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[12:15:36 PM]

>> Mayor Adler: All right. Let's go ahead and start this meeting. It is December 4th. It is 12:14. This is our work session on the land development code. Colleagues, as requested, we're going to try to do this with a hard stop, 4 hour hard stop would have us stopping at 4:00, up to maybe 4:14. No later than that. We're going to start with an hour presentation, up to an hour presentation of staff with the things that have been identified for us to go over for a ratio, the additional modeling, missing middle housing, environmental and administrative process and then we will have an hour that we can ask questions on that. I'm going to take that 60-minute time, divide it by whoever is here and you will have that many minutes in that questioning period of time. That gets us to the last two hours, 120 minutes, divide that by the people that's here, we'll structure that conversation by going through the six areas that

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we got from the planning commission, but you can apportion your time however you want to and I will liberally let people introduce topic areas in broad areas -- their area in the topic areas as they see most appropriate. 120 minute, the last two hours. So everybody will have roughly 10 or 11 minutes to be able to go. All right. Let's go ahead and get started then. Rodney, I'll turn it over to you. Good conversation yesterday. I would remind everybody that -- watching that we have the opportunity for public hearing -- public meeting on Saturday. We're going to start at 10:00. I am handing out something now. I would propose that every

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speaker gets two minutes each. That we allow there to be donated time of one minute each, a max of two donations. That gives somebody four minutes being able to speak. We would do it on Saturday and you have to sign up by 3:00 to be able to speak to that we can gauge the rest of the day. On Monday we'll begin our meeting on first reading, again with public speakers, and I would propose at that point that everybody who speaks on Monday speaks for a minute and that there is no transfer of time and we have the same 3:00 sign-up. That's what I've handed out to you here today. It would be my intent to put this up on the message board if we don't hear otherwise. >> Alter: Could I ask a quick question on that. We have some folks asking if they sign up how will they know when they're going so they don't necessarily have to stay around all day?

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Is is there some mechanism that the clerk has to help people find their name or if they miss their name, is there going to be an organized process that the clerk can have so that's clear for folks? >> We will do what we've done before is if somebody signs up and I call their name and they're not present, that means they're not giving up their spot. So if they show up later, we're on the list and didn't get a chance to speak, we'll still give them a chance to speak. Beyond that, your question, I'm not sure we have the capability to like -- we can't predict who will be there and not be there. >> Alter: I understand it's not a perfect thing, but is there a way for there to be a computer with somebody who can help folks see how many people are in front of them or any way for them -- because they can't see the speakers' list. I don't know if you're taking just the order or you're going to be going pro or con or how that's working in this case.

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>> Mayor Adler: Generally speaking I try to do that within a close universe so that we're not hearing all from one side or the other and so they have a chance to be able to react to one another. I guess what I could do is I'll be a lot more verbal about where I am on the list so that people can see the numbers and where we are. >> Alter: Thank you. I think it would also be great if there's some mechanism for folks to be able to look at a computer to get a sense of how many speakers there are for that. >> Garza: Sorry. Can't they always walk over to the clerk's desk and do that. I've seen people do that before? >> Alter: A lot of people don't know how to do it. It may be fine for them to be able to go over to the clerk and ask, but if we could have some signage or something if that's the choice. >> Mayor Adler: If there's something the clerk can do, that would be great. Otherwise please remind me and I'll be a lot more vocal about all those issues announcing it from the chair. >> Alter: And then on Monday are we starting at 10:00? >> Mayor Adler: Monday we're starting at 10:00. >> Alter: And Saturday as

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well. >> Mayor Adler: Saturday starting at 10:00. As you will recall, I'm going to -- calling a special called meeting on Tuesday, also on Monday and Tuesday in case we're in a position able to to deal with motel and we have a special called meeting on Wednesday to do the land development code. If we're still working on the land development code come Wednesday. >> Alter: So our hold over for the land development code is not Tuesday? >> Mayor Adler: Certainly lawsuit gives us the ability to hold over until the next day. We're not planning for that time, but the law allows that to happen. >> Alter: I thought that's what we had said and I planned my schedule so we could have that day. It. >> Mayor Adler: I think because the allow laws that I think we should be ready for that, but we're certainly not planning for that or programming for that because we're not planning to avoid or go through anything. The allow laws us to extend to the next day. >> Alter: Let me say my

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preference would be that we continue on Tuesday and not skip to Wednesday if that's a permutation that's considered. >> Mayor Adler: Noted. I think everyone wants to be done that way. Yes, Kathie? >> Tovo: Two other things about Saturday. I wanted to point out and I hope it's in our publicity on Saturday that there will be on-site -- let me make sure I use the right language. On-site child supervision. We did that at our town hall that was here for the land development code and it was very successful and I believe it will probably be in the boards and commissions. So that is staffed by our pard staff so people with children can come and have their children over here playing games and other kinds of things while they're across the hall. It's also my understanding that the animal center will have their animals here, so it will be not really a furs day because it's a Saturday, but they will have their mobile vehicle and have -- >> [Inaudible]. >> Tovo: Very good. Last time they only brought dogs, but nevertheless.

