

Planning and Neighborhoods Committee Meeting Transcript – 09/21/2015

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Casar: Okay, we're going to get going, I think. Good afternoon. I'm Greg Casar and I'm calling to order today's meeting of the planning and neighborhoods committee. It is Monday, September 21st at 2:15 P.M. And we are in council chambers and I'm joined by all of our wonderful committee members. The first order of business is to approve the minutes from last committee meeting. Moved by councilmember Gallo. I'll second that. Seconded by councilmember Renteria. All in favor say aye? Passes unanimously. Next is citizen communication. It's a time when folks can speak on items not on the agenda. Our first speaker is Stewart Hirsch. >> Chair and members of the committee, my name is Stewart Harry Hirsch and like most in Austin I rent. I take you back to Harper

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Lee's new novel that reminds us that the 21st chapter of Isaiah, for thus say the lord go the watch man. I'm here to tell you what I see is if you are a homeowner on short-term rental who has had complaints you get to testify in front of the full council. If you are an owner of short-term rental who wants to testify, you get to testify. If you are a renter and don't belong to any interest group, three times I've signed up, three times I've been prohibited from testifying. I've handed you my writtenments that emphasize three things. One is that the building standards commission has to be a key player in making short-term rental work. Secondly, we've got to change the definition of an adult so it is no longer somebody over 24 months old. Which is the current definition in the property maintenance code. And third 1 you either have to define what unrelated is or throw it out of the code. Because when people stand on the property drinking until 3:00 in the morning and the code officer shows up and says are you all related and they say yes, from a faith perspective they are not wrong because we are all brothers and sisters under god, and really some of us think we are, and therefore we're not lying. The city of Austin has magnificently defined related in its ethics ordinance and nepotism rules, about whether you can hire family or not. And we should be smart enough to take things the city has already done right and do them right again in our property maintenance code and our other codes. Tomorrow I know the full council will take up the meeting in special call and we won't again be allowed to testify, and my comments on

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accessory dwelling units never seem to make it into the backup but I'm not going to be paranoid about that so I've given you another copy because I have no confidence you would get one otherwise and I thank you for the opportunity to speak on things not on your agenda because I often am not allowed to

speaking in front of the full council on things that are on the agenda and that scares me as we go into public deliberation. Thank you. [Applause] >> Casar: I've reminded the mayor, I believe in our rules we passed, slots for neutral speakers and we will do much better at working on that in the future. The next speaker is Frank Heron. >> Mr. Chairman, members of the committee, I want to repeat and expound upon my last week's request for a directive from you to your staff to include in the new development code a variety of affordable market and below market housing options. Scheduled to be tested beginning November 16 on eight or nine sample areas within Austin. The code is being written right now so there's not time for waiting. One of the eight things our city needs to do on a priority basis is in order to affect needed change is priority program 6, affordability throughout the city. And you have a hard copy of that program in front of you. Program 6 clearly states the way to accomplish affordability throughout the city is through new and different options. Some of them are listed on that page in front of you. I've also distributed a short paper on the benefits of higher density. Benefits that you don't hear about enough and that you should take to heart. As you've heard before, the only way to significantly impact affordability is through a combination of

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density and square footage. All I'm asking for is council direct your staff and consultant to include enough of those affordable housing options that we can do what we said we're going to do. You need to tell them to include enough choices so that the citizens of Austin can choose what they want to buy, rent and live in. And can afford to do so. And in the process you'll be making significant gains in solving our city's most pressing problems. I think your staff and consultant need and deserve to have a clear message from this council that you have their backs politically in doing what they need to do in order to significantly improve affordability. And I ask that you provide that clear message as soon as possible in the form of a written directive. My goal over the last six years has been to promote the creation and evolution of great neighborhoods that average Austinites want to live in and that their families want to live in and what they can afford to live in. That should be your goal as well. That objective is in jeopardy unless the drafters of the new code have the confidence they are politically free to do what is needed to create affordable housing options throughout this city. Staff and optics -- and you might want to cover your ears, they don't like politics, not good at it and yet they are too often forced to deal with it day in, day out. A clear directive from the current council would allow them to do their jobs better and more efficiently. They don't have to advocate, that's not their job. Just give us the options and then we will have the basis for a rational conversation when it comes to the content and eventual mapping of our new code over the next two years. Austin has many times found itself on various best of lists. We are now, however -- [buzzer sounding]

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-- I would just ask you to go ahead and as soon as possible give that directive to your staff and to optics. You all are the elected officials and I believe it's your obligation to do that. Thank you. >> Casar: Thank you. That is all the items signed up for citizens communication unless I missed one and looks like I missed David King. >> [Inaudible]. >> I did sign up. That's just fine. I'm trying to learn from my mistakes. I don't see it but I trust you. Go ahead. >> Thank you very much, chair and vice chair and mayor pro tem. My name is David King, I live in the Zilker neighborhood. Representatives from the developer community pop up online neighborhood groups and groups like AURA. Let's look at the facts. Despite what you may have heard from these groups, the density of Austin has increased over the past decade. In fact, based on demographer Ryan Robinson's data the population has increased by 57% since 2000. Thousands of moderately priced single-family homes in central Austin neighborhoods have been demolished and

many more replaced with more expensive higher density housing, apartments, duplexes and condos. Thousands of high density apartments and condos have been built along transit corridors in many neighborhoods in this city. In the past three years, over 2,000 apartments and condos have been built or under construction on south Lamar. Neighborhoods throughout the city have experienced significant infill and redevelopment. Some neighborhoods in south Austin encountered such rapid infill and increased density it's overwhelmed the capacity

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of the storm water infrastructure and caused increased flooding. Despite this increased density, Austin has become substantially less affordable. So we have more density but we have less affordability. We've seen firsthand that higher density does not make us more affordable. It actually makes us less affordable. So why, why do these groups keep pressing forward from higher density? A study die the demography, a pro density organization found policies that contain sprawl have resulted in less affordability throughout the world. Every large city that they looked at, the same problem happened. They became more dense and less affordable. Every one of them. So why would we want to push forward even more density here in Austin? To become even less affordable? I don't think so. We all know, we've seen firsthand Austin is less affordable than it was ten years ago. So the strategy of higher density is not going to get us to more affordability. Demographer Ryan Robinson also reported families with children are moving from the urban core to suburbs. Middle class African-American households have left east Austin for the suburbs. If this trend continues only high income and wealthy residents will live in central Austin. Moderate income families will be forced to live in cramped, high density apartment or move to suburbs and drive back to their jobs in the city. If more density makes cities less affordable why are these groups pushing so hard to facilitate density in the name of affordability? [Buzzer sounding] Is it because they have an interest in the vested profits that will be gained from that? What a shame if we give up the diversity in the name of affordability yet become less affordable. Thank you. [Applause] >> Casar: Thank you, Mr. King. We'll be moving on to item 3. This is an item brought to us and sponsored by councilmember

[2:26:43 PM]

Renteria. Councilmember, would you like to hear from the public first or would you like to lay out your resolution first? I'll leave that up to you. >> [Inaudible] >> Casar: Great. We have several speakers signed up to speak. The first is Eric Goff. After Mr. Goff is Mr. King. >> Good afternoon. I just wanted to thank -- I just wanted to thank councilmember Renteria for this proposal. To have online notification or other mechanisms to have standard bylaws for contact teams. We are looking at forming one in the neighborhood where I live and it's good to have a level set of what's expected. And so I appreciate your putting that ahead of time so we can know what rules to follow. It makes sense to have standard bylaws that people know what to expect. Especially since some of these organizations can initiate code amendments have to go to see the -- a landlord that wants to develop their property has to go to these groups in some cases first before they can go to the city and because these quasi governmental rules in place -- I just wanted to thank you for bringing this forward. Thanks. >> Casar: Thank you. And after David king is John Bartz. >> Thank you, chair and vice chair and mayor pro tem, councilmember. I just wanted to say I think you don't see a problem in bringing this issue up and looking at the rules and bylaws of the contact teams.

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I think it's good to take a look at all those things. It does concern me though to -- about how that's going to impact neighborhood associations. They are the front line on our neighborhoods here and they've been here for decades. And they live in the neighborhoods and I just get a little concerned if we're going to expand the boundaries of contact teams to expand the neighborhoods that haven't worked together or have different characteristics in their neighborhoods so I do have some concerns about this. I know we're going to go through a public process and have an opportunity to provide input, but I hope it helps with our planning process and doesn't create conflict between neighborhood groups that have done a good job in their neighborhoods and respected in their neighborhoods and this is not used as a strategy or tool to interfere with that process or negate those traditional neighborhood groups. Thank you very much. >> Casar: Mr. King, I have a quick question for you. In your comments you mention concn primahhe contact team area encompassing neighborhood associations that it didn't before. Right? >> Right. There's an item -- part of the resolution that talks about changing the boundaries of the contact teams and looking at that so that does concern me a lot. It's not clear what that means or how that will affect the planned areas and unplanned areas of the city. >> Casar: Thank you for bringing that up. >> Thank you. >> Casar: Next, Ms. Bartz. And then Wayne shiply is on deck. >> Good afternoon. And by the way, my first name is pronounced Joanne. In regards to this proposal I am concerned as was Mr. King about the enlarging mainly because as it is set up now, we're familiar with the area.

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We know what the people in the area expect to be in their area. If you enlarge that, you are going to be bringing in a the look of people who might have legitimate concerns but won't be of any use to those of us any particular area. I'm not articulating very well because this is not written very well, excuse me whoever wrote it. At any rate, and councilmember Renteria, just the other day I caught on television, and I'm not sure what particular meeting this was where you made a statement, you were very perturbed about the fact, you say people -- they don't want our houses, they want the dirt under our houses. I believe you remember that. Same thing here. If you change this routine where the people who live in an area are not going to be allowed to protect their area, that's the same thing. That is the purpose of that is to take the dirt under our houses. And you were so right on that and I was so glad to hear you say it. One thing I want to particularly bring out is that last -- actually it was on September the 12th, we had very good meeting of all the east Siders. At the expo center. There were over 400 people there. They gave all kinds of testimony, written down all kinds of information about what they are concerned about and it all came down to one thing, equity. It's very obvious we're not getting equity as the rest of the city is. You pick any topic, it doesn't matter. This is one of them. We need to have equity over here. And I have found, believe it or not, that since that meeting at the expo center, the east Siders are beginning to use that, what happened there and all the information they gave as a measure to see exactly was it meant, do you mean it, are you responding to our needs, are you going to be doing something else like this that's going to cause us another problem? Keep it in mind because this is what's going on. I've used it three times since the meeting in my area and you'd be amazed how fast I'm getting results from different

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departments in the city because I keep saying are you going to just come up -- end up telling us the whole thing at the expo was a bunch of you know what because we're not going to do that anymore. At any rate, I'll conclude very simply with words from Willie Nelson, if it ain't broke, don't fix it. [Applause] >> Renteria: Ma'am. >> Casar: Councilmember Renteria. >> Renteria: The reason why, if you look at the south Austin contact team, you have Barton springs, you have Barton hills, you have -- and then you also

have Galindo, which is on the other side of Lamar which is another side of the track. It is not even -- they don't have anything in common with Barton hills, but Barton hills are making all the decisions for Galindo. Why don't we let each contact team make the decisions on their neighborhood. If they want to become part of a bigger contact team to make the bigger decisions about the city as a whole, then they can all meet as one big group. But right now the way it's formed is each contact team, each area has their own vote and they make their own decisions in their area and you don't have a big contact team actually telling you how to run your little area. What they do is they meet like once every three months, the big contact team and make decisions. But the smaller contact that have variance and people request a change of zoning on a small lot single-family, they will still have that opportunity. All I'm trying to do is say, hey, these people that live in that area should have the opportunity to make their own decisions. And right now they are not allowed to do that. >> Well, I agree with that and I will tell you up front -- I'm sorry, I forgot to state I was authorized to speak to my contact team.

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I am a member and it is the university hills neighborhood contact team. I shouldn't say that because it's not owned by university hills. I'm looking down this list of be it resolves and everything is listed we do. We're careful about posting notice, we meet in a public building, everybody is welcome, and our ability to contact people and let them know is phenomenal. One meeting that resulted from a contact team meeting, we had 70 people. >> Renteria: Yes. >> So we're already doing this, just by ourselves. We don't want an expanded group to come in and start articulating what we should do. >> Renteria: It won't hurt your group. >> Thank you. I'm glad to hear you say that. >> Casar: Mr. Shiply you are up and Susana Almanza if you'll be ready to speak when he's done. Thank you. >> My name is Wayne shiply. I live in southern oaks. We've been going through the south Austin neighborhood plan for the past nine months. I can give you firsthand knowledge of how that works. [Inaudible] Last April the head of the planning department gave us a -- a -- a letter, he took one line of code that says he's directed to initiate the process and turned it into three pages of assumed authority for himself. What the planning department wants to do is true, they want to set up a quasi governmental

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entity, but they want it set up by their own standards. The second whereas in your proclamation, councilmember Renteria, says they also have to respect the neighborhoods and have input by the neighborhoods. Do you have that ready? Pardon me? >> [Inaudible]. >> C, I think. I'm sorry. Do you have it. >> Casar: If you would like, we can have Ms. Almanza speak while he gets that set up and I'll make sure you have two minutes left. >> Sure. >> Casar: Ms. Almanza. >> Good afternoon. I'm Susana Almanza, executive director of poder, but more important chair of the montopolis neighborhood plan contact team. I'd like to say that we were not notified of this resolution coming up and I think that's real important. Here we go, first we had the barbecue smoke and now we have smoke and mirrors. If you are going to look at contact teams and neighborhood associations, I think that the process should be is to let contact teams know that you are about to pass a resolution and look at it. That is a courtesy and that is a respect that all contact teams should have. I think that really when we look at this there's a lot of questions. When you look about concerns of existing structure, you talk about diverse. What diverse can mean many things. It can mean ethnicity, income, age, those are very broad when you talk about there's not any diverse in the area. The other thing I would like to note is councilman Renteria and his wife Laurie were part of the neighborhood association which was part of

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the Pueblo network which would have covered a larger geographic area in east Austin. At the last 30 minutes, they -- they actually went ahead, I would say it was sort of like -- they had no respect for the neighborhood and pulled out the Cesar Chavez plan area which now opened a gate to gentrification. We all know during his run he made a lot of promises. One was to get rid of the council in the holly area even though they are a neighborhood association and have been there for generations. The other one is to get rid of the govalle Johnson contact team which has been there for generations. And then also attacking Montopolis because he has supporters there that now want to get rid of the indigenous groups that have been there. So he has a legacy. His legacy has begun with displacing people of color from east Austin, specifically the Latino community. His legacy when he leaves and I hope it's not true, he would have got even rid of all Latino and replace all of these people with a new gentrifying class of people. You need to look at what councilman Renteria is headed for here. It's a scary slippery slope because there are teams in place that have been there for generations and now all of a sudden new people have come into the community and they don't like people of color being in the leadership position and probably don't think we have the knowledge and the experience to look at plan amendments and zoning cases. So there's a lot of things here that don't go when we talk about expanding the geography. What the plan is already pretty spread. Each contact team or neighborhood plan has an area that they were involved in and has representatives that are on those neighborhood teams. And as far as not getting the

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notice, certain people, if there is specific zoning cases happening in your little dot, in your little neighborhood, you get a city notice of what's supposed to happen within 500 feet of your neighborhood. The contact team gets notified and gets involved in the whole planning area. Whether they live 500 feet or whether other members live within that 500 feet but within the whole geographic area. [Buzzer sounding] This thing is moving too fast. I ask you to table it until the contact teams have been notified. There is a stakeholders meeting put together just like other groups. I think that we -- we deserve that respect and that time also. Thank you. Do you have any questions, I'm more than happy to answer. Thank you. >> Cesar: Mr. Shiply, is your presentation ready? If not I'll call the next speaker. I'll call the next speaker. Next is Chip Harris. And after Mr. Harris is Anna Yanis. >> Chair, councilmembers, my name is Chip Harris. My request today is that you not put the cart before the horse. There are many issues involving contact teams that may warrant review. I ask that you take a step back and involve the community. Part of the resolution you are considering deals with notification. However, it's my knowledge notification of this meeting was not sent to the contact teams. I'm hoping that that can be rectified and that -- that this process would start on the right foot. Another part of the resolution recommends larger geographic areas for the contact teams to cover. This could be troublesome.

