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[9:11:50 AM]

>> Mayor Adler: All righty. I think we have a quorum here so we can begin this meeting. This is city of Austin council work session. Today is may 7th. We are in the boards and commissions room here down at city hall. It is 9:12. We have -- almost like going through withdrawal, we have no land development code stuff to go through.

[Laughter].

>> I think you will be okay.

>> Mayor Adler: I'll be okay?

[Laughter]. Really. So we have some pulled items, six of those, and then we have one item for executive session. I think we might actually work through this fairly quickly relative to what we've been doing. Before we do that, we want to introduce to the Austin community and welcome home Gina fiandaca, who is the newest member of the executive staff. Elaine, do you want to introduce her.

>> Sure. Gina fiandaca joined us yesterday as our new assistant city manager over the mobility outcome. We would like to welcome her. Yesterday was her first day and we're trying to break her in this week with work session, cmo, agenda review and a council meeting. She will oversee the departments of public works, Austin transportation, aviation and fleet. And she'll oversee also the 720-million-dollar mobility bond that was approved in 2016. She comes to us, her most recent job was commissioner was Boston transportation department. She held that job for a little over four years. She has been with the city of Boston for over 25 years and comes to us with great experience in transportation and mobility. So welcome Gina. We are excited about you joining our team.

[9:13:51 AM]

Thank you. And please introduce yourself to councilmembers as you have an opportunity.

>> Thank you very much. It is a pleasure --

>> Mayor Adler: Why don't you turn that on, step on up there. We can hear you in the room, but because it's being broadcast if you stand back people can't hear you.

>> Sure. Thank you so much, mayor Adler and Elaine. It's a pleasure and an honor to be here to serve in this administration and to serve as the assistant city manager for mobility. I look forward to working with each and every one of you as we advance the mobility agenda for the city of Austin. Thank you.

>> Mayor Adler: Great. Thank you. All right. Let's take a look at what we have. We have some pulled items. Let's run through those and then get to the executive session. We begin with item number 8 pulled by kitchen and Flannigan, the Daugherty arts center. Do one or two of you want to talk about this? Ann?

>> Kitchen: Well, I'm excited about us getting to this place with the Daugherty arts center. It's a complete renovation -- not renovation, it's a new building and location. Very much needed for the arts center. It will be a great resource for the community and also for our artists in the community. I pulled it because I wanted to let my colleagues know that I'm going to have an amendment to what we're being asked to approve. We're being asked to approve design and construction. And my amendment will be to focus on design at this point. I wanted to bring forward some of the recommendations -- the recommendations of the planning commission as well as some of those related from the design commission. And -- which are aligned with some of the questions that I've received from neighbors living along Toomey road.

[9:15:52 AM]

So really the question relates to how do we handle traffic and parking in that area, which Toomey road is one of the roads that is shut down during a/c. There's about a thousand people living along there in multi-family in condos or rental. So are -- and they are interested and excited about having the Daugherty arts center, they're just rightly pointing out the difficulties with transportation in the area. So -- and it is an area that we ought to be able to rely more on public transit. It's on a rapid bus line. And a number of other factors. So at this point there's not -- I'm not suggesting a particular solution, I'm simply saying that our design process needs to take into account a number of additional options that have -- that we have not yet had the chance to really vet fully because we haven't been in that stage of design. But there are things like -- like the planning commission had suggested a parking and transportation demand management strategy to be developed. That to the extent -- well, that any structured parking would be innovative, employ Leeds and a number of other things. And the other thing we need to consider is access to any parking structure from Riverside and not just from Toomey. So those kinds of things. And two other things that are important is there's an older -- the pard building that is located right behind where the Daugherty arts center will be located, is an older building and there's been some discussion in the past at least about the potential to move that building to a better location. And if not that, to consider what that building might need. So I would like to also include in my amendment some direction to think about how that pard building works with this structure and whether or not there's a

potential in the future to move the pard building, which would allow more options in terms of where the parking for the dac is located and relieve some of the pressure on Toomey road.

[9:18:17 AM]

So these are some of the additional things that need to be looked at in the sustain phase. And finally, I think -- in the design phase. And finally I think it will be good to continue doing as the pard department has done, is to continue involving the folks that live directly around that area as well as other community stakeholders. I mean, this is a community asset. It's located in an area that's like right next to zilker park. So there's a lot of considerations for the entire community in terms of how people get there in a way that makes sense. So I wanted to signal to my colleagues I also was just curious if any of any further discussion colleagues had any questions, which it sounds like councilmember Flannigan does.

>> Mayor Adler: Okay. Councilmember Flannigan.

>> Flannigan: I questions are at a little higher level. I attended the third and final master plan meeting for the Asian resource center this last week, and on that master plan, which is not yet adopted, but just in the kind of final draft, it says that its next phase is a performing arts center. Now, there was a lot of hand wringing in the community about that. It's a big decision to make because there's a lot of demands at that location, but it did make me think about more broadly there are other buckets in the bond besides the Asian resource center bucket that talk about performing arts center. So are there opportunities for us to be coordinating these things? One of the concerns I heard at that meeting was there are some folks in the Asian community that think classrooms are more important, that classrooms should be the next phase. And the concern with the performing art center is that -- was questions about its utilization and the frequency of its utilization. And I didn't hear in that meeting who the programming partner was going to be for the performing arts center, if we were going to be using this to address some of our creative spaces questions.

[9:20:18 AM]

And then when the Daugherty item came on the agenda today it made me think about this on a higher level. I'm not necessarily saying that the Daugherty should go on the site of the resource center or anything like that, but just to be considering we created all these buckets and I'm worried that we might not be combining them in the most creative way to maximize the value of these facilities that we're building. So I don't know if staff has any insight or thought. That's one. And the second thing, I think councilmember kitchen to your point, I find that very often we are put in this very uncomfortable situation where a whole long process has been conducted without our input and then by the time it gets to the council it's weirdly baked. And even if we tried to get ourselves involved in the retort as well, the community inputs have occurred and blah, blah, blah. And when we're spending bond dollars that, means every part of the city is investing, but not every part of the city is showing up to those meetings. And I'm curious -- it's two high level questions. I'm curious about when is it that the council is providing

its input on these projects? Because it doesn't seem like there's ever a moment we get to provide that input because by the time it's brought to us it's already baked. And then what is our opportunity to break down the silos even within the bond projects to maximize both what we get and the utilization of what we get.

>> Good morning. Leeanna, assistant director for the parks and recreation department. I'll try to touch on those issues. With regard to the community engagement and the input that we have for the Daugherty arts center, that actually happened over a period of several months and I believe that council offices had been invited to those meetings. This is the standard process that we use.

[9:22:20 AM]

And maybe we can make it a little bit more rigorous in the future to get direct input from councilmembers, but that's how we are able to reach out throughout Austin and get their thoughts about the next building for the democratic. And there were multiple surveys as well to figure out what would be the appropriate location for that, for the building, and what is the programming that should go there.

>> Flannigan: And I appreciate that. And this is not trying to unpack what staff has been doing because it's been the process and there's no -- we haven't really said to do it differently, but I attended two of the three master plan meetings for the Asian resource center. I couldn't attend the second one because it was during a council meeting. So to -- the public input meetings are not sufficient for council input. Plus there's a lot of meetings and there's only 11 of us, so I don't think going to the public meetings is going to be sufficient for council input and I didn't see any other councilmembers be able to make the Asian resource center meeting either. I was the only one there. And so we need to think after new way of doing that. It's the same conversation we're having on the land code rewrite is the council has to provide its guidance upfront, then run through a process and then come back and have staff say, this is the part that you said that doesn't work, this is the part that you said that does work, this is the part the community said they didn't want, and then we have actually provided input at all of the points that makes the most sense. Can you address combining the bond dollars question?

>> And by the the the way, we appreciate that input. In regards to the bond, I understand there are many buckets for it. There are also requests all across the city. So in a way we have to figure out whether a central location or one location will actually serve the entire city. And I want to say that the mexican-american center as well as the carver also have request for performing arts centers because they get all of the requests from their constituents and their audience to have these spaces.

[9:24:37 AM]

With the master plan, the master plan is the first step to understand whether there is a need and how to deliver that for that particular -- the asian-american center. And Laura may have something to add.

>> Yes. Laura Esparza, division manager of museums and cultural programs. The asian-american resource center, as you know, has a very different mission than the Daugherty arts center, which is primarily a visual arts center. And the city's only visual arts center. As such it's a hub for visual arts performing that goes out throughout the city. Not only do we do visual arts programming at that site, we do it at all the recreation centers across the city. So we do reach all 10 districts with visual arts programming. The shim resource center serves to illuminate the asian-american cultures that Austin is so rich with here. Their needs for a theater really fall into the realm of cultural celebrations. The best way for us to serve our community there is to rent the facilities to the many, many different cultural groups that want to use the facility for moon festivals or for cultural performances. We also find that all of the centers can serve the city's artists by an artist access program, ie, providing subsidies for use by artists so that artists have a place to be remembered and perform. The asian-american resource center is fulfilling that need as well as the dac. And so the city has a shortage of theaters, as you know, across the board. We can't build enough of them really for the city's artists, but we hope to be able to assist artists to be able to stay in Austin and have a place where they can, you know, rehearse and perform.

[9:26:41 AM]

>> And to be clear, I'm not suggesting or requesting that the Daugherty be built at the Asian site. I'm just opening up a conversation and we're not posted to talk about the Asian resource center so I'm not looking for a long conversation about the Asian resource center. But I do think there's value in having a conversation about how the bond dollars can be maximized, because in the conversations I heard at the master plan meeting, the performing arts center is not going to be very big and it's only going to be two stories on a site that is surrounded by commercial and multi-family. So why couldn't we build something that was taller? And the response is because it's more expensive. I said well, there's these other pockets of bond dollars. So this is that centralized question versus the distributed question. I think it's something to figure out how to have that conversation with the council so we can have that kind of policy decision about intensity, centralization and maximizing bond dollars.

>> Mayor Adler: So I notice on this just the site selection issue, the design is coming up, so I think there's still time to have that. I think what this tells you is this is probably a broader question and you should find out priorities on the council in terms of how they see that. My question was -- because I didn't see it in the backup, what the alternate location process was. Maybe I just missed it in the backup. But the backup endorses this location, but I can't see what the discussion was, for example, I know that there had been discussions about using potential school site should aid open up a school site, and that's at least a possibility. Is there a place we can go to or can you tell us -- both. Can you tell us about the conversations with the school district, and separately is there a place we can go to to see what other sites were considered and what the evaluation was of the other sites?

>> The backup that has been provided I believe has a short list of the locations that were considered over the years.

[9:28:49 AM]

And for one reason or another, they didn't move forward. The current location is not possible to be used and the proposed location is at the butler shores right behind where the main office for the parks building is.

>> Mayor Adler: Is there like an evaluation that explains why those other sites weren't used? And then specifically with respect to school sites within the last few months, talk to me about the conversations with aid given what happened with aid earlier this year.

>> We participated in a day long meeting with aid and we did explain what our timeline is and what the expectations are for this building. We understand that aid currently is not ready to identify potential sites, and that means that it will take several months before they know other factors will weigh in on that decision. So it's not a decision that aid is ready to make now.

>> Mayor Adler: I'm looking down the road and it could be that aid maintains all their school sites or it could be that they don't maintain all their school sites. And if they don't maintain all their school sites then I would imagine that there's going to be pretty significant conversations in communities about how do you repurpose locations. And then taking a school site and having it considered for this might be not only give us a site that has parking, that has that, but also might help the community with a larger issue. Is it just -- it sounds as if they were just like a few months away from making that decision. Is that something that for a few months it makes sense to consider that possibility? Did you consider it long enough to know that if they did identify a site that wouldn't make any sense to do?

[9:30:49 AM]

Or is it literally that they're not ready and they won't be ready for another few months and we're ready to move now?

>> That's a hard question to answer. Even if the site -- even if we start today, it will take several months before we are even ready to put together an rfp and have a consultant in place. So there is a window of opportunity. At the same time, the existing building is really deteriorating in front of our eyes. We had flooding issues, we had roof issues. So from that perspective it's not reasonable to sit back and to wait for several more months or years before we make a decision about the site.

>> Okay. Kathie?

>> Tovo: I have several questions. I think my staff was able to ask you for answers to some of them and then? We are awaiting answers back. One of the things that I am also interested in is a little bit more information about why some of those other sites were not selected. I know we've gotten some information back about, for example, -- really as early as -- several years ago I know we met with staff to talk about whether palm, if Travis county decided to move forward with some other use for the palm school whether that would be a good alternative. And can you sum up why some of these -- I know palm is on your list as a site that was considered. Can you sum up for us why some of these options were not ideal? As I recall it had something to do with the mapping of the locations.

>> It was also the presence of asbestos and lead thawe would have to mitigate. Besides having to reformat the building to meet the purposes of an arts center.

[9:32:54 AM]

And so, when we look at older buildings we have to consider whether we're jumping from the pot into the flame, you know. Sometimes the cost of rehabilitating an old building is very competitive with the cost of building a new one. It's sometimes cheaper to build new than it is to rehabilitate a building that is in bad repair or doesn't meet the needs of the facility.

>> I could also mention that two of the other locations I believe were the baker school and aid decided to move in a different direction. Another one was top join forces with aid on the Ann Richards young women's school, which is part of their current bond package. And their timeline for that was much faster than for us making a decision so that couldn't work either as well.

>> Tovo: And it does look as if I've gotten some answers back. I think we got them this morning. So thank you for that.

[Inaudible - no mic]. So that my colleagues can see where individuals are coming from. Thank you for bringing it down to -- breaking it down too by ages. That's really helpful. This has been a very long process to get to point where where we are today. I think that it might be helpful for you to remind us when the first bond was passed to reduce the Daugherty arts center because it was a long time ago, as I recall.

>> I believe it was 2005. 2006.

>> '06. And I believe we had money that we actually used now for the visibility study, and that money was left over from 2012 bond.

[9:34:54 AM]

So yeah, it has gone through several years, and now we received the 25 million this bond and with a clear expectation to have a building within the next few years.

>> Tovo: Right. Had which I think is necessary. That building is really challenged. I've gone down there a couple of times after it's rained and there's sandbags around. We really do need a new facility. I appreciate you moving forward on this. And probably will have some more questions on either through the Q and a or through -- or on Thursday. One of the things that I think we need to continue to think about is the little league fields. And if aid is going to have to move from those for the construction of the Daugherty, whether there are opportunities to have the fields that are currently rented out reconfigured so they can also serve the high school teams. But we can have more conversations about that offline if necessary. And I wanted to say that I agree with most of what councilmember Flannigan said about kind of that global look. I'm not exactly sure what that right process looks like, but I do know that when real

estate-ish things land on our agenda, it is late for us to be providing that level of feedback. And I wanted to just ask, I think we need to have a conversation and probably not today, about our interdisciplinary team that's working on real estate and kind of what their role is and how they're approaching these kinds of discussions because we do seem to keep coming back to those kinds of questions. And I think that group too can help provide some of that kind of joint looking. Although we're making a joint decision, part of programming, once we foreclose some other opportunities that might have existed if we had taken that look that you suggested. I appreciate you raising that. I do want to move forward with this because it is a long time project, it is an ongoing need and I think it's really necessary.

[9:36:57 AM]

I do look forward to thinking about how were other sites available how some of the Daugherty programming could be located in other areas so that we're really bridging beyond just the demographics that this facility is currently serving. And who knows? What happens there will be an opportunity for something like that to happen some classrooms at palm in F that building is utilized as a public building into the future. Thanks.

>> Mayor Adler: Delia and then Leslie.

>> Garza: I have a question for Ann, but I also wanted to speak to Jimmy's concerns because it may be just a timely coincidence because we are -- I'm working on a resolution and I wasn't sure if it should be asking the auditor to do an audit or a resolution because of similar concerns, but also around programming. And the different kinds of programming at the Mexican-American Culture Center. And I've spoken with councilmember Harper-Madison about possibly more resources at the Carver because each of these centers serves a very different purpose, but we just want it to make sure after hearing concerns from the community maybe there's a better way to provide those services, especially as we start to invest these new bond dollars. And so while we're not posted, I know we can talk about upcoming resolutions, so I'd be happy to loop your office in as we continue trying to figure out how we're going to either by way of resolution or asking the auditor to audit -- to do an audit of programming at our cultural facilities. And then the question for councilmember Kitchen, is the taking off the construction -- do you want to do that out of concern for the location that's being picked right now? Is that --

>> Kitchen: No. I was thinking more of the concerns that councilmember Flannigan had raised because I think it -- the design issues that I've raised or have been raised before, I've been raising them since we first started talking about it and so have others that are considering issues around Zilker.

[9:39:17 AM]

So we haven't gotten to point where we can address them and it's the design phase that will address them. But I think the council needs to weigh in again when that comes back to us. I don't have any concerns about also considering other places. I had just been working with the staff and understand the

limitations in what they have been looking for for other places. I do think it is important to not delay more years because the building is falling apart essentially. And so action needs to occur. And so if we wanted to also provide direction to-- if the aisd has buildings available you could look at that. But I wouldn't want that process to slow this down because of the status of the current building. I also think it's really -- I don't know if that answers your question.

>> Garza: I guess my follow-up question would be to staff do you think taking the construction part out would slow it down?

>> The concern is somewhat different. If we say that this is the approved site and we put everything in motion for the next year, 18 months, and we hire a consulting team and we spend hundreds of thousands or more than a million plus for design fees, and then we abandon that process, that would really be not a good use of taxpayer's money. So that if the site is approved, if we are to move forward and if there are design considerations that we need to deal with, we will do that. And the design process again is going to be open and we'll have extensive community engagement. And as part of the design process we will have to go through a number of boards and commissions to obtain a permit.

[9:41:22 AM]

>> Kitchen: Could I speak to that?

>> Mayor Adler: Okay. And then we want to get to Leslie too because she hasn't had a chance to talk yet.

>> Kitchen: Okay, fine.