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It will be a great opportunity hopefully for some of those animals to find homes while their new families are down here talking about the land development code. So thanks to our staff for working together on those ways of really making it easier for families to come, but also providing opportunities to try to leverage -- >> Mayor Adler: My staff is listening. Pleased a the two things that Kathie just indicated on to the message board post so people can see it. And in addition to that, we're also going to offer Spanish translation services at certain periods of time within the day, probably not for the whole hour, but within blocks of time and we'll identify when those blocks of time will be. >> Thank you. Mayor and council, Rodney Gonzalez. Ty for the opportunity to provide information about the land development code revision. We have a number of team members here who are ready to talk about the land development code revision. To your point earlier mayor, the presentation in front of

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you is approximately 50 minutes to an hour and we appreciate the time to go through the presentation and then to entertain questions following the presentation. With that I will turn it over to code lead Brent Lloyd for a walk-through of today's agenda. >> Thank you, Rodney. Thanks, mayor and council. We're excited to be here for this final work session before the public hearing. And we have a lot to cover and I just want to briefly kind of give a roadmap of what we're going to talk about today? Most of the content of our presentation is a follow-up on the information provided in the second supplemental report. The first item we're going to look at is recalibration of floor area ratio. As we mentioned area, concurrent with reviewing the preservation incentive and trying to better scale that to the council's goals, we also looked at the general floor area ratio

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requirements that apply within the missing middle Zones and we'll supply some robust information on the proposals as well as some additional modeling for Zones that have so far not been modeled. I think you will find the drawings and the renderings a useful point of reference. We're also going to discuss the approach that was presented in the second supplemental with respect to the missing middle housing. We're going to specifically look at transition areas and the changes that have been proposed in response to the unique issues that are presented by residential corridors as well as areas that are vulnerable to different levels of gentrification. And finally on that topic, we're going to talk about potential criteria for increasing the supply of missing middle housing in high opportunity areas. We're going to talk then about some of the environmental and flooding issues that we know are of interest to council and the community.

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And finally, last but certainly not least, we want to talk to you a little bit about some process issues, some administrative procedural issues that so far we haven't had an opportunity to really check in with council about and we look forward to the opportunity to kind of daylight some of those issues. So with that we'll turn it over to Peter park and Laura Keating. >> Hello, Peter park, consultant working with the staff. So we'd like to start off discussing some of the recalibration work on F.A.R. And I would like to say that the purpose of examining the F.A.R. And the calibrations that are F.A.R., are really about prioritizing, getting more units, not necessarily getting larger units, but getting more units in places where additional capacity is allowed. We'll also discuss briefly

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the calibration of F.A.R. Related to attic and garage exemptions. That in the October 4th draft. We're not counted into F.A.R. Calculations, but we are looking at putting it back. With that I'll hand it over to Laura Keating. >> Thank you, Peter. So>> So we have the notes from the October 18th -- November 18th work session and we have posted them on the website this morning. We want to go through the ones that include some of the F.A.R. Recalibrations we're thinking about. That's also included in the second supplemental staff report. We have two buildings that

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are designed under arm one as it's discussed in the October 4th draft. On the left is a three unit building and on the right is a four to six unit building that can accommodate, you know, more units and different unit sizes. Then on your far right again is a -- we've included the mcmansion tent under the code to show what could be built under current code in comparison to the newer buildings. So in an effort to incentivize more units and not necessarily larger units, staff is considering reducing the F.A.R. For three units in the rm 1 zone and this is showing the outcome of that change under that building design.

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Also in the October 4th draft the staff reduced the number of duplexes in the r2 Zones beyond what you can do today. The intent of this was also to disincentivize one for one replacements. By after further testing and studying, we've found that it would result in very large duplexes in some cases, so we're considering changing the F.A.R. Back to what is allowed in current code for two units on a larger lot. This would include lots 7,000 square feet or more. For smaller lots, we're still studying what the allowable square footage should be allowed, and that's a way to continue to incentivize more units. And disincentivize one for one replacements. Another element of F.A.R. Calibration that Peter

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mentioned is how it's counted. So under current code the mcmansion ordinance -- the mcmansion standards include attic and garage in F.A.R. With partial exemptions and they count double height spaces twice towards F.A.R. The intent of these regulations are to reduce the massing and scale of buildings and to ensure that they're house scale. So for the residential house scale Zones, staff is considering similar F.A.R. Calculations. We want them to be simpler as compared to current code because it's very complicated to calculate today. We're also going to look at in existing houses how attic space could not count towards F.A.R. To allow people to finish out attic space and create more usable space in their home or create an Adu. Staff is also continuing to

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work with design professionals to model and calibrate the Zones. Using the architectural rotation list from public works, we have been modeling more of the Zones starting with the missing middle Zones. And the goal of this work is to refine the Zones, to do a quality review of the draft text, and to produce likely outcomes and the market conditions. This shows r4 on a 9,000-foot lot which we had not tested this zone on this lot size before. This next one shows the same lot size designed under the rm 1 zone. With that I'm going to give it back to Peter to talk about mapping.