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With city council elections, we've just gone from at-large elections to districts and consider that an improvement in our efforts to give citizens more of a voice. Contact teams face the same challenge. Our contact team currently has about 4,000 eligible voting members communicating with and involving them -- involving this sizable group is not easy. And enlarging the geographic areas would significantly complicate matters in a number of ways. These are just a couple of the issues I notice when reading the backup material for today's meeting. Like all situations, it's beneficial to identify the cause of problems before implementing solutions. Please consider tabling this action and engaging the community to assess where we are now, where we want to go, and the best route to take us there. Thank you. [Applause] >> Cesar: Thank you. Mr. Harris, Mr. Harris, just one quick question. Just to clarify. So your

two concerns are one, a process starting on the right foot and people being contacted and involved, and two, the changes to the boundaries. Is that -- I'm just trying to make sure, there's so many different be it resolves here I want to be sure those are the two things that concern your team the most. >> Thank you, councilman. That's a couple of the items, and my desire was to actually -- stop and take a look at this, we may be able to give citizens an idea of what we're looking at changing and why we're looking to make changes. So I just listed a couple of the issues that we have problems with. I could give you a longer list. >> Casar: Okay. Well, thank you, I

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appreciate -- >> Renteria: You wouldn't have any problem -- this will go through a process of going through the planning commission and all the other group for input. This is just a resolution. It's not changing anything right now. It's just basically a resolution saying to the council to take it through the citizens input process to get the input and then they are going to bring it back to us. >> I appreciate that, councilmember Renteria, but I think there are certain implied conclusions with the way the resolution is written, specifically on what the -- the writer thinks the current problems are with the contact teams. And I feel that it may be limiting our evaluation of the contact team's role. >> Renteria: And probably my mistake. The staff was going to make a presentation here and I guess I should have let them make a presentation so they could probably answer a lot of your -- a lot of questions you have been asking. As soon as the staff makes their presentation, we'll -- we'll see what -- what happens on our discussion on the dais here. >> Thank you. I noticed in the backup there's an item where the participation was low and that was a concern. And I know the last two times the staff has come to our contact team with an amendment that there have not been adequate handouts to go around because of the turnout. So there are a lot of issues here, sir. >> Casar: Thank you. Anna Yanis. And after Mr. Yanis, loose I Sheffield is on deck. If Ms. Sheffield -- Ms. Sheffield doesn't want to speak. >> Good afternoon, councilmembers, councilmember Gallo, councilmember Tovo. I want to make sure you all

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are listening. I know you are writing a lot up there. My name is Daniel Yanis, chair of the govalle contact team. I too am asking for this to be tabled. It is premature and actually it is -- it is very misleading, disinforming and just flat out wrong in many places. As a matter of fact, the handout that you have, the history of contact teams is completely wrong. Wrong, wrong, wrong, up to 2008. I know because in 2003 our contact team plan was adopted. And after ours, east Riverside contact team was being formed. After that city staff attempted to disband the contact teams. They were not called contact teams then, they were called stakeholder groups and then they were called planning teams. So I came to the planning commission and to city council. Our contact team decided not to disband, to stay in place because we wanted to make sure that our plan, which is based on eight neighborhood association plans from that area that were part of the code before the -- the govalle Johnston combined neighborhood was part of the code. Today's contact team plan is part of the code and that is based on eight neighborhood associations that are part of the code. In three minutes I cannot counter all the disinformation in here. I will tell you one thing, I will focus on one thing, on notification, there is no legal requirement for a contact team to notify anybody. And when we refuse to disband, we were called stakeholder groups. Then we were called planning teams, then we were called contact teams. All the way down the line city staff has attempted to control our process, even when we were doing our plan.

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So notification, the city notifies any amendment change within 500 feet of an amendment change. My contact team, that's the only thing we do. We review and give recommendations to plan amendments. Other contact teams might do it differently, but the whole notion of what we're doing has been really perverted and subverted here. And I'm saying to you that this resolution and this backup material is inaccurate. And I would love 10 or 15 minutes to bring you all up to date on the history of neighborhood associations, planning teams and contact teams because it is not known except from us. City staff has continued to try and control and subvert the issue and it's unfortunate councilmember Renteria is not -- [buzzer sounding] >> So I would ask to have us give you a history of how we really have come to call what we call contact teams. By the way, my contact team has renters, property owners, business owners and city groups in it. We are the authors of our plan. Thank you very much. >> Casar: Mr. Yanis, I believe the mayor pro tem has a question for you. >> Tovo: Mr. Yanis, I wanted to be sure I understood the terminology you are pointing out on page 1. And where I lost you was in 2008. >> Yes. >> Tovo: Could you -- just very briefly walk me through what you were saying was not accurate based on the govalle Johnson experience? >> Yes, in 2005, councilmember tovo is when we declared we were not going to disband. That was when city staff was disbanding the planning teams. We called ourselves the review committee for the govalle

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Johnson neighborhood plan. That's our title, our self-empowered title. The city staff changed it but that's who we are. So prior to that there were no -- no contact teams. They were stakeholder groups that were left over from the plans who took our lead and stay in place so their plans would be implemented in the way they wrote them. That's -- >> Tovo: I'm trying to remember -- >> Yeah, see it's -- >> Tovo: Yeah, I thought -- I'm most familiar with Bouldin and I know they had a -- >> That was Chris. >> Tovo: And it was 2000 -- I think it was right around then, 2003, 2002, 2003, but so the point of disagreement here between what you are saying and what's here is that -- is what exactly? >> Well, they say here contact teams begin in '97. That's not true. There weren't contact teams. There was stakeholder groups. >> Tovo: I can see you are talking about later. >> Then in 2002 it says shift to combined neighborhood plans. That's correct. In 2003, that's when my plan was adopted. From eight neighborhoods into one combined plan. And in 2003 they say process and contact teams established by ordinance. I never heard. That never. You know, as a memo-as a contact team chair just like any of the other chairs, we have never gotten any official document or anything saying your bylaws are out of place, no one has ever challenged our bylaws, no one has ever challenged the way we do business. As a matter of fact, early on I tried to work with morning Meredith to have combined meetings because she is the one and city staff are the ones that put out the notice to the people 500 feet, okay? The two times that we had a

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combined with the city we had like 50 people. Typically when she has a meeting, they will have three or four people. And then the contact team will have a meeting, we'll have 40 or 50 people. Because we're networked. But more than that, it's because that's why, because we're networked and people respond to us. They don't tend to respond to city staff because of these kinds of things that we don't have confidence that city staff gives you the right information. And that is why I'm asking you all to allow us and allow me and my colleagues to give the city council either individually or as a group a presentation of from our perspective of how we got to this place. Because how we got here now is not reflected certainly by this and it's not reflected by this. >> Tovo: I appreciate that clarification. Thanks very much. >> Thank you. >> Casar: Mr. Yanis, I have a couple questions for you unless there is somebody else -- >>

Renteria: Where have you all had your last three contact team meetings at? >> At the poder office. We've used Sepeda library, oak springs library, we go all over. But poder is one of the contact team members and that is a public place. And I heard you tell people in our meetings in private houses, that's absolutely not true. That's not true. >> Renteria: What amazes me is how you have 50 people in that little house. >> It's not that little. We've gotten 90 people in there and you've never even had a conversation with my contact team. This I will tell you all and I want to say to you this is directed at govalle Johnson terrace contact team. They are trying to usurp our -- our authority here. Keep in mind that contact team, our recommendations, we found that out when we sued

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the city over the [inaudible]. So rica, any neighborhood association can make a recommendation just like the contact team. >> Casar: That's the root of my two very quick followup questions, if I may ask you. >> Yes, sir. >> Casar: So I understand that from your reading of the history here and that you dispute it with city staff, and I recognize that, that you feel that sort of an independent organization that's supposed to make recommendations sort of had contact team put on top of it, that you were a stakeholder group and then you became contact team and you felt that -- that change. My understanding is that any group can make recommendations and the city council traditionally doesn't tell them how to form or what their by last are. >> That's exactly right. >> Casar: And you also mentioned your organization primarily provides recommendations on plan changes. Is that -- >> That's all we do. >> Casar: So I guess my question is, my understanding is there are a few other powers that the city grants contact teams like being able to initiate a code amendment. Is that something your contact team -- >> That's the only thing that my contact team can do or has the prerogative to do is to initiate an out of cycle amendment change. In east Austin the amendment window is in July. And twice we have sponsored applicants, developers and people who wanted to have a zone change because they were out of cycle and they wanted to do it in cycle. >> Casar: And that's something that your contact team does do. >> We have done that, yeah. >> Casar: And my understanding that is one of the few things that does differentiate contact teams from a traditional advocacy organization. My understanding. I may be incorrect and I think we'll be getting a staff presentation on it is that there are certain requirements bestowed on contact teams as a result of -- I'll let you

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tell -- there are certain regulations the city puts on contact teams in exchange powers such as prohibiting -- >> It's not exchange of powers. And I'll tell you because anybody in my area can initiate a plan amendment. If they are a property owner or a business owner or a neighborhood association, any of them can initiate a plan amendment. In July -- and if they can't do it in July and if they want to do it at another time they ask the contact team. We never asked for that. All we wanted to do was make sure that our neighborhood plan is implemented in the way we wrote it. The rest of it has been constructs from city staff. >> Casar: And Mr. Yanis, I hear you and I understand your concerns and I'm going to try to talk about some of those while we debate the resolution, but I appreciate you giving us some of that background. >> Thank you very much. >> Casar: So thank you. >> I appreciate it. [Applause] >> Casar: And that is all the speakers that signed up wishing to speak. Unless I'm missing a piece of paper. You've got two minutes with or without your presentation depending on what works or what doesn't. You have two minutes. >> In the end of April letter, the head of the planning department gave this three page letter with this quote. He took one line of code and expanded it into more than three pages of authority for himself. Next, please. On the second section, the second whereas on this proclamation, it says it's supposed to work on behalf of the neighborhood stakeholders. Next please. This is what happens when

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duly appointed contact team doesn't work on behalf of the neighborhood stakeholders. As the St. Elmo markets project -- next, please. By a one vote margin despite opposition from the neighborhoods, that thing passed the contact team and was a factor in moving that thing along. Next, please. This is what a -- this is the south Austin combined neighborhood plan. I've marked out the three planning areas designated by city. That red one represents one and kind of another neighborhood that's down in the lower right-hand corner there's a one-block neighborhood association. We only had one active member, he got fed up with the process and left. So in effect that red area gets one neighborhood association, one contact team. The blue area has two very active neighborhood associations. But they are very different. They more or less can work together, but they different. They're asking for a separate contact team for each. And we're still in the process of that after nine months. That green area down on the bottom there represents eight different nas and an hoa. Now, there is no way that any citizen in that area is going to have the same amount of say that someone in the red area is going to have. [Buzzer sounds] >> Casar: You can give us your concluding sentence, sir. >> If you would, please. >> Casar: And I promise, as councilmember Renteria mentioned, if this stops here, then it stops here. And if it moves forward there will be lots of other places for testimony. >> The overall point that I want to make, though, is none of the contact teams, especially in our area, were even notified of this. I found out about it in the hall late last week one day. I just happened to be here. So we're asking you if you

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would to table this thing so everyone can get a fair shot of discussing the very many problems with it. Thank you very much. >> Casar: Thank you. I did miss one name and that's Julie Montgomery. And context you says there's a -- and councilmember, you said there's a staff presentation after this. So if staff can be ready after Ms. Montgomery. >> Thank you, councilmembers. My name is Julie Montgomery. I wanted to say thank you to councilmember Renteria for beginning this process, as the resolution itself says this is just beginning the input process from the public. I think this is just a matter of good governance to the extent that the city policy making elevates neighborhood plans, we need to make sure that the contact teams that sort of control the neighborhood plans are truly democratic and representative of the areas that they represent. So thank you for getting this started. I think it's much needed and I appreciate it. That's all I want to say. Thanks. >> Casar: Thank you. >> Renteria: I thought I saw staff members there. Are we ready for the presentation? >> Good afternoon, council, subcommittee. My name is Matthew Louis, the assistant director of the planning and zoning department. I'll go through a quick presentation of the contact history of contact teams, their roles and responsibilities, these types of things. In 1997 the neighborhood planning program begins and this is where the basic structure of contact teams emerged, whether they be called stakeholder groups, planning teams, neighborhood citizens that got together to form a team to discuss their neighborhood teams, regardless of the

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terminology what we were trying to do was provide the consistent structure that contact teams essentially emerged in 1997 from the neighborhood planning process. In 2002 there was a shift to form combined neighborhood plans so that the geography and the planning efforts could happen more seamlessly and in a more quick fashion in order to enable more geographic area to have the ability to

have contact teams or representation within their neighborhoods for a planning process. 2003 there was an amendment to the process and the role of contact teams was established by a standalone ordinance. This was adopted by an ordinance codifying the ability for the creation of contact teams, which is what it morphed into from stakeholder groups, planning teams and ultimately contact teams, which was adopted by code in 2003. The general structure was already underway back from 1997 and in 2008 the amendment was codified into the land development code and incident graded into the -- integrated into the government regulations that regulate what happens in the city under what we are now calling codenext or the land development code as was adopted in 2008. 2009 there was an amendment to the land development code allowing for contact teams for the provisions for the director to also structure contact teams and that was an amendment just allowing for the creation of contact teams done by the director so that each planning area had the ability to have the team and we could go out and staff initiate the coordination of those efforts. In -- in 2012 there's some debate whether the level of integration of the neighborhood plan teams or the neighborhood plans integrated into imagine Austin, but imagine Austin integrated the neighborhood plans, integrated them as appendix to the plan and also just cross referenced throughout the imagine Austin document and adopted in 2012 by the city council.

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Currently there are 31 existing contact teams. There are contact teams forming right now for the south Austin. Within the 31 contact teams there are 12 standalone teams, 11 for combined areas, eight for single planning areas within combined areas. Three plans do not have contact teams right now. Again, those are the south Austin plans. And they are working toward creating contact teams currently. One of the things that we want to draw attention to that's been discussed by several of the citizens is equity through this process. Currently only 27% of the geographic city has contact teams. And for citizens to have equal representation through the planning process something that we think is inherent and should be integrated into our governmental structure 46% of the city's population is covered by contact teams. So there's a large margin of our city that doesn't have contact teams or doesn't have representation to initiate plan areas or also take zoning cases within their areas out of cycle. So -- because they don't have the ability to initiate that. They would that would be one thing we would love to get cleaned up with these amendments. As previously stated, the role of contact teams is to provide input into setting plan implementation priorities. This is allowing for the citizens within these areas to set the priorities what's going to be most beneficial to those areas as they develop their plan. There's several visionary goals and outcomes that different groups seek through the planning process and so they've set the priorities of what they would like to have take place first. Initiate neighborhood plan amendments if they find something they want to modify, make recommendations to staff on amendments. As previously stated, we're allowed to initiate out of cycle amendments. One statement, neighborhood neighborhood associations are not allowed to initiate out of cycle contact teams. That was not correct as stated earlier.

