two paragraphs and then vote separately on the conditional use paragraph? Okay.

>> Alter: I just want to -- we've all been at this for a long time through a lot of amendments coming, it's hard for each other to read our minds. I just think we need to -- there's been a couple instances over the last couple of days that we really do need to get into some of these details so that we can all be on the

same page and so staff understands what's being asked and that the public has a better idea. You know, many of us wrote these quickly or whatever and just the grace that we talked about on Monday I think I just want to make

[11:12:17 AM]

sure that we're extending that today as well as we try to understand what these things mean. There are big consequences as we owe it to ourselves and each other and the community to make sure that we are providing clarity and digging into that where we can.

>> Mayor Adler: I think that's a good point and we need to make sure we maintain that grace. I think we've done a good job of that generally speaking over the last couple of days. I would also point out to public all we're doing this week or hopefully today passing on first reading. There's still two more readings to go over the next few months and there are opportunities for -- and I expect there's going to be additional and significant changes. We've divided the question. Let's vote first on the -- leaving out the last paragraph. We're going to vote on that in just a moment. Those in favor of everything but the last paragraph, please raise your hand.

[11:13:18 AM]

>> Harper-madison: I'm sorry, everything but.

>> Mayor Adler: Those opposed? Everything except the cup on the bar because councilmember tovo wanted to vote for that so I've divided the question.

>> Tovo: So everyone in favor of those two paragraphs.

>> Mayor Adler: Correct.

>> Alter: Okay. Because I'm in favor of the cup.

>> Mayor Adler: You will get a chance to vote separately on that.

>> Alter: I'm going to abstain.

>> Mayor Adler: Those opposed to the first two paragraphs, tovo, kitchen, pool. How do you want to vote on the first two paragraphs?

>> Alter: I'm going to abstain.

>> Mayor Adler: Councilmember alter abstains. That passes. 7-3-1. Now let's vote on the last paragraph with the C.U.P. For the late-night cocktail lounges. Those in favor? Those opposed? Everyone is in favor of that

[11:14:19 AM]

one so that one also passes.

>> Casar: Mayor?

>> Mayor Adler: Yes.

>> Casar: One, as you all try to work on what the right base is in downtown, the more you can get closer to the fee that will help get the answer questioned. On the late-night cocktail lounges, I apologize, it was uncalled for for me to be so short. It's been a long day and I'll work on it just like I know everybody here is trying to work on it.

>> Mayor Adler: Sounds good. So I had announced earlier that councilmember harper-madison was going to leave us and we would take a short break. I don't know if she's walked off now to go to that meeting. Can we find out if we should be taking our stand-down here now or she's coming back?

[11:15:26 AM]

While we're doing this, Kathy, do you want to explain what you've handed out on yours?

>> Tovo: Yes, thank you so much for that opportunity. I handed out yesterday a sheet that was attempting to kind of pull together into one place the amendments I had left, the amendments I was withdrawing, the amendments I had amended. I've just updated that. And unfortunately because of the late hour last night and the meeting this morning I didn't get it in time to the mayor's staff to combine with his. So I apologize for that. I can just explain the first bunch under -- should be titled amendments amended. These are some that are in the procedural category that I have amended to make it clear what their relationship is with the land development code. There are -- then there are several that we haven't completed. That's mostly for my benefit so I don't forget. I may have mentioned these above but we haven't discussed them. Tovo amendments second phase is -- are new amendments that weren't on my Friday

[11:16:28 AM]

sheet. These are, to use the mayor's language, second tranche amendments. I've withdrawn a few. Amendment 6 and amendment 5 are the ones that were in the procedural category, prom programmatic category. Those are to create the loan programs to help with Adu construction as well as support for aging multi-family properties. I'm withdrawing amendment 29. Councilmember alter has brought forward a new amendment regarding schools and it accomplishes what I was setting out to do so those three are gone.

>> Mayor Adler: Okay. Councilmember harper-madison is being whisked away for her deal and will be whisked back in 20 to 30 minutes. So let's stand down. Don't go too far away, but we at least have that measure of break right now. So here at 11:18, we're going to recess.

[11:17:34 AM]

[Recess]

>> Mayor Adler: I'd say 11:45.

[11:18:35 AM]

[12:25:50 PM]

>> Mayor Adler: All right. It is 12:25 and I'm going to reconvene us here. We have a quorum. So that when people look at the TV screens they see a different view. So it doesn't look like we're in recess. In all the offices people will see a different screen. We've got some more people here walking in. Nothing tricky.

[12:26:04 PM]

So we're missing Delia and Ann. Just wanted to say that out loud. We're missing Delia. Is she down here? Haven't seen Delia yet? Okay. Let's see what we can do here. And if we have any close votes without Delia we can hold or if she wants to bring something back up we can. I think we were at Casar resolution 1, compliant properties. Does anybody have any objection to this?

[12:27:05 PM]

This is on the one v2 document, it's the second to the bottom on page one. Casar amendment one, compliant properties.

>> Alter: I have a question.

>> Mayor Adler: Okay.

>> Alter: I just want to understand the intention here and what you're trying to accomplish. Sexual assault so I'm going back and reediting an amendment we passed on consent. The amendment on consent was -- the goal was if anything we're doing in this code makes someone not compliant in their residential house that we do not want that to happen and we want them to not have folks be non-conforming. Sorry, I think I might have said compliant. If we want somebody that's non-conforming, we want them to be compliant. I think that intention is staying. In my clarification that we wanted people to be able to

[12:28:08 PM]

expand their house to current site development understands that they already have, we accidentally may have it look like we're potentially undoing a staff recommendation and planning commission recommendation to have new impervious cover stay at 40% as opposed to 45% for single unit development. And I wanted to make clear that we're trying to keep -- we're trying to have both of them apply. We both want to you not be non-conforming in your residential house but the staff and planning commission recommendation is if you have a 30 percent ic house and not adding a second unit let's stop having folks go all the way to 45, let's have them go to 40. When I wrote res one I assumed that was going to hold, but people asked questions and I really want the staff to be really clear that we want that staff recommendation to remain in place. So it's an -- the impervious cover protection is recommended by planning commission and staff, I want them to be present.

>> Mayor Adler: So my

[12:29:09 PM]

understanding is non-compliant properties, so if somebody is in a home right now and wants to expand their exist asking home. They want to have a room or do something with their home, they get all the rights they have under existing ordinances today.

>> Casar: Everything with respect to F.A.R., all of that stuff. The only one -- if you are at 43% impervious cover today, then we're not going to make you non-conforming. The one recommendation that came from staff and planning commission that I'm not trying to undo here is staff and planning commission said if you're at 30% impervious cover house and you're not adding a new unit, don't want folks to go past 40% when we're doing the one unit expansion, trying to maintain that measure of staff and planning commission's recommendation.

>> Mayor Adler: So I'm going to vote for this, but I want to continue talking through this as we go into second reading. The there may be additional

[12:30:10 PM]

modifications and other things I want to make on this. But the thought is at a really high level that while we want to give people greater ability to add more unit that I want to do, being able to preserve somebody's ability to work on their home and make improvements to that as close to preexisting as we can possibly get, I want to be able to do that too. There's a balance in this. So I'm going to vote for this, but I want to continue working on this.

>> Casar: That makes sense to me too.

>> Mayor Adler: Councilmember alter.

>> Alter: So I'm sympathetic to the need to address houses that are -- properties that get made non-compliant. I'm not sure where the slippery slope -- and I think I'm okay with what you're proposing with respect to impervious cover, assume is that's where the other stuff shakes out. What I am less clear on is that we have other

[12:31:10 PM]

environmental things and other things that are changing that I don't want people to be exempted from in the process. So the lot to lot flooding rules and other things. And so I don't know how we get there.

>> Casar: Mayor? I would be really happy for the staff to speak to that. I think actually in this case our intent is all the same here. We're trying to make sure is when we're working on this if there's a tweak that we can transition without making folks non-conforming, but we want folks to update to new code and we want folks to -- if we change the plumbing code to address the lot to lot flooding as one of our amendments, ask for them to do -- of course we would want that stuff to apply. We are just saying that if we have folks who should be able to add bedrooms in F.A.R. And things like to to their house as if we're

[12:32:13 PM]

trying to address those things in new builds primarily, but I would like to hear from the staff.

>> So the general rule is if a structure is non-conforming you cannot make changes that would increase the did he of nonconformance. So what council's direction here and in other places does is sort of relax that for existing structures in certain limited ways. So if these directions pass you can expect that staff would return with regulations that allow existing structures that are rendered non-conforming with respect to site development standards to have certain ability to add on and modify their structures in a way that takes advantage of their existing entitlements as they exist today. If the structure is leveled or completely demolished voluntarily and rebuild, the new regulations would apply. And additionally to your point, councilmember alter, we do not read any of council's direction as

[12:33:13 PM]

creating an example from the drainage, waterway set backs, the other regulations that we are in this code beginning to start applying to single-family. I don't think it would have that effect. But with respect to the reduced impervious cover, the structures that would be rendered non-conforming with that new impervious cover limitation would have the ability to add on to the existing structure up to the impervious cover entitlements for single-family as they exist today. That's how we read the intent.

>> Alter: So how many properties do we think are potentially impacted by this.

>> We would need to do a gis analysis where I think -- I think we can do that, but we don't have that information handy.

>> Alter: I would like to see that impossible because, you know, the whole point of this is to simplify.

[12:34:16 PM]

And I want to solve this problem, but I also don't want to create complexities unnecessarily that without thinking about the complexities that we are layering on. And I think that's something that staff would need to think through, but if this is a few properties. If we're doing something in the way that we're mapping, that's creating this in a lot of places, then we may need to rethink something bigger than creating an exception. And I don't have enough information at this point to weigh that. So if that can be looking at when you're looking at this piece, because if this is -- I don't know what number of properties -- I don't know how many properties we have in the city, but I don't know at what threshold this becomes something that well, maybe we didn't calibrate something else right rather than changing this. And I think that can only be where staff. I mean, I'm understanding

[12:35:17 PM]

this is to be a direction to, like, figure out a way if properties are made non-conforming to allow them to do some of the things that we would expect that they need to do, but exactly how that gets done we're not prescribing. That what you would take this as?

>> I think we have some ideas for how to draft, work with law to draft a code section that gets to these issues and we are definitely mindful of the need for simplicity and ease of implementation. And we think there's a way to get there with this directive.

>> Alter: Thank you.

>> Mayor Adler: We wanted to make sure we had that flexibility W that understanding, any discussion on Casar resolution 1. Yes, councilmember tovo.

>> Tovo: Just a note that in the last day I've gotten emails and then questions at a neighborhood association meeting and from other places asking how all of these things interact, and I

[12:36:19 PM]

frankly can't explain how all of these things fit together because of all the changes that we've made so I won't even begin to go into it with staff. But I have heard a concern that some of the smaller lots just east of I-35 and I think probably primarily district 3 and 1 are smaller. So there's some concern that the changes that have been made will subject them to a small -- to less ability to redevelop. I don't know that that's the case. I don't see that that's the case. But just know that there are questions coming forward about that. I think some of the changes that were made with respect to offsetting impervious cover in cases where the preservation bonus is used, the subject of the amendments you brought forward, Greg -- councilmember Casar, yesterday, it's not clear how the r2 C which is for substandard lots. There are lots of things -- I will look forward in our work sessions about the land

[12:37:20 PM]

development code to hear about some of what you're finding as you're trying to lay out all of these different amendments alongside because the changes being made on the dais are affecting other things and it's not clear how it's going to resolve. I'll state that other than trying to figure out how it all resolves today, but I'll show that as a point that needs attention.

>> Mayor Adler: Thank you. With that, any objection to Casar resolution one going in?

>> Harper-madison: I would say that I agree very much with my colleagues, councilmember alter and tovo about the concerns that they highlighted, including -- especially for me the concerns around small lots, how this specifically affects that and impervious cover on the small lots. In which case I would say I would be open to this going in as is up to the point where we end at apply to new builds, period, but the

[12:38:21 PM]

however moving down is problematic for me, so I wouldn't support it with that additional language.

>> Casar: I think we just take a vote?

>> Mayor Adler: Okay. Let's take a vote. Those in favor of Casar resolution 1 please raise your hand? Those opposed? Harper-madison voting no, others voting aye. This passes. Yes.

[Inaudible - no mic].

>> Mayor Adler: Show councilmember tovo abstaining, as will councilmember pool. So 8-1-2 is the vote. All right. That gets us to kitchen water forward 14. And I think you've -- owe.

>> Kitchen: I passed out an amendment. Everybody should have it. It's on yellow sheet. I think the amendment --

>> Mayor Adler: Hang on one second. Councilmember kitchen moves

[12:39:22 PM]

this number 14. Is there a second to this. Councilmember Ellis seconds this.

>> Kitchen: I sent it down earlier. It's on yellow, I'm sorry. Could I speak to the amendment for just a minute, mayor?

>> Mayor Adler: Yes.

>> Kitchen: After listening to folks yesterday and I really appreciate -- I think I've heard from various people on the dais. I know that there are people that are really interested in supporting this. I know councilmember Ellis, this is an area that's of concern to her. I think councilmember Casar too. So I tried to capture what I thought might be a better approach, and I'd like to know what they think of it. But I passed it out this way as an amendment, trying to capture what we were talking about yesterday.

>> Mayor Adler: Moved by kitchen, seconded by Ellis.

>> Ellis: I was thinking yesterday about the specificity of the language,

[12:40:23 PM]

but I think this really captures captures kind of what we've heard from the environmental community as well as staff and their looking at water forward and the green infrastructure. I think this is a good broader way of capturing what I think we're all wanting to do. I appreciate that.

>> Mayor Adler: Any objection to 14 going in? Hearing none, 14 goes in. That gets to us the next page. Good job. That gets us up to kitchen 15.

>> Kitchen: Mayor, I'm going to withdraw that one right now. I think that we had a good conversation yesterday and we're going to work with our staff to see if we need to bring it back, we'll bring it back for second reading. So we're just going to take it down for now.

>> Mayor Adler: Sounds good. That get us to kitchen 19.

>> Might I ask quickly. I don't know if you have room in a subquorum to include me in those conversations, but I think

[12:41:23 PM]

it could help to have both of us on what faces might be affected by this if you have room in your subquorum?

>> Kitchen: I do. Let's do that.

>> Mayor Adler: Sounds good. That gets us up to kitchen 19.

>> Kitchen: I have an amendment for that one also that I passed out.

>> Mayor Adler: Okay.

>> Kitchen: On number 19.

>> Harper-madison: Councilmember kitchen, is it the same one you passed out on the 9th or is there a new one?

>> Kitchen: I passed it out this morning.

>> Mayor Adler: It changes municipal utility districts to special districts.

>> Kitchen: It says review proposed zoning for state and publicly owned lands including lands owned by special districts with elected boards to ensure that zoning assignments align with current uses. Special districts with elected boards, those are

[12:42:23 PM]

muds, they may be other things too.

>> Mayor Adler: Okay. I'm going to support this. Councilmember Flannigan.

>> Flannigan: I support this too. I found a very odd zoning requirements in the map related to zoning districts, related to txdot water control devices. I think it's a good clean up activity.

>> Mayor Adler: Any objection to this going in? Yes, harper-madison.

>> Harper-madison: I don't necessarily have an objection, but I do have a question for legal about whether or not this is a viable option.

>> Councilmember, if your question is does it look like we're attempting to zone state property or limit state property in any way, we can actually zone it however we want to. The state will do what they want to do.

[Laughter].

>> Mayor Adler: All right. So then without objection,

[12:43:24 PM]

councilmember Ellis?

>> Ellis: I want to be shown as abstaining. I'm still kind of processing the goals and the language. It seems like it's going to go in, but I'll just abstain.

>> Mayor Adler: Those in favor of this amendment please raise your hand? Those opposed? Those abstaining? Everyone votes aye with the exception of councilmember Ellis who abstains. Number 19 goes in. That gets us to pool 9. Does anybody have any objection to pool 9 going in? Hearing none, pool 9 is in. I think you're withdrawing pool 10?

>> Pool: Yeah, thanks, mayor. What I wanted to do on this one and it has to do with the cooperatives. I wanted to work with our legal staff a little bit more about bringing something possibly at second reading to work through some of the legalities that we're kind of stacked up on.

>> Mayor Adler: Okay. That gets is us then to tovo 2.

[12:44:27 PM]

Yes?

>> Tovo: Mayor, if you're okay with it, I can introduce the amendment to which councilmember pool just referred with regard to co-ops. And that appears on my second page. It's amendment 41 and it just reads, to the extent feasible, create options for creating distinct definitions for dop active housing, fraternity and sorority housing, dormitories and residence halls.

>> Mayor Adler: Okay. Any discussion on this? This is amendment 41 on page 2 of what councilmember tovo handed out this morning. Councilmember Casar.

>> Casar: I'm going to vote no on this one because they end up interlocking and I know it says to the extent feasible, but I think it adds a complication to the code and I'm not going to support it.

>> Mayor Adler: Staff, do you want to address this issue?

>> Tovo: Can I very briefly explain my intent

[12:45:28 PM]

because I have a slew of amendments that I want to try to get through. We've talked about group residential, we've talked about cooperative housing. The code proposes allowing some of those in areas where they haven't been allowed in the past, and I think part of that is being driven by the interest in seeing more cooperative housing including in interior neighborhoods. And I think it would be of value to try to distinguish among these uses because even in our conversations this week there's been a conflation of cooperative housing, co-housing and what is often operating under group residential, which are fraternities and sororities and I think we can do better at distinguishing among those different uses if possible. That's why it's expressed in the way it is.

>> Pool: Mayor?

>> Mayor Adler: Does this make sense to do?

>> Well, I think -- we'd have to look into it.

[12:46:28 PM]

I don't know if from the city's point of view if we could distinguish between co-op and fraternity, that kind of thing. Things that are more an ownership basis and not so much differences in structures that we would be reviewing. So we can certainly look at it. I'm not certain we can make that distinction.

>> Mayor Adler: My recollection is the recurrent conversation on this issue because we can't control ownership. We can control the structures. And even that becomes really difficult when you have a structure and its life over time and try to control what changes are happening internally to the structures. I'm going to join councilmember Casar in voting no. Any further discussion?

>> Tovo: I would say that's disappointing because some of the concerns that we're hearing are about particular uses within that category that are being introduced into areas where they currently have the four. It creates conflicts that I think are unnecessary and I'm not sure I see a

[12:47:29 PM]

downside of asking our staff to take a look to see if there are ways to better tailor those categories. Again, I'll just remind thaws this week along in having those conversations I'm not sure that we -- I will speak for myself. Even after our conversations, clearly understand when staff have used co-housing as a zoning category and when they've used group residential because the lines are blurry among them. And it's my understanding that some in the cooperative housing movement have been also supportive of trying to come up with those definitions. So we may not be able to do so, but I think asking the staff take a look and see whether they can is appropriate and --

>> Mayor Adler: If you can come up with an amendment or way to do it for second reading, then I'm happy to consider it. I think we've done this a lot with staff and I hate to send them back to do again what repeatedly we've tried to get them to do both in this conversation and in

[12:48:30 PM]

earlier conversations about how to control these. So it's only because it's grounded -- they've tried to come up with something and have been unable to come up with something that actually fit, but if you can come up with something or have folks that would, that would be different.

>> Tovo: I'll do my best, but this is one of those instances where I would like to rely on the expertise of staff given that I'm not an attorney and certainly not a land use attorney at that. But -- okay. I did come up with something very specific for the preservation incentive that somebody had drafted and the concerns seemed to be that it was too prescriptive. Here I've asked for a general thing and you're asking for something more specific. If this motion fails I'm happy to do my best at crafting those definitions in conjunction with the staff and law and asking them to come back.

>> Mayor Adler: And to be clear, my thought is not that it's too persist active or on not clear enough, we've tried this reapedly and staff has come back to

[12:49:30 PM]

us and said they just don't know how to do this. Any further discussion on this one? Let's vote on 41. Those in favor of 41 please raise your hands? Tovo, pool, kitchen, alter. Those opposed please raise your hand? It's the balance of the dais.

>> Pool: Mayor? I'd like to see councilmember tovo bring the amendment back for second reading if we could. It's possible that some of the work that I'm going to be doing between now and then on my amendment may benefit that amendment.

>> Mayor Adler: So noted. That gets us then to tovo number 2. Is that right? Tovo number 2. Tovo yes. And please see the amended language. I went back and the amended languages on the draft I distributed today and yesterday. And it is noted as

[12:50:34 PM]

-- I'm sorry, it's right at the top of the page, amendment 2. In light of the comments that councilmember Renteria and others made, I have removed strong affordability requirements and the specific requirements that I was suggesting is those were causing concern and instead instead -- instead propose the following language. Consider opportunities to tie all increases in entitlements over current base zoning to end lieu fees for projects between three and five units. I reversed the words there. So just note that, consider opportunities to tie all increases in entitlements over current base zoning to end lieu fees or projects between three and five units. And the rationale I indicated yesterday again on the

properties where you can currently in most cases now do two units, you will be able to do five with no affordable housing

[12:51:34 PM]

contribution in r4. You will be able to do seven units in rm1 with no affordable housing contribution. I am very open to them scaling it. In fact, I think I had language possibly earlier that would -- that was less than what they're required to do currently in the affordable housing bonus program for these smaller scales, but I think we should capture some value for that piece between three and five, three and five units in r4 and rm1. So I apologize, this isn't crafted as carefully as I would have liked, but point is that we capture the value over the base entitlements for that r4 and rm1 category, even if it's a relatively small fee-in-lieu. And I hope that's responsive to those of you who have concerns, but also making sure that we're not leaving money on the table. I see this very much in line with the linkage fees and the other conversations we've had here about making sure that we're doing

[12:52:34 PM]

everything we can to capture affordability benefits. And we have the opportunity to do so, which is so very limited here in Texas.

>> Mayor Adler: Okay. Further discussion? Councilmember Casar.

>> Casar: Maybe, I would like to move my original amendment.

>> Mayor Adler: What was your original amendment.

>> Casar: The one on page three of four under tovo two. I just haven't had a chance to substitute that in.

>> Mayor Adler: Casar moves an amendment, is there a second on the amendment?