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>> Thank you. So next we'd like to discuss some changes in mapping of missing middle. And as Brent mentioned earlier, primarily in two ways. First, refining the approach to mapping of transition areas in ways that more specifically address equity and displacement. And the second is looking at expanding opportunities for missing middle across the city. And so with that I'll hand it over to lacy Patterson and she will walk us through these. >> Good afternoon, council, lacy Patterson, planning and zoning. So per council direction in the October 4th draft that

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was released, missing middle Zones were mapped in transition areas and on transit lines in high opportunity areas. And the two Zones that were used to comprise these rm zone mapping were r4, which allows four units by right, up to eight with participation in the affordable housing program, and potentially up to nine with the preservation incentive. The other zone was rm 1 which allows six units by right up to 10 units with participation in the affordable housing program. And potentially up to 11 with the preservation incentive. One thing to note is that it's important to remember unit count does scale with lot sizes. So as we're talking about these missing middle Zones and the unit counts associated with it, always being cognizant of the fact

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that unit counts are often dependent on the size of the lots. So this methodology that was used for October 4th after we've worked with planning commission and talking with community members, we are recommending or proposing within our supplemental staff report to take a nuanced approach, morphine tuned nuanced approach to mapping missing middle Zones, as Peter mentioned. One of those

areas where we are taking a nuanced approach is along residential corridors. So here we have an example of what that could mean. Duval is the corridor pictured here on this slide. The image on the left shows the transition areas that were mapped in the October 4th draft. As you can see, if I --

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there is a section of rm 1 that is mapped on the corridor lots and the adjacent lots, and r4 mapped on the other two lots to complete the transition area mapping. Demonstrated on this map is how lots were counted to create the transition area for the October 4th draft. The lots counts start at the lot adjacent to the corridor, or as this image shows, starting zero and then one and two to three to count up to three lots of a transition area. The proposal that we are bringing forward from our staff report, is to count the corridor lot as part of the transition lot count. And what that means is instead of starting at 0 on the corridor, moving up from one to two to three, starting at one on the corridor and then counting

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to two to three, on these corridors that are considered majority residential. This will essentially reduce the transition area as shown in the image to the right. Another example is infilled. Once again the image to the left is the transition area as of October 4. The lot count to count up to four lots of transition area starts at the lot adjacent to the corridor. So zero is the starting point on the image to the left to counting up to zero one two three four lots to create the transition area. The proposal on the right is -- as in the last image, starting the count for the transition area lots at one on the corridor. So you see one -- two lots of rm 1 and then two and three lots of -- two lots of r4 to create four lot depth

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transition area. There are other areas where we're making proposals to apply a more nuanced approach to missing middle mapping. On October 4th, staff mapped transition areas of r4, two lots deep, in areas defined as vulnerable to displacement in UT's uprooted report. On October 4th these areas were all treated the same in the application of the transition area mapping. The updated proposal is to differentiate the methodology of transition area mapping based on the different gentrification typologies within these vulnerable areas. The gentrification typologies include late, dynamic, early type 1 and susceptible. Please vote the report does

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include an early type 2, however it is not found within the city limits. An example of what this methodology includes will first start with areas that are considered dynamic typology. And in the supplemental staff report we are proposing to apply r3 as the missing middle zone for these areas. The map to the right has these areas -- shows these properties in green and expanded to highlight sort of in the -- where these proposals apply. So moving forward, this is how reminiscent of the previous slides, how r3 fits in with the other two

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missing middle Zones mentioned before. R3 allows up to three units. There is no affordable housing bonus program available and it can reach up to potentially four units allowed with the preservation incentive. An example of this on the ground. We look to south first street just south of St. Elmo. On the image to the left you have mu 1 as the corridor lot. Two lots of r4. The image to the right proposes taking those same two lot depth transition areas and incentive of applying r4, applying r3. Currently r3 draft does trigger compatibility, however we will continue to

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review how to reduce the impact of capability on the corridors through this methodology. The other typologies of gentrification that we are reviewing are called susceptible in early type 1. These are highlighted in the map also as green and expanded for better viewing. We are proposing to apply the comparable zoning in this area, which would be r2 B or r2 a dependent on the context. And in conversations with the uprooted awe Thursday and members from the community, it is believed that this could help to not hasten the displacement pressures in these areas. What this could look like on the ground is this hogan street and montopolis. On the left you have a