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They also receive notifications for filed neighborhood plan amendments so they will receive notification on behalf of the neighborhood. Require community meetings on amendments and public hearings on amendments as well. They are currently prohibited from initiating zoning changes. They only monitor and initiate changes on plan amendments. And they're prohibited from charging dues. >> Casar: Mr. Louis, I want to clarify this last slide. If you were to characterize the difference between a neighborhood association and a contact team, the things that a contact team can do that a neighborhood association

or just even an advocacy group of citizens can do, you would say that that's initiating those plan amendments, allowing the out of cycle amendments, and is there some other power that you feel that contact teams have that are granted to them by the city or that they asked for from the city that [indiscernible] An advocacy organization that you might form with your neighbors or with people that are like minded that they don't have? >> That's correct. They don't have ability to initiate any of those modifications to plan amendments, zoning changes. >> Casar: But the contact teams, what do they have that would be above and beyond your -- another non-profit or advocacy work? >> That would be under receive notice. All of these elements here. >> Casar: It would be receiving notice allowing the amendment -- making recommendation to staff on amendments is something anyone can do. Number one, number three, number four and number five are abilities contact teams have that any other organization may not have. >> Yes, sir. And on the recommendations to staff amendments, that actually is formalized in the current code of ordinances that they do have the formal recognition of making amendments or making recommendations while other advocacy groups have the ability to submit letters which we will file in backup

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it not codified that they have the ability. >> Casar: And they have prohibition from charging dues. I'm not saying that anybody does charge dues, but theoretically if the city were to find out that a contact team was charging dues, what would the city's -- do you know what in code the city's response would be? >> Under the current code sections there's not clarifications on penalties or any type of recourse that the city has on contact teams violating either bylaws or charging dues. We would basically work with the contact teams and let them know that that's prohibited by ordinance and that it would need to stop. As far as any action to take, there's not really any clarifications which we would like to work with the contact teams to make sure that it is codified in the new modifications. And the other thing that was brought up earlier is we really should have notified the contact teams that this was going on so they would have been able to integrate them early into the process and we agree that's really imperative to make sure that this gets as much buy-in as possible by all the groups. >> Great. So just to understand my -- to get this prohibition on charging dues for a moment, so the idea being that if we want a group able to to, for example, allow out of cycle amendments we wouldn't want the group to charge, say, \$500 for dues in which then people have limited access to that organization, right? >> Yes, sir. >> And I know that nobody does that, but I think that theoretically I understand that we do have certain levels of regulation in exchange for being -- or in exchange for as a part of having those powers. >> Yes, sir. I think the reason that's noted is because generally neighborhood associations collect dues for members of their neighborhood groups. So there's just a quasi judicial governance of contact teams, which you want them to be equitable and not be exclusive and that's the reasoning for not being [indiscernible]. >> Casar: And the reason being we would never as a

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city council tell any organization out there whether or not they can charge dues or not except insofar as they are recognizing, given some special authority by the city. >> That's correct. Contact team requirements. They're required to include property owners, residential renters, business owners, neighborhood organization members, who rent or own property within the planning area. They submit a list of officers or objects on an annual basis. The bylaws must be based on the standard template utilized by the city existing. Additional backup, the number of contact teams is increasing in the city. There are no contact teams currently for master plan areas or corridors, et cetera, special planning districts. So currently there is a request for one within the Mueller district that may be forming. They noted that

they recommend reducing the number and increasing the geographic size of contact teams within the report. I want to make sure that the council was clear that there was a recommendation. No clear standards of how the bylaws should address items to included within the template and there's no clear enforcement mechanisms kind of alluding back to what you were referring to earlier within the land development code or in reference to contact team bylaws of how the city should address contact teams that are out of compliance with the general template. There's not any enforcement mechanism that's currently outlined for ramifications if they are not meeting the minimum standards. >> Gallo: That's a recommendation that gave out of the Zucker report. Are we moving in that direction? I see there's a good portion of the city that's not currently

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being used in this way, but I want to try to understand where we are in the process of implementing that recommendation. >> Yes, ma'am. What we wanted to do was make sure that you were aware that this was mentioned and identified as an item in the Zucker report and that was the recommendation. We do from a staff perspective feel that it would be imperative that we do provide equal representation through this process. And that all citizens have equal ability to navigate the process and the ability to have a clear format of standards that they would know how to proceed when implementing neighborhood plans or those types of things. That's what really I believe what the intent from the staff's perspective is and we're seeking policy direction on whether to move forward or not move forward with the implementation of that recommendation. That will hopefully come out of this process that we're in now. >> Gallo: So that will be a part of the process as far as staff's recommendation on how we accomplish this item that was recommended on the Zucker report. >> Yes, ma'am. >> Gallo: So until we get to that point as we're still moving forward in the process, do you feel like what we're moving forward on right now, taking away this conversation, but actually what you're doing today and tomorrow and the next day, is moving in that direction or is it moving in the other direction that you're talking about smaller geographic areas? >> From a staff perspective we believe that smaller geographic areas is going to take a longer time to actually create neighborhood planning areas and would slow the ability for people to have that within their neighborhoods. So we're seeking to allow a larger geographic area and that way we could have more representation and cover the city at a more rapid rate rather than, you know, taking smaller areas, which is the way that originally it started back in 1997,

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and create contact teams or whatever the structure that comes out of this, so that citizens have a formal process that we would like to move forward. This also would be an incredible element for codenext to address. As we're codifying the new land development code through that process we need as much input as we possibly can from the community members on how this integrates into codenext as well. This is a big structure of how neighborhoods communicate with, one, the planning staff, how they get their neighborhood issues resolved, and we are trying to make sure that that consideration is tied in together and that this is not a standalone conversation that is out of elements with codenext. >> Gallo: So I guess let me be more specific with my question because it looks like from your map we have a lot of blue, not enough, but a lot of blue. And then I see that we have a pink area which is north shoal creek that is planning underway approved to begin. And we also have it looks like two areas, rose dale and allendale, there are future planning areas. Would those geographic areas that are in discussion right now comply with the recommendation of the Zucker report or would there be some change that the staff would recommend? >> Under the current recommendation that would be out of compliance with the Zucker report. However, under the current policy recommendations by what's codified in the

existing ordinance that would be with -- following the existing policy rules. >> Gallo: All right. That's helpful to understand what we're looking at. Thank you very much. >> Casar: And committee members, I believe that councilmember Renteria during the public comment alluded to some of your intent with the resolution and so what I would recommend, I apologize for having interrupted you earlier in your presentation. I didn't realize we still had three slides yet. What I would recommend is that we have Mr. Louis finish his presentation and then hear from councilmember Renteria what your intentions are about changing the size of areas or potentially

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looking into doing that so that way we all discuss what your intent is with the resolution and kick it off from there. So sorry for getting in the pigs of your powerpoint. -- Middle of your powerpoint. >> I believe that's it. Here we go. These are the concerns we've surveyed, several of the contact teams. This is generally what we are hearing. There's a lack of transparency in the existing process, decision making and representation process is a little bit out. Participation is low. And this is not representative of all contact teams. We received a very wide variety of results in our surveys of the contact teams, of what was working, what was not working, and these were some of the existing structures that we received back. Teams are not diverse enough. Overlap and conflict with the existing neighborhood associations. Teams don't represent the full geography of the city and the approach is not best practiced based on peer cities. Those are the types of things that we're hearing. >> Casar: Thank you. Councilmember Renteria, I believe there were several questions brought up during the public comment portion about expansion of contact team areas and then you said you had% some -- something to say about that. >> Renteria: The only reason why the combined district was because it was -- the Zucker report put it in there and I wanted to see it discussed. It's not like I'm 100% behind that combined part of it, but I think that it would be healthy if we allowed the staff and the stakeholders to as they go in to the process to comment on that particular recommendation, but basically my whole contact team resolution has to do with contact teams are really great tools, but a more open and inclusive process for contact teams can be

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shared in a variety of voices I heard and well informed decisions are made. You know, while the city provides some guidelines right now, there is little that can be done when teams operate outside those guidelines or try to exclude many people from participating. You know, this resolution would initiate code amendments to it would start a stakeholder process about these changes. These changes will include giving the city the ability to formally recognize teams and require compliance with the bylaw guidelines, add requirements to increase transparency of contact team, give the city the ability to rescind recognition of a contact team and develop a process to handle a grievance. After this meeting we hope to have this resolution at the October 8, if it's possible, but our other members of this committee feel like they need to hear more, I'd be more than willing to delay the meeting until after our next meeting, if that's, you know, what the desire of this committee is. You know, but the ordinance will come back through the boards and commissions process to this committee before final passage of the city council. >> Casar: Committee members, do we have any responses or any questions? Mayor pro tem? >> Tovo: Well, I think, you know, I like a lot of the provisions in this, councilmember Renteria. I think many contact teams, if not most, operate according to those provisions, but I think getting them in code makes good sense and I support that. I would say -- I have a lot of questions about that last be it further resolved, that some of what you addressed -- I wasn't clear on who you said added that in. That's the geographic boundaries? >> Casar: I believe he stated this was just a recommendation from the

Zucker report. >> The Zucker report,

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that was the piece I missed. I would say that I have certainly heard some concerns about that and share them. I know it's been -- I have some questions for staff and I wouldn't mind if the staff member, Mr. Miller, if you would come up and address them. Over the years as the areas have gotten bigger and bigger, I've heard concerns from people working with those plans and so I'm not sure that that's the direction that our community really wants us to move in. You know, for just the reason councilmember Renteria, you mentioned that Galindo, if you look at the example you offered, Galindo as a neighborhood is pretty different from Barton hills and they've been subsumed in a bigger area in part because, as I understand it, the planning staff felt like that would be more efficient with staff resources. But I'm not sure it served those communities all that well and frankly we've seen issues when those plans have come to council and you have to have a recommendation that works for each of those areas and they're pretty diverse areas that can be a challenge. So he understand that was a recommendation in the Zucker report, but I just don't know that our past history of neighborhood plans supports that that's really the interest of the community. [Applause]. >> That's positive feedback to hear from you all. One of the things we're looking at as we proceed with codenext is how do we code character of areas. And different areas have different character. And I know that seems a little bit far out there, but essentially what we could do with these larger areas is really extract the character of an area. Our code currently gets -- I'll be honest, a D mines. If you build to the standards within the code you barely pass with your development types of -- that you're getting. And the neighborhoods are seeing a lot of development that they feel is inappropriate in the context of those areas. If we can code these areas in a morphine grain analysis within this larger geography

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and set a character that is set by -- helps create what the community wants to see, then there may not be such a fine grain need to have smaller geographic areas. I don't know if that makes much sense. >> Tovo: I've heard enough of the code presentations that I get the general gist of what you're saying and the rationale for it. But I think what would -- as I look at communities like the Dawson neighborhood neighborhood planning area and that planning team worked on a plan, some original members that are part of that and some are newer members, and then next door you've got Bouldin creek, which also has a neighborhood plan that they worked together. They were in the earlier system with smaller areas. Are we asking in the stakeholder process people to contemplate being merged into broader geographic areas that once were their own unique planning team who have been and have served as stewards for the last decade or more over their neighborhood plan? We're asking them to be subsumed into a larger geographical planning team? I don't know why we would do that? >> I believe that that is a policy decision and we should be able to gather input from the community members to best inform that decision. I don't know exactly what the appropriate response is at this point. We are reviewing best practices from other cities and we want to make sure whatever is recommended out of this process is equitable and does carry forward the ability for those teams to have equal representation that they've always had. I believe that we are all trying to better Austin and we all have our own goals and different areas have different emphasis that's important to them. As long as they can get that integrated into their plans and set them as top priorities, we're hopeful that regardless that they should have similar results and outcomes that the smaller teams are seeking. Again, I think it will be informed by the community and ultimately

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a property decision of the council of how this gets structured as we move forward. >> Tovo: I guess I'm trying to understand is that the recommendation here in the resolution and also from the Zucker report that we look at those smaller neighborhood planning areas and say you are no longer going to be a neighborhood planning team, you are going to be part of this broader group? >> I do believe that was the recommendation from the Zucker report, yes, ma'am. >> Tovo: Yeah. I guess I can't support that at this point. I just think that's real hard. I think that's really hard to tell those communities that worked on those plans that over the last decade or so been stewards of those plans that suddenly their entity is not going to be part of how we move forward. But again, I think -- I really applaud all the rest of the provisions and I'm perfectly ready to support those. That I hope we can talk about maybe pulling out and adjusting in some way. I had some other questions. You offered some really interesting statistics that I couldn't capture because you were talking a little bit too speedily for my note taking. >> Sorry. >> Tovo: No. It was really good information. >> Casar: Before you do that, councilmember Renteria, were you going to respond to -- to that? >> Tovo: Sorry. >> Renteria: I was going to say that I have no problem about deferring -- delaying the last one. That was just done so that the staff could make their presentation to us on the Zucker report and how would that fit into the resolution that I'm sitting today. I have no problem about deleting that section. >> Tovo: I really appreciate that, councilmember Renteria. I think that eliminates any concerns I had, the rest of it really I think is very positive. >> Casar: Any further discussion? And now you may ask your questions. >> Tovo: I wanted to be sure I captured that. You said contact teams cover more than 50% of the city's population, but less than 27% of the

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area? Is that correct? >> Less than 50% of the population. And only 27% of the geographic area of Austin city limits. >> Tovo: Okay. Do you know where it is, how much less than 50%? >> 46%. >> It's just less than 56%, excuse me, than 50%, but it is about 27% of the area covered by the teams. >> Yes, ma'am. >> Tovo: I mean by the plans. And I had a few other questions but I think I'll have to go back and recollect what they are and ask you afterwards. Thank you so much. >> Casar: Any further discussion? I will be supportive of this considering that we won't be talking about combining planning areas and contact teams yet, but that's considering the area that my final support will be contingent on what those standard bylaws look like and what the requirements are. I think it's also important to note if everybody has a first amendment right to call themselves whatever organization they want to call themselves, if they want to call themselves a contact team, I think all we would be regulating with the bylaws is similar to prohibiting dues that if you want to be able to initiate code amendments out of cycle and have some of the other powers granted by the city that there has to be -- /the city/constituent has to trust that there are going to be standard rules followed so it's an inclusive process. If somebody wants to have their own independent advocacy organization, we can't regulate if they pay dues and what their bylaws are and if they can be a member. That's people's private business. This is the part where somebody would make a motion pass this or not pass this. >> Renteria: I would make a motion to approve this resolution with the deletion of the second part of the whereas on

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the -- >> Casar: Do you mean the last be it further resolved about reorganization of contact teams into larger groups? >> Renteria: Yes. >> Casar: Councilmember Renteria moves his resolution striking the final be it resolved about potential schoolation of neighborhood planning boundaries. Is there a second? Seconded by councilmember Gallo. All in favor please raise your hand? It passes unanimously.

Thank you, everyone. Now we will move on to item number 4, which is discussion and possible recommendation of a codenext code advisory group nominee from this body. Does anybody have a nominee that would like to discuss or move? Councilmember Gallo. >> Gallo: I would nominate Dave Sullivan, the the current chair. >> Renteria: I'll second it. >> Casar: Moved by councilmember Gallo, seconded by councilmember Renteria. Is there any discussion? Mayor pro tem? >> Tovo: I wasn't sure if we were just lying out options here today or making a decision. I brought forward three suggestions for my colleagues to consider. All three are current cag members. I've suddenly forgotten, citizen advisory members. And these are norio Zaragosa, Jeff jack and Jeff junk kin. Norio is a current commissioner. Jeff jack is a current cag member and architect, concerned on the board of adjustment. He was the chair of the board of adjustment and served as an ex-otisio member of the planning commission. And Jim Duncan is also a cag member. He is an urban planner and served for the city of Austin and also president -- prior president of the American planning association. So I would submit those nominees for consideration as well. Though I guess you have a motion on the floor. But just offering these

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as -- >> Casar: As options. >> Tovo: Yes, thank you. >> Casar: It's up to this committee, and I'll defer to the will of the three of you, as to whether we want to make this choice today or not. So I think that probably what's appropriate right now is to discuss if we want to do this today. And if not we can always do it next month. But understanding that the seats from this committee will be vacant during that month. So if we decide that we want to do this today, then we can take a vote on the motion on the floor and if people want to defer, then I will respect the will of the committee on that. I know we've had a lot going on this last month. It is up to y'all to let me know if you are ready to vote or not. >> Gallo: I have a message for mayor pro tem. It looks like in looking at the membership list that there are several members already on the commission that are on the membership group that are in your district. And it looks like Dave Sullivan is one of those. So if we were to appoint him from this group, then that would free him up from being appointed from your district. Is that my understanding? And it looks like Jeff -- no, Jeff jack -- Jim Duncan I think was one of the ones you just mentioned. And norio also would be. So that would still leave two of the current members in your district. Am I reading this correctly? >> Tovo: I would need to verify that Jim Duncan is. I'm not sure what district he is in. You may have your chart in front of you. Jeff jack is in 5. Newerria is in nine. Jim Duncan is in nine as well. So I guess I'm -- >> Casar: I hate to put the brakes on this for a second, but being a chair sometimes I forget that on some of these items we have speakers. I really apologize for that. We have a couple of speakers signed up for number four.