>> Casar: I'll speak to that. This was a hard conversation back in may to figure out what the right balance was, both having missing middle housing and massively expanding the density bonus program on-site and in fees, so I'm just trying to keep us on that may direction track. As question go into second and third reading we can figure out if there are small adjustments to a tract to make, but from where I sit right now things like getting to a three unit project by preservation

[12:53:35 PM]

bonus or somebody building a four-plex, these are things that we are trying to encourage through this and I think we are adding lots more affordable housing fee and a lot more affordable units and a lot

more bigger fronts projects. For now I feel more comfortable sticking to where we were in may, which is really asking for that on-site unit on the five unit projects set above and the fees on the larger projects and trying to let the missing middle housing be a thing that is good that we're trying to encourage. So that's why I'm comfortable with that language as it stands. I was the lead sponsor to the affordable housing link acknowledge fee issue and I think that would be a much more broad based fee that really could drive dollars, especially from really large developments, and would really hope that that law changes so that we can institute something like that. But I do want -- for now I do want that preservation third unit and that four-plex to be easier. And we can keep on talking about this as we go through

[12:54:37 PM]

on future readings.

>> Mayor Adler: There's a Casar amendment that's been made, moved and seconded. Councilmember tovo.

>> Tovo: I have a question, councilmember Casar. If it's the preservation bonus that's causing concern I'm happy to strip out three and leave it at four. And as I explained, but it's not in the amendment, I'm really aiming this at r4 and rm1. So let me make that clear and I'm happy to make it clear in the language. But it is -- this was aimed at rm1 and r4. Would that help?

>> Casar: It goes closer in that direction, but for now I'm ready to with the direction we were in in may. As we head into second reading I can look at it and focus the fees on the on-site requirements and bigger than three and four.

>> Tovo: I can say I'm not going to support it for obvious reasons given the amendment I brought forward. I want to be clear about what the amendment does. It keeps us at the status quo, which is a proposal that allows the quadrupling

[12:55:38 PM]

or more of the density on currently single tracts with no affordable housing component. And I think that's an unfortunate missed opportunity.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: So I have a question. I'm wondering, councilmember Casar, this may be a question for staff. I'm remembering that what we said when we passed in may, we -- we wanted to tie the increased entitlements to affordability requirements even for missing middle although we recognized in the language that there was some level on the which it didn't make sense financially for missing middle. And I forget the exact language, but I thought what we did in may was ask our staff to come back and propose that to us. Is your thinking in setting five units, is your thinking that below five units we

[12:56:39 PM]

can't get affordability? Why did you set it at five? That's my question W.

>> Casar: That is editing the language from original tovo 2. That's what -- so she said include on-site for five units or more, and I said include on-site for five units or more if it works, which is -- which matches our may direction.

>> Mayor Adler: Okay. But she also has -- but the way you've talked about it now is tie all increases in entitlements -- you put in r2 the creation of missing middle housing and you put a period there. So if I'm just reading that sentence in the context of what we did in may, maybe I'm reading it wrong. I was reading it as sort of backing off on what we said, but that sounds like it's not your intent.

>> Casar: That's not the intent. The line in may says additional entitlements beyond zoning should be provided to increase the supply of missing middle

[12:57:39 PM]

housing which shall include an affordable bonus program as economically viable, which r4 and rm1 do.

>> Kitchen: Right.

>> Casar: And this intends the same thing. We want the increase in affordability requirements, you're making either missing middle housing and you're going to have a bonus.

>> Kitchen: You're not backing off on the bonus requirement. You're just speaking to the in lieu aspect of it, is that right?

>> Casar: I think the idea is we want in lieu and on-site when you're going to some of these bigger missing middle housing products, but at three and at four, I think encouraging that and having less of a fee in there and more of it on especially the big commercial ones and some of the bigger missing middle housing types that's a balance we're asking the staff to strike. I think they've done really hard work to strike it. I think it urges them to keep looking at it. And if as councilmember tovo rights, we can get on-site affordable units for projects five units or more. I'm saying let's go ahead and do that as staff -- if

[12:58:41 PM]

staff modeling of those code changes shows that market conditions in certain areas will make that happen. >>

>> Tovo: Mayor?

>> Mayor Adler: Yes, councilmember tovo.

>> Tovo: I want to be clear and propose an amendment to yours, councilmember Casar. You're editing my first one, not my he headed one. Your amendment only talks about on-site units and says if the modeling reveals that it would produce an on-site unit, and a key component of my amendments, then and now, was that it -- I concur with the staff's assessment, that it -- the market conditions may not, at a smaller level, produce a unit, which is why it said in lieu fee. So I would at least add to yours, will, in fact, produce an on-site affordable unit or in lieu fee. Because as we've talked multiple times, multiple -- many of us have said even a small fee would

[12:59:41 PM]

be beneficial. So I'd ask that you accept in lieu fee at the end of yours.

>> Casar: That's fine.

>> Mayor Adler: Adding to the end, affordable unit or an in-lieu fee. Any objection to that language being added? Hearing none, that goes added. With that change, let's take a vote. Those in favor of the Casar amendment, please raise your hand. Those opposed? That's everybody on the dais. Let's vote for tovo 2 now as amended.

>> Tovo: I'm not supporting that I mean, I appreciate that we have something, but it seems to me the status quo, so please record my vote as a no.

>> Mayor Adler: Tovo votes no to the amendment of adding the words --

>> Tovo: I'm sorry, [off mic]

>> Mayor Adler: Okay. Now we're going to take as amended now, let's vote on tovo number 2, let's vote on tovo number 2 as amended. Please raise your hand. Those opposed? Tovo is voting no. Pool, how are you voting?

>> Pool: Abstain.

[1:00:43 PM]

>> Mayor Adler: Pool abstains. Let me ask for the vote. Those in favor, please raise your hand. Those opposed, please raise your hand. Those abstaining, please raise your hand. Pool abstains, tovo votes no, the others voting aye did the did you raise your hand as a no, councilmember harper-madison?

>> Harper-madison: Mayor?

>> Mayor Adler: Yes? ? -- >> Alter: Mayor, I would like to be no on the comparison for Casar's to tovo's, but yes on the final one. You had --

>> Mayor Adler: I have you voting yes on amending Casar amendment by adding the words, or in-lieu fee.

>> Alter: Yes.

>> Mayor Adler: Then I have you voting no or abstaining, what do you want to be shown as?

>> Alter: Are there three votes? Amending his --

>> Mayor Adler: There was no objection to that being added, so the Casar amendment has the

[1:01:43 PM]

language, or as in-lieu fee. Then we took a vote approving the Casar amendment to tovo number 2. And I think --

>> Alter: Okay. That's the one that -- that's the one --

>> Mayor Adler: Being so let's --

>> Alter: I prefer hers but I'm okay with his, is how I wanted --

>> Mayor Adler: I understand. Vote no on the amendment, vote yes on as amended. So as in lieu fee got added without objection. Now we're going to take a vote on substituting, in essence, the Casar amendment for tovo's language. Those in favor of that, please raise your hand. Those opposed to that? That would be tovo -- tovo abstains, kitchen, pool, and alter vote no. The others voting aye, the Casar language is substituted for the tovo language. Now let's vote on tovo 2, as amended, with the Casar language. Those in favor of that, please raise your hand. Those opposed?

[1:02:44 PM]

Those abstaining? Abstaining are tovo and pool, the others voting yes. Tovo to -- tovo 2 as amended passed 0-0-2.

>> Tovo: I've been a little wrapped up, I'd like to change my about vote on the last one but I'm going to leave it. I have images I'd like to run through --

>> Mayor Adler: I'm sorry whatever, the first --

>> Tovo: On 27, may I take it up after alter 6? I just need a couple more minutes.

>> Mayor Adler: Yes. We'll come back -- we'll table this one for the moment and we'll go then to tovo 29.

>> Tovo: Which is withdrawn, and councilmember alter has a new amendment that I think is -- that I'm going to put my support behind.

>> Mayor Adler: Okay. Tovo 29 is withdrawn.

>> Casar: And I want to note that I'm withdrawing my substitute in that case as well.

>> Alter: And alter number 6 is what I posted on Monday morning. It's not new since then, it's been there since Monday.

>> Mayor Adler: Okay. Is there any objection to alter

[1:03:45 PM]

number 6? Hearing no objection, alter number 6 passes. Do you want to go back to 27 or are you going to tell me when you want to bring that one back?

>> Tovo: If I could have, like, seven more minutes --

>> Mayor Adler: You just tell me, it's on the table, you want to bring it back, raise your hand. If you don't want to bring it back, that would be okay too. That's Casar PC 15. Does anybody have any objection to that? This is at the bottom of page 3, going over to page 4. Does anybody have an objection to this?

>> Casar: Mayor?

>> Mayor Adler: Yes.

>> Casar: My 15, pool 17, tovo 11, I think are all the same. The only difference was on 11 I asked that it be not annual, just like all the other ones said, and so I heard from councilmember tovo when we were looking at this earlier that she said she was fine removing the word annual. If that's the case, we could pass just all of them.

>> Mayor Adler: All right. So we're going to pass Casar 15,

[1:04:48 PM]

pool 7, tovo 11, with the word annual stricken.

>> Casar: Well, and I do think some of our colleagues may have had concerns, they may want to vote on this one. I would say if staff have concerns or don't find it feasible, they can bring that to us. I recall some of our colleagues may have wanted a vote. I don't know if they do or not.

>> Mayor Adler: Okay. Does anybody need a vote on this one? Councilmember Flannigan. Each of them individually? Can we vote them as a group? We're going to vote them as a group. Those in favor of this -- councilmember harper-madison.

>> Harper-madison: I just want to make sure I'm clear. We're talking about Casar 15, pool 7, and what was --

>> Mayor Adler: Tovo 11, but with the word "Annual" stricken. Or struck. All right. Those in favor of those three, please raise your hands. Those opposed? Mr. Flannigan votes no, the others voting aye. Those three pass, in an additive way.

[1:05:49 PM]

Then there's the process-related direction I had. Anybody have objection to that? Yes, councilmember alter.

>> Alter: I have a friendly amendment, I think it's really important that we do get these -- this material out. I don't know if it's as important that we get them out as soon as possible, but that relief sufficient time after they come out for us to review them. I'm assuming that was the intention. But what I wanted to make sure, once they are released, that there's modeling that happens of maximum entitlements so that our staff is providing us with that modeling so we can understand what changes they have proposed in that draft are doing on the ground, and from what I've seen in Austin, that has to happen at maximum entitlement. So I don't know exactly -- I don't have specific wording, per se, but that is my request

[1:06:52 PM]

with that. So, you know, post-release of the map and code, provide modeling of maximum entitlements to council for, you know, Zones that we're -- certainly for residential and we haven't really reviewed very much of the commercial stuff as a body. There was some modeling done during the testing, but it hasn't really been shared with us on a broad level for those other zoning categories.

>> Mayor Adler: So -- yes, councilmember Flannigan?

>> Flannigan: So I think this was discussed at a work session, they have the three categories, there was that theoretical maximum, then there was capacity, and then there was yield, if I'm remembering that correctly?

>> Alter: No, I'm actually asking for the visuals because the visuals are what, for me, are helping me to understand what the code is telling us we can do. It's not about capacity numbers.

>> Flannigan: The board modeling confused me.

[1:07:52 PM]

So you're looking for the picture --

>> Alter: The visual pictures, like what they recently released but at a sooner point in time. Obviously, you're not going to have those the day the map and the code are released, per se, but before we're voting on it, enough time for us to be able to review that. I think we need to make sure that we have those models as visuals. And obviously we've seen that we need those for the residential scale, but we haven't really seen them for the multifamily and the commercial, and I don't know that they all have to be modeled, but there are certainly ones that I think are going to have the biggest impacts that we need to make sure of those commercial things.

>> Mayor Adler: Is this something that you were planning on doing?

>> Yes. We were planning to do models of additional Zones.

>> Mayor Adler: Okay.

>> And we'll have that done in between first and second reading, to the extent that the amendment is made, that's possible.

>> Mayor Adler: Okay. Because I want to pass the amendment -- I want to pass my amendment just the way it says,

[1:08:52 PM]

because I think what I'm saying here is, get us the text, that's the first priority, get those out. I don't want to construct at this point additional benchmarks. I think we'll handle those the same way we've handled other things, and collectively, we can tell the staff the things we need to do and staff will continue to tell us whether they have the resources to be able to do it or whether that goes beyond the resources that they have, in which case we could go to the manager and say bring in additional resources, but this is just really simple, as opposed to laying stuff out.

>> Alter: I'm happy to take it at another vote but I would like to take a vote as direction that requests that staff produce and release models that reflect changes we've directed them to make, models on a variety of sizes that's including, but not limited to, our preservation bonus and for our missing middle Zones and some of our commercial properties as well.

>> Mayor Adler: Are you comfortable doing that with resources that you have? I'm happy to split my amendment

[1:09:54 PM]

into two halves if it would be weather.

>> Period of time park,

>> Peter park, consultant with the staff. In terms of maximizing, in the modeling that we're doing, we're really focusing on prioritizing four units, not larger units -- right? -- And understanding the relationship between F.A.R. And lot sizes and number of units. Right? There are several different moving parts that go into describing what could happen on a site. As we said before we are really emphasizing what is likely kind of development, in working with different folks with development experience, to tell us in the Austin market, what is really a more likely scenario of development. So when we talk about maximumization, we are -- yeah, I mean, there are different parts that are sort of being tested to

[1:10:55 PM]

their maximum. So, for example, as you know when you have a smaller site, impervious cover might often be -- if you maximize impervious cover, you're not going to get -- if you say how many units are possible, you're not going to get as many units because impervious cover is the governor on how many units, yield, you're going to get out of that site. So we do that. So I'm just trying to understand better --

>> Alter: So my -- my experience in Austin that developers will maximize the use of their entitlements if they're given and there's enough demand for having as large of a house and, you know, as much as they can get, if they're granted the entitlements. And the reason that we are looking at the F.A.R.S and correcting all of that is that we don't like what we see in terms of what's coming out at the other end and we don't think it's going to incentivize units. How would I know what is going to

[1:11:56 PM]

be coming out if I don't look at what a developer could do if they maxed it out? I -- if every developer were operating with the same goal of creating as many units as they could, we wouldn't have a problem, but that's not what they're maximizing, they're maximizing their profit, and that doesn't always equate to the maximum number of units. And the choices that we make affects both their profit and the number of units. And if their maximum doesn't give us a lot of units because they can do it, we need to know that, and I don't know how I know that as a policymaker, without some kind of visuals to show me that.

>> Right. And so, again, we are studying them to figure out sort of what is the size of unit that is likely to get built, in other words, it's not too small -- right? -- But also managing for the concerns that earlier testing revealed, that it's possible that

[1:12:57 PM]

someone might build fewer but larger units. And so the F.A.R. Adjustments that we've been talking about help to remedy that. And those are the kinds of things that we will continue to study.

>> Mayor Adler: So in terms of handling --

>> Alter: I know that's what you're studying but that does not give me the answer that I need to know because what I am concerned about in the code is understanding what we are incentivizing. And what is possible with that. And not everyone approaches the property and says, I want to figure out how many units I can get. They approach it and say how much money can I make? And those are not the same thing. And if -- and how we would figure that out without visualizing it, I am just not understanding. And if you don't do it, other people will do it. And so I would like a commitment from you that you will do it so we have it from our experts telling us this is what happens, and that I have assurance that you have done the work to help us to understand what we are incentivizing.

[1:13:57 PM]

>> That is exactly what we are -- we are going to be doing. All right?

>> Alter: I mean, that's not what you just said you were doing. .>> Well, again when we talk about maximizing, come a developer's perspective, a bigger unit is not always more profitable. There's a point at which making a unit really, really large is not going to fit to that market, in that particular area. So I'm creating an expensive unit but the actual -- what's actually profitable to me, just because it's bigger doesn't mean it's more profitable.

>> Alter: The same is true, if I can do more units, it's not necessarily more profitable.

>> That's correct. And, again, we are guiding user evaluation and the calibration of these on prioritizing development outcomes that deliver more units rather than creating the potential of fewer, larger units.

>> Alter: And I'm trying to understand the range of the options. And I need modeling to do that.

>> And that's exactly what we'll

[1:14:58 PM]

do.

>> Mayor Adler: Okay. So I want to vote really simply on the amendment that I brought. I'm happy to have discussions about other things that we want staff to do. This is one example. I think other people are bringing other things they want staff to do. So I would -- I might consider that if it's something that you're bringing separately. I'm going to vote no if it's an amendment to this because I just want this to be a very simple statement.

>> Alter: Mayor, I may have been confused by the parliamentary procedure, but I had intended that we would vote on yours and then I wanted to bring this, and I was hoping that I wouldn't have to wait until the very end to bring it back up so we could address it.

>> Mayor Adler: Okay.

>> Alter: So I'm happy for us to have a vote on yours as is, and I will be happy to read mine again after that as a further direction.

>> Mayor Adler: There are a lot of people that are bringing lot of things that they want staff to bring as additional studies --

>> Alter: This is process-related --

>> Mayor Adler: No, no, even within this area, people are bringing things they want to have in terms of studies or

[1:15:59 PM]

information, we can certainly consider all those, but with that then, that just gets us to a vote on my amendment. Does anybody want to speak on my proposed amendment or anybody have any objection to my proposed amendment? Councilmember Flannigan.

>> Flannigan: Thank you. To be clear, developers do not always maximize their entitlements. There are many, many, many examples of that across the city. I've never seen -- I can't recall a single time where we've been concerned about developers maximizing their profits because the cos that I always see limits the number of units. Every developer I've spoken to when they build fewer units, because it's easier to sell, not because they're making more money. They get the money back faster. There are multiple variables involved in development process. I think it is important to acknowledge that with the public and I've seen modeling done by other members of the public who thought it was objectionable to compare maximized theoretical entitlements to a maximized theoretical under the current code, they said in the social media it was a horror, nobody

[1:16:00 PM]

would do it. Developers do not, under any circumstances always maximize their entitlements.

>> Mayor Adler: Okay. I'm going to -- we'll talk about that when we talk about things for direction to do. Does anybody have objection to my little process-related direction? Hear none, my process-related direction goes in.

>> Tovo: Mayor?

>> Mayor Adler: Yes.

>> Tovo: May I make two additional requests that I think are related, quick, and hopefully non-controversial? One would be that we ask staff if they could do a couple quick charts for us along the lines of the permitted use chart that we currently have for our existing code, not as elaborate, not with

all site development standards, but just a quick permitted use chart if that's easy to do, just so we can get a sense of what they are and the base -- and also one with like the basic standards, just a one-page -- you have that, I think, somewhere, but to the extent we don't have one page for permitted uses, I

[1:17:01 PM]

think that would be helpful.

>> Mayor Adler: Okay. Let's go ahead and get these additional directions. We'll consider all these as a bunch later on we can vote on each one. So far we have three developed models, but in the meantime before we do that, let's go to the next page.

>> Tovo: I'm sorry, I did have one more thing.

>> Mayor Adler: Okay.

>> Tovo: I would -- I have had multiple requests and we've tried to use the maps in this way, it would be fabulous if we could get the layer of the transit priority networks added to the ldc maps.

>> Mayor Adler: Okay.

>> Tovo: Because when trying to determine what is triggering it and what's triggering a transition zone, you have to look elsewhere for not tpns so if we can get that added in, that would be great.

>> Mayor Adler: We'll consider those four things later and come back to those four things and however many other things people wanted to ask for. We're going back to programmatic amendments. This is the way I think we need to be treating these. Let's act on anything that is asking for information, kind of

[1:18:01 PM]

like the four things we had just a second ago we can talk about, let's act on anything that we need to be able to make our vote on the code, maybe code change language or map change language, to the degree that something is outside of that understand a it's -- outside of that and acting for use of bond money or something like that, let's postpone that until we get language that would enable us to do that. I'm going to allow everybody to take whatever they've written, maybe it fit within the first two categories, I'm fine with that, but we need to be able to make it fit within those first two categories.

>> Kitchen: Mayor, I'm withdrawing kitchen 2 -- kitchen 6, sorry.

>> Mayor Adler: Okay. I'm not to kitchen 6 yet.

>> Kitchen: I'm just telling you now.

>> Mayor Adler: Kitchen 6 in the middle of the page is withdrawn. You might want to take that out. All right. Garza 1c, anybody have a problem with Garza 1c going in? Okay.

[1:19:01 PM]

I don't know if that's something that you put into the -- I don't know if that's a future project or if you consider this as something that goes into the code, where there will be reviews. This obviously is information that we need for this writing. It's not information -- so it's not information we need to do this code, but it's something that -- is this something that we could consider putting into the code?

>> I think we would prefer not to put it in the code and have it be on the record that any type of overlay, you know, should be reviewed and the appropriate amount of time for the context.

>> Mayor Adler: So what I would suggest is -- because I'll vote for this, but let's bring this back on second reading when we have a notice -- posting notice that lets us talk about future actions. Yes. Mayor pro tem.

>> Garza: I'm fine with that and I'm open to the three years because what if something -- what

[1:20:02 PM]

if we implement this and then a year, we -- I just don't want that to set any limitations so I'm fine with staff's best recommendation on that.

>> Mayor Adler: Sounds good. We'll bring that concept back on second reading. And please, when we're posting it, make sure that when we're posting for second reading, we have an item that enables us to consider these kinds of things. Garza -- so we're going to hold on that. Garza 3, small neighborhood grosser. Grossgrocery. I think this is the same kind of thing. Let's bring this back to second reading.

>> Casar: Mayor, I think on this, the amendment this was tied to was allowing small neighborhood groceries, I think it would be the staff to come up with a definition of that.

>> Mayor Adler: As part of the code. Okay. Does anybody have any objection to this, with that understanding?

[1:21:03 PM]

>> Tovo: I don't.

>> Mayor Adler: No, no, no, this is going to -- with that explanation, it relates to the code now, so I was going to -- I'm comfortable with doing that. So I'm asking if anybody has any objection to this moving forward, it being accepted. Hearing none, this moves forward. Councilmember tovo.

>> Tovo: We had discussed yesterday, I would just offer it as an option, taking a few minutes, looking and determining what we wanted to pull and treating this sort of as a consent agenda and determining what we want to pull, and that could be because it may be too programmatic, you may have a question about that, or because you object to it and have questions about it, and then kind of quickly -- you know, if we took two minutes to kind of individually figure that out, I think we might be able to move quickly.

>> Mayor Adler: Let's do that. Good suggestion. Let's all take a look at this. See if there's anything that we need to pull because you don't like it or because it really ought to be handled on second reading.

>> Alter: Can we just confirm what's been withdrawn?

>> Mayor Adler: Kitchen number 6, in the middle of the page, review

[1:22:03 PM]

transit zone areas greater than five lots.

>> Casar: I'm happy to withdraw Casar P 6.

