



**AUSTIN CITY COUNCIL
MINUTES**

**SPECIAL CALLED MEETING
TUESDAY, FEBRUARY 11, 2020**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a special called meeting on Tuesday, February 11, 2020 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order 10:37 a.m.

Mayor Adler recessed the Council Meeting to go into Executive Session at 1:03 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

4. Discuss legal issues related to the adoption of a comprehensive revision to the Land Development Code (Private consultation with legal counsel - Section 551.071 of the Government Code).
CONDUCTED

Executive Session ended and Mayor Adler reconvened the meeting at 3:04 p.m.

DISCUSSION ITEM

2. Approve second and third readings of an ordinance adopting a comprehensive revision to the Land Development Code, relating to the regulation of land use and development in the City of Austin and its extraterritorial jurisdiction, and providing for implementation.
A motion to approve the staff recommendations on second reading only was made by Council Member Casar and seconded by Council Member Flannigan.

The following amendments listed on the proposed LDC 2nd reading amendment version 2 document were accepted without objection and incorporated into the base motion:

An amendment proposed by Council Member Casar relating to Pedestrian Oriented Use. The amendment was to “Only allow a portion of the pedestrian oriented uses to be a residential lobby or resident-only uses, unless staff grants a waiver.”

An amendment proposed by Mayor Adler relating to Live Music Venue Use. The amendment was to “Propose appropriate text revisions to achieve the following objectives: include a stand-alone definition for Live Music Venue use (separate from Performance Venue use and Bar/Nightclub use), that describes an establishment where live music programming is the principal function of the business and/or the business is a live music destination, and where the venue clearly establishes the ability of an artist to receive payment for work by percentage of sales, guarantee, or other mutually beneficial formal agreement.”

The following amendment proposed by Council Member Casar was withdrawn without objection:

“To the extent feasible, map MS zones along Project Connect High Capacity and Metro Rapid streets where they are Level 3 streets.”;

The following amendments proposed by Council Member Tovo was withdrawn without objection:

“Zone properties in the Barton Springs Zone (BSZ) identified in Oak Hill Study that would have entitlements not consistent with current code as F25.”

The following amendments proposed by Council Member Flannigan were withdrawn without objection:

“The administrative AEC process should allow some water quality controls, such as rain gardens, to be allowed in Parkland areas.”

“Create an open and transparent process to establish or alter rules in the Land Development Code and Criteria Manuals that best meet the policies and goals of the city. Rules should be vetted and approved cross-departmentally, independently and publicly reviewed, and provided to the City Manager for approval with a limited possibility of an appeal to the City Council. The City Auditor should establish an independent board of appointed policy and subject matter experts that are not City employees to hold public meetings, hear public comment, review and deliberate proposed rules.”

The following additional proposed amendment were acted upon:

I. RESIDENTIAL (R1-R3)

An amendment proposed by Council Member Harper-Madison to amend “DUPLEXES to Adjust duplex FAR to 0.5.”

A friendly amendment was made by Council Member Kitchen and accepted without objection to insert language “without allowing a unit that would exceed the FAR for a single-family residence”.

A motion to revise the amendment was made by Council Member Alter, seconded by Council Member Kitchen to revise the FAR from .5 to .45.

The motion to amend failed on a 4-7 vote. Those voting aye were: Council Members Alter, Kitchen, Pool, and Tovo. Those voting nay were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison, and Renteria.

The amendment was approved as amended above on a 7-3 vote. Those voting aye: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison, and Renteria. Those voting nay: Council Members Alter, Pool, and Tovo. Council Member Kitchen abstained.

Direction was given to staff to bring back recommendations on the best increase to the FAR for duplexes as part of third reading.

An amendment was proposed by Council Member Harper-Madison to “MINIMUM LOT SIZE URBAN RESIDENTIAL” as follows:

“Using site development regulations for townhouse as a reference, modify R2B to allow smaller houses on smaller lots.”

The amendment failed on a 4-6 vote. Those voting aye were: Council members Ellis, Flannigan, Harper-Madison and Renteria. Those voting nay were: Mayor Adler, Council Members Alter, Casar, Kitchen, Pool and Tovo. Mayor Pro Tem Garza abstained.

An amendment proposed was made by Council Member Casar to “PRESERVATION BONUS” as follows:

- a. Reduce the required age of a qualifying home to be preserved from 30 to 15 years.
- b. To the greatest extent possible, for lots utilizing the preservation bonus: (1) Simplify the subdivision process by allowing the creation of lots through the “amended plat” process authorized by state law or other streamlined administrative approvals; and (2) Reduce minimum lot sizes. Council recognizes that, due to the wide variety of development typologies, not all projects will be able to take advantage of this process, but the intent of this amendment is to maximize opportunities for fee simple ownership in cases where homeowners wishes to build additional structures, preserve an existing structure, and divide the property to make separate ownership as easy as possible.
- c. To the greatest extent possible, the Multi-Unit Preservation Incentive should meet the relocation and right to return standards of Affordability Unlocked.
- d. To the greatest extent possible, consider further reducing the requirements for preserved structures to obtain “amnesty COs” in cases where: (1) minor code

violations exist, but the structure otherwise meets all applicable requirements for the Preservation Incentive and complies with applicable health and safety standards administered by the Building Official.

- e. Subject to applicable site development standards, as well as technical code requirements, allow the preserved unit to be moved on the property, but not moved away from street frontage.

A friendly amendment was made by Council Member Kitchen and accepted by without objection to insert a new section to B. that “ensures S.O.S level Protections are available if the amended plot process is used.”

The amendments to section a., c., d., and e. were approved on a 11-0 vote. The amendment to section b. was approved as amended above on a 10-1 vote. Council Member Tovo voted nay.

1. Approve second and third readings of an ordinance amending the Imagine Austin Comprehensive Plan to revise the Growth Concept Map and associated text, adopted in the Austin Strategic Mobility Plan, to designate areas for multi-unit house-scale residential development and existing single family uses.
No action occurred, please refer to the minutes of the February 13, 2020 Council Meeting.
3. Approve a resolution directing the City Manager to provide resources and support for neighborhoods to develop alternative maps associated with the Land Development Code revision (Tovo Programmatic Motion No. 36).
No action occurred, please refer to the minutes of the February 13, 2020 Council Meeting.

Mayor Adler adjourned the meeting at 5:14 p.m. without objection.

The minutes were approved on this the 12th day of March 2020 on Council Member Tovo’s motion, Council Member Pool’s second on a 10-0 vote. Council Member Harper-Madison was absent.