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corridor that turns the corner. So the transition area in the October 4th draft here shows three lots' depth of r4 -- two lots' depth of r4 transition area. Again, counting the corridor lot as zero and then the adjacent lot 1 and then next lot two. The supplemental proposal as shown on the right is to apply the comparable zoning to today, which is a form of r2. Next are areas that we're talking about of potential reduction. We're talking about where we're looking to expand missing middle mapping. In areas that are considered high 31 through the 360 high opportunity index that was mentioned before, there are a lot of options on how we could look to increase missing middle housing in these areas.

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If you look to the map on the right, it takes the previous areas of gentrification typologies and where missing middle Zones are mapped. In October 4 and also how they interact with the areas that are considered high opportunity in sort of the tan, golden brown. Some of the ways that we are considering adding more missing middle in these high opportunity areas is to look at certain criteria. And this criteria is derived from communications with the community and also through planning commission recommendations. And includes schools, parks, grocery stores, corner lots, the 2016 mobility bond funding, and imagine Austin centers. One thing to consider is

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that PC did recommend removing compatibility from centers and should council move to approve that recommendation, it does open up an avenue for mapping more missing middle near these centers. And something we'd like to go through fairly quickly, something we haven't had a chance to talk through, is the imagine Austin centers themselves and their characteristics, so I would like to run through a few just very quickly. As you can see here is an image of the lakeline imagine Austin center. It is hashed in black so that the outline of the center is clear. There are a lot of centers that are already very highly entitled, and this is an example of where there is -- there's a train station here that is a pud zoning, and then the other properties adjacent to the pud in the highway are already zoned -- proposed for mu 5, our highest mixed use zoning

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capability. And there is minimum opportunity for residential -- missing middle residential mapping due to lack of access and just the fact that this is already a very highly entitled center. Another example is Lamar and rundberg. Lamar and rundberg has two intersections -- is an intersection of two imagine Austin corridors. So we have already mapped as part of the October 4th draft transition areas in missing middle Zones in this area. However, this is an area that is considered vulnerable to displacement and falls within the susceptible typology of gentrification. So we do believe that we have maxed out our mapping of criteria for mapping transition areas in centers such as these.

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Next example, many centers -- few centers are puds or other regulating plans, so a quick example here is Mueller. And Mueller has a high amount of corridors running through and around, so in transition area mapping and missing middle mapping was applied to these corridors, however the center itself is fully pud and cannot be rezoned through this process. Another example I'd like to highlight is pud only. This is

its whisper valley -- this is the whisper valley imagine Austin center and it is whisper valley pud and it is also -- does not have any residential opportunity for zoning or any zoning adjacent to it. And I don't have an image here, but I would also like to bring up at this point is there are centers also that do not have any zoning. So they're outside of our zoning jurisdiction and cannot be -- cannot be zoned through this process.

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There are opportunities to where we could look at applying more missing middle zoning around centers and oak hill is one example here. There are -- there's pud and mixed use zoning within the center itself, but there is also high opportunity residential that in the October 4th map was mapped with missing middle along the transit lines for that methodology, but can be reviewed for how missing middle could really work and interact with the center. And lastly, 183 and Mcneil is another example of though the majority of the center itself is highly entitled, there is to the south an area of residential that has opportunity for missing middle mapping. Things to note here is jollyville is an imagine Austin corridor and has transition area mapping.

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Also, if we were to map more missing middle in this center, it does deviate from the two to five lots' depth that was defined in the may 2nd direction. Just something to keep in mind as we talk about adding more missing middle, it does deviate a bit from that direction. And those are all the examples that I have. And I'll hand it off to Andrew to talk about environmental issues. >> Good afternoon, mayor and council. I'm Matt Holland with watershed protection and this is Andrea bates, also watershed protection. We wanted to answer some

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questions you have about the environmental considerations for the code. And the first deep dive is going to be into local flooding, a major concern in the community, and a major focus of our department. Basically we have maps about 147 local flood problem areas around town. In a second I'll show you a snapshot of one of the -- of our website that shows where those locations are. And so those are publicly available. And I'm going to talk a little bit about what is going on within one of these that we've studied very closely and that we believe is a pattern that we're going to see in other areas. And we know that the council is interested in seeing is the mapping appropriate of these new zoning mapping classifications within these local flood problem areas. We believe the main drivers of flooding within these areas is that we have this pattern where you have