>> Mayor Adler: Casar W 6 is withdrawn.

>> Alter: I thought there were some on the back that were withdrawn.

>> Mayor Adler: Tovo number 6 I think is withdrawn.

>> Alter: And 5 was withdrawn as well.

>> Mayor Adler: And tovo 5 was withdrawn. Tovo 5 is withdrawn, tovo 6 is withdraw N. Okay. Casar ah 2-3, is that something that goes on the code or a program --

>> Casar: On that one, I was

[1:23:05 PM]

going to suggest potentially create a process in the code because I don't know whether an hcd needs this in the code to make it work or not. For them to assign bonus dollars to a unit and say we want this one on site because we've got these dollars. Are.

>> Mayor Adler: Then this gets built into the code?

>> Casar: I can imagine a world where you do and you don't, so that's why potentially --

>> Mayor Adler: I'm fine if we're saying look at this in the code.

>> Erica leak, neighborhood housing, yes, I think we would need it in the code.

>> Mayor Adler: Any objection to 3 going in, having staff look at whether this should be going into the code? 3 is in. Adu fees, the next two are withdrawn. What about pool number 5?

>> Pool: That one can go into the programmatic category.

>> Mayor Adler: We'll before I think that back on second

[1:24:05 PM]

reading.

>> Pool: Then my next one, we do need to take this one up in code. I know if we don't, the housing community, the housers are concerned about this. They have brought this one. They're concerned that if we don't zone to current use, we will be triggering redevelopment and that's a significant goal of what this rewrite is about. So I'd urge that be included. Thanks.

>> Mayor Adler: So this is a request for information? Do you understand this request for information? Is this something that --

>> This is pool number 6?

>> Mayor Adler: Pool number 6.

>> We don't believe we can do this in the scope of this project. It's -- this is parcel level analysis that we're not set up to do at the scope of this project. It would be very difficult to do this analysis.

>> Pool: Well, I need to -- mayor, I will need to fall back and talk with staff about this. Again, this is an item that our

[1:25:06 PM]

housing advocates have been urging that we -- this work that we do, because it goes directly to the heart of the matter. Will the changing of the Zones trigger redevelopment. And so I'll table it, but I'm not going to let this go.

>> Mayor Adler: Okay.

>> Pool: This is a significant -- this is a significant element of what we're trying to do here and it concerns me that I'm hearing just now that it's not within the scope of our project. So I really need to have some further conversations about this.

>> Mayor Adler: So let's table this here. Maybe over the -- when we get out of this meeting, you can rescope this in a way that the staff is able to do something. But we won't take a vote on number 6. That gets us to tovo number 3.

>> Hold on.

>> Mayor Adler: I'm sorry. Yes.

>> Alter: So I think we may table that one, but I would like to ask staff what you could do to help us properly calibrate the

[1:26:07 PM]

appropriate zoning. What we're trying to understand is giving them the entitlements up front or giving them some bonus opportunity, what -- what is better for our long-term goals because you also don't want to just let them sit there and never get, you know -- you don't want them to become decrepit and not have a mechanism to go forward. And I think that's kind of the intention of this, is to understand that, as opposed to necessarily model every property, is to get a better understanding. We make choices with calibrating our affordability bonuses in particular Zones, but if you were to take, I don't know, a 20-unit apartment complex that is market affordable, are you better off zoning it just for its current use and then giving it a bunch of bonuses if it's affordable, or are you better having it -- it has more entitlements that it's

[1:27:09 PM]

not using, I think that's part of the question that we're trying to understand for those market affordable, what's the better process over time. What we've said right now is don't give it any more entitlements that it has, but then it's not necessarily getting access to the bonuses and other things, either. And so I think that's what we're trying to understand.

>> Pool: I wonder if Ms. Leak or somebody from the nhcd could speak to that.

>> Alter: It's a complicated question.

>> Mayor Adler: Let's give staff a second to talk to each other up there.

>> Mayor, I'm just curious what's left after this page, what

[1:28:09 PM]

other --

>> Mayor Adler: We are on the second -- the last two pages, front and back, and we're now on pool number 6, I think -- well, pool number 6 we put aside, but that kind of is what your question goes to?

>> Just when we get through this --

>> Alter: We have to go through zone mapping --

>> Mayor Adler: We have councilmember tovo's pages, and then I think we're voting on --

>> Alter: We have a couple PC amendments back from the beginning, that were in the PC base.

>> Okay.

>> Mayor Adler: Right. I think there are four PC recommendations that I've seen, so we have tovo's, I think there's several that are left to come up. I think 40, 42, 45, then I think there are four pcs. I may be missing some other things, but I think that's --

>> Kitchen: And then, mayor, we need to talk about the mapping process. The staff was going to present their thoughts on that.

>> Mayor Adler: Yeah. Yes.

>> So related to the question about existing market rate affordable housing, it is a really complex issue, and in some

[1:29:10 PM]

ways, it's more of a policy issue than a calibration issue because -- because of our limitations with state law, we know that, you know, we can really only require affordable housing as part of an incentive program, and if you zone -- you know, if you have zoning that doesn't have a bonus, then someone could potentially go through a rezoning process to get additional entitlements, or they could just use their base entitlements and you wouldn't get any affordable units. And so, you know, we could look at practices in cities with similar restrictions, that actually -- there aren't that many cities that have as many restrictions as Texas does.

[1:30:11 PM]

But it's kind of a policy issue of whether you want to allow that additional development to get the -- you know, the number of units that you can get through a bonus program, or whether you want to take the chance and zone it as -- kind of with base entitlements, and, you know, potentially have people go through a rezoning process, which they might or might not do.

>> Alter: I think we're trying to understand --

>> Mayor Adler: Let's give some other people a chance to talk too. Councilmember Casar.

>> Casar: I think this is an issue that interests lots of folks on the dais. I'm really interested in it. I would -- I would want to really dig in between first and second reading on how big of bonuses we are ached to

the sites that you've identified, and that's, I think, something that staff has already identified. I'd want to sit down with them and just look and see because if it's huge bonuses on top of existing affordable enough, it might be something worth really looking at for second reading.

[1:31:14 PM]

And I think that's a place where we need to have some flexibility and discussion, and I would just want to see those sites. I know the staff has already identified it, I just haven't dug in on which ones really have big bonuses on them in the first place.

>> Pool: And the way Ms. Leak has identified the issue, what water really trying to get to, we want to understand if we allow bonuses -- we immediate to see what the scenarios look like, we map what's on the ground now, so that's with, and then without a bonus, and then map the proposed zoning, with and without the bonus, so then we can look at what the impacts are, and then do that kind of calibration, which I think is really where we're -- where we want to be because this is what will help us understand where we trigger redevelopment and where we don't. And to the extent that we're able to maintain existing market affordable multifamily, we don't want it to be redeveloped quickly. I mean, eventually, yeah, everything -- all stock ages out, but this is for the shorter term. And so I would like to have this

[1:32:15 PM]

information to inform our discussions and our voting at second reading, which is why I've brought this forward at this point. Because I know staff is going to need additional time --

>> Mayor Adler: I'm confused as to what is exactly -- that's in front of us right now.

>> Casar: It sounds like the analysis being asked for is really intensive, and I don't want to ask for something that's too intensive. I just -- I feel comfortable sitting down and talking with the staff about it and making a policy decision on second reading, if -- with the issues that we find. And I think we in a very well align on those issues.

>> Mayor Adler: Okay. So we had decided we were not going to -- we were going to table item 6 and there are going to be some attempts to rescope that. Are we asking for a vote now, to go back and have a vote on number 6?

>> Pool: Well, yeah, because I think the difference is how much information will we have from our staff coming back at second reading to be able to determine whether we have hit the mark or not.

>> Mayor Adler: Okay.

>> Pool: And I'm looking for a little bit more certainty in

[1:33:16 PM]

what's out there, and I think councilmember Casar is saying that the conversations that he would have with staff may suffice. For me, I'd like to actually see the metrics and the mapping.

>> Mayor Adler: Okay.

>> Pool: We're all asking for the same thing but we just have different levels of details that we want to see. I think we all agree for second reading, but I don't want to table this so we don't take it up between now and then because that's valuable time that I don't want --

>> Mayor Adler: This, I think, with respect to our request information, there's a request for number 6. You've said 6 is scoped, it goes beyond the scope of what it is you can do. Okay. I'm ready to put that to a vote. I'm going to vote no for that reason. That said, if councilmember pool or councilmember pool and councilmember Casar, anybody else, is able to rescope a request and get you the request, and if anybody on council wants to give you a request tomorrow, next week, in two weeks, three weeks, and it's something that you're able to accommodate, that doesn't take you off task, then I assume you'll do it. If it's a big thing that looks

[1:34:16 PM]

like it's going to take you off off -- take you off task, let us all know and -- councilmember Flannigan.

>> Flannigan: Through. I've been waiting patiently.

>> Mayor Adler: I know.

>> Flannigan: I don't believe this is doable information for the reasons that staff outlined. I -- we all can think of examples where affordable multifamily has redeveloped into uncomfortable housing. Without any zoning change in existing entitlements. I think this is a policy decision. If it were up to me, we would be allowing more entitlements in more places because then the market pressures would go not to the places that are going to displace but to places where people are already leaving. That would remove the amount of displacement. But I lost that vote in May. Unless we're going to ask for staff to do the type of analysis that would take years, I cannot support this because I don't believe that it is knowable.

>> Mayor Adler: Let's take a vote

[1:35:18 PM]

on number 6. Councilmember pool, you want to say so long?

>> Pool: Yeah. I'm just going to pull it down and my staff and I will work with staff to try to better understand their positions. This is news -- new news to me.

>> Mayor Adler: Back to where we were, to rescope it and make it work, I think that's the best way to make it work. Go ahead.

>> Kitchen: I would just ask as y'all work on rescoping it, councilmember Casar, I heard you say that perhaps you would be having some conversations related to this too, so I would just ask that those conversations be ones that we can all participate in. You might want to use the housing committee or some way to do it. Because this is something that is obviously something we all want to know, and it would be helpful, it would just be more efficient with everybody's time if we were all part of those conversations.

>> Casar: Very open to that. Thanks for the suggestion.

>> Mayor Adler: 6 is withdrawn. That gets us to tovo number 3, at the bottom of page 1 of 2.

>> Tovo: Mayor, please, at this point, if you would, look -- I have edited these so that they are appropriately considered within what we're doing today,

[1:36:19 PM]

and so those are on the yellow sheet I handed out. And so --

>> Mayor Adler: Okay.

>> Tovo: The one about working with partners, it now says amendment 3 replaced on my yellow sheet. The land development code text should attain provisions for the city of Austin to partner with local nonprofit organizations, et cetera, et cetera, to identify qualified tenants and provide ongoing monitoring. So I'm suggesting we make that part of the code.

>> Mayor Adler: Okay. Any discussion on this? You guys comfortable making this part of the code?

>> I think Eric was going to address it, but I think the answer is no, we'd rather that be a programmatic measure, this is the one about partnering with nonprofits.

>> Mayor Adler: Yes.

>> So I think the idea would be to -- you know, to have it be potentially an option, but I would want to work with law to

[1:37:20 PM]

kind of see whether it's better in the code or not in the code. So I'm agnostic about that.

>> Do you want me --

>> Mayor Adler: I'm comfortable with going in, giving that statement, if it's appropriate to put in the code, come back and tell if it's appropriate to put in the code. If it's not appropriate to put in the code, we'll handle it on second reading in a programmatic kind of way. I think you cleared for me something I could defend if I was in front of a judge. So that's going to go in. If you can't put it into the code or it's better handled programmatically, come back to us and tell us that. That gets us then to the top of page 2 of 2. The first two are withdrawn. That gets us to tovo 12.

>> Tovo: Right. And 11 on my yellow sheet has been dealt with. 20 --

>> Mayor Adler: What, now? I'm at tovo 12?

>> Tovo: I think we did 12, but -- I think we've completed 12.

>> Mayor Adler: I don't think we've taken action on it.

>> Tovo: I'm sorry.

[1:38:20 PM]

>> Mayor Adler: Huh-uh. This is one we tabled. We put off, we didn't take action on it.

>> Tovo: I'm going to pull it for second reading.

>> Mayor Adler: Okay. Thank you. This is pulled for second.

>> Renteria: Mayor?

>> Mayor Adler: Yes.

>> Renteria: What was the decision on tovo 6?

>> Mayor Adler: Tovo 6, withdrawn. At the top of the page, tovo 5 hasn't withdrawn, tovo 6 has been withdrawn, tovo 12 has been pulled for the moment by councilmember tovo. That gets us to tovo 23.

>> Tovo: And let me just say quickly, 23, 28, and 36 have all been edited so you can refer to my yellow sheet for the new language. Councilmember Renteria, number 5 and number 6, and I am bringing forward as resolutions and so that's the reason that I'm not trying to merge them in. Hopefully those will come forward in January. With regard to 23, I have suggested replacing my original with this.

[1:39:21 PM]

Prior to third reading, the city manager should outline planned infrastructure, water, so drainage, sidewalk, investments, in areas proposed for upzoning to missing middle Zones so that council can address the adequacy of these investments.

>> Mayor Adler: Okay. Any discussion to this item? Councilmember Casar.

>> Casar: Mayor, I'm going to vote no here because we review our infrastructure investments generally during the cip. I think that we should be reviewing infrastructure investments in the way we normally do and as population grows in areas, I expect our staff and our manager to address infrastructure appropriately. And I don't want to change the way we do the cip. I want us to do the cip the way that we should.

>> Mayor Adler: Okay. I support that. On that ground, I'm going to vote no as well. Councilmember kitchen.

>> Kitchen: Councilmember Casar, I think this is a legitimate request for information. It shouldn't cause a bunch of difficulty because it's something that our staff maintains on an ongoing basis. I think to ask us to vote without

[1:40:26 PM]

having -- without having this information does not make sense. You're talking about a cip process that's going to occur in the summer, months after we vote on this. I don't see this as a difficulty and I don't see why we can't ask for this information. With regard to parking, for example, we have asked to understand what's tallied up for purposes of smallpox. That's important to understand. It's important to understand -- for purposes of sidewalks. That's important to understand what is tallied up in terms of drainage. It's a simple request for information. I don't understand why we would not want to of that information when we're taking a vote.

>> Casar: Mayor?

>> Mayor Adler: Councilmember Casar -- councilmember tovo.

>> Tovo: We have several situations where the development has outpaced the developments and infrastructure. Rainey is one, as we've discussed multiple times, entitlements were granted, redevelopment happened, it happened at a pace nobody anticipated and the

[1:41:26 PM]

infrastructure is not able to support it. I have heard substantial concerns from people all over my district about having the same thing happen. I mentioned the other day that the Guadalupe stormwater drain which has been in process since 2010, still not complete, it's a \$40 million project that's going to provide relief to 221-ish houses that have experienced localized flooding. We absolutely, I believe, have a responsibility before we -- before we institute what could be very substantial upzonings, triggering potentially rapid redevelopment. We have a responsibility to commit to the public what our investments are going to be in those same areas that we are rezoning. Otherwise, we're going to be potentially running into some of the same challenges that we've seen in other parts of our city.

>> Mayor Adler: Councilmember Casar.

>> Tovo: I see it as a responsible planning -- responsible part of the planning exercise.

>> Mayor Adler: Councilmember Casar.

>> Casar: So I believe that we all do this, we all know which

[1:42:27 PM]

infrastructure is planned in which parts of our district and which parts of the city. We have that information at our fingertips and we regularly share it. I think what this is asking is for us to reassess our infrastructure investments for the upcoming year or years as part of a third reading vote. And I want to keep us on track planning our infrastructure in the best way possible to serve the most people in the places where there's the most need, and just because a certain area is going to have fourplexes that are built out over years and years and years, that doesn't mean other places where there might already be fourplexes where people center already had sidewalks years and years want to move money over. I believe our cip planning process every year needs to be updated, we're continuing to professionalize it more and more, it needs to have an equity lens and I'm not -- I don't want to tie -- bring our cip process up until the queue just because we're passing a land code that is going to develop out over time,

[1:43:29 PM]

and we're going to see where there's more development, where there needs to be more infrastructure, and we're going to keep doing that year to year. So I'm not trying to -- it's not saying that we don't want this information. I have it. I think the staff has it. The staff provides it. The reason I'm voting no is because I don't think we should reupdate and pull up our infrastructure planning process for questioning in the middle of a land use code when we do it every year during the budget.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I hear what you're saying, I think we're all agreeing, we're just talking past each other. Because I agree, I'm not asking to -- I don't think this language is intended to either slow down any process or to say that we have to redo our cip process, or to say that we have to change our priorities. I - and so I hear what you're saying there. I don't think it's intended to do that, and I don't think it says that. If you're concerned about the language, perhaps we should talk about the language. I think it's simply providing the information. I'm glad that you have the information for your district. Maybe some of the rest of us

[1:44:30 PM]

don't or maybe we don't have as much of it as we'd like to have. So it's not -- I mean, I don't -- I don't read it as doing the things that you're concerned about. I understand your concerns and I'm not trying to do anything that would -- that would do the things that you're concerned about. If that makes sense.

>> Mayor Adler: Okay. Let's take a vote. Those in favor --

>> Kitchen: Well, mayor, I asked councilmember Casar a question.

>> Casar: I'm happy to respond. Manager, if there's any councilmember that doesn't have information about infrastructure going on a part of the city in their district, I would expect that you get that to them. My concern with this is that the core -- to me, I know you might read it differently, is that this says so that council can address the adequacy of these investments, meaning there could be some reconsideration of the cip out of order. And it's fine for us to have that vote. If somebody doesn't have that information about infrastructure in their district or otherwise, I would anticipate that the manager should provide that.

>> Mayor Adler: For me, if we're

[1:45:30 PM]

putting a lot more development in area, a lot more density and we need to redo the cip, if the need of our prioritization lists changes in the city because of things we're doing here, I expect staff as part of the cip project to, on their own, resend the money, reprioritize the money that we have to make sure that -- that our city supports the action that we're taking here. And it's my understanding that's what the city does, and what the city will do, so I don't think it's something that we need to pause as part of the planning process, which I think we need to do in the right way. You want to close the arguments, councilmember tovo?

>> Tovo: Yes, I was, I was going to let it go but I need to be very clear. I am well aware of the planned infrastructure projects in my area and I can tell you that they're insufficient if the proposal goes through as it's currently planned. And as I mentioned, there's been a mean-year wait for stormwater infrastructure project to be completed and I believe we've had four incidents of localized flooding in that time, at least one of which I witnessed myself, and there were cars sub merged so

[1:46:32 PM]

we're not talking about three inches of water on it. I think it's absolutely critical that we be able to answer the question of what the planned infrastructure investments are going to be and how those will be adjusted as we're having this conversation. But I now know the answer I can tell people, possibly, which is that we're going to address those needed infrastructure after the potential rezonings. And so if there is -- and I think that's of concern, I hope we can continue that conversation, if this vote fails,

because I think it is -- I think if we're going to make major zoning changes, we ought to be able to commit at the same time to the infrastructure projects that are going to make those successful and make sure that people have the infrastructure, especially when you're working in some of the oldest neighborhoods, working with some of the infrastructure.

>> Mayor Adler: My feeling is we've said the same thing here multiple times. I'm about ready to take a vote. Councilmember Ellis.

>> Ellis: Just a quick question, this may be for staff. Are you planning on whatever happens with the land development code to then trigger reviews of

[1:47:32 PM]

these infrastructure plans as they pertain to the code? Because it seems there could be places that I think the mayor said could be prioritized because now we're expecting more people possibly to live in one area, and it may restrategyize accountant infrastructure planning. I was kind of thinking the code would help inform the cip. Are there thoughts on that?

>> Mayor Adler: Manager?

>> I would just say that's another data point we would be using and inform the conversation we'd be having at staff, but it will play out over time. As we get more information, either for planning purposes or from the real impact on the ground, that will inform our conversations that we will have as a council and as a staff.

>> Ellis: Okay. I certainly agree that having this information is helpful and that departments have this information available for us if we request it. But given code needs to last for a longer period of time, I'm kind of struggling between the cart and the horse, I guess, with

[1:48:32 PM]

these.

>> Mayor Adler: Councilmember alter.

>> Alter: So I was heading in a similar direction to the first part of councilmember Ellis's comment, and city manager, I would like to know how you are -- I mean, I read this amendment as basically saying come back with that information and get it into the cip process so it can factor that in. It doesn't say we're voting on this as part of third reading, it's saying come back with that information, that's information that's relevant for decisions we're going to be making. It's about the time we make -- from what I'm hearing on the timeline, it's about the time we'd be making cip decisions for our five-year forecast, and so I would want that information. It's not saying anything about -- at least as I read it, it's

not prioritizing but it's saying something about we need to have this information, I had needs to -- it needs to be entered into the cip process and factored into our weighing of

[1:49:33 PM]

what gets prioritized. I'd be happy to try to amend the language if that's not what folks see it as doing, but I don't believe it's saying that we are supposed to be voting on cip at the same time as we're voting on third reading. There are plenty of times when we are, you know, told we're going to get information or we're told something is going to be done, and it doesn't get done. And what we're hearing from the community is a very large concern about whether the infrastructure needs are going to be met. And I think this informational request is one way to allay those fears. But if that isn't the will of the council, then when we get asked, we're not going to have a good answer to how this is going to be addressed. Because I can't have confidence that this will be in the cip process because things don't get done, and even when we give them direction, they don't always get done.

>> Mayor Adler: Okay. Anything else before we take a

[1:50:34 PM]

vote?

>> Kitchen: Yes.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I would like to ask what language would work. I think we're -- we're in agreement on some things, and so rather than just vote this down, I think it's important. So I'd like to see what language we could -- we could change this to, to address the concerns, because I think we're asking for information. So, councilmember Casar, you said that it was the -- so that council can address adequacy, that was causing you difficulties? And this is -- mayor, this is councilmember tovo's amendment, but if she's amenable to it, I would suggest that we perhaps say so that council has the information -- so that council has information related to how these investments align with our

[1:51:37 PM]

proposed change, proposed zoning changes, or some other kind of language. Does that work?

>> Mayor Adler: Okay.

>> Kitchen: Can we propose that? Councilmember Casar?