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They are Eric government Goff. He says no thanks. Followed by Eric king and roger caven. So first Mr. Ring R. King and then Mr. Caven. Mr. King, I'm calling them in order. >> [Inaudible]. >> Casar: I appreciate the cordiality. >> Thank you, thank you, chair, vice-chair and mayor pro tem, councilmembers. I'm here to urge you to appoint Jeff jack and reappoint Jeff jack and Jeff Duncan and nuria as well. Particularly Jeff and Jim have the experience from the beginning on the code advisory group. From a neighborhood perspective I think they understand our concerns and issues with the land development code rewrite project and I think it's important to keep that consistency on that important group. It's one of the most important groups, as I know that y'all realize, that we have in this city. The decisions that they will recommend and urge will through our land development code for the next generation really. So this is what this is all about. This is about the future of our city. So I hope that you will take that into consideration and make sure that our neighborhoods, those who understand our

neighborhoods and have been through this process from the very beginning, are able to continue to serve in that capacity and represent our neighborhoods and the interests that we feel are important for the new land development code. Thank you very much. >> Casar: Thank you. >> Tovo: Colleagues, I just received word from my staff that Jim Duncan is in district 10. On the list I handed out just to recap, nuria is district nine, Jeff jack is district five and Jim Duncan is district 10. >> Casar: Before you start, just to also clarify, my understanding is that we can appoint from our own district council seats people that live in any part of the city. While many folks do choose to appoint someone from their own

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district, it is up to the councilmembers and up to this committee to appoint people from inside the city or even outside of the city as we see fit. Mr. Caven. >> Thank you, councilmembers. I'm roger. I live in the downtown area. And I serve on the board of the downtown Austin neighborhood association. I also previously served on the imagine Austin task force for the comprehensive plan. I also am the current president of friends of Austin neighborhoods, a coalition of neighborhood groups advocating for more inclusive neighborhood representation. I'm here speaking on behalf of myself and I'd like to draw attention to what appears on every single agenda that the codenext advisory group receives. And I'll read it for you. Imagine Austin priority program revise Austin's land development regulations and processes to promote a compact and connected city. And then it goes on to cite the imagine Austin plan pages 207 to 210. I draw attention to that phrase because I believe that any appointee that the make to the codenext group should subscribe to the very -- the very -- should subscribe to that passage that I just mentioned. And if a codenext advisory group candidate does not meet that criterion, they would not be following what the imagine Austin plan calls for them to do and calls for this whole

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process to do. I should also mention that two of the existing codenext advisory group members have publicly disavowed that statement. One of them has gone so far as to say that compact and connected is a myth, and that person, that one, is Jeff jack. Jim Duncan has not gone quite so far in his public comments but he has questioned whether that statement is complete and whether it should be followed. So I had urge you to support somebody like Dave Sullivan who does subscribe to that passage and not appoint folks who don't. Thanks. >> Casar: And I actually think that there is somebody else signed up. This item is item number 4. I have also David Whitworth and Gerard Kinney signed up for this item, if either of you wish to speak. >> Actually, I meant to put five and six, not four and five. >> Casar: I'll get that fixed up here on the paper. >> Good afternoon. My name is David Whitworth and I've been tracking the cag appointments for some groups that you see members of in this -- in the chambers this afternoon. And there have been a lot of moving parts. I know y'all have resolutions requiring y'all to appoint certain -- people with certain backgrounds like housing and affordability, construction and permitting, architecture, green, environmental, and I'm

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kind of concerned that some of those will be left out by the nature that y'all are having to pick your own cag member and then pick in the committees and there's not a whole lot of communication and it's difficult to follow. But regarding today's recommendation of Dave Sullivan, I would wholeheartedly support Dave Sullivan. He did a great job as a planning commission and all of the groups that I've seen him involved in. He understands the greater good of the city and that development patterns played a part in that rule of affordability, traffic, environmental, sustainability. And since he's the chair, and this

has been kicked -- we've been punting this. I think the current cag is supposed to disband before your October meeting and without a chair that might be complicated. But anyway, I know there are a lot of moving parts and if y'all appoint Dave Sullivan here, what does that do to your remaining -- your openings. But anyway, just wanted to voice as a member of the community that Dave Sullivan has a lot of strong support from a lot of groups in town. And if appointing them here doesn't implode the bigger plan of appointments elsewhere, it would be nice to walk out of here today with someone like Dave Sullivan appointed. Thank you. >> Casar: Thank you. Now I believe that is everyone. Thanks, everybody, for allowing me to bounce back to public comment every once in awhile. I think I'm still a little traumatized from our three A.M. Meeting and I might blame it on that for the next couple of months. So I believe for item number 4 that that is now everyone that was signed up. So we'll take it back to the dais I forget if I

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interrupted the mayor pro tem. We can discuss whether that is something we want to get done today or not. >> Gallo: In hearing the concern about the consistency of moving forward with this important body, I would say it would make sense to at least make an attempt to try to make a nomination today. We would not be meeting for another month, so I would suggest that we move forward and just see if we have a vote to be able to do that. >> Casar: Okay. We have a motion on the floor. Is there any further discussion about the nominee whose name is in the motion or about whether or not we want to vote on this today? >> Renteria: You know, all these appointments are really good and I know them all, but I know Dave Sullivan also for a very long time and when I went up to the planning commission he was always pretty fair and real knowledgeable, you know, all the items that were -- that we were discussing. So I'm going to stick with my second. >> Casar: Mayor pro tem? >> Tovo: I appreciate the comments. I think we have a lot of strong candidates to choose among. I probably would have erred -- not E. Rough red, I probably would have referred to take a little bit more time to evaluate the names that we have before us and give it consideration over the next month, but if it's the will of the group to move forward I probably will abstain from the particular motion on the floor, though it's certainly not out of any lack of confidence in Dave Sullivan. I served with him on the planning commission and in other -- in other investments and I think you -- I certainly have a lot of respect for his viewpoints. That being said, again,

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I think there are some other strong candidates that I've introduced here today who I would be interested in discussing as well. >> Casar: If it seems like we're headed to a vote I support the motion. I think I have meetings set up with at least two of the folks on the mayor pro tem's list here in the next week or two. And while -- I know there's quite a range of opinions on the cag, I do think that all different kinds of voices and different interpretations of imagine Austin are warranted and I expect that once the whole council makes appointments in the various committees do that we'll have a pretty broad variety of people, but having the chair return I think is an important element to this. So I'll be voting for that. All in favor of appointing -- or recommending to the full council the appointment of Dave Sullivan from this committee raise your hand? Those opposed? Those abstaining? And the vote passes on a 3 -- with mayor pro tem tovo abstaining, 3-0-1. Now we will move on to item number 5, which I believe is the accessory dwelling unit. Unless I'm wrong. >> Tovo: While we're all finding the agenda item, chair, would you entertain a little bit of old business clarification that we may or may not be able to achieve here today? >> Casar: Sure. >> Tovo: I'll introduce it and you can tell me if it's in order to continue speaking. So I believe it was at our last meeting, possibly two meetings ago I brought forward a density bonus resolution and part of the resolution initiated a

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code amendment regarding multi-family, which has provided on to council and been postponed. The other part was directing staff to compile some data that committee members wanted to see before we initiated code amendments related to the density bonus. I believe the report back date was somewhere in the beginning of October. The staff has informed us -- I think we've been operating under the assumption that that data was being assembled. Staff has informed me that they don't believe that -- they don't -- let me think how to say this. We're a committee and we can't direct staff. And so that data is not being assembled. So I would just ask the committee to clarify whether we intended that recommendation to move forward to the council who is in a position to authorize the collection of that data. And if that's the case then we can have it added as a committee recommendation to the next council agenda, if not I'll have to figure out another way to get that moving because at the moment it's stalled. >> Casar: Considering we're not posted to take action for it, what I would advise and what I would have us do is take a look back at the video. We can get legal in, but I'm pretty sure that -- from my recollection of it, that we voted that that was a recommendation we passed along to the council and so if we did do that and we bring legal's attention to that, what I would expect is for that to be posted on the agenda for the full committee. We can go back and see if that's what we did and it should. If we go back to the video and it's unclear, what I'm happy to do is call a three-minute meeting of the planning and neighborhoods committee for us to have it posted properly and for us to raise our hands as appropriate. >> Tovo: Super. I just really brought it up to see if anybody had a clearer sense of that. I believe that when we go back to the tape I think that we'll find

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that it -- the expectation was that that it was moving on to council as a recommendation. >> Casar: I suspect we will find that as well and I will do what I can to make sure what we voted on moves along. >> Tovo: Thank you, chair. >> Casar: Okay. Item number 5, which I as chair have so much paperwork that I can't find the agenda, but I'm taking from memory that it's the accessory dwelling unit item, and it is. A discussion on possible recommendation -- it's right in front of me. Regarding secondary dwellings. We have a number of speakers signed up. As we discussed earlier this was such a big item that we broke it up into sections so today if the speakers could limit their testimony specifically to the items that we laid out, we would discuss today regarding secondary dwellings, which I think is the items that we have left, those -- that has to do with parking minimums, short-term rental regulations because those were deferred to this meeting, the lot size and lot -- and structure size of the accessory dwelling units. And I also believe the water utility issues were listed however legal has advised us that we have the water utility issues posted as a separate item, item number 6. So you can sign up -- if you thought you could talk about water utilities in regard to -- in relation to accessory dwelling unit, let me know and we'll sign you up for number six. So generally talk to us about parking, short-term rentals, lot size and structure size as it relates to accessory dwelling units if you can when you discuss item number 5. First up on item number 5 is Eric Goff.

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>> Good afternoon, committee members. My name is Eric Goff on behalf of AURA. We're the ones who gave you the green booklet on the emmitts on what to do -- on recommendations on what to do with ADUs. We called for the ADU as an accessory use. However you could also allow them at least on a lot that are 557 square feet, and we have seen some areas like the east Cesar Chavez planning they are has

opted in for that already and we want to make sure that all neighborhoods can have that same level of equity so that people can choose to build on the same size lots across the city. For parking we support staff, but we also want to make sure that within a half mile of imagine Austin activity corridor or within a tod that we don't have any parking requirements. We're trying to make sure that those areas plan for having great bus service or even train service in the future. And if you have a trade-off between building an Adu or fitting a car, we want to make sure we can put a person on that bus. That's very important if those areas. For structure size our report recommended that you go with a .15 F.A.R. For the backyard cottage. That lends its scale up and down for lot size. For a very small lot it would have a small structure and for a larger lot you might be able to put two small bedrooms that would allow a family that is just getting started to afford to live there. So it's important to scale up and down with lot size. And finally for setbacks between the backyard cottage and the primary dwelling unit, we would like to strike the setback requirement for these two buildings and have the fire code

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govern instead that way on small lots you could fit a -- more house. The fire code still requires safe access between the houses, but it depends on the fire rating of the walls rather than an arbitrary number that's in the land development code. So if you have a higher fire rated walls, you can still safely exit the buildings, then we should allow that and that's all covered by the fire code. I'm happy to answer any questions on some of my comments. >> Casar: Thank you, Mr. Goff. Any questions? David king. Followed by Ricky Hennessey. >> Thank you. You know, I think it's important that we -- whatever regulations we end up recommending here that they be based on the characteristics of the neighborhood to which they would be applied. One size fits all rule is going to create problems. It's going to create expectations in neighborhoods that can't afford -- they don't have any more parking available in their neighborhoods, in certain areas of the neighborhoods. And they're so crowded already that, you know, allowing these Adu's on smaller lot sizes and allowing the structures to be larger would really deter and detract from the liveability and the quiet enjoy. Of our neighborhoods. I'm very concerned about a one size fits all strategy here. Then we look at the whole impetus of this is for affordability. And we already know that increased density does not equal higher affordability. So if we're doing this in the name of affordability, then I don't think we're going to get more affordability from doing this, but we will get less liveability in our neighborhoods. So I'm concerned about

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one size fits all. I think we can make some changes and we can offer some options where Adu adus could put into an area, or on a smaller lot or have reduced parking requirements. I'm not against those things, but let's do it in the context and the character of the neighborhood to which we're going to apply these. And of course, str use should be prohibited. They're not affordable. We already have ads in my neighborhood that are being used as str, eight hundred dollars a night, an Adu str. I think it's important if we're going to give incentives and help our city and help our citizens here let's look at what's going to help and what's going to really hurt the character of our neighborhood. Thank you very much. After Mr. Hennessey is roger caven. >> Committee members, thank you for persian gulf here today. My name is Ricky Hennessey and I live in Hyde park. There is not enough onstreet parking to accommodate additional neighbors. Because this concern clashed with my experience of seeing an abundance of empty onstreet parking in Hyde park, a few of us decided to perform a parking count to see just how many spots were being used. We counted the number of parked cars and empty spaces on each street segment while accounting for curb cuts and calculated the percentage of occupied spots for every block in Hyde park. First we performed a parking count on a Sunday morning when many people are still in

their homes and additional visitors are parked on the streets to attend church. We found that 99% of the blocks had at least some parking availability and over 90% of the blocks were more than half empty. We also found this to be true on a separate parking count performed on a Thursday evening. Based on these findings,

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I think it makes sense that we require no additional parking for ads less than or equal to 800 square feet and one spot for ads larger than 800 square feet. We need to facilitate transit use. One way to do this is to allow more people to live near transit, which is why adus are within transit oriented development Zones, should not require any additional parking. This also has the added benefit of reducing impervious cover. Thank you for your time and effort on this very important issue. >> Casar: And on deck is Heidi gearbrock. >> Thank you again, councilmembers. Roger caven, downtown neighborhood and with friends of Austin neighborhoods. I'm here right now speaking on behalf of the membership of friends of Austin neighborhoods. A couple of months ago the membership adopted a resolution on the topic of accessory dwelling units and I wanted to just read very briefly the four key points that are relevant today. The membership's resolution included urging you to remove on-site parking requirements entirely, remove the minimum lot size requirement and that the building separation requirement should be lowered or removed. And [indiscernible] Should be allowed. Thank you. >> Casar: Thank you. And Gerard Kinney is up next. >> Good afternoon, committee members. Thanks for the opportunity to be here. My name is Heidi

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gearblock Brock and I'm here on behalf of the real estate council of Austin. I don't want to spend a whole bunch of time reiterating arguments we and others have made, but I thought it was important to come this afternoon and let you know one more time how important it is that we believe reasonable regulations for granny flats are. Specifically we join with many other groups to urge you to make backyard cottages an accessory use on any lot throughout the city. We would like to have adus scale with the size of the lot and remove any unnecessary set back requirements that make ads impossible on many lots. We're okay with the staff recommendation for one parking space. Although we would certainly be okay with less than that as well. And lastly, I'm passing out a letter that reca and several other business groups signed. You may have an older copy of T I think we've had more groups sign on since last time. I'd also like to point out it includes several non-profit groups like goodwill of central Texas, and the national [indiscernible] On mental illness. I think it's an interesting collaboration. I think people have more interest in making ads possible throughout the city. I hope you will consider our unified voice in support of these reasonable recommendations. As a side note I don't want to have to come back up here for the water, but we're glad to hear that it's been fixed. Thank you for that. Councilmembers, I'm Gerard Kinney, as you may know, I'm a very enthusiastic advocate of accessible dwelling units in our city and have been my entire life. I mean Austin has a great history of granny flats and all kinds of secondary dwellings and we need to have more of them, I think. However, I do agree with several concerns that have been brought forward. One is that they -- the size of them should be

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proportional to lot size and that idea I'm not sure about the proportion that's been suggested, but that is a good idea. A little lot shouldn't be able to have as large of a secondary dwelling as a big lot. I mean, it's kind of an obvious thing. The other thing is my biggest concern, though, I don't -- I'll have to say I

disagree with some of my friends at fan on this subject. I tend to agree with other of my friends that are concerned about the overflow parking. I think that parking in the city for all residential, whether it's multi-family, condos, single family, duplexes, secondary dwellings, everywhere, that really -- there really ought to be a minimum of one parking space for every dwelling unit. That that really is necessary. It does not have to be used for parking. That's a matter of design. As architects we can design spaces where the parking space, if it's not used if a car, can be another use for that site. I suggest that throughout the city we should be allowing -- parking should be a proportion of the number of bedrooms. So, for instance, as is many of the cases in my neighborhood, if you have a small two bedroom house and they want to add a one bedroom accessory dwelling with a minimum of one per unit, that would mean that you would have to have one for the accessory dwelling and one for the main house, thus not increasing the number that is required, which is two for the existing residents. I think that would need to probably need to remove the requirement of the tandem not blocking the other one. That is an into the weeds discussion. But I do want to emphasize that it's a matter of design that one can design for the automobile today that can become a use that is something else tomorrow. Thank you.