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structures that are -- legacy structures probably built in the 40s, 50s, 60s, before we had modern flood regulations. So we have structures too close and too deep in the waterways and drainage ways and we have inadequate conveyance often times because they have older pipe systems prior to our modern infrastructure standards. We have this important proposal of a Greenfield flood standard for redevelopment projects that we're proposing for the code. That will definitely help some of these areas. Not all of them. Not all of them are affected by them and we'll talk about that a little bit as well. But mainly the most obvious way to address these issues is through a capital improvement project, and we do actually have many of these planned for these areas. In fact, this is the system we use to plan for our capital program and we actually looked up the number, the amount of appropriations in our spending plan, and we're slated to spend -- invest

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around \$100 million in the next six years in local flood problem areas around town, just the local flooding alone. If you Google the watershed protection master plan problem score viewer you will get a little viewer like this, and if you click down there's folks out there in TVLAND will click down a couple of notches and they will get to this local flood page and you can pan around and look at the whole city on this page. We'll focus on -- for today's discussion we'll talk about this Dell cuerto flood area in south Austin. You can see it's near south Lamar and Ben white, along south Lamar boulevard. It is along a corridor, one of the corridors. So the problems that we're seeing out in the -- again, obviously we have houses too close to the waterways and we also have a lot of legacy projects that have -- high impervious cover and no

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flood solutions, no drainage solutions from a modern perspective. So our cip and our green fields proposal are both going to combine to synergistically upgrade drainage systems and provide on the private tied, provide flood detention where necessary. Again, we think that's probably the main solution. So we're going to go to the del cuerto flood model that we did for the codenext and we looked at -- we used a two-day engineering model, which is kind of the more sophisticated version of local flood analysis. And we tested two different scenarios, actually three. We looked at the Greenfield standard, if all the multi-family projects were to retrofit in flood detention to say they had it in this particular case, so how much impact would that have and also what would

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happen if ever single-family property went up to where it is today up to its maximum and generally 45% impervious cover. How much of an impact is that? And we found that when we maxed out the single-family residential, obviously there's -- mathematically you will get an increase in runoff, but we found that the -- especially for the larger storms, there was very, very little impact. There's already a problem and you'll see in a second a map of this area, and the folks -- there's buildings right in the creek almost or right in the drainageway. So for like a 25 or 100 year storm it's very diamin miss the amount of impact you will have. For a 10 year flood you may see more impact, but it's still pretty diminished, at least in this case. So I will go right to the map. So this first map shows -- so the 2-d model is showing essentially what is a a floodplain of sorts. It's

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not an official FEMA floodplain. We went further up to a local drainage area for this model. You can see the blue areas is where in this 100 year storm -- by the way, this is preatlas 14 so in a way this is a 25 year event in today's world. So this storm produces -- you can see all through there, there's quite a few structures. I think it's around 50 that are affected by this flood. To varying degrees. So the -- this is what's happening right now before anything else happens, changes with impervious cover. So you've got about 50 structures. So again, if you would use modern regulations, nobody would be able to build where these guys are. You would have to provide a drainage easement. You would have to provide separation from where the water is going to be going. You would be calculating all this stuff out. But unfortunately these buildings were all built before that time so they're already there. And so we need a little more of a homerun kind of solution. So when we modeled the

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impact of a 100 year storm then, now a 25 year storm, it's really hard to tell what's going on in this next slide because there's almost no change. What this light blue is showing is the outline of the previous slide. So it's basically like -- you'll see. And then there's a -- it's hard to see, but there's a couple of small areas of change, where there's a tiny increase of about a quarter inch or inch of depth in some of the areas with this change. So basically given the scale of these storms and the fact that most of the water is running off these properties, at this point there's not a lot of absorption by imperviousness, the impervious to pervious factor is extremely modest. Not to say there's not problems, we need to solve this issue. This is in our top 25 list of projects. And in fact, we have a 6.5-million-dollar project to address this exact problem area and we're eagerly looking forward to it. I think that's going to be

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breaking ground very soon. I need to check that, but I think it's within the next year. We've been working on the plans for the last little while. And so this rather boring slide shows a whole lot of data, but basically it's showing that there's a lot of properties in these different flood scenarios, and the takeaway here is the impact of the increases in -- again, we're not talking about giant increases in impervious cover, but even though T single-family is going from 31% now to we just modeled it up to 47% for the sake of this exercise, it's basically producing -- those were in feet. So we're talking about -- what's 12 into feet? It's like 1.4 inches of rise in a two-year flood that's only affecting one structure. In the 10, 25 and 100 year floods we're seeing basically a quarter-inch or less of response.