>> Casar: I think if we're voting on something, it's because we're asking for new information or asking them to do something differently. I am fine with -- I am fine with, at a work session, the infrastructure, cip staff coming and telling us how they do their cip planning, how it intersects with future population growth plan for certain areas, and then for us to talk about it if we want to change that. But if we are asking specifically for what infrastructure is going into really specific areas based on zoning, I don't think that that's the current practice. And the reason for that is that we are trying to address the needs of people now and planning for the future, and it's a complicated thing and it's not just based on a zoning map. So I don't want to change the way we do infrastructure planning -- or ask to change the way we do

[1:52:39 PM]

infrastructure planning now. If staff wants to present to us at a work session how they do it and look at future population growth areas as part of that, that's fine, but I -- and I'll end with this, I just -- each and every single one of us have -- could list off and spend a long time talking about major infrastructure deficiencies in our district, and areas where there is new zoning and in areas where there hasn't been new zoning. And what we're trying to protect the health and safety of everybody, every single one of us have been to houses, tearing out stuff when it's flooded, in your district or somebody else's, everybody has been to funerals of people or dedicated a place to somebody that's been killed because of bad infrastructure. We don't -- we should do our infrastructure planning thoughtfully based on need.

>> Mayor Adler: Manager, I don't think this is a code team question, I think this is public works question. If you'd have public works staff come back to us and talk to us about how they're doing infrastructure in the future and how they prioritize, I think that would be great. Let's take a vote.

>> Kitchen: So, mayor, I'm not finished.

>> Mayor Adler: Okay.

[1:53:39 PM]

>> Kitchen: Let me just say one last thing. Councilmember Casar, I understand what you're saying. That is not what we are asking for here. And so we're asking for information, and what I hear you doing, and this is probably not what you're intending, but what I hear you doing is saying that -- I hear you blocking information because you're assuming what might be done with it, and you're arguing what might be done with it, which is not on the table in front of us right now. So I just had to say that. I don't think it's appropriate to block the council from having information. But I will drop that now. I'll drop it now. I just don't -- I don't understand the problem with having the information. I agree with you that we should not -- I certainly don't want to change our criteria in the way that you're concerned about. So I agree with you about that. I don't understand why we have an objection to getting the

[1:54:39 PM]

information. So, mayor, I know you're trying to move us forward, so I will drop it at that point, but I just felt it was important because I don't want it to sound like I'm asking for something, which I am not.

>> Mayor Adler: Let's take a vote on number 23.

>> Garza: Mayor, I haven't said anything. I don't see this as anybody trying to block anybody. I just don't see this as related specifically to what we're doing. What is adequate sidewalks, I mean, I just -- I'm ready to take the vote. I don't think it's appropriate to say anybody should block any information here.

>> Mayor Adler: Those in favor of number 23, please raise your hand. Tovo, kitchen, pool, alter. Those opposed on, please raise your hand. Balance of the dais. 23 does not pass. The next one was number 28.

>> Tovo: And I've adjusted this language as well. We had an opportunity to talk about it yesterday. It now says it's very specific to what I'm requesting, which are

[1:55:42 PM]

some -- which are some visual -- well, some illustrations of how rm1 and r4, if built out to full entitlements, could accommodate basic services, and I've asked that staff do that on some of these smaller of the transit priority roads so that we have that available for our constituents who are asking that question.

>> Mayor Adler: Any discussion on amendment 28? Yes, councilmember harper-madison.

>> Harper-madison: I guess I am sort of experiencing some degree of concern about how frequently we're asking for staff to produce graphs and charts and modeling, et cetera. I'm just worried about how time-consuming that is, and the expense of it. And at what point there's the difference between what our office's obligation is to produce these things for our constituents and what point it is -- the onus is on staff. So I just wonder if it's appropriate for us to consider as

[1:56:46 PM]

a body sort of limiting how much we're asking for them to produce for us in the way of collateral. And that's not about this particular item, it's just so many times in the last three days I've heard, can you produce this thing for us. And I'm just thinking through, if we're going to be able to get through this process, if we're asking more and more collateral from y'all, I just wanted to express, I'm concerned about how much we're asking for them to produce for us.

>> Casar: Mayor?

>> Mayor Adler: Yes, councilmember Casar.

>> Casar: Same issue here, I'm going to vote no to the reasons that councilmember harper-madison expressed and also because the trash has to get picked up. And fire trucks have to get down the street. And if that doesn't happen, then -- I mean, there's no -- there's no way we're not -- we're going to let that happen. I mean, the fire truck has to get down the street. The trash has to get picked up and I expect that of the manager, I expect that of the staff, period. And so whether that means you start having a joint cart or

[1:57:46 PM]

share dumpsters, whether that means you set up no parking on one side of the street, everywhere across the country -- and we are one of the least dense cities in the country that are big cities, everywhere across the country, this figure out how to get the fire trucks up and down the street, even if they're denser than us, and the garbage get picked up, we can do that too. I expect our staff to do that.

>> Mayor Adler: Let's take a vote on 28.

>> Tovo: I think I would have the same naught on this as some of the other informational requests. We've received hundreds and hundreds and hundreds of emails, many of them expressing concerns that I've tried to respond to with my amendments. I think we can continue to hear those concerns and file them away, or we can try to respond to some of those consistently I've heard concerns about how do you take what are standard sized lots which currently have one or two units and add as many as 11 on it, or 10.

[1:58:47 PM]

And how do you balance trash pickup and will this prevent emergency vehicles from getting down the street? I've heard a lot of concerns among this body that people are fear-mongering that of course those things are going to happen. They will be resolved. I think it would be useful for we listen to the public about their concerns and did our best to provide them with the information that would allay them. And that's the intent of several of these. I don't want to have to go to another neighborhood meeting and say -- I don't know how or whether we will adapt our infrastructure planning and investments to accommodate sewage that new storm water in other words and other needs for infrastructure. I certainly don't have the expertise or the capacity to explain where people would situate dumpsters and come up with a range of options for parking. Nor is it appropriate for a council office to come up with alternate side parking

[1:59:48 PM]

solutions. I think it would be useful for the staff were asked to provide some of the information that again, I think would allay the common concerns we've heard from districts all over the city. You know, it is -- these are information requests that will take staff time, but this is a very major project. We have -- we are hearing from thousands of constituents across the city and we have an obligation to provide them with as much information and they need to understand the proposal and to provide feedback or questions or concerns as they see fit.

>> Mayor Adler: My thought on this is I think you can tell your constituents that because of anything in this code -- everybody in the city would like to have more infrastructure spending. And we have sidewalks all over the city we should build we don't have. We prioritize those. And to the degree that we do anything in this code that creates a problem or a burden in any area where it's worse than anything else anybody else is facing in the city, if it's the

[2:00:50 PM]

worst that anybody else is facing it becomes the number one priority. So I think you can tell them it will be the very first project that happens because they're now facing a challenge that's worse than what anybody else is facing and it would become number one on the priority list and then we spend hundreds of millions of dollars in that regard. So I think you could reassure them of that. And then on the question of whether we would be picking up trash or whether we would be doing those things, I think that your job's in danger if we can't get fire trucks to fires and we can't pick up trash. It just has to happen? Let's take a vote on number 28. Those in favor of 28 please raise your hand? Tovo, kitchen, pool --

>> Garza: Mayor, I wanted to offer a friendly possibly amendment to 28, out of the concerns from councilmember tovo. What if we just took the last sentence out, but say staff will ensure access for

[2:01:51 PM]

the rest of it, where parking is eliminated. Trash collection, transferries, and other areas where parking is eliminated. Which I believe they are already doing. I have faith in our staff to be making to make surefire trucks get through and trash gets picked up, et cetera. But some feel that they can't say that to their constituents, maybe this helps them.

>> Mayor Adler: Mayor pro tem says replace 28 with staff will ensure trash collection, emergency vehicles, deliveries and work crews -- will what?

>> Tovo: I think that sentence would -- I'm happy to embed that within it. I would ask if you would still consider the staff --

[2:02:51 PM]

of course the staff will make sure the basic services get managed. I think it would be helpful for people to see that embodied in an illustration and that was really the thrust of what I was asking. I think that would be a valuable inclusion if we had a statement of that proceeding, proceeding the request that they draft illustrations how far that would work in some of these scenarios. I think it would be compelling for people to be able to see exactly how that would work so they're not using -- trying figure out how that would work.

>> Garza: And I don't think it's appropriate for us to illustrate because we don't know if people are going to take -- we just had a conversation about sometimes they won't take full advantage of every single entitlement. Our city right now does not take advantage of every full entitlement. So I just don't think it's appropriate to illustrate that you to in fact I believe possibly scare people. I was just trying to help --

[2:03:56 PM]

trying to make an amendment if people need that in writing to tell constituents our staff will make sure the trash gets picked up, a fire truck gets to your house, that work crews can get there. I'm happy just to vote on it as to vote against it as you have proposed.

>> Mayor Adler: Councilmember Tovo, do you want to reduce it to the one line that says staff will ensure that trash collection, emergency vehicles, work crews will be provided for in this code?

>> Tovo: I'm happy to take that out separately. I think people understand that the city is going to continue to provide fire services. What they can't imagine is how it will work in the new scenario.

>> Mayor Adler: Let's take a vote on 28 as written. Those in favor of 28 please raise your hand? Tovo, kitchen, pool, alter. Those opposed to 28 please raise your hand? 28 does not pass. That gets us to item 36.

>> Harper-Madison: Mayor Adler? Sorry, you can go first. Before we move on I want to recognize that the folks are in the room for us to do our very, very brief health and human services committee meeting. We were supposed to do it at

[2:04:57 PM]

2:00. It's 2:06. So I wonder if we could take a brief recess just for us to adjourn long enough to adopt our minutes and calendar.

>> Mayor Adler: Okay. Yes. Let's go ahead and do that. It is 2:06. So here at 2:06 I'm going to recess our city council meeting, special called on the land development code. And we'll be back after health and human services committee meets. Madam chair I turn the podium over to you.

[2:06:56 PM]

[2:17:41 PM]

>> Mayor Adler: All right. We don't quite have a quorum. Here at 2:17 PM we can go ahead and reconvene the special called meeting here on December 11th we'll wait for a few of our colleagues still to come. I think we are up to item 36 on the front page of the tovo page.

>> Kitchen: Are we going on to --

>> Mayor Adler: We're doing item 36, I think. Tovo 36 was the next thing.

>> Kitchen: Should we consider that as -- I don't know if this is a question for councilmember tovo. I know we have staff that's going to present to us at process for mapping.

[2:18:41 PM]

So I don't know if councilmember tovo wants to hear that first or go over this.

>> Tovo: I would be happy to consider that in the context of that conversation if we have an opportunity to -- I think that we had talked about providing a process for -- should I wait until our colleagues come back?

>> Mayor Adler: Yeah. I was more high level going to start talking so people would see us.

>> Kitchen: My thought, councilmember tovo, is that -- well, they're not even here.

>> Mayor Adler: Why don't you hang on one second.

>> Kitchen: Never mind. I know they have done quite a bit of work on the process.

>> Tovo: I think it's perfectly appropriate to take it up within that context and what I'm trying to do with my amendment is have a brief discussion about the kind of support and really make it clear my commitment to helping neighborhoods and I hope our city has a commitment to helping neighborhoods come up with the alternative maps.

[2:19:41 PM]

I believe there's a lot of opportunity in that and I think that's something that I hope this dais can support asking our community to co-create these plans.

>> Mayor Adler: I see after that what's left for us to do other than the conversation about mapping, other than I want to give a chance to also say whatever else it is that they want to raise for us before we vote on second reading, but I'm looking at your pages, Kathie, and I'm trying to figure out what's still -- after we do 36, then it looks like there are four PC amendments --

>> Tovo: I do. So here's --

>> Mayor Adler: And then 40 -- is 41 still --

>> Tovo: 41 and 42 I think can be relatively quick and then I would like to take up the transit priority -- the transition zone amendment that we passed over earlier along with 44 and 45.

[2:20:42 PM]

And I have some very quick illustrations --

>> Mayor Adler: What's the transition --

>> Tovo: 27. So I'd like to take 27, 44 and 45 up together.

>> Mayor Adler: Is it your 27?

>> Tovo: Yes, it is.

[Overlapping speakers]. Number 27. On the first page of the yellow sheets. It is dated the 11th.

>> Mayor Adler: Down at the bottom, I see that.

>> We passed over it earlier, which I appreciate because I was trying to go over my things. I think that can do with 44 and 45. I think 42 is a quick one if maybe we want to take that up.

>> Mayor Adler: We'll work with those first, then we

[2:21:49 PM]

you. Do you see the mayor pro tem back there, Ashley? She's back, Ashley. All right. We had already reconvened this. We were up to item number 36 and I think that it was suggested maybe we pick up 36 as part of the conversation we'll have in a second about how we're handling mapping. Is that right, councilmember tovo?

>> Tovo: That's fine. So that gets us to item --

>> Mayor Adler: That gets us up to 27. Do you want to do 27, 47 and 45?

>> Tovo: I just think they're easier to dispense with.

>> Mayor Adler: So we'll skip for the time being the PC amendments, but we'll come back to those. Is that right?

>> Tovo: Sure. So 40 is we did discuss yesterday or two days ago,

[2:22:49 PM]

this is asking our staff to provide some feedback to us before second reading or as they roll out second reading about how all of the different provisions that are within the code and the changes that have been made as amendments, but also the changes that are proposed in the code, how you feel that shakes out in terms of encouraging multiunit product. So that's the substance of my amendment. Asking staff to look at the code with that in mind and provide us with some feedback. And if there are recommendations that you would suggest, you know, then we could take that up as a next step. But this is really just asking for that not an extensive, but just an analysis about how the changes and coupled with some of the other F.A.R. And whatnot limited --

>> Mayor Adler: Does anyone have a comment on tovo amendment 40?

[2:23:50 PM]

You want to speak to this?

>> It's something we can discuss and provide information back.

>> Mayor Adler: Okay. Does anybody have any objection to item number 40? Hearing none, 40 goes in. That gets us to 42.

>> Tovo: Mayor, we made a change earlier this week to the U.N.O. Base entitlements and bonus. And this is asking staff to revise the capacity numbers based on that. We had an amendment I think on Monday that I had brought to reflect the changes that we adopted on -- that we passed on November 14th and this would just add the date December 19th as well.

>> Mayor Adler: Is there any problem with you doing this?

>> That's fine.

>> Mayor Adler: Any objection to 42? Hearing none, 42 also is passed.

[2:24:22 PM]

>> Tovo: So yesterday I introduced the amendment to limit transition Zones to what the policy guidance was, which was two to five lots. And we have seen a few staff examples that talk about -- that talk about why some of the transition Zones extend beyond that, and I indicated -- that doesn't seem to explain all of the instances. And I have lots of instances. Some of you do as well. I saw some in d1 and some in other districts. I'm sure there are some in d10 as well and d7. But these are some of the examples I'm talking about. This was an -- is in Hancock. You notice this entire -- if you look at the Orange and the yellow, you see how much of this area right around the golf course has been proposed for upzoning. I think it is well in excess -- well in excess of five and six. Now, I will note these are

[2:25:24 PM]

not -- I don't believe these lot lines are all accurate. I think some of them -- I think there are more lot lines there than there are actually lots. There are about eight houses along that little area.

>> Kitchen: Tovo, I'm sorbs it's hard for us to see the difference between the Orange and the area.

>> Tovo: I'm sorry, I came up with that with a pen if I could borrow that from somebody. So interestingly, 41st street, which is a very sleepy little street alongside Hancock golf I believe got rezoned as a transit priority corridor. And I think we had a conversation with staff at the time and I think it something to do with it being a bicycle network, but I believe that that's part of what is triggering this. And I have to apologize to my constituents for not -- I do not have -- I can't in every circumstance tell you what the transit priority corridor is triggering this

[2:26:24 PM]

just because there are so many instances of this all over my district, and I haven't had a chance to sit down with staff and go over all of them. But you can see if 41st street, which is an inappropriate transit priority corridor, but if it is triggering, it is triggering a whole swath, far more than 55. Speedway is here. You can see again from -- what happens -- and this is to some extent the perpendicular issue we talked about, because it's being triggered from 38 and from this direction, you have huge areas. This is an area near Enfield and you can see again this is the triggering -- I'm sorry, here's Enfield. And you can see this is 8. This I believe is 9. So it is not always just the equivalent on either side. And-- I was looking at an

[2:27:27 PM]

example on district 1. I think councilmember Ellis you don't have very many transition properties, but one is on convict hill and it is I think seven or eight lots in -- in the situation that we heard described with the equivalent lots. I think if five lots on one side of the road equates to 11 on the other, then you

should go with the lower number in the mapping. And I understand that staff are making changes. These are designed too. That's the substance of the first amendment, which is to limit to two to five.

[2:28:32 PM]

>> Mayor Adler: We have an area just above your pen on Enfield where you have both parallel and perpendicular street. So below your pen to the left are where you have perpendicular street and to the right now you have the parallel street, with summit. So if you go back you have the corridor . Facing lot below your pen. And then I have two lot depth right above that on both sides of the summit. So there you have the corridor lot, plus two lots. And if you go to the left of that street, now -- yeah, go to the left of that, now you have more lots, but they don't go any deeper, the Orange, than the two lots that are on both sides of summit. So you have two lots on summit and you have one,

[2:29:32 PM]

two, three, four, five --

>> Tovo: These are also transition Zones.

>> Mayor Adler: So if I hit then on both sides of summit, that's the corridor lot on the right side of summit, all the way up to --

>> Tovo: You see this as all transition zone triggered by I believe --

>> Mayor Adler: It is.

[Overlapping speakers].

>> Mayor Adler: And on summit if I have the corridor lot then I have five lots going back to Niles. Right?

>> Tovo: Again, I would say that we --

>> Mayor Adler: My question is -- [overlapping speakers]. Let me just finish the sentence out loud. So on the right side of that street going back to Niles it's five lots deep. On the left side of the street I have more lots but it has more depth than the five lots. I think that's what the staff -- as I understood what the staff was saying if they only went five lots back from Enfield on the left side of that street, that would be widely

[2:30:32 PM]

different treatment than on the right side of that street as it goes back to Niles. I think that's what the staff was trying to reconcile.

>> Tovo: I would ask that we take another look at that. Again, as I look around at -- as I look around at the way other districts were mapped, I'm not seeing this happen as often. I think we can -- I think that we ought to ask our staff to take another look. Let me get to the amendment --

>> Kitchen: Kathie, can you put that back up? We were just looking at something.

>> Tovo: Sure. And I don't mean -- we have lots of examples and I'm not prepared to articulate the details of any of these. I'm just trying to show you that the couple of examples we've talked about in our work session, I think this would be a great thing to talk about in the work session, but I would prefer we just offered some policy guidance to the staff to take a deeper look at this because we could spend several hours -- I wish I had spent several hours preparing to talk to you about it. I could just tell you it is

[2:31:32 PM]

the -- the examples are not just the ones that we've talked about in our work session. And I do think that we need a more reasonable plan.

>> Mayor Adler: Okay. Please continue.

>> Tovo: With regard to my next amendment, 44, some of the very, very deepest transition Zones are being triggered by what are really residential streets. And I had some photos that I'm not going to show you, but most of you have been on Duval. It is a two-lane road, primarily residential, mostly one story, some two stories. Also some multi-family along there as well. And it is triggering much deeper Zones than I see along major roads elsewhere in the city.

[2:32:33 PM]

-- I know staff have indicated they're prepared to subtract one lot. I think they need a more substantial revision. When I was showing you these before and you can see -- most of these are -- let me see, I think I had one for Duval. I think we need a more nuanced approach. This is a really tough map to read, and I'm going explain to you what it is. This is the subject of the 45th amendment, 45. The policy direction indicated that no neighborhood should have more than 50% mapped. And I want to think about what that really needs. We have a neighborhood in my district --

>> Kitchen: Wait, don't take that one down!

[2:33:33 PM]

>> Tovo: I'm going to come back to that one. I'm going to start with delwood II. It was one of the very few areas in district 9 that was not proposed for transect zoning to have any transect zoning in codenext first draft. So the first draft proposed some pretty major changes within my district, maybe in yours too. Delwood participate II was left. I have the numbers up there and it's been proposed for transition zoning. And so I want you to imagine which neighborhoods in your districts you would want to see 50% of it rezoned. This is just east of 35, just north of airport, a small little neighborhood, interior winding streets for the most part, which I think is why it wasn't rezoned for transect zoning initially. It does have some multi-family. We had a speaker the other day who talked about their support for the able. This is the neighborhood where the abali neighborhood

[2:34:34 PM]

is happening. And I have outlined for you what the transition zoning looks like. I think 20% is an absolute max. And in north loop, which man and I share, these aren't the exact boundaries of north loop, but I want to show you what it looks like in the area of 51st and 54th and -- I got an email from number some north loop that said it looks like just about all our neighborhood has been rezoned. I can tell you the great majority of that neighborhood -- and I don't know whether it hits 50% or not because I haven't counted the tract, but I will do so eventually. This is all transition zoning. All of it. So again, I think that we in density. I don't think anybody is

[2:35:35 PM]

asking that our areas stay in amber or that we don't see changes in those areas, but I would ask you to please consider these three amendments. I think they would go a long way as I reflect on, again, the hundreds and hundreds of emails I'm getting as to the transition Zones that are causing the most concerns. I think we can come up with a more reasonable approach and I think not -- not going into the depths of neighborhoods is really critical. I think that's -- that is what we committed to in imagine Austin. We talked about rezoning along corridors. We did not talk about rezoning interior neighborhoods. And that is in essence what the transition Zones are doing. So that's my proposal.

>> Mayor Adler: Thank you. Councilmember tovo moves amendments 27, 44 and 45. Discussion. Councilmember pool seconds those.

[2:36:35 PM]

Discussion? Councilmember Flannigan.

>> Flannigan: So I really appreciate the examples and I'm going to think about them. I think this is part of the second reading map process we're identifying certain problem areas so I'm not comfortable with the

broader amendments, so I won't be supporting them, but I am absolutely willing to continue work on refining some of these areas where it's necessary.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I do think it's really important what councilmember tovo is showing us that we would be real clear that these are areas -- thank you, councilmember Flannigan -- that we need to review as part of the mapping process. I do want to point y'all to amendment number 45. So -- it says no neighborhood should have more than 25% of its neighborhood rezoned as transition Zones in rm1 or r4. I think it's a statement to

[2:37:35 PM]

make in the whole city. So I'd really hope that we can take that up. I support the other ones too, but that one in particular seems to me is a pretty straightforward statement that we should be able to support.