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>> Casar: Thank you. Andre [indiscernible]. And our last speaker is Kim [indiscernible] >> Okay. So I recently became aware of the graphic that's in front of you and I just wanted to bring it up briefly. So this is a -- this is a concept and the concept here is, if we had a goal of 75,000 units and we wanted to -- this was produced by the -- by the [indiscernible] Cd by the way, still in concept form. If we wanted to produce 75,000 units and each of these units representing our current demographic makeup, this is what that would look like. And I really wanted to draw your attention to there's a -- there's been a lot of conversation about will ads be affordable, won't they be affordable? I don't really know exactly the answer. But I do believe they would generally fall within the range of 81 to 120% of mfi. So under this graphic, this would call for, it's a -- it's a 29,000 units of 80 to 120% in the next 10 years. It's a 10-year goal. I forgot to mention that. So that's roughly 2,900 units a year. That's 2,900 units a year that's not going to be subsidized. These are not subsidized 80 to [indiscernible]%. This is what we are relying the market to provide, through density bonuses and through owe incentives programs through relaxing regulatory barriers to

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affordability. And this is really just one part of the path to get to that threshold that we need to maintain our current. It's not even to improve the affordability situation. That's really just to maintain what we've got. So I would really urge you to look at consider seriously making this not -- not only applying it to the handful of neighborhood plan that's have adopted the infill tool. Thank you. >> Casar: Thank you. Did I see somebody click on there? Okay. >> Hi, I'm Kim [indiscernible] Gray, here to speak in favor of the changes for ads. I think the first is to allow them on any lot, or any logger that is bigger than 5750 square feet. I think it also makes sense to allow ads only increase one parking spot. I don't know if this has been discussed, but to make it makes since if you are building an audit you should have one parking spot, but you shouldn't have to upgrade the original house because if that was built a long time ago, didn't have any parking space, I think it would be difficult to add three or four for the whole structure. I think that you should add one parking spot for the audit and then I think it makes sense for the audits to scale with the lot. Makes sense that bigger lots and smaller lots should be treated different. That's all. >> Casar: Thank you. I realized that I missed one name, I can't tell the first name. Mr. Or Ms. Para Miller. >> Hello, I'm Jennifer potter Miller. Thank you for -- for seeing all of us today. I'm here to speak on behalf of aura's

argument and I'm a little bit nervous, this is

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my first time speaking here, so I'm going to read. I'm here to support their argument with my own personal story. I'm a 15-year resident of the cherrywood neighborhood in east Austin. In that time, I've represented a room, bought a small house, moved to live with my boyfriend at the time, ended that relationship while my own house was not available, represented a back yard cottage, moved back to my own house, married, had a baby and moved eight blocks away to live in a slightly bigger house. And I was fortunate enough to be able to do that all within my own neighborhood where I have established community ties and connections for 15 years. I would argue that most people have these different kinds of housing arrangements over the course of their lives. And would love that all of those can be accommodated within a community so that people don't have to abandon those community ties when their life circumstances or financial circumstances change. Fast forward a few years to 2013, my younger sister is back in Austin and expecting a baby. And we in an effort to support her and also keep her in Austin, started exploring building a back yard cottage for her. This was a two-year process, but we just poured concrete last week on an Adu at our rental property. Which is, as I said, all in the same communities. She has lived in small apartments in several cities around the world and rented rooms in different homes, also in mostly east Austin while she's been in Austin. And we decided to build the Adu at our first home because it has a back yard that's kind of useless. It's just not easily accessible at all. Versus at our own home. But in any case, we're so happy to be able to keep her in the community where she

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can have the support of family and friends. She's a single mother, a free-lance photographer and is simply not going to be able to afford a house and this option -- if the option is to live in Parmer lane and be so far away from our support that it's just not very helpful for her. So I'm thrilled to be moving forward with this project. And secondarily, and more broadly, I want to say I want to live in a community where there are people in different life stages and with different financial means. Without adus in our central Austin neighborhoods, we run the risk of becoming more and more exclusive as the price of homes goes up, even rental homes are quite expensive. I would love to see ads allowed throughout the city as one piece of the puzzle of allowing more affordability in our neighborhoods [buzzer sounding] Along with other multi-family and options. Thank you for your time. >> Casar: Thank you and thanks for joining us. [Applause] >> Casar: Community members, we have a variety of items here today. I think that we're close to finishing this up. As the mayor pro tem knows, this code amendment was -- was initiated back in June of 2014. There were briefings and public meetings at codes and ordinances throughout the fall of 2014 into the spring of this year. Then I think it was postponed. At council in may, we had the first hearing in may, another hearing in June, August we skipped over primarily to have the short-term rental debate. Now it's here for us in September. I think that we have done a good job sorting our way through the issues, I just appreciate you all having the patience and working on this sort of in these stages so that we can think through it. I think it makes sense for how this committee should work on these big land use decisions that we -- that are going to be put before us and I appreciate that we decided early on this year

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not to take zoning cases because I think it's given us the ability to really look at the code. So just before

we get started, I wanted to say that I appreciate the way that we have worked together on this issue. So the order is first the lot size issue, then parking requirements, then the -- then the structure size, then short-term rental use and then finally affordability requirements, opt in/opt out issues and then, of course, any other amendments that folks want to bring up. But I think a few months ago we laid out we would handle some of those issues and then short-term rentals and parking we punted back to this meeting because we didn't have enough time in August or June or whenever we first brought these up. So is there a motion on lot size minimums or discussion on lot size minimums that folks want to have? My recommendation is to amend the code such that you can have detached two family residential lots having a minimum of 5750 rather than 7,000 square feet and my recommendation is that we allow those detached family residential residents in sf 2 and sf 3 across the city. I'm happy to talk a little bit about why that's my recommendation. But if somebody wants to move that, they can move that or debate on their own or make their own motion. I didn't move it, I just recommended -- I just said that is my preferred motion if someone wants to make it, from my perspective or opinion, but I'm happy to hear debates or other motions. >> Tovo: I'll just offer my general perspective this has been an issue in progress for an extremely long time. Not an extremely long time. It's been for a long time. You know, the council -- there were a lot of

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different discussions about whether or not to take this up outside of the land development code process. I think there were some very strong feelings that it should be taken up as part of the code amendment process. But the resolution sailed forward from council on to the planning commission, where it then was in a stakeholder process for a while. I think the planning commission as I observed it struggled with a lot of the issues that are on our agenda for discussion here today and -- what the planning commission has recommended to our council really represents a compromise among those different issues. And so I am -- I'll just express that I'm uncomfortable reopening each of those points. The most -- which really get at the heart of what the most controversial elements were. So I will move the planning commission recommendation and just note that at this point that's -- that's what I'm prepared to support. Shall I recap a little? >> Gallo: I was just asking if in this massive amount of paperwork, do we have the planning commission recommendation? >> Tovo: Well, I don't actually think they were part of today's backup. I think they may have been part of the backup a while ago. I think they were part on the backup on 6-18-2015. But I would be happy to -- to -- well, I think that I would be happy to recommend them. I mean recap them. Let me see if I can quickly find them. I think it's probably better for our staff to recommend them. As I was saying, I will recap in case anyone missed it. Some of the most contentious elements are the ones that we seem to be prepared to be reopening here for discussion, and I would just suggest that we respect the difficult work that the planning commission did, that the stakeholder work group did, and recommend to couple the planning commission recommendations. Which really represent a compromise among the various

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different positions. >> Casar: If staff could tell us briefly what the planning commission recommendation would do and then also for me, I'm not sure if Ms. Hugh you should enter this or Mr. Lewises, if making this change would interfere with codenext and what its effect on codenext might be. >> So. Ming Chu, planning and zoning department. The planning commission recommendation was basically to not change the minimum lot size. For adus, so they would be allowed on sf 3 lots that are 7,000 square feet or larger. Also be allowed in neighborhood planning areas that adopted the secondary apartment info tool on sf 3 lots that were 5,750 square feet minimum and on sf 2 lots and sf 1 but there are very few. >>

Tovo: Chair, I would just like the staff to confirm. The amendments that I believe the planning commission recommended are as follows: To reduce the building separation from 15 to 10 feet, to allow an entrance within 10 feet of a property line, to remove the driveway placement requirement, to change the parking requirement to one off street space for all secondary units, to prohibit use as type 2 short-term rental, to apply the ordinance city-wide, which is to say to all properties throughout the city that currently build an Adu. These are in substance the amendments that the planning commission recommended. >> Correct. >> Tovo: I just wanted to be sure that we are clear on what those are. I mean, you spoke to the building size, which was one of the issues -- excuse me, the lot size, which is one of the issues they contended with. They also contended with opt in/opt out, again a lot of the issues on our list to consider here today, but this is what they recommend and that's what I am proposing we recommend to

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council. >> Casar: What I'm trying to breakthrough is we work on each of those issues so we can pass along a recommendation or a change. I believe that most of the issues from the last meeting we passed along exactly what planning commission recommended, we passed along the driveway requirement, most of the planning commission's recommendations, but for me I want to make slightly different recommendations on a few so I want to give us a chance to bring those amendments up to pass and fail. >> Tovo: Chair, it's been so long I forgot we already passed this for council. I'm going to withdraw my useless motion and just speak to any amendments. >> Casar: Okay. It wasn't useless. >> Tovo: Let me say repetitive. Councilmember Gallo, could I get the answer to my question very briefly before I recognize us. The mayor pro tem mentioned that there were some concerns about whether or not this gets in the way of codenext or affects the codenext process. Could you speak to that. I don't mean to characterize her question, just generally can you tell us how this -- can you actually restate what the concern was, because I want to hear that from the codenext folks. >> Tovo: What I was trying to do was just to kind of remind us all about the context in which the Adu resolution came forward. Some people strongly believe all of these issues, including whether or not to pass the planning commission recommendation should be handled in the codenext process. So I think the planning commission, you know, did their best to take into account all of the concerns. Those from people who felt like we needed to move quickly in loosening restrictions, those from people who felt like that should be handled in the codenext process. We are where we are, I think. I'm really just trying to respond to whether or not we then go further than the planning commission recommended. >> Yes. The intent with codenext would be to integrate the [indiscernible] into the new code as referenced in the

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documents as we proceed before. If there are provisions that come out of the code as we start drafting, different context or character districts that get created that don't necessarily use the same terminology as far as the zoning classifications go, what we would recommend doing is getting the criteria that was established by these recommendations or by the and integrate that forward. Whether it be 7,000 square foot is a minimum, 5750 as a minimum, those elements would be integrated into codenext so that the standards in general would actually integrate into the new code. >> Casar: Thank you. >> Thank you. >> I want to speak briefly to why I think bringing it to 5750 is important. I have made a couple of really crude drawings that I would like to be put up on the projector. Because I was just going to share them with the committee member, I realized that the general public may be interested in how ugly my hand writings and drawings are. We can talk about that. What I'm going to put up is essentially what convinced me that this was not a radical departure, but a pretty common sense change. If you have a

standard size lot, 5,750 square feet and you have a thousand square foot house on it, so -- so average sized house in some of these older neighborhoods, if your family is getting older or whatever, you are having -- your kids are growing up, you want to add a 500 square foot extension to the house, you can currently do that. So that's my ugly drawing number 1. If you have a thousand square foot house and you want to have a 500-foot extension so your parents or growing kids can have more space than you put in a little shower and sink and mini kitchen, you can do that. What we are currently, as a matter of fact you can do that all across the city in single family zoning. But the second scenario is let's say your kids are a little bit -- demand a little bit more or your in-laws demand more and want

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some space of separation, their own draw, which would make it an accessory dwelling unit. In lots of parts of the city you can do that, but in many parts of the city you need a 7,000 square feet lot to do this. The fact of the matter is saying what you can do in some part of the city we should allow in more parts of the city. I don't think we should deal with impervious cover or mcmansion, but the idea is if you want to separate it back from the house, give it its own door, that's not going that we're going to restrict. If folks want to do as a extension they can on a 5750 lot. If we are allowing it as an extension, why not allow it to have its own door and [indiscernible] Separation so folks can have more privacy or so folks can generate a second income by putting out a rental unit which we know since they are smaller tend to be more affordable and as shown in the slide we need lots of. My understanding is we are permitting on average 40 to 50 of these a year. That's far short of the thousands that we need in making it a little bit easier by saying if you have a standard sized lot that you can do this as an extension anywhere in Austin, why couldn't you do it as an accessory dwelling unit. Again, my recommendation is that we allow sf 2 and sf 3 zoning and that the minimum lot size be 5750, so a standard lot size. If somebody would consider moving that, then I would support that. Of. >> May I ask staff some questions. Kind of a zoning question. What I'm wondering as we have this conversation on detached units, why it's not also including attached units. So we have minimum lot requirements for duplexes, which are two units on a property, but they are attached. And now we're talking about reducing the lot size for two units on a property that are not attached. And I'm a big proponent of

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building as much affordable housing as we can with these accessory dwelling units. So I'm trying to understand why the conversation is not carried forward at this point to also address the attached units, also. I mean I think to me as we all know, our development process in the city of Austin is as complicated as it can be. It seems like it's overly complex. Anything that we can do to simplify it would be better. So I'm like I said I'm really trying to understand why we would have a different set of rules for ads which are detached than we would have for duplexes, which are still two rental units or not rental, but two units on a property that they just happen to be attached. The building site -- to me the lot size is less -- I think there should be a minimum, I think your recommendation for the minimum is good. But I'm less concerned about the lot size. I'm more concerned about the building size relative to the lot size. And it seems like that that should be one of the overlying areas of concentration, so that if you have a small lot, and we reduce the minimum lot to the 5750, there is -- there is in -- within what we're doing, a -- a restrictive amount of building square footage that you could put on that lot and then it lessens as the lot size gets larger. That just seems to make sense. But once again maybe staff can speak to, you know, what we currently see for duplexes and minimum lot size and if -- if and how we could carry this conversation on to the duplex conversation. >> So I think you are asking why we didn't address attached accessory dwelling units in the resolution. Part of that is the code

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that we have in places already regarding accessory dwelling units are detached. They refer specifically to separate units. And the attached -- we don't really have regulations for attached -- accessory dwelling units. There are attached accessory apartment and then -- then there are duplexes which are slightly different. >> Gallo: Once again, it's going back to the conversation of I think everything we do is overly complex and it just seems like if we're talking about wanting to promote two units on a lot, that we would want to carry on the conversation and it probably is a totally different conversation, but that I hope that if we are more restrictive in what we call our attached units, when we have two units on a property, then I hope at some point, wherever that's appropriate, however we can do that, that we move the conversation for those also in that same direction that we're doing for the detached two units per property conversation. But what I am hearing you say is that we're limited to what is called accessory dwelling units in this conversation that if we want to carry this forward to a duplex conversation, that that would be a different conversation. >> I think that it might be starting to talk about duplexes. >> Since duplex has its own zoning classification, it's not necessarily tied to the accessory dwelling unit we are having currently and duplex has its own set of individual standards since it's a different classification. Which is two dwelling units on one lot. Therefore it has a set of regulatory framework that -- I don't think that it's outside of the conversation, adding an accessory dwelling units on a duplex lot. It's not been explored under the existing resolution passed by the council. >> Gallo: Would you say that the duplex -- the regulations for a duplex,

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two units on a lot that are attached, would be more restrictive than what we are discussing here for ads? [Multiple voices] As far as the lot size and density. >> I'm going to defer that question. I don't know the answer to that. >> Gallo: Okay. >> Hi, I'm Daniel Ward with the development services department, I work with the residential group. So I may be able to speak to the specific regulations for those types of uses with a little more clarity. I think part of your question may be why duplexes aren't currently being discussed. I suspect that may be because the original resolution wasn't broad enough to capture that particular use. As part of this discussion. >> That's interesting. Okay. So that would be another discussion that we would need to have with the different resolution to address the duplexes, I'm just -- so as we talk about the setbacks between the two units and Adu and we talk about diminishing those with the potential that those two units could actually be almost attached, would it be more advantageous to somebody to construct those two units almost detached in what we're getting ready to do, which I think is good, that we're promoting the ability for us to build this community at this type of dwelling, but then are we also encouraging people to do it as an Adu and instead of doing it as a duplex which has a larger lot requirement and may have different impervious coverage, I don't know. I'm just -- to me, we probably need to get back to this discussion, but to me if you've got two units on a property, they should be treated the same unless somebody can tell me that they shouldn't be treated the same because they are different components. I will cease that conversation because we need to go back to the adus, but

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I do think it needs to be part of the conversation. If we are appropriating building affordable housing with these smaller units where we have two units on the lot, if we are excluding a portion of the community, which would be the attached dwellings and keeping somebody from having that as an

option and this environment -- in this environment where we're trying to make the requirements a little more lax to encourage that building, I think we do at some point need to address the issue of the attached two unit duplex. Restrictions, requirements, to make it mirror more closely what we're doing here. >> I can speak to the differences in the current code if you need me to. But otherwise I'm happy to step back and -- >> Casar: I think that an item on duplexes and figuring out if there are barriers to constructing those based on our current rules is an item that I think we would be happy to take up. But I do the original recommendation was about these back yard cottages, called detached duplexes -- >> Gallo: They explained that to me, that the discussion of the attached two units was not part of their original resolution so the conversation -- >> Casar: I think that's something we could certainly. >> Gallo: Go back and talk about including those. >> Casar: Councilmember Renteria, did you have? >> Renteria: Just we looked into that option when I built my second unit and basically if you attach it, it's just one dwelling unit and but when you have -- people are really liberal compared to the ones that I had to do. I had to have a 25-foot setback between my secondary unit and the front house. Basically, you know, the attachment had to do a lot also about, you know, your set building and standards commission from your side -- set backs from your side yard and front yard. Your back yard had to have a