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So we're not seeing a lot of change with this. Those are big floods. They're producing a lot of runoff already. It's not being affected greatly by this increase with infill development. And then the one at the bottom is showing that the Greenfield standard if everybody in the slide, if you look at it, all those peach colored properties are commercial and those would be either having to implement some sort of on-site detention or maybe contribute to conveyance upgrades. Those were all be helping out and in fact they do help out, but in the bottom there they're showing that they're producing negative increases in-depth in otherwise forward progress in terms of flooding. In this case we would probably invest the money we received. Somebody comes forward and says, I want to develop in that peach colored area, we would say great, we have a storm drainage project already in progress. We would like to use that money for that project instead of you building a tiny pond on your site. But it would be site

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specific. We found there's benefit there and it would vary with the size of the project. If you have a highland mall size project that's being redeveloped that would have a gigantic improvement in the infill. It's ratioid from there. >> Could you just explain what the max single-family residential buildout means? >> Sure. >> Alter: Are you just saying that there are in r2 a or B and they would get the most they could there? A lot of the localized flooding had to do with them getting transition zoning not just could you build out as much as possible? >> Great point. So we're taking an area within this drainage area, subset of single-family, which is 40% or so of this basin, we show they go from 31% now to maxing out what will be the time maximum of 45%. So that's a -- it's a pretty good delta, 16% increase. And in a second I'll show you some slides that will show just this. Let's do it now. So I'll talk to that same

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good point. So this pie chart I'll talk you but the other colors here. The one that says existing impervious cover, that's how much impervious cover is -- by the way, this is -- we're switching a little bit so the numbers don't quite line up, but they're similar because we're looking at codenext and we're looking at recognize rights of way. At this one we're just looking at the properties. We've got 56% existing impervious cover. We've got a combo of single-family and commercial in this particular case. So there's already 56% impervious cover on the ground today. And then with today's code, you could go up another nine percent to max out. And with the ldc revision with transition areas or what have you, we would be bumping that up just slightly to one percent. We'll see this pattern over and over again where whatever is going on now plus a little bit of a bump, whatever you've got to today's maximum and then a little bit of -- sometimes

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it's a reduction even of the change. So we don't believe that -- so that transition zone, the transition Zones are typically in that tiny little bar, the one percent. We're seeing that they are -- and it depends on the local flood problem area and that's what -- you will see when we talk about our next steps. We'll be talking about all these areas and seeing if there's any that have major increases or major concerns and we would think about potentially ratcheting back if it looked like that was a viable solution, if it look like the transition Zones like you're talking about, councilmember, are pushing us into a territory that's of concern. But the transition Zones generally don't add that much impervious cover. They bump it up a little bit, but generally it's in this kind of small range of one, two, three percent increase with the local flood problem areas. >> Tovo: Just to be clear, can you tell us what the zoning is in del Curto?

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Just to get back to the question councilmember alter asked, what is the rezoning in that area? >> We don't -- >> Tovo: I didn't think it had the most intense transition zone, but I'm not as familiar with it as others. >> I pudding it up on the map and part is rm1, part is r4 and r3, so there's a little bit, but most of it stayed r2. Outside of the commercial areas, which got a lot more. >> I think the key is whatever is going on with the zoning, if you go from 31 to 47 and you are seeing a quarter inch change, I don't think we're going to -- I think we're comfortable saying if you went up another percent or down, this is just one case study. We're not going to see -- we're not seeing major changes from the impervious cover component. The problems are stemming from the fact you've got legacy development in the wrong spot and we need to

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have probably a much more aggressive solution like a pipe project in this case. So whatever the zoning would be, it's important to see what's the impervious cover sensitivity. So this one, so basically and so one other thing to note is this area does have a lot of commercial and multi-family, and so if they were to redevelop, they would either be chipping in money or providing onsite detention. It shows this -- this slide shows the green field benefit would be about 18. So a big chunk of that would be some form of drainage solution in response to the new code provision. We quickly did a calculation just for all local flood problems, all 147 across the city. Many of these are in single-family areas that don't have commercial areas in them or not a very large chunk, but they look more like this. We're always talking about an existing amount of

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impervious cover that goes up a little bit with the current entitlements and bumps up a tiny bit which mainly transition zone properties is the pattern you are going to see over and over again. What are we going to do with this information? So we're pretty confident that the main driver is not the impervious cover, not that it's not of concern because we do -- it could be that at a given geographic area you might have a concern. So in our -- the second subpoena supplemental report, changes within local flood problem areas consider reducing in the application of missing middle Zones to mitigate the risk of drainage problems. There are some that go up more than one or two or three percent, some that go up to five or six percent or so. So we want to look at those. We want to look at the geography of those, the slope, how big it is. Those are the conditions unique to each problem area. We're going to look at those

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impervious cover conditions and maximums and we're going to study the area itself and look at the capacity and existing infrastructure where we have information for that and we have it on most of these and if there is a green field standard impact that would be necessary to consider and then, of course, if it's already in a cip path, that would be super important to know. That's our commitment to the council is to provide this information and to work with our zoning planners to see if we need to make any adjustments in these areas. And that is -- I'm going to turn it over to Ms. Bates. >> Good afternoon, Andrea bates, watershed protection department. We also wanted to take this opportunity to speak about a joint letter council received from six environmental organizations that included recommendations on watershed and environmental issues in the draft code.