>> Mayor Adler: Councilmember tovo, I also in looking at the examples, but also other examples and other people I've talked to too, I want to think about the transition Zones and how they're being applied to particular areas, particular properties. I'm not prepared to vote for these amendments here. Part of it is I think we should -- we could better handle that as part of the mapping process, but I do agree with you that as I'm going around what I'm hearing more than anything else are concerns about the

[2:38:37 PM]

extent of the transition areas of the city. So I'm hearing that -- I'm hearing that as well. Further discussion? Councilmember alter?

>> Alter: I'm going to call my colleagues' attention to question 20 on the ldc Q and a. This is a document, a table that tells us how much capacity we're getting out of r4 and rm1 Zones. In terms of feasible capacity. And I think it's very illuminating. It kind of hit me in the face when I saw it. I think for me this is why I'm going to support these amendment. If you don't support them today, though, I'm going to really ask you to take a look at that chart and think about what our discussion of transition Zones and the way that we've approached it, how that is impacted our

[2:39:38 PM]

ability to get this land development code done and how little capacity we're actually getting. If you look at that question 20 we have a projected 397,396 feasible capacity number. Of that 16,000 units, so less than five percent, are coming from these transition Zones. That's what's feasible. That doesn't mean it's

the only number of units impacted by that zoning. I don't have that number. But we can accomplish 95% of what we're setting out to do without going as deep into the transition Zones. We still need to be able to get compatibility off of the corridor. The angst that we are hearing is coming from a very, very small capacity gain. And we need to think about

[2:40:39 PM]

if that whole process is really going to get us to our goal of getting a code done that gets implemented and gets on the ground and starts getting units up in the way that they want we want or not. There are certainly opportunities to create more transition Zones over time and we should by all means have tools to be able to do that. And we could think about what those tools are. But if you're not prepared to vote for these amendments today, I really ask you to take a look at that and see whether the gain that we are getting is commensurate with the challenges that we are creating in our community and it is trust in our council.

>> Kitchen: Mayor?

>> Mayor Adler: Harper-madison and we'll come back.

>> Harper-madison: I think I'm going to echo the sentiment of not being able to vote today but recognizing that these are definitely some concerns that my constituents have expressed as well both on

[2:41:42 PM]

the pro and concerned about. I've literally had phone calls and emails from constituents who are saying the exact opposite of fear around transition Zones. They want very much to not miss out on the opportunity that's presented to them by way of being able to really maximum their assets. They don't want to be excluded from that by way of a well meaning council, but then I also have the folks who are deeply concerned about the impact of transition Zones on their property and their assets. So I'm getting it from both angles. And I totally understand both perspectives and corrections to the dialogue. My preference here in hearing staff talk about methodology many times, in work session -- you didn't count by distance, you counted by lots. Or was it the opposite. The opposite. Because it had so much to do with the irregularity of the lots in our city. So driving through district

[2:42:42 PM]

1 some neighborhoods are set back deeply, some neighborhoods not so much. Some with transition Zones included, some not. So I have a difficult time with a very prescriptive and rigid present% period application because I just don't know that it offers us the flexibility we're going to need moving forward

to really sort of think through -- think through the fact and recognize rather the fact that -- I mean, 13th street starts and stops three times, do you know what I mean? We have some special exceptions to which I just don't think a blanket rigid 20% application would be applicable and that's one of the things that I'm struggling with. But what you've brought up and especially you showing the images, I think it was very especialliful, both for our constituents and for us to really sort of recognize if there was with you thing I'm having to say to my constituents that my staff

[2:43:42 PM]

and I are looking into and working with staff around is how will the intensity of transition Zones affect us. I certainly don't want to fuel any anxiety, though, which I find that it's more beneficial if we -- as a team what we've been saying to folks is the process is fluid. It's not happening today. We're working on it. Staff is open to give us your examples, specific examples and that's been very helpful. So for folks listening I would encourage you to keep giving us examples because it's helpful to give the information to staff. I appreciate all the amendments you brought forward and I look forward to being able to give them some more thought.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I want to echo what everyone is saying and I want to thank councilmember tovo for putting those up. I mean, the visual is really very helpful for all of us because it's an example of

[2:44:43 PM]

an area that is just the application of the approach does something that I hope we're not intending. And seeing it is very important. I mean, I have areas in my district too and I know others too also, but yours is perhaps the most dramatic example of that. I also want to echo what councilmember alter said. I think it's really important for us to think in terms of a goal that brings us all along as a community to pass a code that we can all be comfortable with. And I think the -- this should be something we're doing with our community as a community consensus. And I think the angst over the transition Zones is getting in the way of that and unnecessarily. So I am happy to hear that people have -- are interested and open to looking at these examples.

[2:45:45 PM]

I'm sure there's a number of different paths for us to address situations like this. And I think it's really important that we do. And I also want to remind us that scaling back on some of these transition Zones in these areas is not actually even going to reduce this by the less than five percent that councilmember alter mentioned because there are areas that we -- to be safe, have estimated zero capacity where we

actually have zoned for more capacity and we'll get something out of those. We don't know exactly how much, but we'll get something out of those. We also have been adding capacity that we haven't counted yet. So I'm comfortable that when we work all this out that we're not going to be losing in terms of capacity.

>> Mayor Adler: Councilmember tovo.

>> Tovo: I appreciate my colleagues taking a look at those examples. As I indicated, I have more

[2:46:46 PM]

and I'm happy to try to pull them together in a more usable fashion and put them on the message board if that's helpful. In a few days after all of us, including my staff, have a chance to get some rest. I would ask my colleagues if there are suggestions. Councilmember harper-madison, I appreciate your response to number 45. Is there language that you could add to get comfortable with that? I think councilmember kitchen articulated it really well. This is such a matter of concern to our community. If we could signal to the community that we regard this as a concern and we are committed to doing something different in the next drafts, I think that would go a long way. I think this is really a more global issue in some of our areas than it is kind of individualized mapping changes. So if we could provide some policy direction that would give them that sense that there is a recognition from that -- this council that there need to be changes.

[2:47:46 PM]

I think that would really be helpful. Especially as we have people who are so concerned that they're feeling like their only alternative is a legal one. So I think if we could -- I believe it's possible to build a community consensus around this plan. And working on the transition Zones to me is key in that regard.

>> Harper-madison: In response to your question, it's the no neighborhood. It really is just that firm and rigid, with zero possibility for flexibility, because what if it's not applicable from one neighborhood to another. So if this weren't here, the rigidity here is troublesome for me, and then the other -- then the 20%, if I had some way of being able to understand and/or -- when I'm disseminating information as people ask me questions, I'd like to be able to speak to the metrics that we derived that 20% number from, that would be helpful as well.

[2:48:48 PM]

Tovo councilmember, if I may, would it work for you if we said neighborhoods should not have more than about 20% of their properties rezoned as M rm1?

>> Harper-madison: Not yet. Let me work on it some because that still sounds to me like the prescription is 20% and then you just replace no with not. Which still is for me very rigid. So let me -- I'll play with it a little and just short of show you kind of what we feel comfortable for me. And then you could massage that however you see fit.

>> Mayor Adler: Mayor pro tem?

>> Garza: I'm really trying to stay away from equity and kinds of arguments. But I think we see so much inequity in our city because we've stayed away from that. So I don't think a blanket

[2:49:52 PM]

no neighborhood should have any -- is not an equitable policy at all. It is like against equity because when developed was pushed to other parts of this town, for whatever reasons, protecting whatever things, we didn't talk about this neighborhood shouldn't have to take this and no, we just pushed it. We just pushed it to other parts of town and we're here. And so I don't know what kind of wordsmithing could change my strong opposition to 45 because every -- I totally agree that we should look at -- I appreciate the examples. I think that's good to know. I'm with councilmember Flannigan and councilmember harper-madison on that in that yes, let's fine tune those. Let's fine tune those. There was a suggestion about r3 everywhere. Maybe if -- maybe there's some calibrating that those become maybe not just

[2:50:53 PM]

single-family, but r3. But I could not agree to a policy that -- every neighborhood is different. And while some neighborhoods, yes, are taking different amounts of capacity, they're also neighborhoods that have the opportunity for people to walk to a grocery store and to walk to a bus stop and to walk to -- their child to a really great school. So I just -- I'm trying to stay away from getting into district east-west situation here, but I can't support that. A policy like 45.

>> Tovo: Mayor? Mayor pro tem, I appreciate the comments you raised. I want to say I want to be very clear the amendment is not suggesting that every neighborhood have 20%. And we passed an amendment that you brought yesterday to make sure that we are -- or Monday, that we're pulling back in areas that are gentrifying and

[2:51:55 PM]

identified as vulnerable. I am not seeing -- and I haven't spent as much time with everyone else's maps as I have with my own, but I am not seeing areas around the city that are as impacted as my district. So

you're taking some of the densest neighborhoods in the city and I don't think it equitable to -- I have multiple neighborhoods that it looks to me like they're almost at 50%. And then I'm looking and I have constituents who are looking at maps and they're seeing a handful of properties. Councilmember Flannigan, you would know better than but I, but I've looked at your maps. I had a hard time finding any properties that were listed as transition zoning in yours. In district 8 maybe it goes back, there are a couple of place where's it goes back two to five and in the one example along convict hill it actually went beyond five on the one side. In other places the zone is about one or two.

[2:52:56 PM]

So I -- I am asking for -- I'm asking for us to take a look at some of the areas that have been majorly rezoned and seeing if we can pull back a bit.

>> Garza: And I agree with everything you just said. I'm just saying I don't think a blanket rule about percentages for all neighborhoods is the appropriate way to do what you're doing. I agree with what you're trying to do.

>> Mayor Adler: For me on this again, I'd be most comfortable if we handled this as part of the broader conversation about mapping in January rather than trying to fashion a rule here. I think we could do a better job than trying to do that here. I appreciate the examples that you've made. I'd like to see how some of this mapping comes out given the directions we have made. So I would be anxious to see the maps when they come back. You know, I think it's a conversation that we said we would have and we still need to have, but just not for me today. So I'll be voting no even if

[2:53:57 PM]

there are language changes that are suggested. Councilmember kitchen.

>> Kitchen: I think what I'm hearing on the dais, and it's good, I'm hearing some flexibility and some interest in a path towards addressing these kinds of situations. Mayor, I don't think we'll see it. We don't know yet when we'll see it because we haven't had the conversation with our staff about the process for mapping. Until we have that conversation we don't know because right now what we've got on the table in front of us doesn't have a mapping process. So I'm looking forward to -- I know our staff has done a lot of good work on proposing a mapping process so I'm looking forward to having that conversation shortly.

>> Mayor Adler: Okay.

>> Kitchen: And I don't know if it's helpful to have it now or just move forward and come back to the mapping process. It's just that I think we're having this conversation without some -- without some understanding from councilmember tovo that there's a path to address.

[2:54:00 PM]

>> Mayor Adler: I'm ready to vote because I'm not going to vote for any of the global things now, but I think we can talk about the map process and we can program into that map process whatever it is that is the will of the council to do that. Are we ready to take a vote? Okay. Let's take a vote. Those in favor --

>> Tovo: Mayor, councilmember harper-madison has been working on -- councilmember harper-madison has been working on language?

>> Kitchen: Why don't we come back to it.

>> Mayor Adler: Do you want to take a vote in councilmember harper-madison why we don't take a vote with the understanding that I would like to talk with councilmember tovo and talk through what our mutual concerns are for our independent districts because I don't think they're entirely dissimilar, but in recognizing what mayor pro tem pointed out that's another concern that my constituents have and I think us having the opportunity to not have that east-west conversation, but a unified whole Austin conversation about Idc with the full-blown recognition of some of the complicated history that we're having to address with this code.

[2:55:01 PM]

So for now I'm going to not vote for it, but I'd like very much for us to commit to working on it together.

>> Mayor Adler: Let's take the vote on these items.

>> Garza: I would going to suggest -- I feel like we're trying to get to a good place on all of them. If you would just take them down. So we're not in a place where we're voting no on something that we think we agree with for the most part. But it's your prerogative.

>> Tovo: Let me think about that a bit. These are really critical issues to my constituency and I need to -- I need to think about that.

>> Mayor Adler: For right now we're not going to vote on these. If you want to bring these back up for a vote, councilmember tovo, bring them back up. That gets us then to the PC amendments, which I think are at the top of page 2 of our handout.

>> Kitchen: Mayor?

>> Mayor Adler: Is there anything other than those

[2:56:02 PM]

four PC amendments? Is that everything that you had, councilmember tovo? Amendment 41, is that -- are you urging that or we already handled that differently? It failed, all right. So I think the only thing that you have left then are the four PC amendments at the top of the page.

>> Tovo: Yes. And these were the things that I noted. So I wanted to make an amendment to nr1 and then pull the other three. I think they are either amendments or questions that people had raved about them according to my notes. Raised about them.

>> Mayor Adler: Okay. Let's pull up then nr1? What do you want to do with -- where is nr1? Now I'm going back to the page that we were working on yesterday. The page of 39 document. Where was nr1? Councilmember Ellis, you're my --

[2:57:02 PM]

>> Ellis: I don't have the document open.

[Laughter]

>> Flannigan: It's 13, mayor.

>> Mayor Adler: Page 13. Okay, councilmember tovo, did you want to do something on page 13?

>> Tovo: Yes, I'm not on page 13 yet, but what I would like to do is exclude rm1 from this amendment.

>> Mayor Adler: Okay. Page 13, nr1. Right now it says staff agrees bonus F.A.R. Should not limit bonus dwelling units.

>> Kitchen: The amendment is the line right above it. Remove the --

>> Mayor Adler: Remove the max bum F.A.R. And all rm1 and rm Zones and you would have that say except for rm1. Is that right? Okay. Staff, do you want to speak

[2:58:03 PM]

to this?

>> I think staff is okay with this. We're going to have to relook at the F.A.R. For that zone anyway and understand what the concern is. So we're happy to look at this again.

>> Mayor Adler: Councilmember Casar.

>> Casar: So you are saying you are okay with -- you're saying it could pass one way or the other, but your recommendation is you agree F.A.R. Should not limit --

>> The discussion with planning commission was really about we talked about the F.A.R. In general with them about not wanting the F.A.R. To be an in libertier when the -- inhibitor, realizing the many bonus

and affordable units as possible. In the rm1 zone, it was grouped with that amendment from planning commission. We're happy to take a look at it again to see if a

[2:59:03 PM]

maximum is necessary in that zone.

>> Casar: I'm fine with staying that staff we're going to do nr1, but staff should see if a max F.A.R. Is necessary in this zone.

>> Mayor Adler: I didn't understand that.

>> Casar: So I am fine rather than removing rm1 from this saying staff should look to see whether a max F.A.R. Is useful or necessary for rm1.

>> Mayor Adler: Do we reach a agreement place on this? Councilmember tovo, it says all mu and rm1 Zones, comma, except staff should look at rm1?

>> Tovo: I think that's better than what we have, but just record my vote as a no.

>> Mayor Adler: I'm sorry?

>> Tovo: Let's go ahead and get councilmember Casar's amendment but I'm going to vote no on that.

[3:00:04 PM]

>> Alter: I share that concern and that would be better than what we have. So if you can --

>> Mayor Adler: If we're all going to vote no on it, I don't know why we need to amend it. I mean --

>> Casar: I'll move it with that language.

>> Mayor Adler: Okay. All right. Any object to the Casar amendment being added to the tovo amendment? So it says, comma, except staff should look at rm1. Hearing none, that amendment to the tovo amendment --

>> Alter: I'm confused. I think he made a substitute amendment to make a -- instead of removing it to add a sentence to what the PC had.

>> Mayor Adler: This language right now, what councilmember tovo is saying was that sentence except that it says except rm1. And the amendment that councilmember Casar is making to it is except, and he's adding the words staff should look at rm1. Okay? Are we okay with that?

[3:01:06 PM]

>> Kitchen: Yeah.

>> Mayor Adler: With that said, that them goes in.

-- Then go in. Your next one, nr21.

>> Tovo: Yeah, I had marked -- we did talk about this. I pulled it or somebody pulled it and we did talk about it. And this is the addition of allowing hotels through a C.U.P., and again it would be my preference that we really maintain that for residential use. And so my proposal -- well, my proposal is just to -- this down.

>> Mayor Adler: Councilmember tovo brings an amendment to strike nr21 which is in the middle of page 14 of 39, but on 14 of 39 it says nr21 -- I mean nr13, we actually had two nr13s. So put in 21 and -- it's allow hotel use in nr1 and 2. Councilmember tovo is recommending we strike that.

[3:02:07 PM]

Any discussion? Councilmember Flannigan.

>> Flannigan: I won't support it. I think the C.U.P. Process is a really good one. I'm not clear where it's been zoned if I don't think hotels are appropriate there. It's very different if you are talking about commercial being added into housing center. I think C.U.P. Process is the way to do it.

>> Mayor Adler: Further discussion before we vote? Councilmember pool.

>> Pool: It concerns me we would be promoting hotel use in smaller residential Zones. The code document says these are intended to allow residential or service uses like office retail and entertainment and that's in the mu2. Within walking distance of low intensity neighborhoods or maintain an area with commercial -- that's from the code document. And I don't see how the hotel use is compatible with the intent that was in these

[3:03:07 PM]

Zones. I think somebody said we're not in a hotel crisis, we are not, so I would like to pull this off the list for the base motion and consider it a bit further perhaps for second reading. I don't want to lose this -- I want to pull this off and consider it further. I don't want to simply go forward with it. I really am concerned about the translation of our residential stock into hotel stock.

>> Mayor Adler: Sounds good. Yes.

>> Alter: I'd like to ask staff to explain a little more about what this process would mean and what would the criteria likely be that would allow for a hotel use in this area.

>> Councilmember, are you asking about the conditional use process?

>> Alter: Right now it's

[3:04:08 PM]

not permitted and under what conditions would you allow it. I'm assuming we have criteria for that. We would have to develop criteria for that.

>> Mayor Adler: And if you could answer that and explain why you agree to this position.

>> Sure. Brandon is looking up the criteria in the code. When it came up at planning commission, our thinking was that it's not currently allowed in mu1 and mu2. But there is a huge appetite for hotels. We're seeing a lot of smaller boutique hotel/motel, and there is kind of a Ven diagram where they overlap. Through C.U.P., allowing C.U.P. Have some level of discussion allowing some hotel/motels new these Zones would allow some -- where we are currently competing with residential and other Zones.

>> Additionally, we heard

[3:05:10 PM]

from -- in planning commission that there's a need for smaller, more boutique hotels. We have a lot of large institutions, but we don't have as many small hotels in close proximity to neighborhoods. And so that was something that they wanted to open the opportunity for through the C.U.P. Process. These Zones also additionally allow bed and breakfasts which serve as a similar function to a small boutique hotel, so through -- those are permitted by right in this zone. So the C.U.P. Would be more restrictive than the bed and breakfast which is also allowed in this zone.

>> Mayor Adler: We have a motion from councilmember tovo to strike nr21. Further discussion?

>> Alter: I wanted to follow up. We're also finding a huge appetite for housing and these are substitutes and my priority would be housing over the hotels.

>> Mayor Adler: Okay.

[3:06:11 PM]

Any further discussion on nr21? Councilmember Ellis.

>> Ellis: I lost my train of thought. It's been a long couple of days but I'm not going to support this being removed.

>> Mayor Adler: Let's take a vote. Those in favor of the tovo amendment, please raise your hand. Tovo, kitchen, alter, pool. Those opposed? Balance of the dais. That amendment does not pass. Nr21 remains. That gets us to i13. Page 27. Thank you. Councilmember tovo. l13.

>> Tovo: These are both

[3:07:11 PM]

tree related. The one is -- well, my guess is that.

>> Pool: If I'm remembering right.

>> Tovo: The fumes items we took up yesterday.

>> Pool: I was the one that pulled it and it's informed a discussion we had yesterday on the trees and we've dispensed with that.

>> Mayor Adler: We've dealt with that. So those are all the amendments, I think, that people have brought forward. We still have to have a conversation about the planning and mapping process. Are there any other amendments that people have at this point?

>> Tovo: Mayor, I would like to vote on the transition Zones. I appreciate everyone's willingness to continue to

[3:08:12 PM]

think through those and I look forward to having those during mapping sessions but I would like to take a vote on this.

[Multiple voices]

>> Tovo: And councilmember Madison, I appreciate your willingness to talk about that and hopefully we can figure out something that works well.

>> Harper-madison: I think our constituents have similar concerns, but while we were sitting here, I got a text message from one of my elder constituents that said honey, don't you let them down zone me. I think there's lots to consider. I looked forward to having that conversation.

>> Mayor Adler: Councilmember tovo moves 27, -- those in favor of those three amendments raise your hand. Tovo, kitchen, pool, alter. Opposed? Balance of the dais. Those did not pass.

>> Pool: Could I just add in for the benefit of the constituents, my understanding is, and maybe city attorney Thomas can help, we can't unilaterally

[3:09:13 PM]

down zone, we have to have the approval of the property owner to down zone property.

>> That's not true.

>> Pool: Could you talk about that.

>> We can down zone.

>> Pool: But you have to have the approval -- sue no, you don't.

>> But our intention.

>> Pool: I'm sorry, which is what I'm saying. With this document we are not down zoning people.

>> Harper-madison: And for what it's worth, she's 87 years old. I think what she meant was don't not allow my property to get what could potentially be an upzoning but I think my family could benefit from it is what she was trying to say. I appreciate the clarity there.

>> Mayor Adler: I think those are all the amendments on this. Let's talk about, staff, are there any other programmatic stuff or study stuff that you wanted to make us aware of?

>> Yes. So I think I'm just going to go through some general programmatic measures, then

[3:10:15 PM]

I think annick will talk more about the map. Earlier this week we posted or actually I think it was late last week, losing track of time, but we posted a suite of administrative programmatic measures to the ldc website. And so -- and we think these are worth looking at. These are items that sort of -- I think some of them overlap with your programmatic proposals, but some of them are also distinct and go to issues that staff feel are going to be really important for us to implement the code. And we expect that as the code moves through the three reading process that we will be coming forward with further information for council and the manager regarding what needs these items present. But just to give you an overview, we have the need to update criteria manuals, as I mentioned, and we think that some lag time between that occurring and the code

[3:11:15 PM]

taking effect is acceptable, but we certainly need to prioritize those updates. We need to update permit review and application procedures, and that will include changes to the city's Amanda system, which is critical technology feure that's used to implement the code. We need to train staff on the new regulation and implementation protocols. Fortunately we have a code that we believe is simpler to read

and apply than our current code, but we definitely need to devote resources and time to training staff. We need to establish rules for applications that are in process when the code takes effect. One issue that we've talked about and sort of started to white board and draw different scenarios is just particularly zoning, rezoning applications that are in process at the time the new code takes effect. What are the rules of priority going to be? What options will applicants? Those sorts of issues need to be worked through.