>> Pool: I know that the Daugherty has been falling down for years and years and I think there's also the concern about some some of the toxic materials that may be underneath it which is why we can't expand and rebuild it there. Whatever we do here, I just -- I just don't want to slow this down any further than it's already been. I was on the 2012 bond committee that recommended that -- we went through all of this, where it should be and how much it's going to cost and why can't we expand there and we've gone over all this territory multiple, multiple times over multiple and multiple years. And the things that y'all are talking about are fine. It's just that specifically here we want to move forward with trying to get the Daugherty recited and -- resighted and rebuilt and reopened and it fulfills what it has done for so many decades.

>> 40.

>> 40 years.

>> Pool: So we want it to be safe and we want it to be easily accessible and we need it to respond to current conditions in the community. So I just -- whatever we do here let's keep our eyes on this ball in particular and try to advance it and accelerate the process, not slow it down.

>> Mayor Adler: Alison.

>> Alter: Thank you. I had a couple of specific questions and then I wanted to speak to the broader question of how we combine the bond dollars. So you have both the ball field and there's equitables that would be placed by this construction. I've heard a little bit more about the ball fields. How will those classrooms be replaced for Zach going forward.

[9:43:25 AM]

Are those conversations going on? Are they just going to be in the Daugherty? How are those going to be addressed?

>> Hi, concern Johnson, project manager with the parks department. The current siting of the building as we have it shown would be replace any of the Zach infrastructure. And we did meet with the theater organization early on just to start that conversation. It's something that we would pick back up again in the design phase.

>> Alter: Okay T does look like from the diagrams I saw where the parking was going was going -- I'm not saying portable classrooms are what they want. In the long run I was wondering what the solution was in it looked like the parking lot and the entryways were going right through that area next to the kleburg theater.

>> We were showing that at the existing kleburg theater to the existing parking facility, but that's something we can study and design.

>> When you do that and design I would like to understand how that particular use is being done elsewhere within the facilities. And then I had I think a similar question about how do you -- if you separate design and construction is that just to slow it down? Are there other sequences that --

>> It will affect our process. We could possibly try to plan incorporating into that, but the delivery method and everything else we would be moving forward and my concern has to do with a yes or no on moving forward two years down the road. If it is a negative, then we are really back to square one.

>> Alter: So you would need direction on like are we comfortable with this location.

>> Uh-huh.

>> Alter: That would be a solid yes to be comfortable with that.

>> Yes.

>> Alter: It's not so much the design and construction being split. It's more like are we okay with this location.

[9:45:27 AM]

>> Yes.

>> Alter: Thank you. Going back to the point that Mr. Flannigan raised more on the arfc because I feel like they're two different things. It does seem with the arc there may be options to go up with height that if we combine that either with different pots of bond dollars or we thought about it with respect to our own facility needs that we might be able to come up with something a little bit more creative that the folks who were coming to the meetings might not have put those pieces together or pard staff might not have that kind of bird's eye view of how we're doing things. And off the top of my head you might see some kind of senior living facility above there that could be a great opportunity to have that right integrated with a resource center or there may be some particular city office space that would be there or if some other kind of affordable housing investment where, you know, you're doing the two stories D how high can you get up. And I don't know what's around. I know the Cameron road corridor, but I don't know what's behind it. It seems to go pretty deep. There may be an opportunity for quite a bit of height there to accomplish some goals. So for that site in particular I think it might be interesting to explore some of those opportunities and see how we can be synergistic and maybe leverage what we invested in the bond for that resource center or more for that community or for the community more broadly. This is an issue I think that we see with our Rae challenges across the board is that we need to think more creatively and we need to actually set as a goal that we have facility needs of our own for the city and some of these conversations might be useful.

[9:47:27 AM]

So there are other rec centers like northwest rec center, which is very low, which could have an opportunity to go up in height and provide pard offices or do some other things above it were it to be renovated at some point in the future where we would already have the land and be able to accomplish multiple goals at once. And I'd like to see us moving in a direction where we're taking advantage of some of those opportunities. I'm not sure T I see the same synergies with the Daugherty with the location and the traffic constraints over there. And given how long this has been in the works, but I think in other places I think that we definitely need to be thinking about those.

>> And with regard to the arc, this is in the master planning process so this is actually the time where we can at least gather this information and then the bond package had I believe seven million for the arc and this was for immediate renovation projects and small playground. So the master plan will provide us with additional information for costs that we would need to account for in a future bond.

>> Alter: Thank you.

>> Mayor Adler: Ann.

>> Kitchen: I do think it's very important to separate the design and construction. And if I'm hearing you all correctly, what you really need in order to avoid redoing work is make sure that the site is clear and it's not so much the design and construction. And the reason that I think that -- first off, we have -- that is how we proceeded with the corridor plans. We separated design and construction and we did that so

that the council could be part of the process as we went forward. So there's been a number -- over the course of the conversations we've had with the community, the same questions keep coming up.

[9:49:30 AM]

And I haven't seen the design change in response to those questions. Now, I understand that there needs to be further analysis in order to consider how that could be done, but I think it's really important for the feedback loop with the community and also for us as a council to have the opportunity to see the design and to understand if some of these questions that are being raised cannot be addressed, then okay, they cannot be addressed. But we need to see that in the design phase and that needs to happen at the council level, I think. So that's why -- for me it's very important to separate the design and construction. You know, we have specific feedback from our commissions already so I think it's appropriate to -- for the council to make a decision and provide direction that those -- that the feedback be included in the design. So that's why I just wanted my colleagues to know, and it goes back to what councilmember Flannigan is saying. Where in these processes does the council get the chance to really weigh in. And so we're weighing in now, but we're weighing in without information that without the extent of the information that we'll get from the design phase. So I hear what you're saying in terms of needing certainty about the location so you don't go down a path and use money that is thrown away, so to speak. And I understand that and I'm okay with that. But but I don't see -- I don't see having a process of bringing it back to the council between design and construction. It doesn't have to be a delay, that can be done quickly. And I think it's important for the council to be able to weigh in at that point.

>> Mayor Adler: Kathie.

>> Tovo: I will have to think a little bit more about that proposal and I would just say if you're not in a subquorum, maybe you and I can talk about it outside, but I also -- as I hear the staff's concerns I think the -- I think it's a very valid concern that a couple of years from now when they come back with a design, what if the council at that point says we're not going to authorize you to move forward with construction.

[9:51:51 AM]

We think this is not a good site and then we've invested our really scarce bond dollars in sending something forward. So I -- perhaps there's -- perhaps -- perhaps you can craft your proposal in a way that gives certainty that we're not going -- we're not shifting from this site if that's the will of the council on Thursday so that we're not -- I'm really uncomfortable with potentially moving forward if we're still iffy on the site, do you know what I'm saying? I just think, as I said, we have vercarce bond dollars and I sure don't want to be watching years from now another bond proposal for the Daugherty because we keep running out of -- we keep asking the voters to support a new building and then by the time we get around to doing it we don't have enough money to construct that new building and we're just continuing to house student -- this is a super popular -- super popular site. I've waited for hours online

to get my kids into their summer camps. And lots of other families in our community do too. Their after school programs are popular, their camps are popular. There are great programs for adults. It's a very important site and we need to make sure that it's a safe and healthy building. And every time I see the flooding and the sandbags and everything else, I think we're not endangering anybody, but we can do better I think in terms of serving the people who are using that site. Maybe we can figure out something that doesn't interject uncertainty into what we're doing.

>> Mayor Adler: Thank you very much. All right, next item that we have -- I'm sorry? Thanks. We'll move on. Item number 9 pulled by kitchen and Casar.

>> Casar: Should I start, mayor? So I pulled this item, which initiates small area planning on north Lamar just to have a discussion about timing and how folks feel about starting small area planning now.

[9:54:03 AM]

For me looking at the resolution and what staff has suggested, this small area planning process is primarily about two big things. One recommended changes to zoning or land development code regulations. And two, public investments in the area. And on the zoning side since we just last week kicked off staff going and doing land development code regulation changes citywide, I am concerned and have raised with staff and want to keep thinking about, am concerned about initiating small area planning starting a new planning process, a new zoning and Flum process at the same time as we're changing the zoning across the city because I do worry that constituents -- this proposed area has a lot of my district in it and a good chunk of the northern part of district 7. And I just do worry about people not knowing which of the two processes governs or go into small area planning meetings and then not knowing if anything that they do will be changed or work compared to what we are doing with the whole rezoning rewrite. So I think there will be some significant reduplication of work or confusion as it relates to that. And I don't put that on the staff at all because in part we initiated the small area planning to start likely after codenext, but then we didn't do codenext and now we're doing this. So I understand why we are kind of in that bind. And the second big piece of the resolution is working on investments in the public realm, and at least for my portion of this corridor people asking for investments in the public realm for over a decade, if not decades, having sidewalks up and down the street and having safe crossings. We've had two people die tragically in the recent weeks and some in the last few days because investments haven't been made by the city in part -- in part because of investments made by the city that were passed in 2012.

[9:56:09 AM]

So finally this year I think the corridor construction program is going to put down some of those basic investments people have been asking for for such a long time. So in some ways I just wonder out loud whether it makes sense for us to have the small area planning process begin for anybody, at whichever area at the end of what we do this year and to talk to the manager and staff about whether some staff

capacity that would be saved could otherwise help us better do the process we just kicked off last week. Basically my thought is we could just continue to think about that as a council between here and the next council meeting or make a decision the next council meeting or just direct staff to move this to the process we initiated last week. That makes sense to me. I'm not meaning to say we should stop all planning processes that are ongoing with the city. There's an ongoing process that's working well, then we should keep doing it. I just want us to think before -- since we initiated a very significant planning process last week, I just wonder whether we should also initiate this -- initiate a new process on Thursday. And I do believe that our staff could do great things and a part of my district that this is looking at and a part of councilmember pool's district this is looking at. I just wonder whether by end of the year when we rewrite the land development code if we step back and go okay, now after we redid that where should the planning go, what should the planning be doing and should it be potentially more fruitful. I don't have a decision on that, but I wanted to raise it as an issue and see what my colleagues' thoughts might be.

>> Kitchen: I think you know, we did just adopt some -- we've been working on this district level planning for awhile now because we passed a resolution last year. I think the point you're raising makes sense.

[9:58:10 AM]

I wouldn't have a concern about postponing this. I'd like to have the discussion again, though, during the budget process because one of the things -- one of the things that we talked about in the ldc language. And mayor, I think you added this particular language, was to consider the extent to which we could do multiple planning at the same time along these corridors where we're doing other investments. So I think we should bring it up again and talk about it during the budget process. That doesn't mean we would start it then, it just means I wouldn't want to just postpone this and not talk about it again until the end of the ldc process. So I'd be thinking in terms of let's talk about it again during the budget process and then we'll have more information about where we're at with the ldc process. We can also decide timing then, if that makes sense.

>> Mayor adler: I share the same concerns, and I recognize that this is different than the land development code rewrite but at the same time I wonder if as we go through that process over the next few months, whether that would inform the kind of work that would happen in small area planning or district area planning. I also think that, you know, by virtue -- and you can see it, you know, given five questions by the manager to answer but we spent a fair amount of time working on the planning which wasn't even one of the questions, so I think that there's a lot of interest in the council to really figure out how to do that. You know, having a world where we can do a couple smaller plans a year isn't a world I think that the majority of the council wants to live in, so I don't know what planning looks like if the assignment is to come up with a planning process and procedure that has us planning a greater part of the city in a shorter period of time.

[10:00:18 AM]

And I wonder before we start any one plan it might be better to actually come up with what the planning could be in perfect world where there are additional resources put against it. I agree with you, Ann, probably a really important time to have a conversation would be during the budget process. I would anticipate given the fact that the council has asked for such a -- you know, for maybe seeing if we can get the land development code down this year, that there would probably be a request from the manager to augment the planning department with additional people or expertise or resources to be able to get that done. So I'd hate to do anything that dedicates any portion of the planning department's resources on something that's not on task for the greatest and biggest priority that we have. Until somebody can take a look at kind of globally we can decide how we're going to do planning. I think planning is critical, especially -- and I think right following whatever we do on the land development code this year we're gonna need a planning process to cut back through that. I just don't have a feel for what that overall thing is. Last, I agree with Greg. It would be really confusing and disconcerting if we had anybody in the city thinking about two maps at the same time anywhere in the city so I have that concern as well. Kathie.

>> Tovo: I have questions for staff. I know through the years we've had lots of different yours, requests, and wait for long periods of time until they could have a planning process and I imagine this is probably true for this area as well because of some of the challenges that councilmember Casar referenced. I mean, it's not very walkable. I think there are decisions -- I mean, one of the decisions I always reflect back on and was reflecting back on it last week is the decision that we -- that our council made, I was on the losing end of the vote, to codify -- there's a storage unit that I think falls into this area and was nonconforming and came and asked for a zoning change to codify that use.

[10:02:24 AM]

You know, I think that that's the kind of thing that we're now looking at more holistically and did in the land development code memo last week, provide some recommendations for that, but I think that this is an area that is best served by a planning process. And so I hear all the -- I hear the suggestions that we wait, but I wondered if you could tell us a little bit about what the -- why this area was selected, what the outreach has been like in terms of communicating or hearing from the community, an interest in having planning in that area and why, and if you could just kind of provide some that have context for us.

>> Sure. Stevie great house, and mat and Gregg who can join us as well if he needs to. Wanted to provide a little context on the timing piece and where we -- kind of how we landed on this corridor. When we received the council from direction to pivot our planning services under the resolution passed in 2017 we really took a look at what corridors we were going to be making near term transportation investments in under the mobility bond as well as which corridors were identified under the draft project connect vision that has subsequently been adopted as the vision for high capacity transit in the region and really looked at corridors that both had those near-term transportation investments planned, that potentially didn't have all of the land uses in line in a way that was gonna best take advantage of

those resources, and they were also going to be places that were in need of the kind of comprehensive planning at a smaller scale that allows us to really connect the dots between those major transportation investments, dollars that we're gonna be investing under the housing bond against the Austin strategic housing blueprint, as well as some of the other types of planning that we've done through the neighborhood planning process and through some of our more urban design-focused small urban plans in the past to really provide a vision for a particular location within the city and start kind of pulling together all of those disparate kind of strands we tend to do as a city either looking at parks by themselves or watershed issues just by themselves, transportation issues, housing by themselves, and be able to do the work in a particular location to look comprehensively and connect the dots.

[10:04:53 AM]

I think our plan for that corridor is not that it would be kind of going in there to create a vision from scratch or that it would be getting in the way of any of the good work that we anticipate happening in the near term, but really would provide an opportunity to kind of more fully connect all of those individual dots and prepare that place for a potential investment in high capacity transit that could be coming under the design of the Orange line. In terms of the sort of timing piece that has been kind of the sort of biggest challenge of thinking about this process is making sure that we are getting there soon enough with planning services to be able to really be ready for when those transportation investments hopefully are on the ground some day, but at the same time not getting ahead of the major code rewrite lift that obviously is going on or any of the near-term kind of early-out capital investments that may be happening in the corridor. So at least our plan for the timing going into this was that we would be doing an initial project as a pilot project in the north Lamar, without the kick-off events until later in the fall with the hope that we would be able to time it in such a way to not be out there with conflicting messages to the public about which effort they ought to be engaging in. The anticipation for the planning effort is that it would have potentially a future land use map adopted with it, not necessarily the regulations to go with that. That would really depend on where the code rewrite and mapping process is because we would not want to be out there proposing a map on the same area with the same set of tools through two different processes, obviously. So that would be kind of a conversation that would happen in the context of the code rewrite process as we move forward on how that future land use map would come to be implemented in that corridor.

[10:06:54 AM]

In terms of community engagement, we have presented in several different kind of community events over the summer just talking about our overall future small arealanning with the identification of the north Lamar and the south pleasant valley corridors as being potentially pilot corridors to test the new planning process in and move forward with the new planning process so we received some sort of public input and engagement as part of a presentation that we did in partnership with some -- a student group that was working on behalf of the Austin chapter of the American institute of architects, as well as we've

made presentations 2000 neighborhoods council and had questions and answers from folks attending those. And have had some kind of very preliminary conversations with some of the traditional neighborhood association presidents, et cetera, and neighborhood plan contact teams adjacent to the north Lamar corridor, just to let them know that this is something that might be moving forward. I think preliminarily, based on that -- we have not had kind of a larger engagement effort because obviously that wasn't appropriate since the planning process has not been initiated at this point. We would move forward with that larger engagement effort at the point that a planning process was initiated.

>> Tovo: Can you address the -- thank you for that explanation. And I appreciate the way you've talked about the thought process and how this works with the land development code. So you've -- I mean, you've -- it sounds to me like you've thought through what your approach will be given the timing of the land development code, that it's not just -- it's not just running up against it unexpectedly. Can you address the question of resources? Are the -- who will be the planners working -- were this to be initiated on Thursday, who would be the planners working on that effort, and are they on the code team -- I don't think that we've received from the city manager a list of who is yet -- of who is on the code rewrite team, so director Guernsey, if you could help answer that question about resources, would resources be allocated to the smaller -- the small area planning pilot that would otherwise be working on codenext?

[10:09:08 AM]

>> Thank you, councilmember. Greg Guernsey, director of planning and zoning. We have the resources to initiate one plan moving forward right now. Be it the area we identified on north Lamar if council wanted us to look at a different location, as Stevie mentioned, the south pleasant valley area would probably delay about two months because we'd have to kind of reset that, but we could move forward with the staff and the resources we have now. If there's a question about adding another team we could probably begin a process towards the end of the year of looking at another area, but part of our staffing would involve the team I have working on the code rewrite as it exists moving forward right now so I'd have to wait. We've also had two other plans. You know, we've had north shoal creek and south Austin planning which we did not implement because we were waiting for the land development code to be implemented so we don't see this as necessarily being that much out of the box moving forward with north Lamar or another corridor area at this time.

>> Tovo: And just to be clear, I didn't hear concerns about this area over other areas --

>> No.

>> Tovo: The concerns I heard were about the timing and the resources. But thank you for answering that. So it doesn't sound as if resources in this preplanning, what Ms. Greathouse described as the preplanning effort would otherwise be needed for codenext, that you've --

>> That's correct.