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way that we could do it, have a secondary unit where we -- on our garage by setting it back that far. Also restricted the dwelling unit to I think 485 feet that was the max. That was all they allowed us to do. So, you know, this is -- I mean, you could build a walkway, you could say it -- just -- just one unit. >> Tovo: The number one recommendation in the original resolution was to have the stakeholder process look at code amendments, including but not limited to code amendments that -- then number 1 was to reduce the minimum lot size. And, you know, in the course of that discussion, I mean, that would an extremely controversial provision and as I look at areas like Hyde park, they have this discussion within their neighborhood planning team. You know, we've allowed for neighborhood planning teams to look and to consider that option as one of the infill options when they are putting together their neighborhood plan. Some areas have opted in and gone with a lower lot size and some have not. I am not comfortable supporting a provision here today that would override those neighborhood plans that have elected not to have smaller lot sizes. I think especially since that was a point of discussion, a significant discussion in the work group, I'm not prepared to make a motion to change the lot size, nor would I be prepared to support one. >> It seems to me that my understanding from the planning staff, there isn't the staffing available to initiate neighborhood plan amendments. While many of those

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decisions made by the city council to allow adus on certain sized lots and on others, that we have the opportunity, the ability to make changes as time goes on, we can disagree about what changes are appropriate in ours. But in my view, we are getting so few of these back yard cot Tams compared -- cottages compared so what I think the demand and need is, that a pretty simple change like saying if you have a standard sized lot you can build one makes sense to me. On any standard property if you have 10,000 square feet you can build a guest house. If you have something like 13 or 15,000 square feet you can build a guest house as long as you have a maintenance worker, security guard and his family living there. So if you can build a second dwelling based on if your lot is big enough, it seems to me that if your lot is standard and seems to be working in certain parts of town, that that is something that I would want to make available and -- in as many parts of town as possible, as long as they are still following the impervious cover rules and mcmansion rules. If you can build an extension to a house of that size, I don't see why you can't put a door on that and a kitchen in it. But we can, of course, vote

differently on it and that's okay. That's -- that's what these committees are for. So I don't know recall if somebody made that motion or not, but my recommendation would be to amend section 25-2-774 B which regulates two family residential to make detached duplexes, which is these accessory dwelling units the minimum lot size be 5750 rather than the existing 7,000 and to amend 25-2-491 to say that you can allow these two-family residential units in sf-1 2 and sf-1 3, zoned properties as we do a lots in parts of east Austin and north central Austin. I am recommending that the motion be made, I'm chair, so I would have to hand the gavel over to make the motion. >> Renteria: You know, my

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lot size is probably 5,750. My restriction was based on the impervious cover which we had to -- which we had to meet which was 45% I believe, you know. But I have no problem with the -- as long as the impervious cover it's -- it's kept to a point where, you know, we're not going to be risking flooding, you know, that's the biggest concern about when they reduce my -- my development to the 468 square feet, you know, I couldn't make it -- I couldn't build any bigger than that because of my lot size. >> Casar: And I would accept that as a motion and I would vote against you if you changed the impervious cover limit. So I think this motion would keep the impervious cover rules and mcmansion in place. So moved by councilmember Renteria, seconded by councilmember Gallo. Is there a further discussion? >> Tovo: For the reasons that I mentioned before, this directly goes against neighborhood planning team action within my district and the last year Hyde park neighborhood planning team confronted this very issue. They had an opportunity to discuss among their team whether or not to change the lot size and voted not to. And so I don't think that this is the way we should make planning and land use decisions as top down approaches when we've told our neighborhoods and our neighborhood planning areas that have plans that we're going to respect those as we move forward. I don't -- I don't agree that's consistent. [Applause] >> Casar: Mayor pro tem, I'll just respectfully disagree and tell the short story again that I did at the -- a couple of committee meetings ago. I was at a grocery store in my district and a cashier who lives in the northern portion of my district and the grocery store is in the southern portion right there on the border of district 9 mentioned they would be so appreciative of the ability to live in an accessory dwelling units in Hyde park or allendale to be closer to their work.

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While I respect the past council's decisions to try to make this work the best they can, I think we're in a situation where we need more of these accessory dwelling units all over the city and representing my constituency and the city the best that I can, I think this is a small change where you are allowed to build a door and a separation on something where before you could just build it as an extension. Now if you want the privacy of having your own apartment you can build a door and a separation, so I will be supporting the hospitalization. Any further discussion -- I'll be supporting the motion. All in favor raise your hand. Those opposed? Passes 3-1. Next we will take on parking requirements. I have copies. Next on parking requirements, I think these are both -- just to clarify, I had a motion sheet handed out to staff that I thought was handed out up and down the dais to amend section 25-2-774 B and section 24-[indiscernible]. To just clarify, is that the intent of the motion, councilmember Renteria? >> >> Tovo: Sorry, I seem to be the only one that doesn't have a motion sheet. I don't see the copy of the language that we are amending. If I could get a copy, that would be great. >> On the lot size minimum when we talked about these two passages, the duplex minimum lot size would be 50750 rather than the existing 7,000 and to allow -- to allow detached two family residential units in sf 2 and sf 3 zoned properties.

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Is there any discussion on the parking requirements? I do, where did I see that. The second part which was amending to eliminate the mandatory parking space of ads within a half mile of an activity corridor and within a T.O.D. Could I ask where the activity corridors would be and where the T.O.D. Is? I hear from so many of our -- of our central Austin neighborhoods that there's such an issue with parking on the street, that I would support the one space, the staff recommendation, but that parking space. Even if they are within those areas. I think it's a situation that, you know, that -- that we're doing something right now and that -- as this process moves forward, and we see this type of dwelling being made available, built and being made available, that as we see our transit corridors and we see our transportation systems being developed, to allow people the opportunity to not have to have a consider, then we may want to come back at that point and do something different. I think at this point we see such a pressure in inner city neighborhoods, with central city neighborhoods with the park and not having enough because of the urban core requirements, not requirements, but reduction in parking, that I think initially at least I would support the staff recommendation of one additional parking, but I probably would not support eliminating the mandatory parking space at this point. Maybe something that we come back and talk about in a year or so and say it looks like we're doing great on the mass transit, we really are getting people without cars, because I think it would give us the opportunity to have the data at that point about the new adus that have developed and see what type of residents that are living in those, do they have cars, not have cars, really see if

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that would be a valid option to remove that parking requirement based on who is actually occupying the ads. >> I believe what we passed on on first reading, was the planning commission recommendation of one parking spot for the accessory dwelling unit. May preference would be to eliminate that requirement within half a mile of the activity corridor in the T.O.D. But I'm happy to hear more from the committee. My reason for doing that is just get the mass transit and then in my view just then put more of the units around it. We actually need lots of units in demand around the mass transit to make it viable. So I see land use and transit as something we have to do together. We can't just pick one over the other. That second, that parking space does cost money. But more so, if it creates impervious cover and then creates limits on where you can put the accessory dwelling unit, how big it can be, and having the opportunities to have larger accessory dwelling units so that a family can live in that unit is important to me. Taking that away makes some sense, especially also considering again the example, if you put in a 500 square foot steps because your kids are growing up, they're going to be teenagers, we don't require a parking space for that and those teenagers have cars and maybe more likely to have cars than the cashier that stopped me at the grocery store. So I think for that reason, for both of those reasons, I would be supportive of that change, but I think that the move to one parking space and planning commission's recommendation is a positive one. So I will be supportive of that. If somebody would move to strike the requirement within a half mile of the activity corridor, within the T.O.D., that would be something that I'm supportive of. You can see that they have put up where our activity corridors are. It's those yellow lines. Is there further discussion or any motion?

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>> Gallo: Well, I would move to -- to support the staff recommendation for the one parking that we move forward on first reading. Was this other part of the addition to that. So I would just move that we take the staff recommendation of one parking and move that forward. By itself. >> Casar: Any further discussion? Or any motions? If not, we will leave it -- >> Gallo: That was a motion. >> Casar: It was a

motion. Okay. So you move that we affirm the planning commission and staff recommendation; is that correct? I believe they are the same on this. Confirm staff and planning recommendation is the same? >> Tovo: I will second that. >> Casar: Seconded by the mayor pro tem. I will vote for this and I will continue to try to see if I can talk to my colleagues about how we're not going to get rid of -- of cars until we get transit in that part of getting -- and that part of getting transit is getting more near it if we can. A broader conversation during codenext about our parking requirements that are greater than some places like Houston's, which is pretty amazing, is something that I think we need to have a continued conversation about. Any further discussion on the motion? There is one clarifying point that I would like to make, I believe we discussed this at our last two committee meetings ago, which is that if you have no parking, because your house was built before there were parking requirements, that you won't be required, for example, to build three parking spaces for an accessory dwelling unit but that your motion intends just one space is required, one added space. But if you have a house with no parking, then you would have to build three parking spaces, two for the house that you are grandfathered under and one for the accessory dwelling unit but if the put in the accessory dwelling unit then you just need to put in one parking spa is for that units. >> Gallo: Can you clarify,

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was -- I remember staff being involved in that discussion and so was that staff's interpretation of the current code and the current ordinance? So that we're not actually having to do anything differently, that's currently how you're interpreting that to be begin with, is that correct, is that what -- okay, it's been long enough ago that -- >> Yes, >> Yes, ma'am, that's the correct interpretation. >> Tovo: Actually, I am going to withdraw my second for that reason. I did express concern about that when we talked about the shift in staff interpretation and that is not an issue about which I've become peaceful about because it is such a dramatic shift in interpretation on staff's part that if this motion encompasses that change in expression, I'm going to have to -- change in interpretation I will have to change any second S I am not willing to lower the one required space to accommodate being within close proximity to a tod for the reasons that councilmember Gallo expressed. >> Casar: I will pick up your second and express that I think that it makes a lot of sense for us to grandfather those properties in that have been grandfathered for so long. And if I really like seeing all of the green in a lot of our neighborhoods where there wasn't so much parking required and I wouldn't want to force someone to pave over most of their front yard if they just want to put an accessory dwelling unit in. Englishing one space, but not three on the grandfathered properties and codifying that would be what I would support. >> Gallo: I think this is an act in process and if we come back and see that staff's recommendation of the existing ordinance is producing problems, unintended consequences, we can always come back in the future and do something else about

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that. >> Casar: Any further discussion on the motion on parking? Seeing none, those in favor raise your hand? Those opposed? Those abstaining? It passes 3-0-1 with the mayor pro tem abstaining. Now we come to structure size. I believe we heard a good bit of discussion around structure size and some interest here on the committee. I have drafted up here on the motion sheet that we keep the 5750 lot size minimum, but create a maximum structure size of .15 F.A.R., which will allow the accessory dwelling unit to scale with the size of the lot. >> Gallo: I'm going to go back to the duplex. How does that compare to the attend. Do we have a copy of what we're looking at? Under the structure size, doing the .15, how does that compare to what's required on other structures within residential zoning? >> So it's within the mcmansion area you're limited to a .4 F.A.R. >> Gallo: I'm sorry, we're limited to what? >> .4.

And outside of the mcmansion area there's no limit, no F.A.R. Limit. >> So then I guess what I'm seeing is this would actually be more restrictive than the areas within the

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mcmansion area. Is that correct? >> Yes. >> Gallo: And then the duplex, the current attend complex zoning would it be more restrictive than that? >> It would have the same limits within the mcmansion area as outside. >> Gallo: Still being .4. But we're looking at .5 here for the second dwelling. >> Yes. >> Gallo: But would that not be the combination of the existing house also? Would you not be taking that into the calculations in determining? >> The .4 would include both, so if you're -- if the second one is limited to .15 -- in the example on the 5,750 square foot lot you would be limiting the second unit to 862 square feet. Versus two more equally sized units potentially. Currently the limit is 850. So it's still slightly higher than the current. >> Gallo: But the combination of the front house and the back house and the new house, front house and the new back house would still have to fall within the .4 if it was in the mcmansion area. >> Correct. >> Gallo: And there would be no limit outside. >> Outside. Right. >> Casar: Of course if you went over impervious cover or anything else you would be further restricted. Mayor pro tem. >> Tovo: This is on your motion sheet. You haven't made this motion, but I want to understand the intent of it if somebody does make it. So currently we have before us an ordinance that we've passed on first reading that sets a maximum of a gross floor area of 850 total square feet. What you're doing or what you would do if somebody makes this motion or you do is to

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have that increase. >> Correct. Again, the intention of a motion that I would support is that if you have a standard size lot that you have about an 850 square foot accessory dwelling unit maximum if you haven't -- if you have no other issues with a tree or with the setbacks or with impervious cover, et cetera. Of course, -- so this is of course the maximum that you could do. But if you have a larger lot that you have the ability to build a larger accessory dwelling unit so that it could accommodate hopefully an additional bedroom so you could have a family sized accessory dwelling unit, of course never going above .15 F.A.R. So again still being significantly smaller than the extensions that we would allow to the house. >> Tovo: So I guess this gets back to the first point I mentioned. The planning commission looked at all of these issues and kind of weighed and balanced them and presented them to us as a package and -- to get back to councilmember Renteria, your point before when you built your accessory dwelling unit you were looking at much more stringent restrictions. We're looking at loosening them up to encourage more accessory dwelling unit. But part of why we're looking at parking changes, some of these other changes, part of the assurances given to the community is these are limited in size. So now we're going back and potentially redealing the maximum size and that calls all those other issues into question yet again. So I'm going to say that to me these were a package and supporting -- supporting a loosening of restrictions and particularly those with regard to parking has been dependent on that maximum size, all the discussion about affordability had to do with talking about the small size of these units, that they're more likely to be affordable because they're likely to be smaller. So I appreciate the discussion, but I'm again not prepared to make that motion, nor would I support it.

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>> Gallo: So can I just ask once again a point of clarification? So my understanding is that also in the planning commission was the impervious cover coverage not to exceed 45%, the building coverage not to exceed .4%. The -- if you had a large existing front house, then those two restrictions would limit you

on what you could do on your Adu and you might not even get to the maximum of 862. Is that correct? So we still have an overlying restriction that goes for the building, goes for the lot on the entire property. We're saying that if you have a little tiny front house, then the maximum you could do would be .15. But if you had a large front house we're not giving the people the ability to pack the lot is basically what I'm saying. If you have an Emore mouse house and driveway and area you may be at your 45 impervious cover of the unit. >> Casar: You mean to be able to build that parking lot. >> I'll add about the .15 F.A.R., a lot of city's regulations where the accessory dwelling unit changes based on the size of the lot, also has a cap. So if you have a 20,000 square foot lot, you're not -- you can't still build a 3,000 square foot secondary unit. There's a cap. Which is somewhere around 850 to a thousand square feet. >> Gallo: But if it were zoned sf-3 you could build an attached duplex on that 20,000-foot? >> Right. But you would again be limited by your impervious cover and building coverage and F.A.R. >> Casar: I would be supportive of the .15 F.A.R. And then a cap at

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a thousand square feet. But you may not be. >> Gallo: I'm sorry for all the questions. We're talking about this lot size, but what about if the lot is larger? Are we still looking at a cap on that? >> Casar: The idea being if the lot size is very large, then you could potentially get over a thousand square foot accessory dwelling unit, and if it makes the -- if it would earn support, and it sounds like staff has indicated towards it, a thousand or 1100 square foot cap would make sense to the accessory dwelling unit remains accessory and smaller, I think there is -- I think that there is reason to allow these to get a little bigger on bigger lots because it's not like the house -- the accessory dwelling unit is going to be looming over the house if you have some cap on it. And of course as you've indicated, any restriction below .4 NRA means the accessory dwelling unit is necessarily smaller or more restricted than senses or duplexes that build up to .45 in the accessory dwelling unit. If you wanted to expand the size of the house you could do so to a much greater size. >> Casar: Is there further discussion on this? >> Gallo: I guess at this point I'm pondering the cap because it seems like with the density, impervious coverage and the building coverage we are already limiting the amount of coverage we can already do on the lot. So my question -- I'm -- that's new that I haven't thought about. >> Casar: So what I think I would recommend is a motion to change the limit to .15 F.A.R. And then as this comes to council for us to -- if it passes to continue

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chewing on whether or not we want to cap or not. But this doesn't have to be fully baked between now and when it goes back to council because, of course, then there's still second and third reading. Mayor pro tem? >> Tovo: I would say just an initial concern about this, I am concerned that this will also incentivize the demolition of existing structures to create larger adus. So I think that needs to be -- needs to be taken into consideration as well. >> Casar: In my view making the ads to be larger so that more folks can rent them out creates an incentive to construct the Adu rather than the need to demolish the house and make a bigger house or to maxes on your F.A.R. By making the house really, really large. Creates a different set of incentives, in my view. Again, we can disagree on that. I was looking for a motion to amend section 25-2-774-7-a to make the maximum size limit .15 F.A.R. >> Gallo: With no cap. >> Casar: Currently with no cap. Motioned by councilmember Gallo. I'll second it. Is there further discussion? >> Can I ask for a clarification before you do that? >> Casar: Yes. >> So in the current code and in the proposal there's a 550 square feet maximum for the second story. And I don't know if you're intending for that to remain or for that to be removed entirely or for that number to change. >> Casar: I recall that the second floor maximum was changed from one thousand to 550, you said, correct?