[3:12:16 PM]

We have sort of brainstormed and looked at how other communities have handled code revisions in terms of affordability issues and really helping people to take advantage of the new tools that are provided in this code with respect to being able to stay in place. And without going into a lot of detail, we've started to look at and consider options for extending affordability periods and using fee in lieu to really help to buy down affordability. We've looked at options for facilitating arrangements where landowners can get financing for ads and things like that. Particularly being cognizant of people who don't have the expertise or resources to develop property on their own, which includes, you know, a lot of Austin. We think there are ways with careful thought and further review that that process can be made easier for average

[3:13:18 PM]

people to take advantage of. We've looked at ways of -- considered ways of educating people about the application process and letting people know in a clear and readable manner, you know, what the option -- what the different options are that are provided under the new code. We've considered the need for zero waste programming. And additionally, we believe that there's going to be a need to at some point initiate changes to the TODs, transit oriented districts and the other specialized regulating plans to better align them with the new code. And we're also mindful of the need to proactively with nhcds leadership pursue and consider ways to help people stay in place through tenant stabilization services, including assistance for tenant spacing eviction, emergency rental assistance, and really leveraging our

[3:14:19 PM]

existing tenant relocation programs and conduct vulnerable households to assist with visibility. Briefly circling back to issues council discussed earlier, we've identified the need to look at infrastructure and capital improvements. And specifically we're mindful of the need to really monitor the sidewalk capital improvement programs and how they relate to the transition area planning and other aspects of the map and the code. To consider utilities capital renewal and also to really leverage the code's new tools for transportation demand management, which is a part of the code that I think staff are really excited

about. We haven't had much of an opportunity to talk about it, but it's a critical feature of the code that will help the city to create a more walkable urban fabric. And we've also looked at the need to train and update procedures with respect to enforcing the drainage and

[3:15:22 PM]

waterways set back requirements that are new features that will apply to residential development. In particular I think of interest to council is enforcement of the plumbing code provision that is designed to deal with onsite flooding that can result from development. And additionally really looking at the green storm water infrastructure program as well. And with that, those are some highlights that we expect to be talking with council and the manager about further as we move through the process, and I know the map is of preeminent importance and annick has comments on that.

>> Thank you. Annick Beaudet --

>> Mayor Adler: Before we go into that process, we had one speaker that signed up toward the end of the process. I'm going to call on her now to come up.

[3:16:22 PM]

The speaker sign-up list has closed so it will just be the one speaker. Is gioma ocora here? You will have one minute. Take your time.

>> [Inaudible - no mic on].

>> I just want to address the point of residential commercial. We are saturated with all this code you are bringing about because there's no place in Austin anymore. So 2 only choice is find innercity connections or we can find zoning for separate areas for residential commercial. They are not actually hotel management, but there are sections where you can have more for less accommodation. And more outdoor creations, especially for people like post-traumatic veterans, you know, where we can give them sections where they can look out to the outside without

[3:17:25 PM]

being afraid. And the mentally ill, we can group them together. All they need is risk management. These things are doable. They are not really difficult. If you are assign somebody to me, I can design these things for you all and it's very easy and affordable. What we are looking at is not making you all like you are just here a bunch of people and you don't do nothing. We want to prove you work really hard for

what we need. If we are going to disspies people and put them on \$850 a month some have income only for 700. We have to do something critical even if it's out of the way.

>> Mayor Adler: Thank you.

>> The businesses that have homes that pay for what they have. They have rights for who they are, but we want to accommodate people, especially the

[indiscernible] Community, housing transition which we used to call homeless. We don't want the homeless anymore.

>> Mayor Adler: Thank you.

>> Sorry.

>> Mayor Adler: Thank you

[3:18:25 PM]

very much and thank you for the offer of help.

>> Assign somebody and I'll help.

>> Mayor Adler: Thank you very much. Annick, do you want to talk to us about mapping?

>> Thank you, mayor. Last Sunday the team submitted a memorandum that outlines a process for the map and actually the code text as we move through after today. So I'll briefly outline that and then we'll be happy to take any questions that you have about the programmatic that Brent went through or this process. So the big overview is that staff will produce three maps during this adoption process. One between first and second reading, so one after the direction from today. And then one between second and third reading so that those changes can be visualized by council and the public. And then, of course, the final map that is finally

[3:19:25 PM]

approved. So the first map to come out between first and second reading will be in January, probably towards the latter end of January, as well as new text, a new code, revised draft code. With that map, there will be an updated capacity analysis as well so the 397,000 number will see how the changes that were approved on first reading affect the capacity number. We will make digital files and hard copies available to your offices as well. And then after second reading, we will produce another map and that will likely be sometime in early February. That will include the changes from second reading. All of the map changes, the first and second, the online viewer will be available as

[3:20:26 PM]

well so the public will be able to put in address, how it works now. It will -- as soon as we release the map, it will also be on the online map viewer as well. With that second release, we won't have the capacity analysis, but we'll be able to give basic overview information on how we think the capacity has changed based on the second reading map working with our consultant. So -- and then after third reading, we'll produce the final map. We noted in the memo that starting today you -- you know, you are welcome to begin tracking any specific areas in your district that you believe you want to make changes to, we'll be making a map at las as well as a tracking spread sheet in

[3:21:26 PM]

between second and third reading, but we wanted to assure that you had as much time as possible to start thinking about those areas so that you can officially transfer them to the map atlas that we distributed to you between second and third reading. Once we collect all of the information from you all, we'll produce one map atlas with all the changes and deliver them to you prior to third reading, which would be the basis for consent map change. So if there's any questions, I think I've covered everything with regards to that process. We tried to make it as simple as possible for you.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: First of a, let me just say thank you very much for thinking through this process. And I think you said this at the beginning, but you're going to give us this in writing or you've already given this in writing?

>> We sent it late Sunday, from my email.

>> Kitchen: Okay. So then a couple questions. You know, one of the things that we've talked a lot

[3:22:28 PM]

about is we invited the community, you know, to propose to us alternatives or ideas or things that they saw in their neighborhoods, and so I know that y'all went through that process and we should all have those now, if I'm understanding.

>> That's correct.

>> Kitchen: So my thought is, my question is how -- how do we proceed with those, and I want to make sure it's clear to the public that we are proceeding with those and that we have a mechanism for doing that. Is your thinking that that mechanism is to include them on this map atlas? Is that what your thinking is?

>> Yes.

>> Kitchen: So as councilmembers we can submit those to be included on the atlas. And at the end of the day, that would be -- to the -- let me just be sure. So for purposes of the public, what I would be accurate in saying to my

[3:23:28 PM]

community, who have work really hard in terms of proposing some alternatives for specific areas, that what I will be doing with the maps that they have given me is submitting them as part of this map atlas and tracking, I think is what you used, process. And that that will then be reflected, everything that I submit to you as part of this map atlas and tracking process will then go on to a map that I think you said is between second and third, if I understood correctly. And then that will be the basis that we will use for a consent mapping process which we will use just like we would any other consent. It will come through as a consent item that anyone can pull from. So is that my understanding?

>> That is correct. You would give the -- give that to us and then assuming the vote, whatever parcels and changes were the desire of the council, those would then become incorporated

[3:24:28 PM]

into the final map.

>> Kitchen: Oh, okay. So --

>> The third reading map.

>> Kitchen: So the vote you are referring to is at third reading.

>> Correct.

>> Kitchen: Okay. And so everything that we submit you -- submit to you, will go on to that map. There's not a filtering process, there's not a process of decision making or anything like that. If we submit it, it goes on to the map.

>> It would have to be voted on.

>> Kitchen: I'm talking about the map between second and third. This map atlas and tracking.

>> Yes.

>> Kitchen: That forms the basis of what the council has to vote on, that anything we submit to you will go into that document.

>> Correct.

>> Kitchen: Okay. And then so then mayor in terms of this third reading vote, I think what we're talking about is that will be done as a consent process where it's presented to us and then we can -- of course, everybody has the right and always has the opportunity to pull

[3:25:29 PM]

anything, but we'll treat it as a consent process. Do I have -- is that right?

>> Mayor Adler: So the answer to your question, I want to make sure I understand as well. So in middle to late January you're going to give us a new code and a new map.

>> Correct.

>> Mayor Adler: If councilmember kitchen has some particular changes that she wants to make to the map, does she raise those prior to the second reading vote or raise those after the second reading vote but before third reading.

>> After second reading vote and before third reading.

>> Mayor Adler: So map changes for the second reading would be more -- if there were map changes, they would be higher level map changes.

>> Correct. At second reading, broad -- broad criteria changes, bigger changes.

>> Mayor Adler: Okay. So as we go into third reading, we will have a map, which is what was approved at second reading.

>> Correct.

>> Mayor Adler: And we also have an atlas that will

[3:26:32 PM]

be a compendium of all the map changes that have been submitted by anyone on the council that will be adopted by consent and then considered pulled items off that atlas. So we'll have those two documents between second and third. Is that right?

>> That's correct, perfect.

>> Kitchen: I have a follow-up -- did you understand that?

>> Mayor Adler: I wanted to make sure I understood that. Give other people some questions. Councilmember Ellis.

>> Ellis: Will the changes spread sheet have addresses or will it continue to just be property id listed?

>> The spread sheet will list a variety of ways you can input. If you have the property id or if you have the tcad number or the address, you can list whichever piece you have and staff will match it to the mapping process. But you can -- but we'll have columns for each and you can fill in whatever information you have.

>> Ellis: That's perfect.

[3:27:32 PM]

Thank you.

>> Mayor Adler: Councilmember Casar.

>> Casar: I feel like I've been asking the same question folks have asked a million times. Sorry, it's been three days. It's been long. So -- so are we not voting on second reading on which of the map changes to accept? Because I keep hearing between second and thirdment I'm trying to understand.

>> Not on second reading. So we would collect the map atlases from you all after second reading. So if there was a desire of the council to have additional direction on -- on the map after you see the first reading map, after you see visualize the changes from this first reading, and so we would collect those after second reading. So if there may not be or -- but we prefer them to be

[3:28:32 PM]

broad with the planning criteria stated similar to what we asked for for first reading.

>> Casar: So our lot by lot work is for third reading in particular.

>> Correct.

>> Casar: Okay.

>> Mayor Adler: To add in, it looks like then the timing has us approving on second reading early February. And it looks like us having then third reading approval at the end of March, turning into April in that week area there.

>> That's correct. When we were discussing this process, we believe that we could be ready in the last week of March for third reading.

>> Mayor Adler: All right. So if, manager, if the clerk's office and staff could work with me to work with council offices to make sure that we have set public hearing opportunities as well as time for council to deliberate so we can bring back a proposal to council, I think that would be great.

[3:29:33 PM]

In fact, if you could elevate something over the holidays as a proposal and get it out to everybody, maybe we could visit on that so at least people would have something they can look at and react to on the board. So people could start mapping out their spring calendars. Yes.

>> One other just brief comment on the mapping just to elaborate on annicks comments. As you are thinking about, we anticipate the map that you see at second reading will reflect many of the -- it will reflect the direction you've given us and we imagine that in many ways it will be more to council's liking in particular respects. We've heard your comments and we've heard your -- we're going to, you know, give great thought to your direction and do our very best to conform the map to your policy guidance. But as you begin thinking about individual parcels and as the process goes from the general to the specific, we encourage you to also -- specific, we encourage you to also think about your own criteria. It's important that this

[3:30:34 PM]

process as a planning process, as a comprehensive zoning process, that it be driven by criteria and that it be driven by planning judgment. And your criteria may refine ours. Criteria may be different from what staff has recommended and that's fine, we expect that, that's what the process is supposed to result in. But as you are looking at parcels and thinking about your individual districts, be mindful of the need to have planning judgment behind the different recommendations you make in the atlas that annick has described.

>> Mayor Adler: Okay. Councilmember alter.

>> Alter: So we have some neighborhoods that were mapped missing middle and high opportunity areas that are not transition Zones, and you kind of just picked areas as far as our constituents feel. If they have -- if we have proposals of where in our district we think would be

[3:31:35 PM]

better, it seems like that might be a discussion we should have with you before second reading so you can see if those are better choices than the ones you made as opposed to the whole council talking about it because we will not -- you know, rather than finding the better planning process, otherwise we'll get both and that's not going to be -- that's not going to be a comfortable position for us to have those conversations about moving things around. So I'm hoping that we can have those conversations and you can consider that with -- you know, understanding of what we are trying to accomplish when we've heard about where things would be better placed.

>> We plan to reach out and have one on one meetings again like we did in the previous months leading up to the October 4th release. And we've gotten good ideas and suggestions from the planning commission that were voted on with regards

[3:32:37 PM]

to areas that could be better and should be thought through with regards to missing middle and higher opportunity areas. And so the team is happy to talk about those and anything else you would like to discuss in future meetings and welcome that input.

>> Alter: Okay. Thank you.

>> Tovo: Along the same lines, I have an amendment that we didn't take up about alternative mapping resources, and I'm happy to just talk through it and -- if that's sufficient. But we -- you did accept alternative maps from neighborhoods during the initial phase and, you know, in looking through the ones I've seen submitted, I think these communities would benefit from some assistance and resources. I have heard again and again an interest in really co-creating this plan and heritage neighborhood, for example, came forward and

[3:33:37 PM]

presented in our conversation on Saturday the results of their work. They were -- in the map they submitted, they believe they achieved more capacity and impacted about 25% fewer properties. And so, you know, I would ask us to really give serious consideration to our communities to provide us with those kinds of alternatives, especially communities that have been proposed for very, very significant remapping. I think it's appropriate to ask them, to encourage them to do those alternative maps and to provide some staff resources for any community that wants them to be able to come up with that. But, I mean, I had people asking me questions about how to even physically do it. You know, they were printing out pages and handwriting comments. Just the logistics of doing that if you don't have somebody, as heritage does, an architect who has the ability to manipulate the software and really -- it's just a challenging, it's a

[3:34:37 PM]

challenging task for some communities to undertake. So I would like to -- with the council's -- hear the council's thoughts on that, but I think we should empower communities to participate in this and to provide us with alternatives. I would like to suggest if we are going to continue to encourage people to submit maps, and I'm going to continue my constituents to do so, I think it's a rational approach to providing alternatives. I would request that we not have a list of very strict guidelines that appear to be -

- that appear to be requirements. One of them, for example, was that the same number of properties be -- I can't remember the language, but that the same number of properties be rezoned. To me that's not a cry tearian that makes sense if what we're trying to do is achieve a certain number of units. I'm not sure we would insist a particular neighborhood do so by impacting the same number of properties. The example I offered earlier, dellwood 2, what

[3:35:37 PM]

kind of map could though hope to bring forward? That criterion didn't make sense. But most of our neighborhoods have good senses what their assets are, what properties would be great to see redeveloped because there's a lot of underutilized land. I would really like to empower our neighborhoods to help us get that data both helping us identify the missing middle housing that we want to right zone or not up-zone and also helping identify those spots that are good for, you know, appropriate for redevelopment.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: Yeah, I don't necessarily disagree with that. We told neighborhoods we wanted them to submit alternative maps and I took that to mean that they would submit them to us as councilmembers and then we would bring them in the mapping process. If a councilmember needed support to submit their map amendments, I would expect

[3:36:37 PM]

we would receive support. So I don't think it's terribly inconsistent with the objective. And the advantage there is that I think any councilmember who had a neighborhood that felt that they couldn't do that, you could bring a map amendment that wasn't just their neighborhood. You could say, well, they didn't want to go across airport boulevard because that's not their neighborhood, but you talked and found -- et cetera, et cetera. I think that's a fabulous process. Then you are bringing map amendments, we're all going to bring map amendments and I would expect staff support for all of us us to be able to do that.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: If I understood correctly the question I asked earlier, there's not going to be any criteria for submitting them. In other words, if I understood correctly, what we were saying is if the council members submit maps to you that they will go on to the map for third reading. Now, that said, of course we're going to think about criteria. But in other words, it's not

[3:37:37 PM]

a set -- staff set process which mapping ends up in the third reading consideration. If, so councilmember tovo, I just wanted to make that clear. So -- but I do have one question.

>> Mayor Adler: So would you want to comment on that real fast?

>> Kitchen: Sure. I mean, go ahead.

>> Mayor Adler: I agree with what you said. In terms of scale and scope, I think that big changes, someone comes in and wants to change an entire big area, I think the more appropriate time to do that is part of this earlier time. Because I think it's going to be easier to handle a big thing. I think the map atlas part, we're all saying we want to be as flexible as we can for councilmembers knowing their district. That process is going to work and more things will get done. In my mind, I'm seeing that as fewer smaller changes than the scale of the first changes. So if an entire neighborhood is coming in, I would say

[3:38:37 PM]

don't wait until after second or third reading. Bring that stuff in now and see if we could get that reflect. At the end of the process between second and third, that's more where councilmembers are coming in saying hey, there's this smaller number of things that I think in my district should be changed.

>> Kitchen: Okay, thank you, that was one of my second questions. So what we're saying is between -- between now and second reading, the map that you are coming up with, we can -- we will submit to you if we have whole neighborhoods that have suggested alternatives, and that will be -- is that what you are saying, mayor?

>> Mayor Adler: Yeah, I would --

>> Kitchen: That would be included as part of this next mapping process. I think that -- mayor, I think that makes more sense because otherwise we're asking neighborhoods that have submitted information to us to wait pretty long time before they can see whether or not it's going to make sense.

>> Mayor Adler: There's the bigger changes that are more -- that are really

[3:39:38 PM]

policy related related to that. I would like to see that coming in and I see that as being a wholesale neighborhood remap rather than trying to do a wholesale neighborhood remap on consent between second and third reading. I think really what we're looking about on second and third reading someone coming in and saying see this property here that exists, this property here I think should be rezoned. I think the consent map being more that, the atlas being more that than a wholesale neighborhood change.

>> That's correct. That makes the most sense. The one difference I want to point out is that should constituents deliver big, bigger ideas and changes and concepts about the mapping to you all starting as early as later today or tomorrow, that we wouldn't be able to incorporate those into the map that -- they would need to be discussed.

>> Mayor Adler: The map you are doing now is just

[3:40:39 PM]

reflect the direction you are getting today, period. But if there's a big neighborhood that comes in, I want them to have a hearing on that and discussion earlier in the process because if that doesn't happen, then I want the councilmember to be able to come after that and say, okay, we wouldn't do the really big thing, here are six lots within this area I think should be changed, I want to put them on the atlas.

>> Kitchen: Mayor, I'm concerned about the last part of that you said. So are you saying that each one of our neighborhoods that have proposed a change, that we're going to go through those one by one on council and vote on them on second reading? I thought that what we were talking about is reflecting those -- I thought what you just said was reflecting them in the second map. So if that's not what you are saying, but I do not anticipate going through each neighborhood and what they have proposed as a voting process for each one of us. I think that that is either going into the second map

[3:41:39 PM]

because it fits with our principles or whatever, or it's part of the consent process.

>> Mayor Adler: So I see the only map you are doing on second reading is the map that comes from the direction here. That's all that should be on that map. As we vote on second reading, we're going to give additional mapping instructions to staff. So one way for you -- if people in your district wanted to change things, one way would be for them to change it as part of the discussion for second reading, which could be passed on second reading if it got passed by the council, it would be reflected on the map you do after second reading. You will also do an atlas after second reading that will contain proposals or changes that the councilmember wants to make and they will go in without filter and they will all be there. And you could conceivably in

[3:42:40 PM]

the atlas, I guess, come in and say I want to change a huge geographic area. I think it's less likely at that point between second and third that there's going to be a massive geographic change.

>> Kitchen: Neighborhoods are not massive geographic changes.

>> Mayor Adler: I'm not deciding the changes. I'm saying in my mind nothing is stopped. There's nothing to stop anybody from putting any change they want to on the atlas for consideration. Nothing is stopping anybody. There will also be an additional time to try to make it part of the second reading direction that the council adopts. So you have two bites at the apple.

>> Kitchen: Yeah, I think that there's a problem with that. And the problem is not understanding what that actual vote is at second reading. Because if a neighborhood -- if anybody's neighborhood

[3:43:41 PM]

comes in and has an alternative that works and keeps the capacity, I don't think that as a dais that we need to be voting on each neighborhood. Which is what you are setting up. Now, if we wanted to do a consent process on second reading just like we're doing on third reading, that would be fine. We could do that. So what I'm trying to avoid is, so councilmember tovo has given us some examples of some neighborhood level things and she's got neighborhoods that have submitted changes. I have too. I know others probably have too. And those are -- they are not huge geographic areas, but they are also not more than one lot. So I don't -- I don't see a process -- going through those kinds of changes needs to be done on a consent process. So if we want to do that, a consent process for mapping a second reading, that's fine. We can do that for second reading as well as for third

[3:44:41 PM]

reading. And we can do it with a -- I'm not sure if I understand the difference between the atlas and the tracking document, so I'm not sure if I understand the difference there, but we could do that on second or we could do it on third. But I think the process needs to be the same.

>> Mayor Adler: How do you see this --

>> This may help. The atlas will be of the changes adopted by council as a body on second reading. Real produce the atlas based on any changes to the map after second reading. So it's the most current.

>> Kitchen: Okay.

>> And then with the idea, I mean the idea was that it would converge to smaller, smaller areas.

>> Mayor Adler: So now I'm confused.

>> Kitchen: Is an social security a list?

-- Atlas a list? Is it a list or a visual?

>> It's both.

[3:45:42 PM]

>> Actually I'm willing to let Lacey Patterson explain.

>> It's going to be a set of images, a way of making it easier for councilmembers to draw and not writing down addresses or working through an Excell spread sheet. We're trying to create avenues where you can both draw and identify visually and list out what properties you are discussing.

>> Mayor Adler: I'm still confused. You're going to do a map that's going to be based on the instructions you got today and nothing else. No one can submit, we're going to get a map that reflects what we approve. Second reading, there may be some additional map changes that are adopted by council on second reading which you will incorporate on a map that we get between second and third reading. At some point, some councilmembers are going to come forward, maybe multiple times, but at least once they are going to come forward and say here are eight changes that I want to make. I had thought that that

[3:46:44 PM]

compendium of all of those eight changes that councilmembers want to make was what was in the atlas. So there's -- like there was a universe of we got a booklet and we said here are all the changes that the councilmembers are urging us to make, and they are all adopted at our next vote, whether that's second or third vote, unless they get pulled in which case they are going to be discussed. But when I get the list of changes that is the compendium of all the things from council that's different than the map that you give me that reflects all the things that we voted on.