>> Tovo: You have a balance of that. Okay. Thank you for that context. I appreciate it.

>> Mayor Adler: Ann.

>> Kitchen: I have a question about the south location. It doesn't change what I said earlier, I'm just curious because I haven't had a chance to talk to my colleague and this is really a question for councilmember Garza. Why did y'all pull down pleasant valley, and have you thought about pleasant valley versus south congress because south congress is on the Orange line and I'd love to have your input on that, too, if -- your thinking -- if you're thinking one of those areas is appropriate.

[10:11:21 AM]

>> This is the first time I've heard about proposed small area plan in south pleasant valley.

>> Kitchen: Oh, okay. All right.

>> If I could when we put forth the memo back in may of last year that kind of identified two preliminary areas to do pilot planning in, the areas at that point that we analyzed and recommended were north Lamar and south pleasant valley based on the fact that both those corridors are areas expecting investment under the 2016 mobility bond, both of those corridors have future high-capacity transit identified on those corridors under the project connect vision. They may have different intensities of high-capacity thereto, and that -- there's a sense that that staff recommendation went out in may. Project connect has obviously adopted a transit vision and has begun working forward on preliminary environmental work for the Orange line that runs all the way down north Lamar to south congress along the current 801 route. If we had had the information that we now have about the Orange line, we may well have selected south congress rather than south pleasant valley as the second out, but we wanted to kind of stay consistent with the material that we had out there since that's been out since may and we hadn't had a full conversation with the council yet about that material. But I think we would definitely be, you know, open to a conversation of bringing back additional analysis for whether -- given what has changed in the last year, whether an additional corridor makes sense. I think just on the face of it today, if we had to recommend a first one, I think staff's recommendation would still be the potential north Lamar corridor with south pleasant valley making sense as a future planning process. I'm not sure if that planning process is -- has the imminent level of need that some of the corridors that are actually along the active kind of environmental work along the Orange line would have.

>> Mayor Adler: So in in my mind -- I'm sorry, did you want to follow?

[10:13:23 AM]

>> Garza: I have separate comments.

>> Mayor Adler: Okay. Go ahead.

>> Garza: I guess I'm a little concerned about the timing as well. Mainly because of -- you know, my district is not one that is as engaged as other districts because of a lot of reasons. But having just gone

through the, you know, last week and the constituents reaching out with having heard information that was not really accurate and very confused about the process -- and that's just speaking my district. I guess I'm concerned about starting this kind of new thing after just having had this very complicated discussion, having to try to communicate what we were doing there, and then now possibly -- I'm just thinking of whoever is -- I think this is Greg and Leslie's district, then now having to -- for -- Greg has a very similar district to my district as far as demographics, and having to explain to them, yeah, we did that but this is kind of something different and then we're doing this right now and -- and so I'm not necessarily against the idea, but I'm still trying to wrap my head around exactly what this is, and if I'm still trying to do that, how are people that may be involved or should be involved and pro won't be involved in this process on decisions that could affect them? So, you know, I don't know what your plan was on -- what we should do or if there should be language in here, but I am just a little concerned about the timing of this and trying to explain to folks exactly what the two different things are.

>> Mayor Adler: Ann.

>> Kitchen: Well, for all the reasons that people have we should revisit this later, and, again, I'd suggest we visit it during the budget process.

[10:15:32 AM]

And we can then think about timing and resources and how many we can do. And I would suggest that, you know, I'd want to know what you arrive at, councilmember Garza, but in terms of the transit investments, the -- pleasant valley is not -- doesn't have corridor funding on it right now. We want to go get funding, and we're gonna try again hopefully through campo or other means to get the funding, but it's not -- it's not the same timing for the transit enhancements as south congress is. But, again, I would defer to councilmember Garza in those area -- you know, in terms of that, but I would suggest to you that at least from where -- absent other information and discussion, I'm not sure that pleasant valley would be the next one up from a transportation perspective. There may be other things going on along pleasant valley that would argue for it being next step. In any case, I think we can have all that discussion later as we all get more informed about the process and think through where it makes sense. So I would defer this.

>> Mayor Adler: Okay. There seem to be some reservations about this moving forward. And new issues that have been raised. And I hear the answers with respect to the capacity issue, and I know that right now there's a structure where it's separate. What I don't know is whether or not that's the best structure as we go into what's going to be a mammoth task over the next five months, and -- I'm just real concerned about you guys having all the resources, involving the people that you need to do the kind of lift that I think is going to be required with respect to the land development code rewrite, and when you have a chance to actually look at that and figure that out, I would imagine you're gonna be asking for significant greater resources and assets and people and expertise and all that kind of stuff so I just don't know how this fits in with what I hope is going to be a pretty significant different effort than what our current system and makeup have us looking at just because the task is so big here, and the timing expectation that exists.

[10:17:56 AM]

>> Renteria: Mayor.

>> Mayor Adler: Anything else before I move on? Pio and then Leslie.

>> Renteria: I'm very concerned about that also because I got word here last month that the corridor is going to have to be delayed because of the transit plan 2025 is coming down and the possibility six the blue line going down through Riverside now. And they want to make sure that all the environmental and engineering study is done before that, so I accepted that fact. I wasn't happy about it but, you know, it's just something that if -- my big concern is if the voters really are going to be supporting these rail lines, you know, and I'm really concerned that even though we're -- I'm gonna agree to the delay that's gonna happen on Riverside just so that we can look at the transit, but I just hope that, you know, that -- you know, we better be able to get this bond program project election supported and get behind it because if we don't we have just wasted a whole year knowing -- and that's a big concern for me.

>> Mayor Adler: Leslie.

>> Pool: I think it would be helpful for staff to give us kind of an overview of why the two corridors were originally chosen, because my understanding was it was to try to show varying conditions on the ground and varying places in the planning process so that staff would have come away with a better appreciation for all the various moving parts. So if you could maybe help us understand.

>> Yeah. I would say, yes, that is -- that's part of the calculus in picking the first two, is really about kind of coming one pilots that not only delivered a plan that was something that the city needed at the time that the city needed it at, but also to be able to do that kind of living laboratory of trying out two fairly disparate areas and come up with sort of pilot processes that could work in those two disparate areas to be able to learn from those and apply them elsewhere.

[10:20:13 AM]

We definitely have been kind of analyzing the data that is underlining the corridors and what investments are expected when it&other characteristics of the corridors and would be happy to come back to council under a separate item at a point in the future to present some of that information for kind of a more robust discussion of the corridors, if that's the will of this body.

>> Pool: I think that would be a really good idea, and that may be the piece that's kind of missing from this conversation, because we got the memos from y'all on your responses to that September 2017 resolution that we all passed unanimously that councilmember kitchen led orientation but we never actually discussed it here and didn't have a good familiarity with how staff was recommending it be approached and what the criteria were. So that I do understand why there is some reluctance here, and I think it was a staff presentation that was missing so I think we should exile that and I do think we've

asked for this previously a couple of times, that Ann and I have talked about small area or district area planning and, again, to highlight how this isn't neighborhood planning. This is up a few levels and is more expansive. And then maybe we can kick around a time line for the current pieces that you want to do this year and that will get us better prepared and positioned for knowing what we need to collide in the budget if we need additional staffing resources. So I think what we're missing on the planning is the planning. And a discussion to understand how we got to where we are now and how staff is recommending that we move forward.

>> Mayor Adler: Anything else -- yes.

>> Can you tell me how planning of this nature affects things like safety improvements, if you would delay sidewalk improvement because you're not sure exactly of a road width or if that could factor into these discussions?

[10:22:17 AM]

>> So currently we have an implementation program that looks at all of the recommendations, capital investment or otherwise, that have been adopted in one of our community-based small area plans, be it a neighborhood plan or an urban design master plan or corridor plan, and then we coordinate with all of the departments on making those investments to the extent that they also comply with kind of the priorities in the sidewalk master plan. So for sidewalks as an example, and some of our more recent small area plans, and I would anticipate the next one out of the chute under this new program we would present the data to the community of what is already on the books from a technical perspective as a sidewalk need and the community engagement piece would be really looking at what is already kind of high, medium, priority missing sidewalk on our system and prioritizing from their community perspective which are the highest priority. We typically don't have a problem coming up with ideas in this region for things that are needed. We have a bigger problem with kind of prioritizing among all of our needs within the resources that we have. So I think that's kind of more how it works, and then the city departments, colliding the sidewalk program and others use the data that comes out of our processes to inform how they're prioritizing expenditure of resources.

>> Ellis: That's helpful. Thank you.

>> Garza: I didn't understand what the resolution was as far as this item. Was your suggestion to not move forward with this and do a staff presentation?

>> Pool: What I was saying was we never actually had a staff presentation on it and Ann and I had noted that previously and that if we had that staff presentation that it maybe the questions we're asking now might have been answered more fully, and so because we keep getting kind of tripped up on what was intended. And I don't think we've really actually addressed that, so, yeah I was asking for a staff presentation.

>> Garza: I would say I'm supportive of that. Like I said, I don't necessarily -- I just don't know exactly what this animal is, and so I don't know -- I don't feel comfortable voting on it on Thursday.

[10:24:32 AM]

I also don't feel comfortable talking about south pleasant valley versus congress because maybe I want it on south pleasant valley. Maybe the fact that, you know, we -- the investment hasn't been made there, this could help bring that investment there. So I just don't feel comfortable moving forward on Thursday. I would like the opportunity to learn more.

>> Mayor Adler: I think I would concur with that. I'm not ready to move this forward on Thursday, given the questions that have been answered and I think the more global -- there's those specific questions but also how we're doing planning generally in this world that we're in right now and how we're funding the non-planning but the land development code organization of the department in the same period of time I think is a question that I would need to know the answer to before we could move forward on this. Yes, Kathie.

>> Tovo: Then there's what, I mean, is the conversation coming around to, like, postponing a conversation about this particular agenda item, councilmember pool, and requesting a briefing? Before revisiting it so that we have an understanding of what the work would look like, how it would inform -- I mean, I just -- I have to say another piece of my reluctance is redelay a variety of things last time when we were in the process of working on codenext, and I think it's important that we do things wisely. I also think it's important that we continue to move forward on initiatives that we know need to be done and if planning needs to be done in this area because of the transportation investments we believe are coming and some of which we've committed to and housing investments that we have the funding for, I do want to see work progress if it's not going to derail other work. And so, you know, we have a lot going on. There's no doubt about that. But we miss opportunities if we're not getting out in front with some of this planning, so perhaps having that presentation would be a way of really understanding what this would look like on the ground, how it could inform some of those decisions we've already reached with regard to investments, and really bringing -- directing and guiding investments in an area of the city where we really need them.

[10:26:48 AM]

>> Pool: And to answer that, yes, that's exactly what I would like to see. And just wish that we had had it earlier so that we wouldn't now be needing to exile it and think about it, but I do think if we had that presentation and we are committed to this goal, which we are and I think we should be, the city needs to plan. We need to plan how we're going to grow and direct the growth and manage our growth. That's just a basic principle for good public policy making. So to the extent that this will assist us in certainty on how we should move forward with budgeting, both staff and resources into fiscal '20 then that's all good and I agree with my colleagues to the extent that we should not -- we should not be slowing this down because until we start planning, then -- and seeing how the modeling looks on the ground, we won't be certain that the decisions that we are making and the direction that staff is going with the land

development code will be the best. We may finally need to tweak things around the edges or maybe we've gone completely off the rails. We won't know until we can model things and this district-level planning will help us with that. So, mayor, may I request formally then that we have a presentation from staff at the soonest opportunity at a work session before we get to digging into the budget?

>> Mayor Adler: Yep. Councilmember kitchen.

>> Kitchen: Never mind. I think I -- you were requesting it right around the budget time, right?

>> Pool: I'd like it before, so as we have talked about that we can use that information --

>> Kitchen: Okay.

>> Pool: -- As we move forward into the budget if we need more staffing or funding resources for this effort.

>> Kitchen: Okay.

>> Pool: I just am -- the part that I'm hesitant about is we sent staff on on this direction almost two years ago and they've come back with a direction.

[10:28:53 AM]

We didn't actually have a chance to be briefed on it and talk about it and understand why the criteria was crafted and how that criteria ended up with north Lamar and pleasant valley, and so that seems to be affecting our ability to move forward on it now. So I'm trying to remedy that without slowing us down at all.

>> Mayor Adler: Greg.

>> Casar: So I would feel more comfortable, right, with us having several weeks or at least until the budget to really understand how this works. I do -- this is an area that needs a lot of public investment, I think everybody there knows that. I think that a big challenge that I just want to make really explicit here is that I don't want to send our very well meaning, our great staff to ask people what kind of public investment they need when they've been asked so many times and when there still aren't sidewalks all the way up and down north Lamar, when there still isn't drainages up and down north Lamar, when people in 2012 passed bonds to just put in crosswalks and stoplights where people have just died year after year in those same places where we don't need more people to go and ask people to plan how it is we can put in sidewalks and crosswalks when we just need to do it and when people felt like they have been clawing at the city for years just to get basic stuff installed and in part it has to do with the fact that we don't own that street, but in part I do think it's just institutionally it's taken us a while to make the public investments that people have been asking for for so long and I just don't want to go and ask people which public investments they want when they've been telling us which ones they need. We have the serious urban park desert in the entire city right there in this area we're planning, people have been asking and asking the prior council, which councilmember tovo was a part of, helped acquire a piece of land in 2015.

[10:30:59 AM]

It's taken four years just to get a shovel in the ground to finally do it. And so I just don't want to send planners in to go ask people what you want when they say I just want a damn park because we've never had one and y'all put aside money and couldn't break ground for year after -- so I just don't want to go ask people what they need when they've been telling us so long. We just haven't done it.

>> Mayor Adler: Yes.

>> Garza: Real quick, only because I know that the resolution from 2017 keeps being referred to and I just want to say I've read it a couple of times since that's happened, and there -- this resolution asked for proposed changes, proposed plan, implementation and proposed small area planning process for council consideration. It did not say -- the I'm sorry vote was not do this and we're gonna direct staff to immediately start a pilot program. It did not say that so I have to point that out, that unanimous vote was about the criteria, the plan, and then it was to come back to us. And so I think that's where we are now, and we, you know, haven't had -- thank you for addressing the memo. I'm sorry I didn't, I guess, ren that from that long ago, but, you know, with so much on all our plates, I think we need time to think about this process. So thank you. I think this was a good discussion.

>> If I could, we definitely appreciate that. I think the may 11, 2018 memo was kind of staff's attempt at addressing the resolution. Obviously that memo landed in the middle of council deliberations on some pretty significant topics, and we didn't have the opportunity to provide the briefing so we look forward to having that opportunity.

>> Mayor Adler: In fairness to you in may of '18 we thought we'd have a land development code done at this point and no one anticipated project connect would be in the position it's in either, so so many things have changed that would probably impact a lot of the questions we'd be asking, where we would start, what we would do and all that kind of stuff.

[10:33:02 AM]

Thank you very much. Let's move on to the next item. Natasha, you pulled the item number 20.

>> Alter: Mayor, may I lay out my new version?

>> Mayor Adler: In just a second. Let's hear why she pulled it first and we'll come back to you. Do you want to address why you pulled it first? I want to give you that chance.

>> Harper-madison: I need a microphone?

[Laughter] I'm looking to get some clarity around a couple things. Some clarity around the third whereas clause, that states "Whereas existing city of Austin planning focused on land use and mobility policies is not expected to drive greenhouse gas emissions from transportation down significantly." The

question more or less is, is that saying that our existing city of Austin land development code and mobility policies are not expected to significantly impact transportation emissions or is it that's implying that our current planning efforts to rewrite our land development code and expand our public transportation system are not expected to have significant impact on emissions? And so I guess that's a - I should turn this way. That's a question for y'all.

>> Hi. Zack bomber, I'm the program manager with Austin sustainability. So our office does -- we have a target of net zero greenhouse gas emissions by 2050, which would essentially mean that our community would be using almost zero fossil fuels for energy and transportation. So our office does analysis and projects out into the future how much fossil fuels it's projected we're gonna be using in these different sectors over time into the future, and even when we -- so we model, you know, numbers of cars on the road, where people are moving from place to place, and our analysis shows that even if we reach -- I think the target in the strategic mobility plan was 50%, 50% by 2039, still having -- so what we model is if 50% of the trips are people in single occupancy vehicles, if those vehicles are still running on gasoline, we're not gonna get to zero greenhouse gas emissions so that opens up the door for we need to have a significant portion of the vehicles electrified and not using fossil fuels if we're going to meet those long-term targets.

[10:35:48 AM]

So it's a blend of getting cars off the road but then also making sure that the cars on the road aren't using fossil fuels.

>> Harper-madison: I think that's the most important part there is to really sort of lay out the blend implications there. If for no other reason I think it really just sort of helps people sort of clarify where we're headed, in which case I think this is great and I agree. So I'll be making an amendment to clarify that we are talking about existing policies we are currently working diligently to change in order to have a more compact, connected, sustainable city. Thank you.

>> Mayor Adler: Thank you. Alison.

>> Alter: Thank you. I appreciate that. I think we had existing in there for precisely that reason, but if we want to have an additional whereas that recognizes the work that we were doing on a lot of other fronts I would have no issue with that. I just want to take this opportunity because I passed out a version two which we will get posted later today, just flag some of the things that we have done in the new version of this. I want to thank staff for working closely with my office on this, and members of the PUC that we've been working with on this. The main change that you'll see is that on page 3 under the action plan details we have tried to be a little bit more specific while also being -- recognizing that this is a rapidly evolving area where the technology is changing and it depends a lot on willingness of folks to adopt this technology moving forward. So we want to set goals and we want to have options moving forward so that as a city we can take seriously electrification as a way to helping us get to net zero and to carbon neutral.