>> The maximum for the second floor has always

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been 550. Square feet. So the total -- the total square footage for the second unit is 850 square feet. 550 of which can be on the second floor. >> Casar: So this would allow for parking spaces below if somebody chose to do that and then put the 550 square feet on top. >> Yeah. And part of it, there's a little bit of history% behind the development of that regulation. So originally I think the limit was a thousand square feet and then I think structures were being built that were four parking spaces below and a thousand above and that type of massing was unacceptable to many. So hence the 850 maximum with 550 on the second floor. >> Casar: So the question is do we want to leave the 550 to the second floor limit or to expand it moderately to 650 or 700 square feet? It is a decision that we could discuss today or again, that could be one of those pending issues that we consider between now and when it comes back to council. >> Renteria: I have my unit. It's close to 550, but it's not because of my setbacks. It's quite comfortable. That's where we live at right now. We don't stay in the front house. It's just being used as an office right now. But we are fixing up the front because we know one of these days that those stairs -- I might not be able to walk up those stairs. But I'm really comfortable with the 550. >> Casar: On the top. >> Renteria: I think it just overpowers your neighbors when you start building something just a little bit larger than that. That's why we did go to the mcmansion because that's what a lot of

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people was complaining about that these secondary units, they would just -- and what my colleague tovo is saying that people were looking at buying these homes just to build these big units, you know. And it kind of -- I'm concerned that -- you know, that it might accelerate the gentrification and the destructions of some of these older homes that we're trying to preserve. So I do have a lot of concern about that. So it's really a tough decision to make because I know I'm comfortable with the existing size, you know. I just don't feel like -- comfortable in changing that size yet unless we come visit it later on and look at it, but, you know, I like the existing 550, the max. >> Casar: So councilmember Gallo, I think your motion is .15 F.A.R. Right now that would leave the 550 square foot limitation on the second floor. So being the motion maker, it's up to you if you want to change that in your motion or leave it intact. >> Gallo: I think just for simplicity let's leave it since that was part of the planning commission recommendation. What I'm pondering at this point as someone that perhaps has a house with a garage, I go back to all the garage apartments that were so common like in the Hyde park area, and if someone had an existing garage then they could maybe convert that into a two-story structure where the accessory dwelling unit was on the top, their parking garage was still on the bottom, but they would be limited in what they would be able to put upstairs. The density. For now I'm fine with it. I may want to think about it a little bit more. >> Renteria: And we

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have a two-car garage on the bottom with a half a restroom and a little storage area on the bottom, and then we built the 550 on top. >> Casar: Okay. So what I'm getting from councilmember Gallo is you're leaving the 550 square feet on the top restriction in place. Mayor pro tem? >> Tovo: I guess the last thing I would say is you know we talk a lot about character and preserving the character of areas and preserving the character of our neighborhoods. And we're little by little sort of unraveling a lot of provisions that people have spent a fair amount of time talking about, and we're doing it kind of on the fly here, and that concerns me. This has been a long process to talk about, this particular issue. And I

would say when we are -- when we've approached a subject talking about small accessory dwelling units in the backyard that are going to be unobtrusive, that are going to mirror the existing character of some of our existing neighborhoods and now we're allowing those to be -- we're moving from -- I don't even think that was a discussion that was contemplated in the planning commission stakeholders. That wasn't even in the initial resolution to look at increasing the size of the accessory dwelling units, I don't believe. I think it's always been the assumption that that would, you know, remain constant. At least, again, that hasn't been a point of discussion that I think there's been a lot of commentary about. So it is of concern to me that we're contemplating moving away from a maximum size and we're also, again, giving incentive to people to demolish that front house. >> Casar: So I have, first of all, we discussed -- we did discuss back in may or June that lot size and structure size were topics to be discussed. We posted on the message board. I think we've had testimony about it consistently at least three meetings straight now. And while we may

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disagree about the issue, in my view if you can use that F.A.R. To build out a bigger house or you have the opportunity to create a smaller unit that isn't just an efficiency unit, you have the opportunity on a bigger lot to build a non-efficiency unit that that's a positive thing. And while I respect the process as it has been for over a year, we did have elections, we did have a change in our structure of government, and in my view creating more opportunities for there to be rentals in central Austin is a beneficial thing and that's part of what I talk to folks about in north central Austin, people who traditionally didn't have much as of a vote here, who might want an opportunity to live in central Austin, but because of rising prices don't have that opportunity and want to be a part of central Austin's character and I want to stand up for that. So I think that this change along with the others that we've made today are an important step towards that and that's why I'll be supporting them. Anything else? So the motion on the floor is to move the maximum Adu size to .15 F.A.R. Currently with no cap, but of course the council has the option to reconsider that when we take that up on second reading. Any further discussion? All in favor raise your hand? Those opposed? It passes 3-1 with mayor pro tem tovo opposed. >> Tovo: I appreciate your comments when I was talking about it not being a point of discussion, I was really talking about the stakeholder work process that happened through the planning commission, but I would like to add something that one of the stakeholder groups has presented us with, and this is where they talked about adding

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in -- let me just make sure I have the words correctly. >> Casar: The preservation bonus? >> Tovo: Yes, the preservation bonus. Where if the council -- if the full council supports increasing beyond the maximum allowable size, I would suggest that there be some kind of restrictive covenant attached to ensure that that front house would not be demolished. So I move that we support such a thing. It will need to be worked out between here and council, but that we ask staff to help us carve out something that would be a restrictive covenant to ensure that that front house stays in place. >> Casar: And mayor pro tem, I'm very supportive of that. I asked staff to have an initial meeting with me about that idea because I thought it was very exciting and interesting one. There were a lot of roadblocks and issues with it, but I'd be very supportive of motioning that we continue that conversation to set up a private meeting for us to brainstorm with it, about it, perhaps with some of the advocates, but the barriers and the issues that were presented were -- the list was long enough that it seemed like I wasn't going to be prepared and staff wasn't going to be prepared to contemplate that kind of amendment, but the floor is yours to make any kind of motion or discussion about it because we did post that we would discuss that

topic. >> Tovo: Sure. So my motion would be that between now and council staff provide us with some language that would achieve and effect a preservation bonus that would involve having the homeowner enter into some kind of restrictive covenant ensuring that the front structure would stay in place. And I'm happy for the staff to come forward with that language or those options at our council meeting and to explain to us what the barriers are. And we can evaluate those barriers along at the same time. But if we're asking our

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council colleagues to contemplate increasing -- increasing the maximum allowable size I think they ought to have some tools to consider that would at least have a hope of ensuring that for some of our older, more traditional neighborhoods, we're not offering an incentive for people to demolish those structures. >> Renteria: Chair, I want to go on record of supporting that. Because this is the reason why people are coming to us and saying they want to create an historic district because they're losing the character of the house. And when we did the secondary unit, we pleaded with people to at least keep the front house, to keep the character of the neighborhood in whatever you want to do. You can do it. And if it's necessary that you have to tear it down, please build a new one looking just like the home that you just tore down. With a roof and not all this box stuff because it kind of just -- the character of the neighborhood slowly disappears when you start doing that. So I'll be supportive of that. >> Gallo: I would be supportive of getting more information on this. As I look at it I think we do want to protect, but at the same time if you have a situation where a house burns down or someone that owns the house all of a sudden needs to make an older house A.D.A. Compliant, which a lot of times we know sometimes they were not built and it becomes even more expensive than it does to take it down and rebuild, to widen hallways, to change bathroom structures. I want to make sure that we don't -- I think the goal is that we want to continue to have people living in those houses, but there may be situations that we can't project or determine the future on that I don't think we want to be overly restrictive that it would cause that person to move because they could no longer live in their house and adapt it to what they

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needed. I would support getting the staff information to come back, but I'm not quite sure how to vote on the motion because I want to give the inclination that the idea that I would support doing that, but I would support asking staff to come back with a conversation about that. That. >> Tovo: I believe the intent was that, if a property owner want to build beyond 850 square feet, on that accessory dwelling unit, then they would trigger this requirement. I believe that was the connection there. So if you were somebody who wanted to do something to that front house, and you wanted to construct an accessory dwelling unit, then you would be able to do that if you stayed within the 850 square feet. >> Gallo: I understand. And I think it's worth a conversation. I'd love to hear from staff. But my concern is that if someone chooses to do that, Theo has done that. If he chooses to build an accessory dwelling unit, but then is unable to continue to live in his front house because it doesn't meet his mobility needs, or whatever, that we've locked him in to not being able to do anything with that front house where it may be that his only option to stay there is to do something, to tear down part, all, remodel, and I would just -- be really concerned we would somebody into a requirement that would force them to move. >> Tovo: I understand the point now, thanks. >> Casar: I think what may help us here -- because it was an early morning meeting with assistant city manager Edwards, Greg Guernsey, and Rodney Gonzales, that they put that information together. It's hard for me to remember the long list of barriers, but, it's an exciting, interesting idea. If there's enough interest on the dais, perhaps we move that that information

be presented to us in a memo, and language be

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included that that language be available so if one of us chooses to amend this to include it, that any one of us could easily do so. Does that sound appropriate? It's not necessarily endorsing it because of some of the concern you've described. I think there's a lot of staff concerns. I don't think I have the time or the brain space right now to lay out all the different barriers they described, so why don't we let them deliver that to us with the memo, and include the language that we would have to amend this with, if even considering some of those barriers in the memo, any one of us chooses to amend the final ordinance to include it. >> Tovo: Okay. So my motion actually was to endorse the idea. It sounds like that's an amendment to that. And as I read the votes up and down, it sounds like that's what will pass. So, if that's an amendment to mine, and that's what it takes to get the idea to continue to be in play, then I guess I accept it. >> Casar: I don't mind endorsing it and changing my mind when I read the memo again. >> Tovo: In this case, I'd rather we just endorse it and send it on to council. >> Casar: I'm happy to vote to be endorsing of the concept and then reading the memo, and then once I read the memo, being reminded why I couldn't endorse the concept no matter how much I wanted to, how about that? I think we're all on the same page here. >> Tovo: Okay. >> Casar: I see you indicating about time. I can tell you right now, it is 5:13. I know we need to be moving quick, so let's go. So the motion -- mayor pro tem's, which is to endorse the idea of the preservation bonus with a memo explaining barriers and language if we want to do it anyways. Seconded by councilmember Renteria, all in favor say aye. >> Aye. >> Gallo: I'm going to abstain just because I want to be very clear that I'm not supporting the idea until I have a chance for staff to give us more

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information. >> Casar: That's fine. The information I got made it hard to separate. I think once we get the memo, we can move along. Okay. So, I think that there is just -- there were a couple of times that were brought up by the mayor pro tem that were still -- that we promised that we would discuss, which include neighborhoods opting in and out, and affordability requirements. Oh, sorry, short-term rentals, this first. >> Tovo: Given the time constraints, I'm not sure that we'll get through all of them. I think what I'll do is just very quickly, if there are some we can dispense with quickly, that would be great. One is . . . Let me go ahead and introduce the short-term rental items. And I do have -- I think I've distributed these. And let me just make sure I have one to flash on the overhead. So the planning commission recommended that the accessory dwelling units be prohibited from being type 2 short-term rentals. However, that doesn't -- we've had an opportunity to talk about this a few times, so I'll just cut to the chase. If I'm a homeowner and I construct a new accessory dwelling unit in my back yard using these relaxed restrictions, under our current process, if I license -- if I want it to be a short-term rental, it doesn't fall into the type 2 category, it falls into the type 1 category. If we are considering relaxing restrictions to encourage more housing, more accessory dwelling units to provide for rental opportunities, we are undercutting that effort if we allow those to be used as short-term rentals. I believe the financial incentives for creating -- short-term rentals in the

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accessory dwelling units are that it's likeliest we'll have a lot of new short-term rentals under the relaxed restrictions, and far fewer long-term rental opportunities. So, I would propose the following two changes. The first would make it clear that any accessory dwelling unit built after October 1st, 2015, i.e.,

making use of these relaxed restrictions, may not be used as a short-term rental. Again, that is a slight change from the planning commission, but I believe it's consistent with the intent that we want these new accessory dwelling units to not be short-term rentals, to be long-term rentals. Now, we talked -- and this is a change from what I may have said back in -- whenever we had this first discussion. If I am a homeowner with an accessory dwelling unit in my back yard being used 100% of the time as a short-term rental, there aren't terribly many of them. We got the Numbers from code. I believe that we should create a new category, type 1a. They can continue to have their short-term rental. However, those Numbers should count toward the 3% cap, for the very reason that that 3% cap was imposed, to make sure that we are preserving housing for long-term renters, that we are not allocating too much of our housing stock toward short-term rental use. And if we don't capture those Numbers in our calculations, I don't believe we have a good sense of that. So, those are my two amendments. I'll move approval of the first one now, amendment number one, which would assure that any accessory dwelling units built after October 1 cannot be used as short-term rentals, cannot get a license as one. >> Casar: The mayor pro tem moves amendment number 1. Is there a second? >> Renteria: I want to second it for discussion, because I agree a lot with this. Well, I'll second this one, and

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then I have something to say about amendment 2, so. >> Casar: Any further discussion? It is been moved by the mayor pro tem and seconded by councilmember Renteria. >> Gallo: I appreciate you bringing this forward. I'm not going to be able to support this, because as we talk about affordability and our senior population being able to age in place and have options to be able to continue to live, the planning commission's recommendation was only to prohibit the type 2 short-term rentals from the Adu conversation, and I would support that. I think we do need to give people who live in the front house the ability to have a dwelling in the back of their house that they can use for additional income as their expenses continue to go up and up and up in this community, and I think the fact that they do live in the front house -- if the short-term rental is going to be so unlikely to be disruptive, because the closet closest property is the front house where the owner is living. So, I will continue to support the planning commission's recommendation, that I would not like it carried forward to the short-term type 1s. >> Casar: And I will vote against amendment number 1 because I want to -- I'm generally supportive of type 1 short-term rentals, and as we laid out earlier when we were talking about the building regulations, it's not that different from having it attached to your house, except there's one extra layer of privacy. I see it as a type 1 short-term rental, but I don't want to encourage them all, or for many of them to be, so I'll support amendment 1, but be supportive of amendment 2 when we get there. Is there further discussion? >> Tovo: Again, we use type 2s when it's not an accessory

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dwelling unit to talk about those structures that are commercial short-term rentals a hundred percent of the time. What I'm trying to capture are the structures that are going to be accessory dwelling units, that are going to be short-term rentals a hundred percent of the time. >> Casar: My reading of the language is not that. If there's another way to word it -- >> Tovo: My intent here -- between here and council, we may need to get some help in legal -- but what the planning commission -- in saying they -- if we limit it just to type 2, the only situations we're limiting are situations where the front house is a type 2 -- is 100% short-term rental and the back house is 100% short-term rental. That is what saying short-term rentals are prohibited in type 2 does. What I'm trying to prohibit, if I have a front house, and I construct an accessory dwelling unit using these relaxed restrictions, without my amendment 1, that back house can 100% of the time be a commercial short-term rental. >> Casar: And so my concern -- and

perhaps we can get to the same place on this -- is that if you have your family living in the accessory dwelling unit, and then the spring festival season comes along and you move the family in and rent out the accessory dwelling unit as a type 1 just for that week, that it would be prohibited in your amendment number 1, in my view. In my reading of it. So, if we were to talk about saying you could only use it as a short-term rental for -- you can only rent it out as a short-term rental for 60 days, or 90 days, I think that that would -- >> Tovo: If you say 30 we might have a deal. [Laughing] >> Casar: So tell me about this. So, 30 days is the most days that it can be -- rented as a short-term rental -- >> Tovo: It would not be my preference. >> Casar: I'm not sure how we would enforce it.