>> So to clarify --

>> Mayor Adler: I don't understand the difference between an atlas and a map.

>> The atlas will be a map broken into grids like the map atlas you used to drive before Google maps.

[3:47:44 PM]

And we will -- that will be based on the map after second reading.

>> Mayor Adler: Of things we approve on second reading.

>> The things you approve on second reading will be incorporated into a new map and broken into a grid. It will be the map atlas. We'll distribute that to each council and each council member can mark the

changes and give them back to staff and staff will compile them into one document that has all the councilmembers' suggestions into one map atlas, which will be based on the consent map.

>> Kitchen: Okay. Okay. So that answers my questions. I don't know if it answers yours.

>> Mayor Adler: But so that I understand, we're going to have a map that got approved on second reading. Right? And then there's going to be separate from that a map that shows proposed changes by councilmembers.

>> Kitchen: No.

>> Mayor Adler: Is that right?

>> No, no, no. The map atlas will be the same map that we put on you

[3:48:45 PM]

are on website. Y'all will approve additional changes to the map.

>> Mayor Adler: What gets approved on second reading.

>> Right.

>> Mayor Adler: When we talk about a consent map, what I'm envisioning and help me with this, councilmember kitchen, there's a map, it's like a list of changes. There's 50 changes in it that have come from councilmembers.

>> Kitchen: Right.

>> Mayor Adler: And we could if we wanted to go through each one. Let's vote on change 1, let's vote on change 2, change 3. But instead of that we're going to get a list of 50 and anybody can pull any one of the 50 that they want to.

>> Kitchen: Right.

>> Mayor Adler: Okay.

>> Casar: So is this atlas just like --

>> It works for two purposes. Two-fold.

>> Mayor Adler: The initial atlas doesn't have any of those. The atlas --

>> The atlas has two purposes. The first purpose is for you

[3:49:45 PM]

to have that map that was approved at second reading.

>> Mayor Adler: Okay.

>> And then to give you an avenue to mark all these changes for that list of changes that we're talking about.

>> Mayor Adler: Right.

>> And then we'll make a second iteration. When we say atlas, we just mean a gridded outlook at the map. That second will be the incorporation of edits turned in that list as visualization and way to pull separate sections as pulling out of concept. So it's a -- two iterations.

>> Mayor Adler: If councilmember kitchen wanted to make some map changes, one thing she could do would be to bring map changes between first and second reading and ask the council to approve that map change at second reading. And one thing that she could do is take the map atlas, put marks on it or have her

[3:50:46 PM]

constituents put marks on it, submit it back to you so version 2 -- so there will be a map atlas that reflects what the council has decided and then there will be a map atlas that shows as the base map what council decided but with the changes that are being proposed by a councilmember.

>> Kitchen: Mayor?

>> Mayor Adler: Is that right?

>> No --

>> Kitchen: Mayor, I would like to suggest. I like the way the staff has recommended it. I think what's causing us some difficulty is the question about, you know, when this process occurs. I think the way that -- I really like the atlas idea. I mean, I think that's going to be very helpful. And I think it might be too complicated if we try to do that both between --

>> Mayor Adler: I'm not trying to suggest a change. I'm still just trying to understand what is being proposed. I don't understand what is being proposed. I'm not suggesting any

[3:51:47 PM]

changes, I just don't have a feel for what's being proposed. Councilmember Flannigan? Mayor pro tem?

>> Garza: I just want to express my concerns with that process because it sounds like after second reading you will incorporate all the changes after second into that atlas. Then at that point a councilmember could turn in maps that say I don't want any transition Zones in my district. That would

be part of the consent -- that would be part of the consent going into third reading. So then another councilmember who would say no, this doesn't align with our policy direction, which was blah, blah, blah, and we're turning this into a parcel by parcel plan instead of a comprehensive plan, which goes back to what Mr. Lloyd said a second ago when we're submitting changes, think of them in the global context of the policy and the city and the

[3:52:47 PM]

comprehensive plan. And so this idea that I could turn in maps that significantly change every single page of my atlas? My district I think is a wrong direction.

>> Mayor Adler: I may have described the process wrong and I think Peter was saying -- I'm still trying to find out what it is and maybe if you identify when it is that people make proposals to make changes. And I understand -- help me understand what the atlas is again. At some point I want a list in front of me of the 50 changes that have been proposed by people so that I can go through and see if there's any I want to pull or not want to pull. But mayor pro tem, at some point anybody can make any amendment they want to. Someone could say I want to get rid of all the transition in my district, they could make that proposal and then there's a vote on it. Help me understand the process again because I apparently got it wrong.

>> To speak to mayor

[3:53:49 PM]

pro tem's concerns, the reason we're recommending both a spread sheet and the map atlas together is because one of the columns for the spread sheet is going to be reasoning or policy direction as to why that change is being recommended. To speak to what Mr. Lloyd had been referencing before this needs to be part of a holistic policy direction. For each change that is graphically displayed in the map atlas, it will have to be referenced in the spread sheet with this corresponding reasoning with it. So they work in tandem together. So both would be submitted and compiled together so that each parcel that was being recommended for consent had firm foundation within y'all's policy.

>> Mayor Adler: I still --

>> Garza: I'm sorry. They wouldn't make it into some document if it didn't -- if it didn't align with the council's policy direction.

[3:54:49 PM]

Is that --

>> So staff would most likely not be the arbiter of whether it met y'all's policy. We would put it in as y'all directed. Arbiters. It would show what the policy guidance each councilmember displayed to recommend a change and then it would allow the council to discuss those items based on the consent.

>> Mayor Adler: After second reading, I'm going to have two documents, right? As I go into third reading, I'm going to be sitting with two documents. I'm going to have the map atlas that reflects what we approved on second reading. Then I'm going to have a map atlas that contains the amendments as proposed by councilmembers. So I could literally flip the pages and on this document I would see what we approved, on this other document I would see what it was that was proposed. And all we mean by consent is we're just going to ask if anybody has any objection

[3:55:53 PM]

to any of the amendments. Just like we did here like a consent agenda. It could be every one gets pulled and we go one by one. Or all are adopted on consent except these five. We won't know until later. As I'm sitting at third reading in front of me I will have the map and it's the use of the word "Atlas" that's maybe throwing me off. I have a map that we approved on second reading, I have a map that shows changes without filter because it's just amendments people can offer and people can offer any amendment they want to. And my question -- is that right?

>> Yes.

>> Mayor Adler: Okay. So my question is that's happening before third reading.

>> Right.

>> Mayor Adler: Does a councilmember or a neighborhood have the ability to come in before second reading, because they want to have their thing in the second -- in the first map, not the atlas to

[3:56:53 PM]

propose changes. Will council on second reading be able to propose map changes?

>> We don't have the capacity to do it for second reading.

>> Mayor Adler: So --

>> It was designed for between second and third reading.

>> Mayor Adler: So you don't anticipate really any map changes being made at second reading. Unless they are really high level policies.

>> They could be.

>> So may 2nd you gave us great direction, right? A map was produced. Different interpretations maybe about what that direction is. So this process, the input that we received, has helped refine how to map. And as you said, mayor, that's exactly the map that is the second reading map. That's going to take the direction that comes out of this first reading decision. So that's a map. And that map will be -- as

[3:57:56 PM]

Lindy said, remember those Michelin maps? You had a whole book, had to flip through. The purpose is, as Lacey said, to provide a map at a larger scale so you can see parcels more easily. Very, very large, it's hard to do that.

>> Mayor Adler: That's what we're getting

>> Mayor Adler: That's what we're getting back in January, that reflects what we've given you today or no? What map are we going to get back in January?

>> So after the second reading map is approved, then the atlas is created from that.

>> Mayor Adler: Will there be any differences between the map we get at the end of January and the map atlas that we get after second reading that reflects any changes that we made on seed to go the map, or are we not making any changes to the map at second reading?

>> You may make changes to the map on second reading

[3:58:57 PM]

and then --

>> Mayor Adler: That will be reflected in --

>> That will be the basis of the third reading map. And then you will receive the tool, which is the map atlas so that you can as you described, which was good, have both to compare as you deliberate and discuss in third reading.

>> What I was going to say is the scale of change to the map, as we move to a convergence to the map that everyone can agree to, is the second reading map is going to look pretty significantly different --

>> Mayor Adler: We say second reading map, are we talking about the map I go into second reading or the map that gets decided at second reading?

>> The next map that you will see.

>> Mayor Adler: The end of January map. Okay. So that would reflect the refined direction that--

>> Mayor Adler: That will reflect the changes that we made today.

>> Yes.

[3:59:59 PM]

As the council looks at the map there may be changes of scale that would be deliberated at that second reading, right? Then that -- what gets approved at second reading becomes the map that gets delivered to council in the form of atlas and with a spreadsheet to provide more detail, right? And will be online. The idea of having the atlas is then again the scale of change is much smaller. It's not large swaths of land. It's smaller. And council can mark those up and those would comprise then the map that is to be considered for third reading. So if there are major kind of changes of mapping out all the transition areas, that's probably not the --

>> Mayor Adler: So if I have a district and I want you to make changes to the map that's being approved on second reading, do I give

[4:00:02 PM]

those to you before second reading or do I give those to you after second reading?

>> After.

>> Mayor Adler: Okay. And you're going to be preparing a map that reflects all the changes that are made by seed -- made on second reading. You're going to be preparing that even while you're getting comments from other people. So we may get the second reading -- the map that reflects the second reading in an atlas form. We will get that map and it could be a week or two later that we get the cap that reflects the changes from councilmembers that you're getting between second and third reading that are people's proposed changes to the map that we approved at second reading. I would assume they wouldn't be coming out at the same time because the map I get after second reading will reflect the changes I made at second reading. The other map I get before 3D be will be that map, but with the changes that people are proposing as amendments.

[4:01:05 PM]

>> That's correct. We'll have to figure out the process by how to collect them, if council offices are collecting them or how we assist y'all with collecting them, but yes.

>> Mayor Adler: Okay. So I think -- councilmember kitchen, as I understand it, everyone here has potentially two different times to make mapping changes.

>> Kitchen: So mayor, I think it makes more sense -- I'll talk to the staff, but it makes much more sense to do it as part of the map atlas process. We can talk about it. I appreciate the clarity.

>> So the kinds of changes that you made -- map changes that you've given us direction on here on first reading, they include the criteria that are in the supplemental reports related to reducing transition areas, in vulnerable areas. They include a lot of criteria driven changes. You will that another opportunity to engage in that sort of exercise. At second reading we'll

[4:02:07 PM]

encourage you not to go to the parcel level yet, but to focus again on criteria and to give us more refined criteria. That will then result in another map that's based on sort of the planning criteria that you've laid out. And then at that point, as mayor Adler indicated, at that point you will have an opportunity to use the atlas tool that lacy and lyndi have described. And critical to that tool, as mayor pro tem Garza indicated, will be the need to provide a planning rationale that can be different than ours, but grounding all of your zoning decisions in some sort of a criteria basis is important to the process.

>> Mayor Adler: Sounds good. Any further discussion on this?

>> Garza: I was just curious if -- does planning commission -- are they in this in any way?

>> Mayor Adler: That's no. Councilmember alter.

>> Alter: So this sounds like a process that's going to take some time. So I hope that in our schedule we'll build in the time necessary to get this

[4:03:10 PM]

right. And I want to ask that, you know, I know that obviously we have the right to make changes to the dais and whatever, but to the extent that at least before the public hearing we can have some sense of the options for the map, we may want to change some of those after we hear from folks, but I can only imagine the outcries if somebody gets their zoning changed and on a map and there's no way to even perceive that it happened without -- I mean, I don't think we can do notice, but if there's no way for a councilmember to even be able to communicate that somebody else is trying to change something in their district, I think that's going to be very problematic problematic. I'm very comfortable with this process if we're making changes in our own districts, but if we start to change things in other people's districts, that notice piece of it doesn't seem to have been thought through here. And I don't know that we have to resolve that today,

[4:04:11 PM]

but I think this conversation suggests there's a fair amount of confusion over what we're doing and we need some further clarity, it may be in your memo, but I haven't had a chance to read your memo from Sunday, but we need to be able to communicate clearly to our constituents what this mapping process is. And I'm not able to do that after all of this back and forth so I would appreciate the assistance. And I think we need to think long and hard if we're making changes in other people's districts of what that looks like timingwise in terms of what we're allowed to propose.

>> Mayor Adler: Okay. All right. Yes, councilmember Ellis.

>> Ellis: Is it okay if I request through this atlas process if we have some sort of metric for capacity or the effects whether we're increasing on certain places according to policy direction or decreasing? Do we have someone who is going to be kind of the captain of watching our capacity numbers?

>> We can definitely develop

[4:05:12 PM]

a process to communicate with you all how that's looking, yeah.

>> Ellis: That would be helpful. I want to keep an eye on how things are moving if we're achieving that goal provided in the may 2nd direction.

>> It will be high level general. We'll only be doing of the official model run after first reading, but we can give directional feedback as the process continues through.

>> Ellis: That would be helpful, thank you.

>> Mayor Adler: So you will come back with dates for this suggested both for the work sessions and for deliberations and public comment opportunities so we have all those things potentially mapped out. Mayor pro tem?

>> Garza: I just want to suggest something other than atlas because I don't want to confuse people with atlas 14 because we just had that discussion. So I don't know if it's map book or what. But just a suggestion.

>> Map book works.

>> Mayor Adler: Okay. We have -- we have made all the amendments that we have

[4:06:12 PM]

to the base motion. It's been moved and seconded. What is in front of us now is approval on first reading of the land development code rewrite and map. Discussion before we take a vote?
Councilmember alter.

>> Alter: I just have a map process thing that I wanted to do, if I can see. It's a little bright here. So we've all sort of struggled through the last few days and the hearing and kind of an erratic schedule. If we can make sure that we, like the budget, for whenever we're doing this that we set aside the time and we have already checked all of the schedules that need to be checked for conflicts. It is really, really challenging if you have children, both for us who are on the dais and those who are staff, to have this kind of all over the place kind of thing. And we really need to be able to plan in advance. We can get rid of childcare, but it is really, really

[4:07:17 PM]

challenging -- it is challenging for all of us to get our heads around and to focus and do our best week. So if we could make sure we're clearing the decks for whenever this is and providing us sufficient time if we don't use it, we don't use it. We're all happy when we get extra time back, but I think it would help us to move more smoothly and if we can try not to make them 12-hour days, I think we would do better work.

>> Mayor Adler: It's been moved and seconded. Let's take a vote. Those in -- yes.

>> Tovo: Mayor, I have some comments that I'm going to offer in a few minutes after other colleagues have spoken. But earlier in the conversation, and I didn't have an opportunity to ask this question, you had asked the staff to prepare something over the december-january. Would you remind me what that is? I just want to suggest -- we've had an extremely -- as councilmember alter's

[4:08:17 PM]

comments suggest, we've had an extremely arduous calendar over the last few weeks and I want to be sure that we're not asking our codenext staff to accomplish something in the next two or three weeks over what's left of their sort of holiday season. So could you remind me what it was it was? I missed what product it was.

>> Mayor Adler: Just setting potential days for people to put on the calendar K.

>> Tovo: It's not a product you asked for. I thought I earlier had you ask for some kind of product --

>> Mayor Adler: A suggestion of calendar days so people can start thinking about calendar days. The earlier we do that, the easier --

>> Tovo: I completely agree. I misheard you. I thought you were asking for some kind of report back or something along those lines. I want to make sure we're not doing that.

>> Mayor Adler: No report back. The main motion in front of us was made by councilmember Casar. I don't remember who seconded that motion. Do you remember who seconded it? I think it was Pio, councilmember Renteria. I think it was councilmember Renteria that seconded that. It's in front of us. Any discussion before we take a vote?

[4:09:17 PM]

Then let's take a vote. Councilmember alter.

>> Alter: So I want to first express my deep appreciation for our staff both in our city departments and in our council offices for sacrificing so much time away from their families, dedicating themselves to this process. I want to thank my colleagues for their work and consensus and compromise. I believe over the last two days of deliberation we've taken steps to improve certain pieces of the draft code, including the potential for gentrification in you vulnerable areas and disincentivizing Mac mansions. And I'm looking forward to see what staff brings back reflecting the good work we did this week. However, I continue to be concerned with this process and I don't think it's helping us rebuild community trust. On Saturday we heard from over 500 austinites. I had virtually no time to digest their testimony, look

[4:10:17 PM]

into the issues that were raised, create amendments and understand their implications before voting. Moreover, in my opinion it's challenging as a policy maker to receive and vote on amendments from the dais that we haven't had a chance to fully vet. And I'm uncomfortable with approved amendments that reached beyond the policy direction established in may. I think we need more visuals incorporated into our discussion so that we can better see what this might look like in practice. And to that extent that -- to extent that we are not creating visual models, I worry that we might create more space for the unknown, which can create anxiety in some communities. I'm disturbed by wait we're pushing forward with expanded transition Zones. One of the top fears expressed to me by residents is that under the new code upzoning pervades deep into the heart of neighborhoods. As I laid out earlier, the data from staff shows that the transition Zones will yield less than five percent of our total capacity goals. We can accomplish over 95%

[4:11:17 PM]

of our goals without alarming so many people in our community. And I'd like for us to reflect on the numbers and weigh the costs as we move forward while thoughtfully mapping new missing middle housing. Although I believe we did incorporate some good changes, I can't support this today. I've learned a lot through this process about the history and long-standing impacts of our current and past

codes and I'm committed to building a more accessible and inclusive future for Austin. We have a lot more work to do before second and three readings and I sincerely ask that we continue to dig into the data and seek out answers before the next vote. And when we do reconvene I ask that we continue to work with grace towards one another and recognize that everyone is working to create the best possible policy for our shared city.

>> Mayor Adler: Councilmember pool.

>> Pool: Yeah. I'd like to say a few things about my vote today too and about the direction that we seem to be taking. And I'm going to first thank our hard working staff as

[4:12:21 PM]

well, the entire team for the many, many weeks of intensive effort that you invested to deliver the code in a very short period of time. You have my lasting respect. There are some things I'm pleased about in the new code. Certainly we all agree that we're moving in right direction by providing more housing on our corridors. There are some environmental things that the staff has proposed too that I'm supportive of, especially with regards to detention and water quality. Thank you for those. And along with this process I appreciate that the uprooted report and the maps are very much a welcome part of our discussion, the draft code and our conversation around mapping. I'm also very pleased that this council supported my amendment to consider a no net loss and 50/50 -- 50 by 50 tree canopy policy that is aligned with our climate plan and resiliency goals. I'm also pleased about the

[4:13:22 PM]

F.A.R. Adjustments that were accomplished, the opportunities that may be provided for our creative community, the consideration of a monitoring and compliance fee for the bonus program as well as the potential for prioritizing expedited permitting for smart housing projects. So where I'm disappointed, though, is that this council isn't willing to support getting more information from staff about some key goals such as reviewing the possibility of providing more multibedroom units for our families or reviewing infrastructure needs or just what it is that might tip our existing market affordable housing into redevelopment and a net loss of those units.

-- A consequence loss of those units. I've also been vocal about the rushed process and I'm disappointed in the failure of the majority of this

[4:14:25 PM]

council to recognize our public's rights to protest rights as a part of of this code and map. And of course, I'm concerned about the excessive mapping of transition Zones into some of our neighborhoods in what seems to run counter to council directive and isn't frankly necessary in terms of our housing goals. However, despite our differences on some issues, I do believe -- I do believe we share a lot of common ground. I'd like us to pull together to make some real progress on getting more on-site affordable housing with all these new entitlements. And certainly on nailing down an easier path for our current residents and struggling families to build more units and gain some income off their properties. Between now and second reading I will reach out to staff on some of my amendments that I offered to table so that I can get some

[4:15:25 PM]

more information and try to refine some of that language and bring back the additional initiatives. For now given my lack of comfort with much of the proposed code and map and with much of the policy direction that was passed today, I will not be able to support this on first reading. Thanks.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Yeah, thank you. I too just want to start by first thanking our codenext staff. You have been amazingly generous with your time both in one on one meetings with us, in one on one meetings with austinities. Thank you for your work. I know it's been very arduous, as well as all the other staff who have been here. Very long hours to support our work. And I don't want to forget to thank our council staff. I can't remember a week like the one we've had, and they've been working diligently for week after week after week. And I've lost track of how many 12 hour days we've had

[4:16:27 PM]

including in my office too that happened over the weekend, not just this weekend, but the previous one. So I really appreciate it. We just couldn't do this work without them. And of course I want to add my thanks to the public. In the years that we've been working toward this, both from a comprehensive plan on up to now, thousands and thousands of austinities have participated in this and I appreciate and encourage our continued engagement. You know I think we've all gotten hundreds of emails, maybe thousands at this point. My email box for my district is in the multihundreds. There's not anywhere I can go in Austin right now where somebody doesn't stop me to offer in most cases real concerns about what they see. I am -- I think right now we're still in the midst of a very device sieve process and I would like to offer some suggestions about where we might go from here. And because we've talked about some of what those

[4:17:28 PM]

concerns are, I want to say very few people have read through that 1300 page document at this point, but they understand when they're expressing concerns, they understand some of the main proposals that they're responding to. And in my district when they look at the code, what's causing the primary concern is definitely the transition Zones. Certainly I've heard interest in seeing preservation bonus that really preserves that front house and I know we'll all work towards that, but the transition zone is what I'm hearing the most concern about. And when they look at the district they see widespread rezonings of residential property and they see that without a requirement for affordable housing. In many cases they understand most of the areas in my district, the impact would be greater than it was in codenext with the transect Zones. I offered one example two in delwood II where you had no changes in codenext. And in this case just under 50% of the neighborhood has been rezoned for rm1nd r4,

[4:18:30 PM]

that amounts to 76 tracts in this tiny neighborhood east of 35 comprised mostly of one story could be create block homes. In district 9 neighborhoods, which are some of our densest in the entire city, these historic established neighborhoods, have earlier in the process been recognized as the kind of complete communities we wanted to see elsewhere. These are also the naked that have been proposed for the most intense changes. And ooze we've discussed or as I've mentioned in the last couple of days, a lot of these entitlements can be accessed with no affordable housing component. You can get to in rm1 seven units with no affordable housing. Five units in r4, no affordable housing component. And these are tracts that can currently have two units. Revenue though district 9 has one of the highest projected capacity yields despite what councilmember alter mentioned earlier about the way in which transition Zones plays into that and I look forward to really digging into those numbers as a council and understanding those better,

[4:19:30 PM]

but despite fact that district 9 is one of the highest capacity yields projected, it also has one of the lowest yields for affordable housing. And 97% of that capacity is expected to be achieved through redevelopment. 97%. R of those 60,000 plus students units. So when my constituents express their concerns that they're neighborhoods could be substantially redeveloped perhaps beyond recognition, I regard those as valid concerns at this point with where we are with the map. I am supportive of a code rewrite. I can envision a code rewrite that would benefit my district, that would benefit our city and that is really the goal at the end of the day, to have a code rewrite that benefits all of our city. As I look at my district, I see many of the goals that we're trying to accomplish here with this rewrite. We have the middle housing that appears to be missing elsewhere. I don't believe that we're yet at a place where we have a code and a map that achieves a diversity, equity and inclusion of uses and a

[4:20:31 PM]

diversity in all parts of the city. I look forward to working together, to listening to one another, to working together in these next couple of months to see if we can achieve a map and a code that gets us there. The imagine Austin plan directed us where that density, where that increased density should go. All over the city in the major corridors and in the activity centers. I support that goal, I support the goal of increasing density. I certainly support the goal of creating -- both of which I look forward to going back to some of the proposals we discussed this week and seeing how we can enhance that. As I mentioned, district 9 has some of the densest neighborhoods. It's also been proposed for rezonings that could result in a redevelopment of swaths of these neighborhoods. I want to speak for just a couple of minutes about the housing that's being mapped over. In coal II, most commonly

[4:21:32 PM]

referred to as cherrywood,' east of airport, the transition zone extends about seven lots back in this national registered historic district, which is officially known as the dellwood complex historic district. The result? By my estimation about 20% of its mid century historic duplexes, which have been providing missing middle housing for the last 71 years, have been proposed for rezoning. In neighborhoods like heritage, the transition would rezone about half the neighborhood including multiple duplexes, older homes with secondary units. The transition Zones at least as they're applied in my view, in my district, and in-- to the limited extent I've been able to study others, are not a standard zone. Though we provided staff with criteria, they are -- those criteria are applied differently even within the same district. I really appreciate my colleagues' response to the examples I offered earlier. Those again were not isolated examples. Those are just the ones I came up with. I hope as a council we can

[4:22:32 PM]

really look to some policy direction that I think could make a difference in this area. You know, again, as my assessment here, you see very little. I had a hard time finding any transition rezonings in your district, councilmember Flannigan. We do have major corridors there. Yes, they don't have bus lines. I assume that's why there are no rezonings along it, but I -- I would suggest we take another look at that. I do see a segment of river place boulevard has a depth of one parcel in district 6. And along sweet basil. One lot deep. In data I mentioned one example along convict hill that did seem to hit the policy guidance of two to seven. In other areas along covered bridge, silver mine, you see a depth of one lot, maybe two.