[10:37:57 AM]

And the three particular things we're asking options for is one, integration that may slide demand response capabilities or manage charging. Here I'd like to invite my colleagues when you have an electric vehicle and have a grid there is potential for existing technology that can act still with a nest thermostat and what are of what we do with the thermostat we connect up with the thermostat so we can shave usage at peak times. There's great opportunities for us to do this with electric vehicles as we increase our fleet of electric vehicles in the community to have folks be charging when we can shave things off the peak at when we have the most access to renewable energies throughout the night. It can help us a lot to achieve some of our affordability goals and our renewable energy goals by integrating with the grid and then also that happens as we switch to electric vehicles, which helps with the gas greenhouse gas emissions. The second part is another way of saying we need to be economically smart about how we get to electrification and it's asking for options for uv ready building codes, so in order to put in a charging station in a home you have to have a -- have to have the circuitry set up. It's a really minor thing to do at some level if it's built into it, to have an extra breaker when you're building the house. This is not setting that forth. There would be a whole process of community engagement that would go forward saying we want options when the community plan comes back to whether that's something we should be planning. And then the third one deals with equity issues to make sure that ev charging is available to a broad sewage swag four community and emphasizing we need to be creative in how folks who are living in multi-family housing have access to charging stations either on-site or out in the community.

[10:40:06 AM]

What we're doing in this resolution builds on the leading-edge work of Austin energy but really is setting forth that we see electrification as a key method for us to get to our net zero and our carbon neutral goals and saying we need this in the plan, we need to be thinking head already more than we already are in that regard.

>> Mayor Adler: Okay. Anything else on this item? Yes.

>> Harper-madison: There we go. So I have a lot of issues with this particular resolution, and fortunately computers exist and I can print them out. So the Austin shines vehicles -- the part of the resolution that says Austin shines, the deployment of the vehicle to grid part, to my knowledge, Austin shines is currently contributing funds to a study on emerging dj on vehicle to grid but it's still in the study phase, in which case I have concerns and questions about how far does this particular technology have to go before we're able to deploy it? It's not clear to me exactly what we're asking staff to do, and, to my detriment I'm always going to ask why are we asking staff into this because you guys have a finite amount of resources and time, so I have a question there. And then with the language in this particular resolution, which is not a question so much as it is a statement, shall -- I have an example here, identification of reasonableness of establishing intermediate greenhouse gas emissions targets to net

zero greenhouse gas emissions from transportation. There are at least a dozen examples of that kind of language that I honestly just don't understand.

[10:42:07 AM]

I mean, what does that mean? And then clarification of the role of the city of Austin and other community stakeholders, including potential barriers where the city does not exert direct control. What is that asking for exactly? And I don't know if you're able to give me clarification there or if I'd need the author of this resolution to offer clarification but I literally just went through this resolution just asking myself, ah, what does that even mean?

>> Mayor Adler: Let's give Alison a chance to respond.

>> Harper-madison: Thank you.

>> Alter: Sure. Appreciate it. So, first of all, the shines part, that specific reference is not in the new version, but there is a continuum of -- that one could think about with respect to personal electric vehicle grid coordination and different phases that we can go through as we currently envisioned the technology where we start right now with the first generation, which you just plug in your car and you charge it, and then you can go all the way to fourth generation, which is this -- getting to the -- connecting up to the grid where power flows back and forth between the car and grid and there's a continuum in there. So part of what this resolution is doing is saying we may be a while before we get to that end of the continuum and there are things we can do along the way if we plan for them that are gonna set us up to whatever that eventuality is as it evolves, that we need to take along the way that would allow us to achieve more in terms of our greenhouse gas emission goals because, it can help to encourage the ev adoption. It also can be helpful with respect to our carbon neutrality goals. Specifically with number 2, the identification of the reasonableness of establishing earned immediate -- greenhouse gas emissions from transportation, the climate plan is certainly a planning document and I don't know what the appropriate targets are right now because I haven't done the planning and we're asking them to do the planning.

[10:44:27 AM]

This is over a long time horizon and we need to set goals in the short run and have goals in the long run, and those may need to adapt over time just as we have changed our renewable energy goals and upped those over time. And so this is saying we want goals and we want targets but we're letting staff determine what those goals and targets should be based on their knowledge and expertise and through the broader process of the climate plan. You know, overall really, you know, what this resolution is saying is that if we want to achieve these goals one of the methods that we have -- one of the things that we really need to think about is electricification and when we think about electricification we need to think broader than how do we get everyone to adopt an ev -- an electric vehicle and how do we get

plug-in stations everywhere. There's a whole bunch of other things that we have to be thinking about, some of which we have already started to think about, other things we can only imagine, but we have enough knowledge of the technology at this point in time that we can begin to plan for those eventualities and if we do some of that planning now then we will be in a much better position to take advantage of that. The nest thermostat alone I believe, and I didn't have a chance to get these numbers checked, but I believe my commissioner told me they were just reported to at the euc that it saved about \$50 million for Austin energy. Is that -- I might be off on a magnitude, but I'm pretty sure it was a pretty high number of what they shaved by being able to control how much energy is being used at the peak usage amounts. We have the same opportunity with evs and as we adopt more and more evs that will be potentially critical for our grid and really this is saying in the climate plan we need to be planning for this and have the transportation goals. We've done a lot with respect to renewable energies to meeting our goals. We haven't done the same with transportation. The steps that we've taken with asmp and land use choices, all of those lead us to help us do that but we don't have the same goals set with respect to transportation, and those goals in my view with respect to renewable energy have been super helpful in getting us to a point that we've been able to actually make progress, and if you want to make progress you have to have some goals just as we set goals in asmp and in the direction, those goals help us to get where we want to go.

[10:46:56 AM]

>> Harper-madison: Which I can appreciate, so thank you for the clarification there. But I guess what I come back to, though, is in terms of time just like staff's resources, it's finite, right? And so in my opinion a better use of our time is to follow what all the scientific studies point out, which is our land development code and alleviating sprawl seems to me like a better direct goal and time usage -- I mean, if we can get more in the way of infill building -- I mean, we're not handing out electric vehicles to everybody, right? We're not offering a free electric vehicle to everybody, in which case in my mind's eye, the way I see us most effectively using our time is to really sort of figure out our land development code goals prior to something that seems so very lofty in my mind's eye. Also, there's one of the sections that says "Efforts to reach multi-family and low-income households." So I'm not implying that staff doesn't make a good-faith effort to reach people who aren't always plugged in, but I am saying that there's a certain lack of commitment with this line item for me, and I'm -- I have questions about what effort can be made, how feasible it is to actually do this, and one of the things I'd like to point out is prior to my time on council I had the opportunity to sit on the resource management commission, and I literally only ever saw one person come and do citizen testimony at resource management commission. When we had lots of conversations about outreach and efforts for low-income, multi-family, et cetera, people generally existing in the margins, and I don't mean all that to say that those things are synonymous.

[10:49:02 AM]

I mean that to say that there was a lot lacking in the way of outreach in that way. There was a lot lack in the way of efficacy in that way. And so I really have concerns about this line, "Efforts to reach multi-family and low-income households." There's nothing in the way of teeth there that says what do you get by way of those efforts? There's nothing in the way of accountability. I just -- I literally sat in that room for hours at a time and listened to people talk about efforts to reach low-income families and nothing came of it. So I really take issue with that one. So given all that, I guess there's so many points throughout the course of this resolution that I don't understand what staff is being asked to do. I don't understand what the measures of accountability are. Like, what are the results of what we're asking so frequently? It's not a question so much as a statement. I'm only looking at you because you're there.

[Laughter] That to say I really -- I'm going through this resolution, and I just have so many questions and so many concerns about what is actually being asked here, what is actually feasible, what can actually happen, what is appropriate in terms of the timing. I just -- there's so much. Yeah. I'll turn my mic off now.

>> Mayor Adler: Kathie.

>> Tovo: I was the newest -- I'm happy to jump in.

>> Mayor Adler: Ann.

>> Kitchen: Well, a couple things. I think that it would be interesting to -- I'm not remembering, but I know that we have -- or I'm thinking that we have some metrics in our strategic plan that gives us some ability to nail down better what -- you know, specifics of what we're trying to achieve and how we would know whether we were successful.

[10:51:15 AM]

So that's one question. And yet I would just ask the staff to speak to us about -- I know that you have been working on projects related to access to electric vehicles for lower-income folks and also for other folks in the community. So it's vote for you to speak to that and I'm sure you're measuring your results on that and maybe you can tell us how.

>> Certainly, councilmember. I do hear your concerns. So a little over two years ago, through seed funding through a grant organization called 11th hour, whose core ten he wants is climate change, granted city of Austin a grant to basically launch a program for transportation electrification for low-income communities. That program is called evs for everyone. Even so that seed funding has been exhausted Austin energy has continued that program because we have seen some very good results from it. So one of the examples councilmember Garza and councilmember kitchen recently launched a pilot program called evs for schools, and that was at Akins school, about 80% of low-income kids, to demonstrate this technology, so it's charging stations for the teachers and staff, then curriculum on ecorise on sustainability mobility and transportation to make it accessible in realizing this type of new technology is for us too. It's just not about the early adopters, the Tesla drivers. Another example is we're working with life works, so that's a low-income community. And one of the things we're working is a microgrant foundation as well as a new service that we helped bring to Austin called general motors

maven. Maven is electric vehicles that get people to get new jobs as economy drivers so we're working with life works as a potential of funding the first few weeks of that car rental to basically potentially change someone's lives to their average income right now is around 12,500 a year in that community, where our analysis shows a good economy driver being around 40,000 a area, so trying to do things like that.

[10:53:26 AM]

We have done significant outreach. So I think -- so that's a very passionate program for myself and we're very excited about it, and I do think we can make a difference. And I think the time has changed. It's pretty similar when mobile phones first came out and that was seen as for the rich. Now it could be one of the most equalizing technologies of people having access to information. We think this could be a similar type of growth. The other question on the amendments, yes, ma'am, there are several -- there's seven amendments in the generation plan specifically to ev targets. It collides number of DC fast charging stations, includes having a tiered residential rebate to set us up for demand response at the home for electric vehicle charging so that tiered rebate has already been put in place. We think there are metrics and technologies. It is kind of a very moving target, because of the nature of the emerging technology. So one other feedback we gave in the language was about, you know, options and really coming back and having a dialogue of what those options are and what the status is, but have the flexibility because what I know today is different than even six months or a year ago because the technology is moving so quickly. So we think that language does reflect that.

>> Mayor Adler: Okay. Kathie.

>> Tovo: Really, I appreciate that explanation and you've answered a lot of what I was going to ask you to do, which is tie it into current efforts that are ongoing and help us understand ways in which this was consistent with the work -- that this resolution is very consistent with the goals that the council has adopted, as well as the ongoing efforts, and so I appreciate that. Thank you for those -- for offering those examples. I was gonna suggest, I guess with regard -- you know, I'm looking at that last sentence about efforts to reach multi-family low-income households, I read that differently, but because it does use the language of kind of good faith efforts, I would just suggest to the sponsor that perhaps -- perhaps the language could be altered to talk about the lead of the sentences, the city manager should report back, provide regular reporting on these, just to make it clear that we are anticipating and expecting successful outreach, maybe a language adjustment to talk about outcomes of efforts to reach -- just to make it very clear that we're, again, expecting that they will continue to highlight that as a priority and we expect and anticipate that they'll be successful in their efforts, if that helps alleviate some of that concern that was raised about efforts being. . .

[10:56:21 AM]

>> Mayor Adler: Okay. Ready to move on. Alison?

>> Alter: I just wanted to comment. First of all that section is in the reporting back, and we've already begun to do some good work in this regard, and, you know, as the technology is changing, you know, there will be opportunities for there to be, you know, multiple cars hooking up to a system and then as you get faster and faster charges for electric vehicles I'll be able to have multiple cars hooking into those charging stations and charging them over time throughout the night in a way that's not necessarily possible right now, which will help with some of the cost to the multi-family building owners for providing those kinds of things. I think, you know, as we think about this, you know, the climate plan update is an opportunity for us to really think about what our goals are. We have set our broader goals. We know what the larger ones are. But in order to meet them we need to set intermediate steps along the way and we need to have action steps that we're taking and I believe that electrification and this broader set of areas is an important set that we need to be taking and thinking about and focusing our attention on if we want to achieve our goals. No one tool is gonna get us to our goals. We saw this very clearly as we discussed the asmp. No one of the strategies is a silver pilot to -- bullet to get us to our cars. But with respect to net zero and carbon neutrality we need to be doing a multiplicity of different things. By saying in the climate plan we want this back we are allowing time for this process to play out. It is an appropriate place to be saying that we need to be thinking about how this fits into meeting our goals and saying we want to be ready, we are talking about autonomous vehicles, talking about electric vehicles, we really need to have those integrated into our grid infrastructure.

[10:58:28 AM]

We need to be looking ahead so we do things in an economically smart way so folks when they switch over to evs don't have to reconfigure the houses and other kinds of things and we need to make sure that this is a technology that's accessible to all. The other thing that I just want to add is that because this technology is changing, you know, it's anticipated that at some point electric vehicles will be -- because syringes to pay gas and other things it's gonna be more economically smart to adopt an electric vehicle than a gas vehicle, and that could happen really quickly. And if we haven't already done this thinking and we haven't moved forward, we will miss opportunities to take advantage of this new technology even if we have to do it on the fly as it's evolving, having folks who thought about, it having these steps in place I think is gonna bode well for our city being able to take advantage of the potential changes because we do own our own electric Cal utility, we have some real possibilities to save significant funds for our rate payers and to achieve some of our load share innovative means if we're ready with this electric vehicle infrastructure.

>> Mayor Adler: Okay.

Hang on. >> Mayor Adler: Okay. Delia?

>> Garza: I totally empathize with councilmember harper-madison's concerns. Those of us who, I guess, represent lower income districts, it's hard sometimes when you see things on the agenda and you're like, you know, my folks just want a grocery and a fire station, why are we talking about this? That being said, I don't think that this is in conflict with those things, and I do believe it's important to think about

the system as we go forward and getting more people comfortable with the concept because it does affect our environment, and we want more people to be comfortable with this kind of technology.

[11:00:39 AM]

I was wondering if there was a way to add an enforcement mechanism to vehicles parking in charging stations because those of us who have adapted, or trying to, you know, you make plans on what you have to do that day, and then you get to a charging station that says it's available and there's somebody parked there. I will also add I have seen city of Austin vehicles parked in front of the charging stations here in city hall, not charging. So I'm curious if we can add a -- as we're looking at ways to expand this network, how can we add an enforcement mechanism? Have other cities been able to do that? You know, is it ticketing? Is it fines? What would it be?

>> Yes, councilmember. I apologize, I did not introduce myself, ma'am. Carl Popham, manager of electric vehicles and emerging technologies with Austin energy. Council did pass a resolution, it was quite a few years ago, prior to the majority of this council here, to do a -- an enforcement, a \$50 fine as a parking violation for a gas vehicle. However, the big caveat is that's just where the city can ticket and park -- can do ticketing. The majority of our level II charging stations are on private land, on host. So how the model works is hosts, by an install, and then we have an enforcement language that they agree to enforce, so different garages or different parking lots or different retail kind of enforce it dimple. One thing we did do differently, when we had the last resolution, you asked questions on the dais, was to make sure signage has been updated, that's been 100%, so all signage does say electric vehicle charging only and has sign on it, even private lots as well, to be further deter what is being called ice, that's when a vehicle is parked at a --

[11:02:55 AM]

>> Garza: What's it called when it's an electrical vehicle doing it? They're not charging, they just park there and they're not charging.

>> One thing we are doing, though, more -- in some ways, even more importantly, is on the faster charging, so what we did, the resolution that we came up or the tariff, the language that we came up is for the fast-charging, which is very premium and a lot of times people are coming through the highway, really need take charge, probably more than level II, is for people outside of the subscription plan, we charge them per minute of being physically plugged in, once again, to help alleviate that. So we get kind of the turnover we need on those charging stations. But those are excellent points. I think we're doing the right things and y'all have provided guidance on that. I don't know of anything beyond that right now.

>> Garza: So are there no exceptions to the city's ability to regulate on private property? Have we never been able to do that in any other instance? That would probably be a law question as well. I can ask that

offline because I think this is a barrier for some people when they're trying to use this technology. We're happy to look into it.

>> We'll be happy to look into it.

[Laughter]

>> Garza: To constituents.

>> Mayor Adler: If you want to close this out --

>> Harper-madison: I might be closing it out but we're going to keep going. I'm thinking about inequities in other city and this just strikes me as another example of inequity in the city of Austin. So we're talking about sustainability and resilience through climate change and I've got to tell you, this is not accessible to half of the people that I'm representing in the district. And so I just have a lot of concerns about putting any sort of primary focus on sustainability and resilience through climate reality, which, by the way, I'm a climate reality leader.

[11:05:05 AM]

I got pinned, the whole thing, so I'm here for it, with the exception of the fact that even my attending a climate reality leadership conference in Houston, they kept bragging about how many people were there. They were like, there's 5,000 people in this room. I was one of, like, four black people in that room. Not to say blackness and poverty are synonymous because that is a mistake that a lot of people make. There are a lot of really poor people in this city. And a \$38,000 electric vehicle is not an option for them, in which case I just have a lot of concerns about putting any point a primary focus on this, as opposed to, one, making up for lack of equity in the city of Austin, and then two, meeting people's primary needs. It just seems decadent, frankly. And so I want to say a future where we all drive electric cars, sure, sounds great. It's an improvement over our gas-guzzling present. Sure. I just think it's -- when we have conversations like this, there are some misconceptions that are going to come about, in that we're not considering who has access. Not enough. I mean, this is literally not even a thought for over half of the constituents that I represent. They're just trying to figure out how to put groceries on the table today, how to get the kid from day care today, how to get to and from work today. This is not a consideration for a lot of people I represent, in which case it just -- it's that point of personal conflict for me because I realize how important it is that we address our climate reality needs.