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As staff we would like to thank the members of the environmental community for providing this feedback and for being engaged in the ldc revision process because their engagement helps ensure the

natural resources will be protected through the code. The letter expressed strong support for many elements that are currently in the draft. And we really appreciate this support, including of the two flagship proposals reflected in the first two bullets. The first is the green field standard, which is what requires redeveloping sites to manage their storm water as if they had no existing impervious cover. And the second is the requirement that most development use green storm water infrastructure for water quality treatment. These two proposals and many of the others that are in the draft code, including many of the bullets listed here, were developed in partnership with the environmental community and other members of the public over many years starting with what we call wpo phase

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2 back in 2014, transitioning to the green infrastructure working group in 2015, and then continuing until today. As staff we are very happy that the draft code includes these numerous drainage and water quality improvements and we thank the community members who helped develop them and advocate for the elements in the code. We have reviewed the recommendations in the letter from the environmental stakeholders and would offer some considerations from our perspective as staff. We've categorized response into several bins similar to staff responses provided to the planning commission recommendations. First we would like to point out that we do agree with several of the recommendations in the letter. First, the groups have recommended that the parkland dedication requirements be maintained including for missing middle housing. The -- there is a recommendation in the supplemental staff report to clarify that parkland dedication does apply to

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missing middle development starting at three units. Next the groups recommend that the parkland fees be based on the total units approved. That will in fact be the case. The parkland fee is currently based on number of units approved and that is not proposed to change. Fee amounts are not quoted as part of the parkland assessment process. And next staff, of course, agrees with the recommendation the ldc revision not include any changes that would require an amendment to the sos ordinance as we spoke with you about before and that is reflected in the supplemental staff reports. We look forward to working with stakeholders as part of a future process. The next group of recommendations we partially agree with or do not oppose, but we would defer to a future process. This includes a recommendation for what would essentially be watershed level planning for water quality and drainage

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facilities, which was part of the recommendation number 4 in the letter. The watershed protection department is currently considering whether it would be feasible to map properties that might be

eligible to participate in the regional storm water management program based on the location in the watershed. Today the requirements for onsite controls versus participation in the regional program are determined when a property comes in for development, and we're thinking about whether it would be beneficial or feasible to create some predictability based on simply location in the watershed. So that's one portion of the recommendation number 4. We also support the intent behind the recommendation to remove commercial irrigation requirements. It is very important to decrease the use of potable water on landscape irrigation. However, simply removing the irrigation requirement altogether would be very detrimental for the landscaping which release on supplemental watering

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especially during the establishment process and we would want to avoid having that negative impact. So instead of removing the requirement, staff recommends transitioning to irrigation with alternative water sources over time. Functional green does strongly encourage irrigation with alternative sources, and those opportunities will continue to increase as the city implements integrated water management over time. The next recommendation is to apply functional green to additional properties. Functional green is currently designed can be utilized by properties with less than 80% impervious cover. It would be a requirement for properties with more than 80%, but can as written be utilized for properties with less. We do not encourage making a requirement for properties with less simply because the way it has been designed makes sense at the

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recommended trigger of 80%. We really like the approach of a requirement for smaller number of properties at the highest levels of impervious cover to allow functional green to be tested and sure we're getting the outcomes that we're looking for which allows over time to then do the study to recalibrate it if necessary for lower impervious cover sites. Right now it would be an option to apply, but we don't recommend it be a requirement to apply as suggested in the letter. The next recommendation is we restore what is essentially a requirement to retain water onsite. There was something similar to this in an early proposal. We removed that requirement that a certain percentage of the water quality be retained because it was going to be complicated and challenging for some sites to achieve. We tested the requirement and found that the potential down sides were outweighing the benefits that we were

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getting, because to comply many of the higher impervious cover sites needed to be designing very complicated controls with pumps and other mechanical elements that are more likely to fail over time. The current proposal achieves many of those same benefits. It will result in increased infiltration and

gives the opportunity for onsite reuse, especially when combined with functional green. We think it's a more practical and feasible approach to get to desired outcomes. We also agree with the desire to transition to the use of reclaimed and onsite alternative water overtime. However, we think that water benchmarking as currently proposed is the appropriate first step and we don't recommend any further clarification in the ldc revision because we prefer an implementation approach

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that allows us to bring forward a complete package to implement integrated water management over time rather than calling out deadlines or certain components from the larger whole. Next the environmental stakeholder letter recommended that the city enact a conservation subdivision code for green field sites. We're not opposed to this idea, but we would need further direction from council about the objectives of such a conservation subdivision code and then time to develop that proposal as part of a separate process. So we could not have a code proposal before you as part of the ldc revision, but could receive direction if that were a goal of the council. And then unfortunately we do oppose several of the recommendations as expressed in the letter. And the first one would be the proposal to remove the impervious cover exemption from the redevelopment