[4:23:32 PM]

In Wilshire -- again, in my district it varies as well. In the national registered historic district Wilshire wood, also east of 35, south of airport, what is regarded as one of the most intact residential historic neighborhoods in Austin, the transition is about five to six properties. Elsewhere, as the examples I showed you demonstrate, it's as many as by my count 14 lots. We have a whole swath between 41st street between Duval and peculiar, a whole swath completely rezoned. And really I guess I would just have to underscore a point I made earlier. When you look at a street like Duval which is a two lane residential street, it's not really transitioning to and from anything. It's simply a residential street running through a residential neighborhood for the most part. And so these are really in my mind out of line with imagine Austin. I think they're just residential rezonings and I would suggest we take another look at how they've been used. I showed a map yesterday of occupancy rates for renters

[4:24:35 PM]

and homeowners, and you know, we've had some differing conversations on this council about who lives in these neighborhoods that we're proposing major rezonings. I'll just note again Hyde park, north loop, the census tracts are 78% renters, 73, 69. Heritage and north university, 76% renters. Hancock 67. These are areas that have been proposed for significant rezonings. And those are not subject as we talked about, renters are not protected by Home Depot exemptions. And I'm talking about the impacts to my district, but I think these impact surrounding districts as well because as several of our speakers said the other day, if they decide to move many of those who live -- not all, but many of my constituents do have the resources to rent or to purchase elsewhere in the city, and if they leave district 9 they sure may go to the next available neighborhood. So where do we go from here? As many of the public comments suggested the other

[4:25:35 PM]

day, I think we should go back to the community. I am hopeful that we can with more than consideration -- I'm not equipped to do it today here, but I do think we need to construct a process for our community along the lines of what you've laid out, but really allowing our community to co-create this plan. I think our best participatory planning is a pillar of urban planning. This is the way we've done planning successfully when we're at our best here in the city of Austin and have done planning. We've invited the public to be a part of that. We've given voice to those who live in a community and allowed them help shape what that community looks like going forward. And I would ask us to continue -- to continue to do that. I believe that our council is at a point where we really need to rebuild trust with the community. I think the divergences from imagine Austin and the really dramatic changes we're proposing in very limited areas are not supporting that building of trust. I would urge us to really commit, recommit to a

[4:26:36 PM]

process that helps those maps get to a place that can be supported more generally by the communities that they would impact. Again, I don't think these concerns are limited to a small group of people. I don't think the people are hearing from are misinformed. They're people who care about the city, they care about their neighborhoods. They support in many -- in many cases they support the goals of increasing density and preserving and creating affordable housing and I think they have a valid point. They want to be involved in shaping how their neighborhoods develop and I believe they should be given that opportunity. So I won't be supporting it today. I am absolutely committed to working toward that community consensus and I would ask my colleagues to join me on that. Thank you.

>> Mayor Adler: Anybody else want to say anything? Councilmember Ellis?

>> Ellis: I too would love to thank staff, my staffer Julie who is probably watching in the back, has been completely working her heart out on this. I know y'all have been doing the same because this is extremely difficult work and

[4:27:37 PM]

you guys are always ready to go when we need you and you always have the answers around I really appreciate all the work that's going into this. It is the one-year celebration of my election, and it's been really incredible to have this as a milestone for the work we've been able to do in this first year. Austin has an affordability crisis. It's been caused by a lack of housing and sprawl has left much of my district gridlocked in traffic over some of our most sensitive environmental features. As someone with a professional background working for an environmental firm, specializing in's housing and transportation projects, this experience has helped guide my decisions throughout this process and I really look forward to continuing this work. I think we have all done a good job of trying to collaborate. We may disagree on policy decisions, but I think we do respect each other, we continue to respect each

[4:28:39 PM]

other, and it's a matter of council direction to lock arm in arm on these policy goals and to really help the constituents of Austin, and I think that's what we're all committed to doing even if we don't agree on the methods. This is a really, really good dais with really big hearts and I recall appreciate everybody's work on this because everybody's really doing as much work as they possibly can on this. So thank you.

>> Mayor Adler: Councilmember Renteria?

>> Renteria: And I also want to thank you. I'm sure that -- you have spent many nights, weekends doing this kind of work. It's just amazing that the energy and the enthusiasm that y'all showed to doing this job

and I really want to thank you. You know, Austin is -- I'm probably one of the only few up here that actually grew up here in Austin and was raised here. And Austin was a segregated

[4:29:41 PM]

city. My black friends, I grew up there off of 11th street, they couldn't go to the theaters there on congress. They couldn't go into the pharmacies. When they went to John B Winn off of 19th street they were allowed to just look into the pool. They never got to go inside and women swim. You know, we were designated at certain areas. You know, the 1929 plan, east Austin used to be an immigrant city of jewish, Swedish, Germans and idol yes or nos. And when you -- Italians, and when they passed that law they had to move out. The ones that could afford it got the nights, beautiful single-family house. They got it zoned up in the '80s and before then in the '80 for single-family 1 which you can only have one house on your house. They opted out of having sidewalks in front of their yards because they didn't

[4:30:41 PM]

want people to walk by their yard, people of color. And then they also did sf 2, which is even worse. No matter how big your thought, you can only build one additional house for your servants. This is how I grew up here in this city. People say oh, I loved Austin and it was great. Well, sure it was if you're white. If you were black and brown, it wasn't that great, believe me. We fought very hard in the R the '80s, late '80s to build, pass a housing bond, so that we could fix up our house and the city, west Austin and part of south Austin turned their back on us and said no, you don't need any housing. And we had to rely on the federal money to fix our homes. And we weren't allowed. When I got married I wanted

[4:31:41 PM]

to rent a house there off of west sixth street and I called them up and they said yes, we have rooms available. And I saw up there and what happens, they look at me and say no, we don't have anymore rooms. And that's what Austin was to us growing up here, raising our hands, fighting. Our schools, we weren't even -- our children weren't allowed to take books home. That's the way Austin was, you know. And what we're doing here is trying to change that. We don't have housing. This boom just caught us under guard. We've been fighting for justice for years. For generations. And we finally get to that point, where 10-1, single-member districts is allowing us to get leadership of the city and to change this city.

[4:32:43 PM]

When Marc Ott asked me, before he left, he said Pio, do you think this city is racist? And I had to say yes, I really think so. I didn't want to. He really hurt me. Because I don't believe in that. I worked on the community development commission to get Mueller developed there. When I saw that beautiful concept of being able to bring all races and all mix income into one area and make it work, it was just so wonderful. It gave me so much energy and excitement. It made me feel like we're finally part of this city. And when we tried to change all the zonings, all the racist zonings, man, do they come out. And that's what really my whole policy and working on the council is to change that. We need to integrate Austin. And integrate it not just have a wealthy neighborhood and everybody else around it poor. We need to integrate this

[4:33:47 PM]

city -- the only way we'll do it is through density and relaxing our zonings so that we can create more housing so that anyone can live anywhere they want and not have an exclusive neighborhood all by themselves.

>> Mayor Adler: Mayor pro tem.

>> Garza: I'll just be quick. We all have -- I really believe we're all trying to do and accomplish the same things. We just have different ideas on how to get there. When I hear things like upzoning I think of we're trying to accommodate growth and that's not just for the new people. That's for my daughter and our future generations. When I hear failure to recognize rights, I see -- we understand the legal framework and the requirements that were supposed to work within.

[4:34:47 PM]

I thank staff. I know this has been incredibly hard. I thank Katherine, who has done a lot of work, and I'm very grateful for all the work she's done on this. And change is hard. Changing systems is hard, but but I'm really proud of our council. I think I continue to believe when I leave this dais that the thing I'll be most proud of is being part of changing our system to a 10-1 system. Of everything else I've been able to accomplish, that is what I will be most proud of because you're moving this forward. This is huge. Other councils kick -- kept kicking the can down the road and kicking it down the road and we're finally here. And I really believe we're all trying to -- we have different constituencies, but I'm grateful that we

[4:35:47 PM]

have the momentum to change an antiquated code that has vestiges of huge -- of racism in them, institutional racism and we're fixing it and it's hard work and I'm just proud of everybody for being part of that.

>> Mayor Adler: Councilmember Casar.

>> Casar: I really want to also extend my gratitude to the code team and to the staff. Also to my staff and especially to Stephanie up there because I think this whole thing could have fallen apart without her. So I appreciate you. And to my colleagues. I have really always appreciated working with you and we still have so much work left to do. And while there were lots of vote where we ended up having to take a vote in the last few days, there were also so many things that we passed to improve this code together from the may direction into N on issues of gentrification and equity, the equity overlays,

[4:36:48 PM]

something that we adopted and did here together on issues of flooding and the environment. There were so many things that we asked the staff to do in the may direction and also did here today by consensus and working together that we were able to come together around things like the preservation bonus, adding units while also preserving housing. I think it's something that we've all committed to doing together. And while the headlines may sometimes be about the places where there was difference and there was conflict, I think there was so much really important work where we all agreed. And I think heading into second and third reading I think we'll find more places where we disagree because we all care about this city so much. And I know that we're going to find other places where we all look at this thing and say we can make it better this way or that way and we're going to find ourselves in agreement. So I appreciate all the hard work that everybody has put into this and we still have a lot more to do.

[4:37:48 PM]

But it's worth it because it's heart.

>> Mayor Adler: Anyone else? Councilmember harper-madison.

>> Harper-madison: You tired of being thanked yet? Thank you. We appreciate you. To all of our staff -- I would give a shout out to Lauren, but I think she probably gave up on me about an hour ago. Thank you also to my colleagues. As we close out -- we didn't have a poem or a prayer this morning, I would like to round us out with something optimistic. I feel wholeheartedly that we all genuinely have a vision for a better Austin. A more connected, united Austin. One Austin united together, pushing forward for the future. So that feels good and optimistic. And maybe a little optimism is a good part of that alchemy and we move toward the difficult days ahead. I would also like to say that I really truly believe

[4:38:48 PM]

that this code rewrite is a huge opportunity for our city to allow more housing and more housing for more people at all income levels. Let's legalize the construction of more affordable housing types and complete communities. Let's allow people to stay in their neighborhoods if they choose. And let's allow people the opportunity towards a more sustainable future. I wish the city was more unified in presenting this as not such a scary option because I don't think it's helpful. But it's realistic. Like mayor pro tem pointed out, change is frightening and sometimes growing is uncomfortable. Doesn't mean you don't have to go through it. So my hope is that we will do like some of my other colleagues have pointed out already, be graceful and patient with one another, and I know we're all extraordinarily passionate about our districts as we

[4:39:49 PM]

should be, but we should also be very passionate about our city as a whole. So I look forward to continuing to do the work together. I'd also like to do something that's probably off script, and thank the members of our journalism committee who sit here with us.

[Laughter]. And put up with us patiently. I think it's very important that during the course of this process that y'all report accurate and factual information to our city. I mean, for the folks who aren't able to be here at city hall, they need to be following along too. I think as councilmember tovo pointed out, I know we could do a better job of making people feel like this is a collaborative effort. I know we could and can. And I commit to doing that alongside my colleagues and staff and hope that we will all just make that

[4:40:49 PM]

commitment and do so in good faith. That we believe that the process, the overall goal of the process is to get us to a better place. Thank you.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I'm going to thank staff also because I don't think we can thank you guys too much for the work that you've done and that you will continue to do. I especially appreciate the fact that you are listening and I can tell you that my constituents appreciate that also. So I want to say thank you. You've always been willing to talk to anyone and that's really wonderful. So -- and of course I have to thank my team. They care passionately and they work very hard and I really couldn't do anything that I do without them. I have to thank my colleagues. I think that we -- I want to

[4:41:51 PM]

thank you for the listening, for the effort to work together to pass things. And we all felt like that sometimes that worked and sometimes that didn't, but I do think we came to the table really trying to work together and I'm very encouraged by that. I'm encouraged by the willingness that people suggested to look at and think about what's happening across the community. Councilmember Flannigan, I have to thank you for always wanting to see pictures. I think we all need to remember that because that helps us all understand what's going on. So I'm encouraged about that. I appreciate that. I think we made progress. We made progress on housing in particular, affordable housing, preserving the housing that we have. You know, looking at our preservation bonus, those kinds of things. So I do believe that we made progress over the last few days. I do think however that we

[4:42:51 PM]

do need to continue to work. There's a lot more work that we need to do. I passionately believe that we have to make this work for the whole community and I think that we can. It is going to be necessary that we build trust with the community. This does not end at third reading by any means and I think we all know that. And if we don't build trust with our community, we are going to come out of this with something that our whole community cannot embrace and feel comfortable with. And I think that we can build this into a product that we're all proud of in our community -- and our community can trust is going to take us forward and address the kind of problems we've been seeing with growth. So I don't want us to feel like we have to go so fast that we skip over that part of it. I think that's really

[4:43:52 PM]

important. I think we also have to recognize what people are telling us about the places they live. And their hopes and dreams. They know more than we do about where they live. And I think we have to trust that they are operating out of their best place and they want to be part of the solution. So I think it's important that we work with them and give them avenues to talk with us and that we listen to them. So I have been an advocate of changing the land development code since the very beginning. And I continue to believe that we need to change the code, but I'm not ready to support it today. And that's hard for me to say but I simply cannot support it at this point. There are too many basic issues. I think we share -- there

[4:44:52 PM]

are too many basic issues that are not done yet. They're not finalized yet. We all share goals for affordability, but I'm not convinced that we're actually going to get affordability. We've got to build housing that people can afford and I don't think we're there yet. We need to make sure that it works. We need to not push more people out. One of the things that worries me about our city that I see so

much happening is the rising prices in the center of the city and other places too that are just pushing people out. So we can talk about more housing in central city, which we need. We need more housing types, but we have to be very careful that we do it in a way that doesn't just haste enwhat's happening to us now. I can tell you about my neighborhoods like zilker, for example, that are just seeing wholesale tearing down and building of very large single-family expensive homes.

[4:45:52 PM]

That's not going to help anybody. It's not going to open up the central city to anybody. So I know we all share that concern and I know we're all trying, but I don't think we're there yet and I'm not convinced yet that we're -- that we are getting what we need, and I think we've got to be very careful that we focus on implementation and what's going to happen, what's going to really happen and not just what might -- we think might get us there or might sound good. I'm also concerned about infrastructure. I think we have to be careful to make sure that we do have sidewalks and drainage and other kinds of infrastructure to make sure this works otherwise we're not going to be -- we're going to be in transit and transportation and all that because otherwise we're not going to get the kind of city that we are dreaming of and focusing on. And we need to do all that together.

[4:46:52 PM]

I'm concerned about our environment. I do not think it's an either/or. I don't think anybody is. But I think we have to be careful to remember -- I had one of my constituents tell me the other day that she was very concerned about trade-offs between affordable housing and green space. And the way she put it to me was everybody needs green space. And we have to make sure that people that live in affordable housing, people that live anywhere and everywhere in our town have green space and have trees because that's necessary for health. And I just really appreciated her talking about it that way. So those are some of the concerns I have right now. I want to say that I do again think that we made progress. I do appreciate the spirit with which everybody came to the table, the grace that people brought to the table, the interest of working together and seeing what we could work out, and that's hard.

[4:47:54 PM]

But I think we managed that. I think we did that overall and I think that's good. And I look forward to continue to working together. I want to say that I particularly appreciated what I heard from my colleagues. When councilmember tovo shared with us the concerns in her neighborhoods, I thought it was very helpful to see those maps and I was very encouraged. And about what people were saying. Because there was a real interest on the dais to think about that. And to think about what a path might be to respond to those concerns that she raised. So I think that we can continue to work together and I

look forward to us continuing to work together. I think we can get this right, I think we can change the land development code. We've needed that for 30 plus years. And let's continue to do that in a way that we can build trust with the community and let's get it right.

>> Mayor Adler: Does

[4:48:55 PM]

anybody else want to speak before we vote? I'm going to speak last. I was going to not thank you just because everybody else had.

[Laughter]. But I do want to thank you. I mean, the work, spending hours of time, the product I think has been incredible. And thank you and I wish we were here saying that you were done. This almost sounds like people are talking like we're done and we have a lot more work left to do. Sorry about that. I want to thank the consultants also, the consultant team on this was really strong and you have brought a lot of expertise and help in moving this process forward, so thank you. Manager, I want to thank you. You kind of set up this process, you've put the people in the right places. You've visited with each of us going from office to office and we're here today having gotten to first reading within a year of setting that as a goal in

[4:49:57 PM]

part because of the process that you set us up. I want to thank my staff which has been incredible, especially John-Michael Cortez. He continues to teach me a lot. I want to thank the community. We don't do these things in Austin without a community, but I recognize it also hard on community. I think today marks the 68th meeting that we've had, where the public had the opportunity to be able to come and speak to us or to our staff, just since 2017. I also want to thank my colleagues. I think we did act with grace. We're a group that I think at its heart wants to avoid controversy. We're just not very good at it. But it is an absolute honor to work with you. Everybody on this dais is so smart and so submitted and I truly believe so good and pure in heart and intent.

[4:50:58 PM]

As a city we face pretty significant challenges, among them affordability, mobility and equity. And those issues are not solved only by revising our code, but there is no solution to any of those three problems without a significant and comprehensive code revision. So today is a really important milestone. But it's only a milestone. There's still much work to do. I want everyone to know and to see and to recognize that the council and the staff have been listening and will continue to listen through this process. We listen through years of Codenext, we listen through the policy direction that was issued. In April we

listened and you could see that in the staff's initial draft and map atlas that came out in October. You could see that and already the two reports that have happened in the supplements reflecting change, you can see that in the work that's happened here today and we're going to continue doing that. We're going to continue listening and this is going

[4:51:59 PM]

to continue to change and we'll continue to listen as we work through the next months. I would also say that I think that the process has already been very long. It has already could cost us so much money. Far from being rushed, I think many people in Austin just want us to get this done. They want us to get it done right. With everybody we're losing the benefit of the code rewrite can provide on environment and climate mitigation. We're losing the ability to afford on mobility choices and safety and executive and congestion. We're watching the displacement of vulnerable people in communities. We're losing affordable housing stock everyday. We're losing potential housing supply on lots that we'll never recover. We are not reducing flood risk. We are not increasing equity. In the ways that a code rewrite can and we need to move forward on them. So this code is a really big deal. This day, getting passed for

[4:52:01 PM]

a reason, is a really big deal. And I want everyone to continue to participate. I ledge to continue to work collaboratively toward completion. I promise as I know my colleagues will to continue this work with my -- with my mind open. So let's finish this and get the work done. Let's do it right. And in closing I would just say that today is a good way, a thankful way to move into the holiday season and I wish everybody a great holiday. Let's take a vote. Those in favor of land development code map on first reading please indicate by raising your hand. Those opposed? Opposed are tovo, councilmember kitchen en, pool and alter. It passes on first reading on a vote of 7-4. And with that at 4:56, this meeting is adjourned.

[4:53:08 PM]

I said the map and text.

>> You said the map.

[Laughter].

>> Mayor Adler: Let's take --

>> I would suggest not to put words in your mouth, but I would suggest that you also mean with the base motion with all the amendments indicated there.

[4:54:01 PM]

>> Mayor Adler: That was the base motion. All right. Let's take another vote.

[Laughter]

>> Kitchen: Would you like us to say anything.

>> Mayor Adler: Without objection, this meeting is reconvened. We're approving on first reading the map and the code, which is the base map and code with the amendments that we agreed to here over the last several days. The map and code text amends as we have here over the last several days. Anyone else want to say anything else as part of the motion? It's the base motion of the map and the text and the code with all of the amendments that we've added over the last several days.

[4:55:10 PM]

Are we okay? Those in favor raise your hand? Those opposed? It's the vote as I announced earlier at 7-4. And with that this meeting-- it passes. This meeting is adjourned.

[4:56:10 PM]