[11:07:06 AM]

But there are people who won't eat today. They can't afford an electric vehicle and have no concerns whatsoever about charging options. And so it just is really -- it's a struggle for me to move through this kind of resolution because -- yeah. So -- I'm glad I wrote it down. An electric car takes up the same amount of scarce urban space as a regular car. So even if we're all in a Tesla by 2050, our traffic situation

isn't getting any better. We should also consider that any public investment in private electric vehicle infrastructure is a subsidy to the big auto makers. What's more, because of the nature of the market, electric cars will remain beyond the reach of residents with modest means for years to come. We have conversations about equity all the time, you guys. Like, this is one of those times where we really have to take a step back and practice what we preach. It's my hope that as we step towards electrification, we put as much energy, if not more, into providing alternatives to cars by building walkable, bikable, complete communities that are serviced by a frequent, reliable, and robust public transportation system, which is actually accessible and equitable. And so I am -- again, it wasn't a question. I'm looking at you because you're there, but I just have a lot of concerns here that we're not practicing what we preach when we talk about being a city that's Progressive and equitable and accessible for everybody. This is not -- this is not accessible and equitable and -- yeah.

[11:09:13 AM]

Thank you.

>> Pool: Mayor, could I speak?

>> Mayor Adler: Not yet. I think that -- I'm really proud to be part of a council that has really elevated equity first, and as I go around the community and we talk about -- as I talk to people about the work we did last week, I think people were -- most people were excited with the real definitive statement we made about priority in the city. Prioritizing affordability, prioritizing transit, prioritizing things that we did in that document, I'm real proud to be part of that and hope that we continue that, and your comments that recognize that that is the priority, I think, of this council now and I think of this community, generally, I think, is real dead-on. I also think that we can do this kind of thing, too. I think it's important that we do this kind of thing as well. We can't wait on climate change kinds of issues. So I'm proud to be part of a city that could do both these at the same time, but is real clear on the priorities that we -- that we set. Further comment? Ann.

>> Kitchen: Yes, and I want to thank you, councilmember harper-madison, for being a voice and bringing to our attention, in a more specific way, equity, because -- but I think because we need to pay attention to, at the same time that we're talking about the kinds of goals that we're talking about that electrification can help us with, that we not leave anybody behind. And so I think -- I -- my thinking from your remarks is, okay, well, let's fix that. Let's do more to fix that. In other words, you know, we've heard some programs that we're doing to try to make electric vehicles more accessible.

[11:11:19 AM]

I hear you saying that doesn't take us far enough, and I agree. So I'd like to explore with you what else we can do as a city to really make electric vehicles accessible for people. And I know that -- I know that there probably are some more -- I'm sure there are more things that we can do. I see electric vehicles as

eventual -- or not eventually, but as getting to a point where they can help people with affordability issues related to transportation. At the same time that we are beefing up transit, at the same time that we're addressing land development, it doesn't have to be an either/or, and I don't think it should be. So I'd like to work with our staff and perhaps with you, if you're interested, in giving some more thought to, well, how can we? What else can we do? I mean, we've done some things. You mentioned some of those, Carl, but let's do some more. Let's be more realistic. And, you know, how can we think about -- I mean, electric vehicles are not Teslas. I could never afford a Tesla, either. I'm not trying to compare my income to others, but it's like Teslas are way out here. There are other electric vehicles that are potentially more affordable, and there are programs to make them more affordable, all the way from used electric vehicles to -- to help with down payments to subsidies, to things like that. So I would like to -- I would like to work on getting more specific about what we can do that's more than what we've done. And I don't -- I don't see this as an either/or, I see this as a call to action to do more. So...

>> Mayor Adler: Alison.

>> Alter: Thank you. I agree with you, Ann. I see this as a call to action to do more, and that's precisely why it includes increasing access to ev charging for residents of multifamily housing.

[11:13:26 AM]

That's a recognition that it's not equitable at this point, but part of making it equitable is to make the charging available; otherwise, the technology is not sustainable for folks who don't have access to charge there. One of the other things I did want to add is that as this market matures for electric vehicles, the economics of it also change. So not only will the cost of new electric vehicles be coming down and are anticipated to be coming down, we're now seeing a very robust secondary market so that the electric vehicles that are three or four years old are now available as used cars, and those are a very economical option for folks who are able to operate with the range, if they have access to charging, because they don't have to pay gas, and on the whole then the costs are less than buying a used gas car, if they have the opportunity to find them, and it's -- the economics of it are changing, and we, as a city, have to prepare, you know, to be ready so that everyone can take advantage of it and we can harness the possibilities of electric vehicles for our climate change goals as well. I also want to point out this is not limited to electric vehicles that are personal electric vehicles. There are elements of this resolution that we haven't talked about today that are, you know, about electric buses and how you talk about a fleet that might also fall under the kinds of things that would be knocked out in the climate plan, and again, there's the sustainability outcomes, but there's also the economics that are in the favor of doing things.

>> Mayor Adler: Okay.

>> Flannigan: Mayor?

>> Mayor Adler: Jimmy, then back to you.

>> Flannigan: Do we work with industry partners on these kinds of things? Like car manufacturers, public/private partnering, to these types of devices?

>> Correct. We work with just about every original equipment manufacturer to include general motors, Ford, Nissan, et cetera.

[11:15:34 AM]

We work with major infrastructure providers to include charge point. We work with research associations. So yeah, that is a big part of the ecosystem of what we do here.

>> Flannigan: And they provide funds and equipment and resources?

>> In some cases. In the philanthropic space they provided resources and we accepted grants. We got a federal grant so that's another partnership. General motors, their business model, what they did differently, this is the first city that they decided to only bring bolts into the market of their big economy rental fleet. So sometimes it's just persuasion of what that business model should look like in Austin and why it might be unique, and sometimes it's funds and resources. Third-party infrastructure providers, they've become new commercial accounts, and thanks to a change in city code passed back in October by city council here, that allows us to go actively recruit those third parties. We just treat them like another commercial account and they provide all the hardware and all the services around that station, correct.

>> Flannigan: Thank you. I really tend to be on the side of this with councilmember harper-madison, and I've had the same instincts come up and we've debated these types of ideas. So my hope is that we will really push the envelope on our partnerships with industry. You know, the deliberations that happen at the legislature are going to force us to be a lot more creative on all the things. And so however we can help, and sometimes having a councilmember in the room helps industry know how serious the city is taking it, so please reach out to our offices to assist in any way we can on bringing industry better to the table.

>> Mayor Adler: Delia, did you want --

>> Garza: I just wanted to address just a couple of things because these are very public conversations and I think there's some, like, misconceptions about things. First, I think Austin does a great job of reaching out to multifamily already. In fact, the ones that are close -- in my part of town, you go to an apartment complex to charge your vehicle. and second, there is a misconception about the cost of electric vehicles, and just personally, we bought ours used for, I think, like \$7,000.

[11:17:52 AM]

And so I -- I don't -- you know, not every -- again, not every tool is going to help, and I totally understand the frustrations and I love your passion, councilmember harper-madison, and your courage. But, you know, just -- you know, I dealt with the same thing when dealing with accessory dwelling units, people in my -- constituents were like, I can't afford to finance an accessory dwelling unit, but I know that it

helps some people. I know that that tool, while not accessible to some, can help others. And so I just wanted to address those two things.

>> Mayor Adler: Okay. Ready to move on? Go ahead.

>> Harper-madison: If I may, just one last thing. It was brought up a couple things that the comments of not being able to do all the things simultaneously. I don't, for one minute, believe that it's not possible to address our climate reality needs and address the needs of those existing in the margins, simultaneously, but I do believe that we have to, as leaders -- order of operations; right? I didn't do great at algebra, but I remember that part. There are priorities, and I just want to be very clear about making note that while climate reality and electrification are important, essential even, there are people who won't eat tonight. And I just really have to keep driving that home. We have to talk about priorities and the order of operation. That's all. Thank you.

>> Mayor Adler: Sounds good. All right. Let's move on to item number 27.

[11:19:54 AM]

Councilmember Casar, you pulled that.

>> Casar: Yeah. I was going to explain my four amendments but I think staff may have a presentation on it so I would defer mine until after staff presents if they are presenting today.

>> Mayor Adler: This briefing sheet comes from staff?

>> Yeah.

>> Good morning, council. My name is Lauren, I'm planner with neighborhood housing and community development and councilmember Casar is correct, we do have a briefing sheet to go over the draft resolution. I'm happy to walk through that briefly. There's also a table of parking requirements under the draft organs.

>> Mayor Adler: Why don't you walk through it briefly.

>> Okay. So the draft ordinance associated with item 27 is being brought to you based on the resolution that you passed February 21st, 2019. The purpose was to increase the number of affordable units and most effectively utilize affordable housing bonds and other public funds and resources. The resolution was very detailed and specific related to development regulation, waivers and modifications, how it should be applied, and the affordability requirements. So we have taken those recommendations, those directions from the resolution and incorporated them into the draft ordinance that you have in your backup for may 9th. I wanted to highlight who we anticipate will use this program. Because of the high percentages of affordable units that would be required -- and we'll talk about what those are in a minute -- and the lower income levels that would be required, we would anticipate that anyone using this program would be an affordable housing provider that's coming with additional subsidy. The typical subsidies would be funding from the city or the federal government or low-income housing tax credits.

And so that makes this program a lot different than our existing density bonuses, which are designed to be used by market rate developers.

[11:22:02 AM]

So I just wanted to highlight that. Getting into what the draft ordinance includes, as I said, this is all direction from the resolution that we have incorporated into the ordinance. It would apply in commercial and residential-based zoning districts, regulate plan areas, ly districts and special purpose-based zoning districts. That does include planned developments, the regulating plans, north burnet gateway, east corridor, nccds, planned development areas and planned neighborhood combining. We recognize from the resolution that it was council's intent not to require rezonings though participate in the program. The draft ordinance also incorporates the redevelopment requirements from the resolution which stipulated that if an affordable housing provider wanted to use the program on a site that had existing multifamily units, they would have to comply with several requirements. They'd have to meet, obviously, the affordability requirements of the program. They would have to evidence that the structure would require extensive repairs, and the ordinance has operationalized that to mean if those extra repairs or rehab costs were to exceed 50% of the market value, as determined by the building official. All to households below the median family income has to be replaced on one to one basis with at least as many bedrooms. It includes income restricted subsidized units and market rate affordable units. Then any existing tenants on the property would have to receive notice and they would get relocation benefits, financial relocation benefits associated -- or consistent with the uniform relocation act. And existing tenants would get the option to lease a comparable unit in the new development. So if the applicant could do all of those things, they would be allowed to use the program for -- for a site that has existing multifamily units on it today.

[11:24:10 AM]

The resolution talked about two different levels of affordability, so that has also been incorporated into the draft ordinance. The first one, we're calling sort of type one, and those requirements would be at least half the units would have to be affordable, in buildings of three or more units. If you're only building one to two units, all of them would have to be affordable. For rental developments, we're talking about those units averaging 60% of the median family income or below. The ability period would be a minimum of 40 years which is consistent with our current affordability requirements and the programs that we fund. For ownership, it would still be 50% of all the units, averaging 80% median family income or below. And the affordability period would be a minimum of 99 years, again consistent with our funding programs. At least 20% of those affordable -- of all of the units would have to serve in connection of 50% median family income or below. The resolution talked about reserving a quarter of the affordable units for two or more bedroom unit types. The planning commission has recommended in their April 23rd meeting that this particular stipulation be amended so that 25% could be two or more bedrooms, housing for older persons, or any combination of the three. For rental developments there

are also requirements around lease provisions so good cause eviction provisions consistent with hud's housing choice program would be required, so would protections for a tenant's right on organize, and the planning commission also added requirements for lease addendums that are consistent with the lease addendums that the city uses in its rental housing assistance program, which is the gap financing program that we use. For type 2 affordable care act, the applicant would have to do all the things I just said in the type 1, and then one or more of the following.

[11:26:11 AM]

So at least 75% of the units would have to be affordable, if we're talking about a rental project, that's an average of 60% mfi or below still, for ownership, 80% mfi or below. For rental developments, 10% of the affordable units could serve households at or below 30% mfi. At least half the affordable units would have to be multi-bedroom or the development would have to be located within a quarter mile of an imagine Austin activity corridor that's served by transit. In terms of enforcing the affordability requirements and ensuring compliance with the program, the draft ordinance includes a certification section where neighborhood housing would be certifying that the proposed development meets all of these requirements, and that program documents that ensure the affordability would be executed, actually before the development permit application could be processed by development services or planning and zoning, and this is a departure from our current process because discretionary approval -- discretionary approval like a rezoning is not required to access this particular program. Neighborhood housing would be involved earlier in the process to ensure that the affordability requirements can be enforced early on. Those program documents I mentioned that ensure affordability would include a contract and some instrument recorded in the real property records to document the affordability requirements. There would be monitoring, as we do for our current units. If for any reason we cannot verify the affordability requirements are being complied with we can extend the affordability period to make sure we're getting the required amount of units for the required amount of time. And I also want to note that this contract that we are proposing to use in the compliance section will help us address non-compliance issues by providing us additional tools to enforce these affordability requirements through sort of a contractual enforcement remedy mechanism rather than just merely a zoning code violation remedy.

[11:28:17 AM]

In terms of development bonuses, these are taken from the resolution as well. The draft ordinance waives the

following regulations: For participating projects, height and set back requirements from article 10, compatibility standards. Maximum floor area ratio. Subchapter F, which is residential design and compatibility standards, the duplex regulations in section 25.2773 of the land development code. The planning commission recommended that minimum site area requirements also be waived so that is

included in the draft ordinance that you have in backup. And then the following modifications are taken from the resolution, so reducing front and rear yard setbacks by 50%, then increasing height for type 1 affordable developments to 1.25 times the base zone height limit for that site. If you provide more affordability under type 2, you can increase your height limit to 1.5 times your base height. And then the resolution did talk about increasing density limits. The number of dwelling units could be 1.5 times your base zoning limit, or up to six units, whichever is greater. If you're providing type 1 affordable. For type 2 affordability, it was two times your site zoning, or up to eight units, whichever is greater. Obviously if site requirements are waived, as they were recommended to be by the planning commission, what this would really become would be up to six units or up to eight units because basically starting from sf-5 and high, you don't have dwelling unit per lot limits, you have site area requirement limits for your density. There are lots of -- we received lots of comments related to parking. The resolution did waive parking minimums, and the draft ordinance adds requirements for accessible parking for people with disabilities.

[11:30:19 AM]

So if no parking is being provided, the ordinance requires at least one off-street accessible parking space to be provided. So there's not really a situation unless you can get a waiver, which I'll talk about in a minute, where a project would not be providing any parking because under the this particular requirement, they'd have to provide at least one accessible space. If parking is being provided, then the number of accessible spaces that would be required would be the greater of the number of accessible spaces our building code would require, assuming 20% of the parking that would be required under current code today, or the number of accessible spaces required by the fair housing act, or the Ada, as appropriate. That was recommended by the planning commission, so that is in the draft ordinance that you have today. So there is a waiver option in the draft ordinance. As I mentioned, the transportation director could waive the accessible parking requirement. When no parking is being provided, if the applicant would pay a fee-in-lieu, that the transportation department or the city could use to construct and maintain accessible parking in the vicinity of the development. They could have this requirement waived if the accessible space could not be provided and the site was, for some reason, ineligible to pay a fee-in-lieu, or if there was an on-street accessible parking space or an accessible parking space on another site that could be used within 200 feet of the development. I do want to note that to fully implement this fee-in-lieu option, staff would need to conduct a cost of services study so we can determine the appropriate fee amount. Council would then need to adopt that fee and staff would need to establish a Pam to collect and administer the fee. Finally, screening and design requirements, this section was recommended by the planning commission. The draft ordinance applies some of the screening and design requirements of article 10, compatibility standards to qualifying developments that are in base zoning districts of sf-5 and more restrictive, so like down to sf-1 and lower.

[11:32:30 AM]

I just want to note that these requirements continue to apply today in less restrictive zoning districts. This particular section would just apply then to qualifying developments in the more restrictive districts. So that's the briefing sheet on the draft ordinance, and I do have staff from several departments here, including planning and zoning, transportation, and law, watershed protection, and development services, to help answer questions you have that are not related to the affordability requirements.

>> Mayor Adler: Greg?

>> Casar: I don't have questions, so if anybody else has questions about the presentation, I would defer to you.

>> Mayor Adler: Ann?

>> Kitchen: I have a few questions and also some proposed a mental depending, you know, what you're working with. So I'll defer the amendments to later. Just let me ask a few questions. So I'm not sure if I heard you right. You were going through the briefing under the type 2 requirements, and you got to the last bullet and you said "Or." So are these bullets and or ors?

>> Ors.

>> Kitchen: So you wouldn't have to have 50% of the units, including bedrooms, if you were within a quarter mile of the corridor?

>> That's correct.

>> Kitchen: What about the other ones? At least 75% of the total units must be affordable, must serve households, 80% -- are all of those ors?

>> They are. The resolution talked about meeting the affordability requirements from type 1, and one or more of the following. And so we took that language and inserted it into the draft ordinance.

>> Kitchen: Okay. So I'm just wanting to understand it. So the way it reads now, for type 2, you could be a type 2 if you're located within a quarter mile of an imagine Austin activity center served by transit, regardless of whether you provided additional affordable housing.

[11:34:33 AM]

>> Correct.

>> Kitchen: Okay. I'm going to have to think about that. I'm not sure that I understood this to be an "Or," when we did the original resolution. I really thought that we were allowing additional changes, you know, to entitlements in exchange for affordability. So at first blush, I can't see why we would make that an "Or." So that's --

>> Tovo: Could we pause there for just a second? Councilmember kitchen, would that be okay?

>> Kitchen: Sure. . >> Tovo: I need to be sure I understand the answer to her question. If it's a type 2 and it's located within a quarter mile, the first four bullets don't apply, but it would still need to meet the type 1 requirements, or no?

>> It would still have to meet all the type 1 requirements.

>> Tovo: So it would still then have to have 50% of the units be affordable.

>> Yes.

>> Tovo: So it has to meet -- if it's type 2, it meets all of the type 1 requirements plus one of the type 2.

>> Yes.

>> Tovo: So it has a minimum -- sorry, I'm asking this same question, just in a different way to make sure I understand -- it has to have at least 50% of the units be affordable.

>> Yes.

>> Mayor Adler: Thanks for pointing that out. Continue on, Ann?