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>> Tovo: It would make it harder. But I would be happy, at least today, here at our committee, to add a provision that an accessory dwelling unit under amendment 1 could be used as a short-term rental for not more than 30 days each year. >> Casar: I'm certainly supportive of the concept. Considering how much we've learned about short-term rentals and the issues of enforcement, I think that my preference will be to vote for amendment number 2, vote against that for now, but I'm very open to having the conversation between now and council with code and with others to see how that would work, because I don't want to pass that along to council and then for council to think that we -- I'm just not ready to endorse it, it would be so hard to enforce. >> Tovo: Okay. >> Casar: But I appreciate and want to signal my support of the idea that these would not be year-round short-term rentals, but at the same time, don't want to take away the right for you to do that periodically, as so many homeowners do. >> Tovo: Yeah. I understand that. I would just ask you between here and council, then, to give some thought. If we don't adopt some kind of amendment, those accessory dwelling units can be used as short-term rentals a hundred percent of the time, and I don't think that furthers the interest we've talked about in terms of creating additional housing opportunities. So, maybe we can all think about it between here and there. >> Casar: Thanks. Is there further discussion on amendment 1? Seeing none, those in favor of amendment number 1, please raise your hands. Those opposed? So that's 2-2. I think that just to be clear, do we want to direct that this be part of our committee report? >> Tovo: That's fine. I intend to make the amendment

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again at the full council, so it would be good to be part of the committee report. >> Casar: Does someone want to move amendment number -- >> Tovo: I'd be glad to. This deals with those accessory dwelling units that are already on the ground. >> Casar: Is there a second? Councilmember Renteria. [Chuckling] >> Renteria: The only reason I can't second this is that there's areas already that have their cap. There's census tracts that have met their 3%. You'll never be able to have -- if you do that 1as, there's a lot of 1as already in there, because it doesn't apply to the type 2 cap. So now you have -- you're already capped out, but you still have your 1as in there, so what's going to happen to these people that already have -- it doesn't apply to the cap if you're doing 1a or a type 1, type rentals. It doesn't apply to the 3% cap presently. >> Casar: It sounds like we have clarifying questions. I have a similar question. Let me see if perhaps you can answer both of our questions. 1a, short-term rentals, you said creates 1a, but we already have 1a, which is, I believe, when you do a short-term rental in another room in your house. So, what was written up there, I think staff took my piece of paper where I scratched out a and wrote in B. We would create my recommendation to fulfill what I think is your intent, is to start calling new and existing accessory dwelling units that are short-term rentals 1bs, and that 1bs combined with type 2s add up to a 3% cap.

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If you are in a census tract where you are already at 3% between all the type 2s, and you have accessory dwelling units with short-term rental licenses, we would be above the 3%. But I would be supportive of this if we renew those, but the idea would be nobody can get a new one, because you've gone above 3%. If that's your intent, I'm willing to support that. It sounds like councilmember Renteria has concerns, 1a is an existing short-term rental type that I believe the prior council decided wouldn't count to the 3%. >> Tovo: I appreciate the question and the clarification. I think 1b is more appropriate for the reasons you suggested. I think actually the amendment we had earlier this summer actually had them as 1b. And councilmember Renteria, I am not clear yet. We did get some Numbers back on September -- in our memo from code on September 22nd, 2015. I have followup questions for them. I'm not sure how many of the 140 ads are in census tracts above the 3%, but my intent is not to prohibit those current ads from continuing to operate as short-term rentals if they are currently type 1, but, moving forward, they would be classified as 1b, they would count towards the 3%, and we would do what councilmember Casar suggested. Because those count toward the 3%, that would need to necessitate a change in terms of the issuance of new short-term rental licenses in that 3% tract. But, again, we don't have the data yet to know if that is even an existing issue. It sure may be, though, in some of those census tracts that are at 3%. But I'm not sure what the Numbers are that we're talking about. But, I would be very supportive of the staff suggesting a process whereby those newly classified 1bs could continue to be short-term rentals, but they do count into that 3%, so we've got a very clear

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understanding of what the percentage of housing stock that's being converted into short-term rentals is. >> Renteria: Thank you for clearing that up. That was my concern. >> Tovo: Yeah. No, I appreciate the question. >> Casar: So, further discussion on this amendment? Councilmember Gallo. >> Gallo: Once again, I'm sorry, thank you for bringing this forward, but I'm reluctant to support this because what we're talking about is not a type 2. We're talking about a type 1. I think that we need to continue to give homeowners the option of being able to do some type of additional income on their property so that they can stay in their homes, whether it's a senior citizen who's on a limited budget, whether it's a young family raising kids and they have the additional expenses that go with that. I think that taking away a person's option to be able to determine whether they want to build a back house and rent it 365 days a year, or whether they would prefer to rent it for a lesser time, for shorter periods of time, I think is an option we need to leave open to these homeowners. Because of that, and wanting to keep these options open so people can stay in their homes and be able to afford or our increasingly unaffordability city, I would like to continue to offer the type 1s without restriction on the caps. We cap already type 2s, and are not currently capping the type 1s. >> Casar: I feel that same push and pull, councilmember Gallo. I want to create as much long-term rental housing stock out of these as possible, but also give homeowners as many opportunities as we can. And I think the 3% -- when a census tract is already saturated with 3% of str type 2s, and some standalone strs, it seems that we would not want to pile on too much in that census tract, if possible. But I understand why you wouldn't be able to favor this amendment, but, I'm going to vote -- in favor of this one.

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Further discussion? Those in favor of amendment 2 being recommended to the full council, raise your hand. 3-one with councilmember Gallo opposed. Just by really quick note, mayor pro tem, I'm going to pass -- I just found the resolution that initiated the code changes, and it does seem to me that it did

include discussion of increasing the floor to air ratio, including on the second story, and for all types of ads of any size, including but not limited to any specific amendments. It was contemplated in the scope, in my view. Is there any additional motions? I think that we promised to talk about potential affordability requirements and opportunities for folks to opt out. If there isn't time for it, we can always talk about it at the full council meeting. >> Gallo: The other thing I'd like us to talk about at full council is, we keep bringing you bringing --up the waivers for flood plain, and this is an opportunity for us to put in place a discussion. I'd like for us to have that discussion, if it's a council, whether or not we want to limit these type of units and say we won't be issuing waivers for building in the flood plain. I'm more concerned we continue to do that, and we put our public safety people at risk. We are looking at buyouts in areas that are flood prone, so I'd like -- not now, because some of us need to be someplace -- but I think for a future discussion, I really would like us to visit that idea. >> Tovo: Chair, we have a time constraint, so I don't know that we have time to address this, but I just want to note for the public and for my committee in case they want to very quickly pass this without discussion, I'm happy to make the motion. But, because affordability is one of our issues on today's list, I do have an amendment that I may have presented earlier, I can't remember if we talked about it at an earlier meeting.

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But, it would require any accessory dwelling unit taking advantage of the relaxed development standards to rent to individuals at or below the 60% median family income level. And so, you know, again I present this for consideration if we want to take it up. I think, given the time, we probably need to just take it up at full council. But I'd just mention that. And then the other issue on our list today was opt-in, opt-out. I may have been the one to add that. In part because that was a consideration that some members of our community wanted us to think through as we looked at accessory dwelling units and relaxing restrictions. And I think given the fact that some of these issues that were proved to be controversial are now in play again, I do plan to revisit that before the full council, having a neighborhood opt in, opt out process. >> Casar: And committee members, I think that it's appropriate for us to discuss those on -- when we bring it to council on second and third reading. The one noncontroversial item is item number 6, which has to do with the water utility. And the water utility has added new administrative rules that make it easier for folks not to have to pay to get the street dug up if they have adequate water infrastructure. Considering we have speakers signed up for that, but we may lose quorum here shortly, what I would like is to open up our time for comment at the full council on that item, since it was posted as a separate item but we don't have time to take testimony now. But, if the water utility would -- if we have time, if we don't lose quorum, if the water utility can present what they've changed in two minutes, if we're happy to recommend it, I believe we have unanimous recommendation from all stakeholders on this, and I'm glad the water utility responded. I believe this was not

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controversial. If we can recommend it -- >> I'm sorry. >> Casar: Okay. Then, mayor pro tem, do you feel then, it's best for us to not vote on recommending this, and just handle it at the full council? >> Tovo: I apologize I need to go. I haven't had an opportunity. We've been following this issue to some extent, but I haven't had an opportunity to review the recommendations that were distributed today. So, I guess I'll leave it to y'all whether you hear the public comment here or at full council. It may depend on the folks here and whether they want to speak. >> Casar: Would you be supportive of us putting in the committee report that we had this presentation, put this in backup, and then you can vote for or against it? >> Tovo: I think that sounds like a good idea. >> Casar: Can we take a vote on that? >> Tovo: That

sounds great. And I will catch up. >> Casar: Are you able to stay -- >> Tovo: The report -- >> Casar: Are you able to say for the public testimony on this? Mayor pro tem, would you move that we include this without recommendation in the report? >> Tovo: Yes. >> Casar: I'll second that. All in favor, raise your hand. We'll include it with that recommendation in the committee report, but we'll take public testimony, since the water utility director is here, and so are some citizens. Super. >> Thank you. >> Casar: My fast-talking skills sometimes actually are helpful. [Laughing] >> Casar: Would you make a presentation, and then we'll take public comment? >> Sure. The water utility has been sorting through its approach to adus. We had a one-size-fits-all approach with regards to the upgrading the service, the portion of the infrastructure between the main line and the street and the -- meter, and that's public infrastructure. We refined our policy. In the Adu is a certain size from a water use perspective, 4 1/2 bathrooms or 48 fixtures or less, we will allow the service to remain in place. We don't require the upgrade, which is very complicated. It permits those other kind of things. The other change we made is we used to require all adus to

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have a second meter to matter what, and that's a requirement that we changed, also. There is some meter upgrade that we maintained from 5/8 to 3/4-inch, but, that's a minor cost, and this will help reduce overall cost. >> Casar: Great, thank you so much. I believe what's on the table is for us to consider putting that into the code. Councilmember Renteria, did you have a question? >> Renteria: No, I wanted to make a comment that when we went to our -- and built our secondary unit, we did the same thing. We just had one meter and increased the pipe. And it was very reasonably priced. Our plumber didn't charge us hardly anything. I did the labor and he laid the pipe down and everything. So -- and it's worked out really great for me just having to deal with just one meter, so. >> Casar: Great. Thank you for your work on this. Our first speaker on this is David king. David king reads into the record he's supportive of this. Next, Mr. Kinney. >> I'm very supportive, and move to thank the department for issuing the memos, they're very good. They've dealt with -- a few month ago, I came before you and told you that it was costing people from 20 to \$30,000 more to do an Adu since the policy change last October. And that memos that have been accomplished completely solve that problem. So I'm very thankful that that has happened. I have two concerns. One is, it's not clear to me the point at which one would have to go from a 5/8 to a 3/4-inch meter. It's about a \$2,500 cost. It's not minor. I mean, in my understanding, though, I'd like to have this confirmed, that if -- as long as

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it's within 3 1/2 baths, one would not even have to go from the 5/8 to the 3/4-inch meter. And I'd like to have that confirmed. The other thing is, although we're very happy with these memos from the director, these things need to get into the utility criterion manual and get posted so they become permanent things, because another memo could happen in the future and, you know, we would be concerned. But basically, I wanted to thank the department and everyone for getting us over the hump. It's great. Thank you. >> Casar: Thank you, Mr. Kinney. And I believe the action we're contemplating recommending is to codify it so it would take action of council -- to change it. I will ask the utility to answer your question, but, after the testimony so that you can answer the questions en bloc. Next is Julie Montgomery. Nope? After her, Kimber gray. And Andre, you're on deck. >> Hi. I was originally excited about this when I got the memo, but then when I went to Austin water, I found that in our case, we still would have to upgrade. Just to be clear, upgrading takes six months. You have to go through a bunch overengineering reviews. It's been costing \$30,000. You have to rip up the street. You have to basically repave ten feet of the street. So if you want to have a duplex meter, you have to upgrade. The problem with having one

meter -- there's a few issues. First, it increases water usage in Austin, since people aren't being billed for how much water they use. That's why we've always wanted to have separate meters. When you have one meter, they tend to use more water because they're not being billed based on how much water they use.

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It also brings up a problem where tenants can be basically ripped off by their land landlords, because they're just deciding on the water, it's not based on the usage. Tenants don't have a record. What's weird is, let's say you have a 3/4-meter. You can build a 5,000 square foot house with 5 1/2 baths. That's a big house, you don't have to upgrade. But, if you want to install a duplex meter, so you have a house that's a thousand square feet with, say, two bathrooms, and then you want to build an Adu that has one bathroom, you have to upgrade the meter. Or you have to upgrade the tap if you want to put in the duplex meter. What doesn't make sense is the larger house could be using more water, because there's more baths, faucets, and all that stuff. But in addition they're more likely to be used at once. If you have a big house that's 5,000 square feet with 5 1/2 baths, it's likely you could have family come in, everybody could watch a movie and come back, and everybody could be using the faucets and bathrooms simultaneously. That's not true in the Adu, because in the Adu they're separate people. Unless you're somehow coordinating, calling out being like, let's all go to the bathroom at 7:50, which is very unlikely, it's much less likely you're going to be using all the available faucets and bathrooms at the same time. So, again, what I think is they should be treated the same. If you put in a duplex meter, the upgrade should be triggered based on the number of baths on the property. Basically, with the way the rules are, we're encouraging people to build the 5,000 square foot house because there's no tap upgrade, but the Adu with the duplex meter, this is an upgrade. I don't think anybody is saying we have a shortage of 5,000 square foot houses. But even with the memo, it's encouraging people to build

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larger houses, not ads. It's significant. 30,006 months is a significant cost. I think the common meter, I've been hearing from Austin water for a long time, they don't like common meters. But now, the problems with the common meter haven't gone away as far as people using more water, and as far as landlords being able to manipulate the tenants by not getting a bill from Austin water. So. >> Casar: Thank you. Okay. That is all the speakers I see signed up for number 6. Would the water utility address the question what criteria you've laid out for upgrading the size of that line, and then secondly, the issue that was brought up by the last piece of testimony about if a house has a certain number of baths in it, an Adu has fewer baths, the reasoning for the formula as you've laid it out. >> With regards to the first question, plumbing code requires if you have three baths or less you have to -- you can stick with the 5/8-inch meter. If you have greater than three bathrooms, 3 1/2 to 5 1/2, you have to go to a 3/4 meter, beyond that, larger than that. Plumbing code spells out when you require 5/8 or 3/4-inch. >> Casar: The new rules and memo, if it's an addition of a bathroom to the house, or an addition in the accessory dwelling unit, you're treating them the same? >> With regards to the meter, if they stay below three with a combination of the Adu and their main house, they can stay with their 5/8-inch better. Above 3, below 4 1/2, they upgrade to 3/4. >> Casar: Thank you, that sounds like an improvement to

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me. Perhaps y'all can touch base with Mr. Gray. >> That hasn't changed. You asked what's the criteria. It's in the plumbing code. We haven't modified that, we're following that. >> Casar: Okay. >> The other

question was very complex and a lot of mixed discussions. I'm not sure if the speaker was speaking about duplexes, or adus, or single-family dwelling units. Those are all three different types of land use. What we modify is for ads. Our duplex -- this does not affect the way we approach duplexes, and it would not affect the way we would approach a single family home that's being constructed. It would require very extensive discussion to answer all of those questions. >> Casar: Sure. I didn't expect you to answer now. But, since he's here and y'all are here, I think we're about to close out the meeting. Perhaps y'all can clarify for him the reasoning. It seems clear to me what the reasoning you have for the single-family homes and accessory dwelling units, and I appreciate the work you have done. We've recommended this to be codified with no recommendation, because we lost quorum. But, I do think that with some continued discussion amongst the councilmembers, and them reading this memo, I think they'll be very supportive, as I will be. Thank you to both of you, and everybody that worked hard on this. I know you had to talk to lots of folks to get to sorted out, but, I think it's a positive development, so, thanks again. Any further discussion, councilmember? To clarify, I mentioned that we would take public testimony at the council meeting because we didn't have it here, but now that we have had it here, we won't have to have it at the council meeting, except for the traditional four minutes each side for what's been the handling committee. Councilmember Renteria, I believe that the last item on the agenda is any future items. Do you have anything to discuss? It sounds like we've done enough for today. So, thank y'all all so much for

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sitting in through this one, and the various meetings we've had on accessory dwelling units. I look forward to seeing y'all at council, where the recommendations will finally be voted on by the full body. Thank you.