>> Kitchen: Yeah. I still have a concern about that, but, yeah. Okay. So then the other question -- let's see, where was the other question? So, okay, so over on -- tell me how this works under parking. I had a question about the -- the addition by the planning commission, that is -- which is also an "Or." So we've got the number of accessible services based on 20%, then we've got or the number of accessible spaces required by fair housing act.

[11:36:40 AM]

What would you see as the difference between those?

>> Assistant city attorney. So the Ada will apply only in certain circumstances and only to certain parts of the development. The fair housing act, if it is a fully residential development, will be subject to the parking requirements if you have four or more units. So because we don't know the extent of what these developments will look like, the threshold they will always have to meet either Ada or fair housing act as appropriate, but if those numbers are less than 20% of the required parking, looking at the building code, then they go with the greater of the two.

>> Kitchen: Okay. That's what I wasn't clear on, if we were -- I see that now. It's the greater of the two. So at a minimum, it would be 20%.

>> Correct.

>> Kitchen: Okay. That answers that question. Okay. I have other comments, but they're not -- oh, one last question, if that's okay. The screening and design requirements, or maybe it's elsewhere in here -- I'm trying to remember -- when we're talking about waiving subchapter F residential design and compatibility, or when we're talking about screening and design, what about the compatibility that

relates to things like noise and lighting and dumpster use and stuff like that? Is that considered waived in here? I'm not remembering how we addressed that.

>> The only parts of article 10 that are waived are height and setback. So everything else would continue to apply.

>> Kitchen: Okay. So when we're talking about waiving -- I'm just not so familiar with subchapter F, we're not talking about compatibility.

>> That, I'm going to have to defer to development services or planning and zoning on subchapter F. It does say in the draft ordinance that subchapter F is waived but I can't remember --

>> Kitchen: Yeah, I'm sorry, we talked about this at the time and I'm just not recalling.

[11:38:43 AM]

You can tell me later if you --

>> Donna kalady with -- subchapter F is residential design standards with sort of the setbacks, and compatibility regulations in article 10 of subchapter C relates to a commercial development -- mostly a commercial development next to single-family development.

>> Kitchen: Yeah. I'm not asking about what's also called compatibility sometimes, which is -- which is, you know, noise or dumpster use or lighting, shielded lighting or different things like that. That's all I'm talking about.

>> Yeah. Those are all the design section of compatibility, which is not waived.

>> Kitchen: Okay. All right. That's all the questions I have. I'll have more comments later.

>> Mayor Adler: Okay.

>> Casar: Well, thanks to the staff and planning commission. I know staff has looked at it, so I just wanted -- actually, it looks like councilmember pool might have something that's on the presentation, as opposed to my amendments so I'll yield if that's the case.

>> Pool: Thanks. I want to look at page 3 on the document, and on the parking, and have -- did you get input from adapt or on the mayor's committee for people with disabilities, or what was their input?

>> The accessible housing Austin is one of the members of the Austin housing coalition, and it's my understanding that when the resolution was being developed, Austin housing coalition was pretty involved, and they also have provided comments throughout the drafting process. And then in terms of adapt, specifically, the Austin transportation department reached out to adapt to provide them information on what the draft ordinance was proposing.

[11:40:46 AM]

And we have not received any formal comments from adapt on this particular proposal.

>> Pool: I think they noted, when we were talking about this, when it was a resolution, that they were pretty busy up at the capital, and so I think it would be a good idea for us to give them a little bit of time and make sure that we make the effort to get input from adapt, and then you -- I'm not familiar with the group that you did mention, so I don't know if that's a group that has been -- that is one of the ones that the city usually works with, but if not, that's great to have new groups involved. What about the mayor's committee for people with disabilities?

>> Not to my knowledge unless that happened during the resolution formation.

>> Pool: I think both of these groups were mentioned during the resolution so I think we need specific input. These stakeholders are the ones we're targeting with this section and a number of us around the dais had mentioned our concerns that they have an opportunity to speak up and give their input because this portion here is directly -- directly affects them. And so to the extent that we're able to get that information soon, I think it would be a real benefit. Unfortunately, we are bringing this Thursday, and we're at kind of the most hectic up at the capital for the session, and so it may be that we can't get their input, but I think we should not stop trying to get it. And to give them the opportunity to work through the work that they have in front of them to make sure they're not marginalized by folks up at the capitol and make sure we are adopting some requirements and procedures here that they can live with. So, councilmember Casar, does that sound good to you? We are moving forward with this on Thursday but we probably won't be able to get a good level of review from at least two of the groups that we regularly look to for their input, and what I'm asking is not that we are delaying anything that we're doing on Thursday, but that we do keep the door open so that they can have a reasonable opportunity to give us the benefit of their -- of their support or concerns, any questions that we might be able to answer for them.

[11:43:11 AM]

>> Casar: I'm happy to talk through that when I go there you my amendments, but others may have questions.

>> Alter: Yeah, I had a couple questions on the resolution, which I think are for staff, so I'd appreciate asking them now. First of all, I look forward to supporting this affordability tool, and I want to thank staff for their work on this, particularly with the modeling. I think it helped us to have a better understanding of what we might be moving forward with, with this proposal. So my first question is on page 10 of the resolution, part 4e, line 269, it talks about how this program can work in conjunction with another separate density bonus program to comply with the least restrictive site development requirements. I'm just wondering if staff could provide an example of another density bonus program where the two opportunities could work in tandem and how exactly they would benefit from working together.

>> For the most part, I think that this affordable care act affordability unlocked program provides more benefit from a zoning regulation perspective and requires more units from an affordability perspective,

but there are some times when a couple of our existing density bonus programs do waive certain development regulations that are not waived or modified by affordability, so for example, the vmu program does provide waivers for building cover and side setbacks, which affordability unlock does not contemplate. So in that case or in any case, what we would first do is require the applicant to demonstrate compliance with affordability unlocked, then they would also have to demonstrate compliance with vmu, for example, and the section of the draft ordinance that you pointed out, starting line 269, does talk about the development being able to comply with the least restrictive site development requirements.

[11:45:11 AM]

So in that case, I think that they could take advantage of the affordability unlocked waivers and then also the building coverage waiver from vmu, for example, or the side setback waiver from vmu, as long as they show compliance with both programs.

>> Alter: So it would be additive, but it's not talking about getting additional bonuses because presumably affordability unlocked is giving them more units, but it's talking about the site requirements and maximizing flexibility with respect to the site requirements, if they satisfy more than one type of bonus program?

>> I think so. Could you say that again?

>> Alter: As I understood that section, it was talking about allowing the builders to take advantage of relaxed site requirements under two different density bonuses, not saying that we were adding two density bonuses together in terms of the amount of units. It was about the site requirements because presumably affordability unlocked is higher than any of our other --

>> Yes.

>> Alter: -- Density bonuses --

>> From an affordability perspective.

>> Alter: From an affordability per unit perspective. I may ask for further classification in Q and a, but that's helpful. So there was a memo on may 3rd recommending that the creation of a modified site plan we processed, be undertaken in the land development code rewrite. Can you speak a little bit to why that is staff's recommendation at this time?

>> So the resolution directed us to come back by may 9th, and trying to say on that timeline, we recognized that we would not be able to do all of the due diligence to identify issues and come up with an effective process for a modified site plan on that timeline. So with that memo that we sent out to mayor and council on Friday, we proposed coming back later with a modified site plan review process for developments of up to 16 units so that we have the time to really think through the challenges and provide a robust proposal.

[11:47:31 AM]

>> Alter: Okay. Thanks. So I want to ensure that developers who utilize this program hold up their end of the bargain. It's not clear to me that the penalties we are assessing would be significant enough to deter bad actors. Can you comment a little bit on the penalties and enforcement, how you arrived at those, and then whether there are any other legal options that we have to consider? I understand that we're expecting this to be affordable housing providers, but once it's built and they've taken advantage of this, I'm concerned if we're monitoring this and have the penalties in place. I want to understand how you arrived, where you landed and if there are options for beefing up the monitoring and enforcement penalties.

>> So the way -- so the way the ordinance is drafted, before a developer can begin the process of developing, they have to get a certification from nhcd that says that their development is going to comply with the program. And before they will release that certification, they have to execute an agreement and a document to be recorded in the deed records, addressing the affordability and whatever enforcement mechanisms we need to include in that way. Traditional enforcement for the code, as you know, is municipal court prosecutions, and when we're talking about a development that already exists, they've received all of the additional bonuses, a municipal court prosecution is not necessarily the most effective avenue for us to achieve our goals because what we want is not money, we want units. And so the best way we figure to do that at this point in time is to have this agreement and have the document recorded in the deed records. Our current code does not address, in any of the affordability programs, with the exception of the fee waivers in smart housing, do we go through this level of discussion about how we're going to be better able to enforce.

[11:49:41 AM]

Right now we just rely on the restrictive covenant, and this is actually an additional step of this agreement, and then something filed in the deed records. In terms of other options, the only other option available to us would be the municipal court prosecution because, unfortunately, it's not feasible for us to say that you have to take off an affordable building or you cannot occupy your building, because we would be undermining the purpose of having the housing available, but two, that's not a criteria in our building codes that affects the safety of the building. So we feel at this point that this contract and filing this document in the deed records is our best opportunity to ensure affordability as best we can.

>> Alter: So can you explain again what the penalties are?

>> So it would be -- one penalty that we've laid out in here is that if we cannot confirm that you've complied for any 12-month period, we're going to add a year to your affordability because you haven't actually met the affordability minimums. So we make that very clear in the ordinance. And then any other enforcement that we would address would be addressed in the agreement, and we would use our

enforcement for contracts to address that. I mean, it wouldn't be a traditional municipal court prosecution, it would be us handling it as a breach of contract issue.

>> Alter: And how did we -- I know that traditionally, for other programs, we do the 40 years for the rental and 99 for the ownership. Is that just -- we just brought that over? I mean, if we think this is targeted out, the affordable housing builders, is there an opportunity to make the length of the affordability longer in the case of rentals?

>> The ordinance is drafted so that these are all minimums. And the resolution did discuss an annual review and coming back to council annually with -- I think it's a great opportunity for recommendations on how to improve or tweak the program.

[11:51:51 AM]

I think keeping the affordability period for rental projects at 40 years for the first year will enable us to let our low-income tax credit properties that are kind of turning in applications now and getting their financing together now, it will enable them to utilize this program, and I think as we work as a community toward a longer affordability period, for example, like a 55-year affordability period for rentals, we can incorporate that into the ordinance when we're there. But for now, our low-income tax credit providers are getting financing from investors at a 40-year affordability period, and we didn't want to jeopardize that with the passage of this program.

>> Alter: Okay. Thank you. As my staff has discussed with you, we're going to want to talk a little bit to how this applies to puds but we're going to take that offline because I think it might get into the weeds more. On page 7, part E, line 222 of the document, it talks about 25% of the gross floor area of the qualifying development may be non-residential uses. I wanted to get some clarification, as the qualifying development the portion of the development utilizing the density bonus square footage otherwise unavailable or is the 25% of the qualifying development intended to mean 25% of the entire site?

>> It's of the entire site.

>> Alter: Thank you.

>> Mayor Adler: Okay.

>> Tovo: I need to go back to where you were addressing with councilmember alter about how this interacts with other density programs. I wonder if maybe it would be possible for Thursday to actually do some -- I see that you've done some visual descriptions of this, of the ordinance and how it would apply, but I'm really interested in taking the project through how it would -- how, under this ordinance, it would be -- what would be the requirements if it's, say, built within the un oriole or if it's interacting with the smart housing density bonus program.

[11:54:21 AM]

What I want to be sure of is that we're not going to end up with fewer units, and I'm still, as I mentioned, really concerned that we have developments in west campus that have been participating in both of those programs, which is -- which has resulted in our getting fewer affordable units because they've been able to use the same universe of units to qualify for two different density bonus programs, which means they've had their fees waived under S.M.A.R.T. Housing and have only complied with the affordable housing creation that's specified under uno, and I just think that's not in the best interest of our community. So I want to be sure that we're not creating another situation like that here where -- where they're using the same number of units to qualify for two different programs, but getting two different sets of entitlements. Can you help me understand whether -- what the general principle is, and then if we could look at an example for Thursday, that would be helpful. So you had responded to councilmember a lot, and I just didn't -- I didn't grasp your response.

>> We can definitely provide you an example for Thursday, but I think generally speaking, today, it would be similar to the way that uno and smart interact. If you think about the type 2 development bonus, you can provide up to 100% of your units as affordable, and in that case, if you were providing 100% of your units as affordable, there wouldn't be an extra 10% of units for you to provide under uno, for example. So in that way, I think the space in the building, the units in the building, could be counted for affordability unlocked and uno and smart. It would be hard to be cumulative in that case.

>> Tovo: It would be if you're at 100%. It wouldn't be if you're at 50. Right? So I think that's the scenario -- by the way, I don't think -- I mean, as I had conversations with people around the city about S.M.A.R.T. Housing and uno, I don't know that there was a tremendous amount of awareness that that was happening.

[11:56:24 AM]

So I don't know that that was intentional, that that was an intentional design, that projects be allowed to qualify for both of those programs and get entitlements from both of those programs with the same universe of units. We had to ask a lot of questions and get a lot of information before we understood what was going on. And, again, I don't -- I don't think that was by D I think it was by happenstance, that that happened. So if -- if a project -- I think the scenarios I'm interested in exploring are the ones where - where they're not doing 100% of units. Because I think we'd all agree that if -- if 100% of the units are affordable, well, you know, that's a very different scenario than, say, 50%. So if it's 50%, it's within a transit -- you know, within close proximity to a transit corridor, which it would be in uno, how does that generally work? So they would be eligible for the S.M.A.R.T. Housing fee waivers and the expedited review, and they would also qualify for the additional benefits of uno, the additional provisions of uno, but there wouldn't be an additional -- there wouldn't be an additional 10% required at 80%, an additional 10% required at 50%, as you would currently have at uno, once you've satisfied the provisions in this ordinance, you're done.

>> So as currently written, we would first make sure that they comply with all of the affordability unlocked provisions, which, you know, type 1 is 50% affordable units, and you have to have the right bedroom mix and all the things I went through. And that does cover a lot of the smart requirements and

a lot of the uno requirements in terms of affordable units. We would also have to make sure the other elements of those programs are being met, like 10% accessible which is required by smart, their design requirements, I think, associated with uno. So -- so yes, to your point. I mean, I think there is -- it is the same universe of units, but we would want to demonstrate compliance with all three of those programs and all requirements associated with those programs.

[11:58:33 AM]

>> Tovo: Okay. But, I mean, I regard one of the most important provisions of uno is the on-site units and they would not be required to have an increase of units if they're participating in uno. Right?

>> 50%.

>> Tovo: Okay. I have to think a little bit about that. I'm not -- I'm not -- just on the surface, that seems to me we're leaving some opportunities on the table that we don't want to leave. So I'm going to have to really think that one through. I mean, they would always -- if building in that area, they would always qualify for -- they would always meet the requirements of uno. And probably I'm not sure there are any circumstances where they wouldn't be meeting the requirements of smart housing.

>> Yeah, as long as they did the accessibility and the green building rating.

>> Tovo: Then almost every project -- so really this is also then probably coming with fee waivers as well for my projects, if they can meet the requirements they're they're almost certainly going to qualify for smart housing without doing any additional affordability.

>> That's a really good point, actually. I mentioned we expect affordable housing providers with subsidy to be using this program and if they're coming with subsidy from the city then they're required to be smart housing certified. And if they are not coming with subsidy from the city but they're alone --

[indiscernible] Tax project, we are moving toward a new policy where those projects that seek resolutions and support have to be smart housing certified. So I think we would assume that the majority of these projects would be smart housing certified.

>> Tovo: Okay.

>> I do want to note that the section in the ordinance that we're talking about right now does say that all of the units would have to be provided on-site. So uno there's an option to pay that fee-in-lieu, if there was another bonus program someone was wanting to use where there was a fee-in-lieu option that would not be on the table if they wanted to combine it with affordability unlocked.

[12:00:38 PM]

>> Tovo: Thank you. Can you point me to that provision that talks about the interactions and the different density bonus programs.

>> It's on line 269, which is on page 10 of the April 26, 2019, verse, which is the version in your backup.

>> Tovo: Can you provide rationale for why that would be, why there would be -- why you would allow the same universe of units to qualify for both programs? Instead of try -- since they -- if they're providing different benefits, why wouldn't we try to get as much housing as possible by letting them meet those qualifications separately? Instead of letting the units double qualify?

>> I think, well, the impetus for this particular section came from the resolution, but I think, generally speaking, we recognize that a lot of times you have to layer subsidy to afford the affordable units. I mean, we've talked about I think in the codenext process that our smart housing program isn't necessarily as robust as it has been in the past, and to help subsidize the level of affordability that we're asking for, sometimes we need to layer on additional -- additional subsidy, whether it's development bonuses, fee waivers or direct funding. That's just generally speaking.

>> Tovo: But I guess my question really derives from the fact that these have been calibrated -- these entitlements have been calibrated in such a way that it makes sense for the developer who is meeting the requirements of this ordinance, right, this has been I hope a conversation that took place with some sense of the economic feasibility of it and it was determined at these levels of affordability and this number of units developers could construct a financially viable development based on the kinds of subsidies they could expect to receive.

[12:02:40 PM]

So it is -- it is viable on its own. The other programs, the same is true. So why would we not want to -- if they're getting the benefits of -- why would we -- why would we not require them to provide additional units if they're participating in a whole different program and getting a whole different set of entitlements or some additional, I should say some additional entitlements? You know what I'm saying? They've both been individually calibrated so it's not as if the project will only be viable if it's this -- if they get these entitlements plus the ones in smart housing. They've been calibrated individually. Independently.

>> Erica leak, neighborhood housing. I can't speak to whether this particular program has been calibrated and I'm not sure I would really even think of it that way because really it's intended to get the most affordable units out of a site where the city is likely already providing subsidy. So in some ways you could think about it from the other direction, and by enabling multiple density bonus benefits to apply, the city might have to subsidize less. And in terms of the smart housing program, I mean, our analysis has definitely found that it is not sufficient to be able to cover the costs of additional affordable units. So it is thought of, from our perspective, as really kind of an additional way to try and get more affordable units in the city. I mean, you could swap it out for additional funding, but we're really trying to figure out, you know, what are all of the things that we need in the city to be able to realize more affordable units.

>> Tovo: So I think what would be helpful in having -- in continuing this particular line of the conversation would be, when we see through the q&a the question that I asked you to do to kind of take a project that is not 100% housing but is, say, 50%, and show the number of units that will be required under the provisions of this ordinance, the number of units that would be required if it's participating in uno, so that we can see, you know, that gap.

[12:05:05 PM]

Because, again, if 10% -- if we would potentially get another -- an additional 20% if we did not allow those units to double qualify, then I think that's -- I think it would be worth seeing as we're having that policy conversation because that does, you know -- if, I mean, our intent as you've articulated it, and I agree, is to get as many affordable units as possible we would certainly get more units if we did not -- if we require them to meet the -- if we held them to meeting the requirements of those two programs separately. Right? I mean, we'd get --

>> Or maybe we would have to subsidize less because there will be -- you know, there will be a maximum building envelope that people are able to use, and so trying to figure out, you know, how much that building envelope is created through the density bonus, various density bonus programs, versus through subsidy, I think can be a little tricky. We can certainly try and take a look at it, but assuming that this program is most likely to be used by people who are seeking subsidy, I think we have to consider that as part of the overall program.

>> Tovo: But there's a reimbursement that they be receiving a subsidy.

>> There's not a requirement, but it just seems unlikely that people not seeking a subsidy would be able to produce that many affordable units, that percentage of affordable units.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Ann?

>> Kitchen: I have one more question, and it relates to what councilmember tovo was asking, and this is just to help me understand a little bit better. So I'm trying to recall the conversation that we had before when we passed the resolution.

[12:07:07 PM]

So the affordable housing projects that come in now at 100%, are we thinking that this -- or help me answer a question if someone were to ask, well, this is less than 100%, so why would a developer not choose this program instead of coming in at 100% like they would otherwise? I mean, I know there's an answer to that, but can you help me articulate that? Why&does my question make sense? In other words, right now -- right now we have -- we have a lot of -- I don't know if a lot of is the right word, but we have affordable housing developers who provide 100% affordable housing, right?

>> Mm-hmm.

>> Kitchen: so -- and so tell me the circumstances about why they wouldn't use this kind of program instead of continuing to provide 100% affordable housing?

>> I have two thoughts.

>> Kitchen: Okay.

>> One is -- is that often when we're subsidizing affordable units, many times they actually have both affordable units and market-rate units.

>> Kitchen: Right.

>> And the market-rate units are used to help to cross-subsidize the affordable units.

>> Kitchen: Right.

>> So there's that. And then I think the other thing that I would offer is, I think in writing this resolution, people heard from affordable housing developers who said, you know, I'm only able to get, you know, this number of units on my property. If I were able to put more units on my property, it would enable me to serve more families and potentially at a lower cost per unit, which the city then often subsidizes. So I think it's a combination of getting more affordable units at a lower per-unit cost.

[12:09:12 PM]

>> Kitchen: And I understand that. I'm talking about the developers that come in now at 100% affordable. So and is it -- is this a matter of financing? They will continue -- is this really for locations that could add more units, for example, like you just explained, or is it for developers that can't get a 100%? Tell me the difference really. So a project is gonna come in -- because we have -- or am I overstating the degree to which we have projects that are 100% affordable housing now?

>> We do have some, but certainly not all.

>> Kitchen: Okay. No. I'm not suggesting all.

>> Yeah. And I don't know the breakdown offhand.

>> Kitchen: Okay.

>> Mayor Adler: Go ahead.

>> Casar: So, councilmember kitchen, this is -- for the stuff we're used to seeing, 90% tax credit deals we see often, a lot of times those are 80 and 90% affordable.

>> Kitchen: Mm-hmm.

>> Casar: This is so those developers that build 80 and 90% affordable housing projects can do more total units, so 90% instead of meeting 100 units being affordable now means we get 130 affordable units

from that person that's already doing 90 or 100% affordability. So you get a certain level of extra units if you're doing between 50 and 75% affordable, and then you get even more units if you're doing between 75 and 100% affordable. So we are still under this ordinance incentivizing and most helping those that do between 75 and 100% affordable units, and a lot of times the nonprofits that we regularly see come before us are doing in that 75 to 100% range, but then, for example, in my district we have a good handful of housing in the neighborhoods provided to people experiencing -- recently sponsored homelessness or addiction or what have you and there are some smaller scale projects that people want to pursue where you might have currently two really big lots with the single-family houses that they want to be still at market rate and maybe three units in the back for people coming out of homelessness, and so that is -- that might be, for example, what a neighborhood scale 60% affordable option might look like under this ordinance, if that makes sense.

[12:11:32 PM]

>> Kitchen: Just to follow up, so, no, I understand how it helps. But I'm trying to understand -- so when people go and get funding for -- and I can take this off-line if I'm just really missing the boat somehow. So if -- so if a developer gets funding for 100% right now --

>> Casar: Right.

>> Kitchen: Is this stretching their dollars? Or are they getting -- are they getting their funding based on the requirement that they do 100% in January right. The idea would be that they could provide even more . They can stay at 100% affordable and provide even more affordable units because their number of units in total could increase.

>> Kitchen: Because of all the waivers --

>> Casar: Yeah. I think a perfect example was something we approved last year in a high-opportunity area, where with some of these waivers the developer could have provided a significant percentage more of affordable units, and the extra subsidy they would have had to ask for from us to cover a really significant number of new units was going to be really small. They would have asked us for a little bit more money but we would have gotten a lot more units because they would -- because so many of the other costs were already fixed. They were basically a loss -- a significant loss of units that would have cost us very little to buy, if that makes sense. But they would have remained a 90% affordable project or whatever they were.

>> Kitchen: So we're confident that this is not going to create a disincentive for getting the funding for 100% affordability, right?

>> We would expect this to generate more affordable units on sites that affordable housing providers are developing.

>> Kitchen: I get that. But I'm talking about across the board, we are expecting to see a lower number of units -- lower number of developments that are 100% affordable?

>> I don't think we would, but --

>> Kitchen: Okay.

>> But, again, I mean, I think this is a good reason for the potential, you know, recalibration discussion.

[12:13:37 PM]

So as we continue to see how things actually work, and if something isn't work to try and recalibrate for that.

>> Kitchen: The last question is, we're actually not -- if I'm understanding correctly we're not getting more units for that, at tier 2. We're not necessarily. So between 75 and 100%. And that's something I want to talk about more because we put that in as an "Or" instead of an "And" and I have concerns about that. Thank you.

>> Mayor Adler: Leslie.

>> Pool: Thanks. I want to go back to this chart here that you all provided, and I just had a couple of questions. I'm reading the Ada guidelines and it talks about the minimum required number of accessible spaces. So six in a hundred and between 551 and 200. You don't have the word minimum requirement on top of accessible spaces. I think that may be missing because the requirements have that set as a minimum, not as a maximum.

>> You mean the table should say minimum?

>> Pool: Absolutely. That's the requirement. So we can add that there. Then when you go a little bit further over to affordability unlocked proposal, parking provided, next to last column, it has two out of a hundred and the actual requirement for minimum number of cancel parking spots is four. So I don't know -- we can't actually -- we can't have in our chart a number that is less than what the federal requirements are. So that number should be a four.

>> I'm gonna, I think, have Danielle Moran from transportation respond in more detail, but I think where the discrepancy between two and four is coming in is that the draft ordinance would let you take 20% of what appendix a in our city code is requiring --

[12:15:37 PM]

>> Pool: Right. I don't know if you are listening in on the conversations that we had about this when it was a resolution, we pointed out we cannot as a city violate the federal regulations. So it doesn't really matter what we have in the appendix as far as whatever lowering percentage may be. We have to comply with what the federal numbers are, with federal requirements. The other thing is that the general one in six ratio requires that one of these spots be for a van. D then the width of the spot and the access aisle also is listed in here as minimum requirements. So we also need to factor that in. So we need to be really careful that we are complying, and then the other thing that I've noticed from reading

up on this and refreshing my knowledge of the federal Americans with disabilities act is they don't -- they discourage identifying street parking that is parallel parking because it's probably next to impossible for a driver who may be using a wheelchair to get out and then get access to the wheelchair that may be in the back of the hatchback. So saying that if there isn't accessible parking in front of a new affordable housing apartment complex, if it's not provided on-site, that it will be provided within 200 feet down the road is also -- strikes me as a violation of what the federal requirements are, and I think we need to rethink that. And then the last thing I'd say in refreshing myself on the H -- from the Ada website, the spots can be distributed over the lot that's available, but they should be clustered close to accessible entry points.

[12:17:45 PM]

D so -- then they go into detail about the incline and the travelway and that sort of thing. So I know that we don't intend to do anything to make it more difficult for people with disabilities to get in and out of the places that they may be living, but we need to make sure that this chart doesn't include some information that may put us at odds with what the federal requirements are. So I'd like staff to go back over and adjust these numbers so that we don't end up in a place where there may be some additional ramifications. And the numbers that I'm looking at were from an update that was issued in 2010. And I've looked online to see if there's anything newer, and I don't find anything. If y'all can find something newer than 2010 with the revisions that would be really great and I'd like to have that conversation. And we don't have to do it in work session. We can do it off-line. But let's make sure that we have the most current regulations here and that we're complying. Thank you.

>> Mayor Adler: So the rest of my questions on this don't go to changes that we would make this week but more generally they go to calibration. So much of the instruction that the council gave last week keys in on calibration. So I'll reiterate, again, I think we really need to bring -- given how much of what we're doing now is dependent on us calibrating directly, we really do need, I think, to bring in special expertise to be able to do that, we need to really invest in that to make sure we're doing it well. And when we are, as part of preparing the staff draft, in response to what we did last week, as we talk about calibration, I hope we look at this, too. In part it goes to the question Kathie was asking and Ann was asking and Alison has asked in the past, we want to make sure that however we're doing this, we're maximizing the number of affordable lots at the level we want for as long as we can get.

[12:19:55 PM]

That's the goal. So a lot of the questions about, you know, should it overlay or be independent of or should it be conjunctive or separate, I mean, to me they all come down to calibration questions. They should be, you know, whatever it takes but not more than it takes in order to be able to achieve the affordability goals that we have. So I hope that whatever calibrating with the code we have that person take a look at this, too, to make sure we're doing this at the right levels and in the right way. Greg.

>> Casar: I'm gonna roll out my three minutes here. So first I appreciate the work everyone has done on it. I plan on moving this with the planning commission recommendations on minimum site area and on screening. I think that I just want to make sure that the planning commission's recommendations are really clear in the ordinance, and so I've submitted some ideas to -- the reason I'm not handing out my amendments is we've sent them on to law and are making sure when they come back it's something that works, but, for example, on the screening and design compatibility pieces, planning commission made the recommendation that that screening should be included in a way that doesn't harm the affordability benefits of the program and so what staff did was they said we need to do that screening and design on things like sf-5. What it doesn't account for is if somebody does let's say a community development cooperation does a house that's an Adu I don't want them to have to do more because they're in sfi if they're not building out to that entitlement so we're just trying to come up with something so that -- that the intention can happen that if you're doing, you know, more than sf-5 type development that you have to comply with the screening standards that typically apply in sf-5 but just because you're an sf-5 zone doesn't mean you're building an sf-5 building.

[12:22:01 PM]

We're trying to work on that because I think it's about a significantly larger building next to a significantly smaller one, not a zoning issue. Second, thanks in part to our housing staff asking people who are applying for dollars whether they would participate in affordability unlocked we largely have heard a resounding yes, except in the case of cooperatives, I think we need to add language to make it really clear that cooperatives can participate, in part some of the co-ops that we fund count as one big unit, and then they rent out leases to cooperative members, and we don't really have that written out and contemplated here so we're gonna try to put something simple together to make it clear if you're a co-op where half of your units are low-income units, that you can participate. So this process has been useful for identifying gaps like that. Finally we want smaller lots that are already zoned multi-family to be able to utility their mf zoning under this program. There's a lot of lots that are small mf lots and we want to make it really clear that we want them to be able to participate in this fully as well. To address some of the questions that were out there, councilmember kitchen, I think the "Or" question on the quarter mile is a good one. Essentially we were just hearing when we -- I was in the original resolution all "Ores" and it was partly because folks said we want extra if you're close to transit or extra if you do extra affordability and we baked those all in as ores. I'm open to making that decision on Thursday whether it's an or on the quarter mile or not. I haven't thought about it since then but thank you foraying that one. That's where that came from. The length of affordability in the original resolution we said if we end up extending the length of affordability for our projects generally, then it should be extended here. But I just wouldn't want to extend it here and not extend it there because then a lot of projects that have gotten financing at 40 years because that's what we told them to do, then we'd be locking them out of this.

[12:24:08 PM]

We have actually a stakeholders process as I understand it right now about extending that period, that length, and so if we extend it there then we should extend it here but we shouldn't, I think, set different expectations in different programs. And finally on the Ada parking issue, you know, we kind of punted that over to staff to work on it. I think they've come up with a really good process for saying it needs to be on-site unless the staff finds that it is best on-street and to just give it up to the staff to figure out when on-street or off-site is appropriate. I think that there are gonna be some instances where maybe that comes up, right, where somebody is doing an affordable homeownership to a family that doesn't have cars that maybe we don't force the on-site but we can find other modes of accommodations, whereas if it is gonna be serving folks with disabilities that y'all have the option of just continuing to enforce that on-site option. But if people have amendments to that section to what I think the staff have worked really hard on please do post them and I'm happy to look at them. I know people have been wrestling with it quite a bit, and some of the organizations that are part of housing works I know have adapt members on their boards and people that have been trying to figure out how to balance the real need of people with disabilities to get low-cost housing along with there are some folks that need that van-accessible parking and I know they've been working hard to balance that and I think we've struck the right balance generally but if people have suggestions I'm certainly open to those.

>> Mayor Adler: Any questions? Thoughts?

>> Kitchen: I have amendments.

>> Mayor Adler: Go ahead.

>> Kitchen: Okay. So let me speak to the parking first. And I can work on language, but my concern -- and I'm looking off -- I'm not looking at the actual ordinance, so there may be more precise ordinance language that I'm missing, but I think that -- what is my concern is the waiver.

[12:26:13 PM]

So I'm concerned about waving if there's parking in the vicinity of the development. I don't think that's precise enough. I think we need some parameters around what that means. I also have concerned about located within 200 feet because I don't think that's precise enough. And what I'm getting at is if -- you have to think about how the person -- let me use a wheelchair as an example, but it would apply to someone who is visually impaired also or others. You have to think about how they get in the car and everything that they have to traverse to get to where they're going. So that includes the quo of the -- the status of the sidewalk. It includes, you know, the curb. It includes quite a bit of things, as we all know. So this is, from my perspective, this is not specific enough. And then the accessible space cannot be provided and the size is ineligible to pay a fee-in-lieu, I would strike that. To my mind that is not sufficient reason to waive. So because anything -- I mean, cannot be provided, that doesn't mean anything to me. So, anyway, I'm going to suggest as amendments more specificity around the parking and I'll post that as soon as I can get that up and happy to work with any other councilmembers that want to work on that or -- so I think that that's important. So I also -- I may have some others related to

a minimum of at least one space, making that clear. So that all relates to the parking. I wanted to talk some about the penalties. And I had been thinking in terms of -- and, actually, I need to ask a question about this, but some penalty that relates to what I understand we do now if a program receives city funding, and that would be some kind of requirement related to either a lien on the projects or the authority to buy back or something like that.

[12:28:28 PM]

And so to ensure that we have the foreclosure rights. So do you have any comments on that right now or should I just bring that forward and you can consider it?

>> Patricia, city attorney. Yes, so however the city protects its interest when we're funding, typically that's a lien, that will continue. This does not change that. If we're not providing funding then there's no basis for us to impose a lien on the property. And so our option at that point is to get a contract and get something filed in the deed records to put subsequent purchasers and lenders on notice about the requirements. That is the scope of our options at this point. If using the hypothetical that I know has been floated out there that we assess a dollar and put a lien on the property for that dollar, all the landowner has to do is pay us that dollar and that lien goes away. So we would -- that wouldnt -- that wouldn't be sufficient to protect the city's interests as it relates to the number of affordable units for something that is not city-funded. If it's city-funded we're going to follow those same procedures with liens and everything that we do currently. This would not change that.

>> Kitchen: So what you're saying is that legally we're not allowed to put a lien unless we've put -- unless we've paid for part of it?

>> We don't have a mechanism to impose a lien, correct.

>> Kitchen: I'm not asking about a mechanism. I'm asking is it not -- you know, I don't know enough about when you can do liens. Are you saying that legally we're not allowed to put a lien?

>> Correct.

>> Kitchen: Okay. So legally we have no options to put a lien even though we're giving greater entitlements and allowing them to participate in this program?

>> Correct. But how we're handling that is the contract and the other document filed in the deed records. It's not a lien in what we typically think of a lien. It is still something that puts a subsequent purchaser on notice and also has the contract in place.

[12:30:28 PM]

So those are our mechanisms to enforce and to protect our interests in ensuring affordability for a site we're not funding. If we are funding, then there will be a lien imposed on the property as part of that process.

>> Kitchen: Well, I might talk to you further about some greater -- some greater enforcement mechanisms than just contractual enforcement. So we can take that off-line. I hear what you're saying about liens, so I'm just curious about a range of other options. Because I'm concerned that this level of enforceability is not gonna work for us. Or -- it's not that -- I'm not suggesting that

[indiscernible] Would be bad actors. I'm suggesting if we get into a circumstance where we need to protect the affordability in some way, I want to make sure that we have secure ways of doing that. And I'm -- I have concerns about what we're doing right now. So we can talk further about that. So then let's see. So my next one then would be about the greater than 40 years. I hear the conversation about revisiting that later, but I would feel more comfortable if we put some language in the ordinance right now. So even if we just say greater than 40 years or longer term as determined by policy or something like that. I just don't want to let it go at this point without acknowledging a longer period. So that would be a third one that I'd be interested in. And then -- let me ask about str. Are these -- a question has been raised about whether these units could be used as str.

>> So the question that I understand is are five -- or the issue that's been raised in the community is including in the ordinance a provision of using the property as a short-term rental.

[12:32:32 PM]

So we have some natural mechanisms in place that actually address that. If we are funding the development we can put a condition as part of that loan that you do not use the property as a short-term rental. Second, the council has -- is not allowing new type 2 non-owner-occupied in residential areas and the existing ones phase out April 1, 2022 provided no state legislation passes between now and then. And then on top of that, if we have for a type 3, which is our multi-family situation, we do have some density bonus for str but because a landowner has to prove they've met all of the income certification requirements and they've met the affordability, if they were to use that property as a short-term rental, even a significant portion of it, I don't think they can reach that standard for -- so they would be in default even just on the minimum affordability requirements. Secondly, if they have one or two units that are used as -- and those are their market-rate units as str, that's the same rate that any landowner has in a type 3 provided we haven't maxed out any of the densities. As it relates to type 1, owner-occupied, I would be concerned if we are making a distinction about using a property as a type 1str because of your income level. So just to be frank about it. So I would have some co about that and if that's something the council wants to explore we need to probably think about it a little bit more because I do have that concern.

>> Kitchen: I'm more concerned about the type 2 and type 3. So -- str. Because what we're trying to do is increase units that are available for people to live in, which type 2s and type 3s doesn't necessarily get us there. So I hear you saying that type 2s are already being phased out and wouldn't be allowed, so they wouldn't be allowed in this circumstance.

[12:34:40 PM]

Is that what you said?

>> Correct.

>> Kitchen: But type 3s I just heard you say that they would have the right to use it for a type 3.

>> They could use some of the units. They have to ultimately meet our income certification and our minimum affordability requirements. I would guess that they cannot do that by using the site solely as a short-term rental or even the amount allowed in the code. But even if they are, provided they are still providing us those affordable units, we're not restricting market-rate units. And so however they fund their market-rate units is not the concern from an -- from this particular program's parameters because we want to ensure that they are renting to the proper income evenly households and that they're doing all of the units they're supposed to be doing. So we have some natural -- natural ways to address that without specifically calling out in this ordinance, because of the way that the type 3s are just even addressed in the code currently.

>> Kitchen: Okay. Well, I would take a different point of view on type 3s because I think that our goal here is more units. And market-affordable units are important, too, so that people can live in them. And so I don't think that it's our goal with this kind of program to make more units available for str purposes, and so I think it's perfectly appropriate for the council to make that policy decision and so that's something that I'll be interested in supporting if others want to bring that kind of amendment or if not I'll be happy to bring one myself.

>> Mayor Adler: Kathie, Leslie, Alison.

>> Pool: Thank you.

>> Renteria: Mayor, are we gonna have lunch?

[Laughter] I mean --

>> Mayor Adler: Okay.

>> Renteria: We've been working on this one until -- we still have two other items that we have to go through.

>> Mayor Adler: How long are the next two items?

[12:36:48 PM]

Small? What about variance?

>> Kitchen: That's very small. I could just post what's gonna happen there.

>> Mayor Adler: How much -- do we want to break for lunch or try to finish the conversation on affordability unlocked?

>> Pool: Finish.

>> Break.

>> Tovo: It really depends. I don't have a sense of how much longer.

>> Garza: I'm just curious how much of this conversation can happen off-line for the councilmembers that have additional questions about what they have questions about.

>> Mayor Adler: Do you want to flag issues?

>> Tovo: I'll just say I have a concern along the lines of the one that councilmember kitchen just raised, and I am interested in creating or supporting or asking the staff to construct an amendment with regard to type 3 short-term rentals not being permitted in this. I think there are -- they're participating in a program. We may be providing some bond funding to them. They're getting entitlements they wouldn't receive as a regular market rate project and I think we have every right to come back and say we want those units to be housing units, not short-term rental units. If I'm correct, I think type 3 allows up to 25% of their units to be --

>> Yes.

>> Tovo: So, you know, if you do 50% of your units affordable you could do 25% as short-term rental units, and potentially --

>> Just to be -- so we're clear if we're providing funding and that's prohibiting them from using it as a short-term rental, is a condition of loaning funds as opposed to just kind of the natural operation of str regulation on -- in property so I just want to be clear, if we're talking bond funds, then that would be a condition, and I believe my understanding from staff we already do not allow for them to use a bond-funded or city-funded development for short-term rentals.

>> Tovo: Could they not come back and say your bond support helped create the affordable units, which are 50% of the project, there is no bond funding in those 25% of the units that are short-term rental units?

[12:38:51 PM]

>> If the city provide sort of funding for the development, then that could be a condition of receiving city funds. If we're talking about a purely not subsidized at all development, then we don't -- the way this is crafted so to make sure we get the minimum affordable units for the period of time. So if we're just talking about someone who is doing this development and they don't need any city funding whatsoever, the natural requirements for type 3 would be imposed on the property. But, additionally, they still would be required to prove that they meet the affordability standards that we're imposing as-is.

>> Tovo: Sure. I understand all that. It wasn't clear to me that in our bond documents or in our loan documents currently that we are prohibiting that use, so that's -- I'm interested in that information, and I'm glad to hear it. But I am interested in not letting the natural order take place here and in making sure that if they're participating in this program that they are not using their units as short-term rentals if they're in a type 3 setting.

>> Mayor Adler: Leslie.

>> Tovo: So we can. . .

>> Pool: Yeah, I'm in the same place as Ann and Kathie are on that. I'm going to be probably bringing a -- an amendment to cover the cooperatives that we've been talking about. I was looking at the internal revenue service circular with guidelines on what they call safe harbor and it talks about how cooperatives are permitted under irs rules to be a nonprofit and this would lead us to a place within the city, I think, to include cooperatives in our listing, not only in this document, but in other documents where I was hoping to collide and enumerate cooperatives so I'll bring some language along those lines.

[12:40:55 PM]

I would just point everybody, if you're interested, New York City has -- they named their department the department of housing preservation and development. Which I think is a great title. And it's in their office of development division of new construction finance, and they have what's called housing preservation and developments open-door program. And this allows new construction. Their program will fund the new construction of cooperative and condominium buildings, affordable to moderate and middle-income families. And then they have various different requirements and guidelines listed here. And I think that this program, looking at it, the model, can help us retain, aside from other things, not just new construction buildings, but also for older homes that may be in line for demolition could be purchased by a cooperative nonprofit and then renovated so that different folks could live in that home as a cooperative. So I think with the irs guidelines and also from some modeling from New York City we may be able to find a way to help the effort in Austin that is along the lines of cooperatives, and I think, councilmember Casar, we may be able to find a way to facilitate that in here. Because, as I understand from previous staff presentations, the fact of a cooperative has been called a financing scheme and the staff was offering that up as saying we shouldn't be including cooperatives in our enumerated list of different kinds of housing, and I'm pushing back on that. And -- because I think it helps to achieve some of the goals that we're looking for. So I'll bring an amendment along those lines.

>> Mayor Adler: Great. Thank you. Alison.

>> Alter: So quick question for staff and then a question for councilmember Casar.

[12:42:58 PM]

So on page 7 of 12 I want to make sure that I'm understanding the D with the \$500 fine. So knew I'm looking back at it again, if they don't satisfy a, which is verifying the affordability, then it becomes a \$500 per day fine, not just a \$500 fine. Is that correct? So it's per day, so over time it could add up to significant money. Is that correct?

>> As with all municipal court cases, we assess by the day for the violation.

>> Alter: When I first read it I thought it was just a \$500 fine so I was thinking this wasn't really having any teeth so I just wanted to confirm in LE reading it that -- rereading it I'm correct in my new interpretation.

>> If we filed five cases against that property owner because they haven't turned in their verification documents they could be potentially fined \$500 for each one of those violations.

>> Alter: Okay. And am I right that, you know, should we find -- I mean, I think this is designed for our affordable housing folks who we've worked with in lots of different ways, we're not expecting them to go rogue on this, but that if we proceeded and we saw that all of a sudden we have a whole bunch of new actors that are coming forward, taking advantage of this who are not that group, that that would be brought to council's attention and that that would be considered in calibrations for density bonuses or for other areas where we're trying to do this so that should we suddenly realize, oh, we really got this one calibrated great and not only are we getting the usual suspects but others -- and I knows that wishful thinking. I'm going down that line, which is I think part of a concern that I'm hearing, that we would be having that feedback loop with staff, that we would be getting that information so we could continue to calibrate moving forward.

>> Yeah, we can track and report on who is using the program and what is being generated.

[12:45:04 PM]

>> Alter: Okay. I think that would be helpful and then we'd be able to see early on if there are some opportunities to change things in either direction as we need it. And then my question for councilmember Casar, I was wondering if you could -- I didn't fully understand your amendment three with the smaller lots that are already multi-family and allowing them to take advantage exactly what you meant, so if you could provide another example.

>> Casar: I realize it's lunch, but -- [overlapping speakers] I know you want to get lunch so I'll try to be quick. If you have a multi-family site that is small enough, say 6,000 square feet, sometimes then you can't take it -- oftentimes you can't build very many units on it even if it's multi-family zoned. And so there was some question as people looked at the ordinance about whether or not your base entitlements are multi-family or your base entitlements are, say, a duplex or fourplex or whatever it is based on the size of the mf site and we want to make it clear we want the base entitlements to be that base zoning category of mf on the bottom. And while I have the mic I just -- because there was a good handful of things that went around, I do -- councilmember kitchen, as you talk to staff on the off-site Ada parking issue, my understanding is that currently you can do off-site Ada parking to accomplish some of our goals, and so what I would just ask is as you craft that to try -- my preference would be to

mirror how we currently handle off-site Ada parking rather than multiple off-site Ada parking requirements. From my recollection, I could be wrong, the current off-site Ada stuff makes it so you do need to be able to have an accessible and clear path within a certain number of feet from the off-site location to the housing, and so I'm not trying to craft language here, I'd just suggest that we try to line those up the best we can so affordability unlocked -- what I've been trying to do is make sure affordability unlocked doesn't have a separate set of requirements from our city code that has a certain set of requirements as it relates to something like Ada or affordability period, what have you.

[12:47:21 PM]

And I think on enforcement, sorry, just because -- that we went around the table on this, same issue, I would really just want to make sure that we don't -- that if we're concerned about enforcement of this that we be concerned about enforcement of all of our different affordable housing programs and do our best to ramp up -- if we see any gaps in enforcement we ramp up holistically and make enforcements -- our concerns should be across all zoning categories and all funding mechanisms so, again, I would invite everyone to work together to try to best -- I think we all have a joint interest in best enforcing our affordable housing programs. I just don't want to pile on to this program in particular if we have concerns about how are our restrictive covenants are enforced we should have concerns every Thursday when passing zoning cases, not just when we're trying to develop affordable housing developers.

>> Alter: I would like to do a follow up to my question on that if I might. So with the multi-family and taking advantage of that, then any controls like impervious cover, et cetera, that they had in the base zoning would still be applying. You're suggesting that within the confines of -- there's nothing because of the small lot with this if it has a base zoning that makes it immune to the impervious cover, which we kept the same for all of these. So they might be able to do more -- they'd be able to do more than a non-multi-family but they have that right for the zoning.

>> Casar: Right. This ordinance in the resolution we passed specifically said we're not gonna change impervious cover allowances and we didn't even collide building cover, when the mu does in the ordinance. There's a question about which base -- how does base zoning apply on different lot sizes and we want the mf base zoning to apply when it's mf zoned, sf when sf zoned.

>> Alter: It's really a question of making sure that lot sizes doesn't affect the base zoning but it -- does it currently affect the base zoning? I'm trying to understand why you're worried about that.

>> Casar: Because there are smaller lots that make it difficult that under -- when you're mf-zoned if your lot is small enough then you can't -- you oftentimes can't build out to your mf zoning on certain lot sizes once the lot is small enough so there was some question of, well, is the base then what you can build under some of our lot size for mf sites rules or is it the base zoning?

[12:49:45 PM]

And I just want you to be able to build -- have the base be the base zoning. So if you are a small enough mf site, then you oftentimes can't take advantage of your mf entitlements and so the question is, is your base built up -- is the base for affordability unlocked those reduced entitlements oase for affordability unlocked your mf zoning and I want it to be your mf zoning.

>> Alter: I think I might need you to provide some --

>> Casar: Yeah, we've sent that directly to --

>> Alter: Because I -- I mean, I don't -- there's still gonna be constraints on the size of your lot and what you can do even if you have affordability unlocked, you're not gonna be able to do 100 units on 6,000 feet even if technically you had that much acreage because you don't have the acreage.

>> Casar: We submitted sort of our idea of what the language could look like to law and I hope we'll have it back today so you'll see it up on the message board.

>> Alter: That would be helpful. I'm not sure that I object to it. I'm just trying to understand where you're going with it and what's motivating it.

>> Mayor Adler: Okay.

>> Tovo: Do we have a sense -- I guess maybe this gets back to the chart that I asked for last week, that then somebody on Twitter found about lot sizes. Because I am somewhat interested to know how many -- so if the minimum lot size for mf properties is 8,000, as I understand what you're saying, even if they're under 8,000 square feet they wouldn't currently -- if they're under 8,000 square feet they can't currently build out to mf requirements but would be allowed to do so -- really we're lowering the lot size for mf properties under the amendment that you're bringing forward. And so I would be interested in knowing, is 6,000 what you're saying? Or are you saying there's no minimum lot size, if you have mf zoning you get to build out to mf entitlements? I mean, we have a lot of properties throughout existing neighborhoods that have mf zoning for some reason that haven't been developed that way at all.

[12:51:51 PM]

And so that is potentially a whole new universe of considerations. So are you suggesting no lot size, there would be no lot size minimum for mf properties?

>> Casar: So I think we're, again, trying to figure out what the right wording is but essentially, yes, some people have asked -- have an mf zoned property but the lot size is under 8,000 square feet, is the base for affordability unlocked the mf zoning or is it the reduced zoning because your lot is less than 8,000 square feet? And I want the base to be the mf zoning so regardless of whether you are under 8,000. How that interacts with our 4,000 square foot minimum lot size pre1946 or our 5750 lot size, instead of getting into -- if you apply to this year, that yeah, that's why I'm trying to simplify it as if you have mf entitlements we want the base of affordability unlocked to be your mf entitlements.

>> Tovo: Which would mean if you 1/2 to have mf-6 on a lot currently under 6,000 you couldn't build out anywhere need that but under this proposal achieve a height potentially of 120 feet.

>> Casar: Right. So the question being, in that case if we're worried about somebody on a 5,000 square foot lot building 120-foot building, which I just don't think what anybody here is considering or worried about.

>> Mayor Adler: Okay.

>> Pool: Is that permitted, though? I mean, under this language? Which I think is what --

>> Casar: I don't know of any mf-6 zoned lots that are the size of a single-family lot and if we start going to those extremes I think we're not handling the substance of what we're trying to debate on Thursday.

>> Tovo: My guess is we will see -- we will see some M -- certainly see mf categories on pretty small-sized lots. I don't know how -- whether they'll be mf-2, three, four, but there certainly will be some -- I would guess they'll be in your district, Pio, in mine.

[12:53:59 PM]

They'll be in a lot of our existing neighborhoods. There is spotty mf zoning intermixed with sf and they've been developed as all kinds of different categories. So it's just worth -- it's worth having some sense of understanding how many mf properties we have on lots smaller than 8,000.

>> Mayor Adler: Okay. Anything else on this? Let's hit the last two items --

>> One clarification really fast.

>> Mayor Adler: Yeah.

>> We do put restrictions on buyers of our community land trust properties prohibiting short-term rental or restricting short-term rental. I will need to clarify what our bond documents -- our loan documents say. I just wanted to point that out.

>> [Off mic]

>> Restrict your ability, yes, no problem. With respect to enforcement I think that's an important one and anything we can do to strengthen that because we hear that in other areas broadly applied, not just to this. Maybe there's a way for us to come up with liquidated damage provisions or contractual provisions to make it easier to be able to execute on damage in that kind of instance. I'll think about that, too. Anything we can do to make it more automatic and more certain, that would be easier to do, might help with enforcement as well. Anything else? Okay. We're done. Let's hit the last two items here. You pulled item 32.

>> Flannigan: Yes, this is the zoning case. I just wanted to thank my colleagues who took the time to meet with some of our community members and the applicants on this. It's my understanding that the applicants will be filing an amendment, which will reinstitute this process. We will not be deliberating this on Thursday. It will be indefinite postponement. It won't mean we'll never have to deliberate it but at least it won't be this week.

>> Mayor Adler: Okay.

>> Tovo: Can I ask what their planned amendment is?

>> Flannigan: I don't know what they're contemplating until they do it so we'll see.

>> Mayor Adler: Okay. Ann, you want to hit the last item.

>> Kitchen: Okay. Last item relates to property on invernness.

[12:56:03 PM]

The -- I'll note that there's a valid petition concerns relate to not so much to that zoning but to code violations, and what is perceived as a lack of compliance with code. So I'm going to be asking that our code department work out a solution with the applicant. It's only in front of us on first reading. So I wouldn't think it would be appropriate to go forward withf it wasn't on first reading, but it is only on first reading, and so I'm going to ask our code department to work out a solution to those issues with the applicant. So I just wanted to let everyone know that.

>> Mayor Adler: You anticipate this moving forward on first reading only?

>> Kitchen: Yes, I'm okay with it first reading only but only with that direction and only with understanding from code compliance that they -- that, you know -- and my understanding is that that direction is -- they consider that to be appropriate direction.

>> Mayor Adler: Okay. All right. Those are all the items that I think we had, so with that, council will now go into closed session to take up 551.071 of the government code, city council will discuss legal matters related to item e3, security, safety and public access in city facilities, e1 and e2 withdrawn. Hearing no objection here at 12:58 we will now go into executive session. We will not be coming back to this room except to close down the meeting.

[Executive session]

[1:55:25 PM]

>>Mayor Adler: It is 1:55 PM and in closed session the Council discussed legal matters related to item: E3 and now that's over I am now adjourning this meeting.