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exceptions. To clarify one element of the letter, the redevelopment exceptions do not allow a site to exceed its zoning impervious cover limit. They only deal with the watershed impervious cover limit. However, staff would be very opposed to removing that ability to exceed the watershed impervious cover limit because in our view that is the heart of the redevelopment exception, and what gives redeveloping sites the incentive to provide the water quality controls and the other benefits associated with a full redevelopment that goes through the site plan process rather than a remodel. We support the use of the redevelopment exceptions as a means to address existing polluting sites and want to continue to enable sites to use it by allowing them to keep existing impervious cover in most cases. The next recommendation was to include lot-to-lot drainage in the inspection

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process. And this was attempting to acknowledge the challenges of reviewing for lot-to-lot drainage impacts in residential development, but take a more proactive city role in catching potential problems during the inspection process. And unfortunately that would be very challenging to accomplish. The inspection process works when there is a standard that a project can be inspected against. It's essentially a second step of review. Review is how a project compliance with the code, and inspection is how the project complies with what was permitted. And so to be successful at proactively identifying

potential drainage problems during the inspection process, we would really need a drainage plan and a grading plan and the additional elements of that permit that would have been incorporated in review. And the reasons that we were not proposing it be

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incorporated in review is that it would create additional cost and time and basically a review staff change for residential properties, and we didn't think that the benefit would justify that additional requirement for all residential development. So we appreciate the idea to have more proactive staff enforcement, but we don't think that incorporating into inspection as proposed would be feasible. The next recommendation was to calculate the expected maximum impervious cover that would be developed under the new code over the next 20 years. We have presented to you the theoretical maximum impervious cover based on watershed and zoning limits. We cannot calculate an expected amount of impervious cover that would be developed over 20 years the necessary information to

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provide that on a watershed or citywide basis. There are many site specific elements that influence whether a property actually redevelops and if it does whether it is able to or would even want to reach its zoning or watershed limit. So we simply don't have the tools or the information to create that expected number. The numbers that we do present, the theoretical maximums, are more conservative for purposes of evaluating potential impacts and we as staff are still comfortable with the fact there's essentially very little change in citywide impervious cover along with the fact most of the protections for water quality and drainage are either being maintained in the current code or improved. The next recommendation was to incorporate watershed issues into a zoning suitability analysis. The easiest way to do this has been done and that was

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to incorporate flood plains into the mapping of new Zones. Going beyond that, we don't think is necessary because a lot of the more nuanced watershed protection elements we wouldn't have the necessary information to associate with the parcel on that citywide or watershed scale, and the proposed code essentially maintains today's approach to have zoning -- or to have zoning entitlements and watershed protections as two separate pieces. And the fact that a property has a certain zone does not guarantee that it can reach all of those things that would theoretically be accommodated by that zone because there are other parts of the code that have a different impervious cover limit or require creek setbacks. So we're comfortable with maintaining that approach and having the two sides. The next recommendation is to remove the administrative

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variance for heritage tree removal on transit corridors. We don't think that this is necessary. We are comfortable with that proposal for an administrative variance because it will apply in a very small number of cases. The property would need to be predominantly residential with an affordable housing component located on a corridor and the city arborist would have had to determine the tree cannot be preserved through redesign or successfully transplanted. It's a really narrow number of cases. It is consistent with council direction to offer an easier process for projects that fall into those categories. And it would only be a change in process. It would not be a change in standards. And staff can frequently be more consistent in the application of standards than the land use commission could be. So we're comfortable with maintaining that administrative variance process because it's not a

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change in standards that would allow additional trees to be removed. And finally, we do not recommend the proposal to apply the f25 zone to properties with negotiated development entitlements. We don't think that it is necessary because many properties with negotiated development entitlements have their constraints built into the negotiated agreement. And so if they want to build additional area or additional height or potentially a use that would otherwise be prohibited by the development agreement, they will need to come to council and have elements of that agreement renegotiated. We don't think that the new Zones as proposed would be enabling anybody to build out to their negotiated entitlements without coming to council for a renegotiation. It would be challenge to go identify all the properties that might have negotiated

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entitlements, and frankly, we would not want to draw attention to the fact they might be there. And then finally, we support the modernization of the code and would like to avoid mapping f25 zone if it's not necessary for the reasons that were otherwise spelled out in the council direction. Finally, we wanted to take this opportunity as well to address one particular recommendation that we received from the Austin aia and the downtown Austin alliance and that so to exempt downtown properties from onsite detention requirements. Staff opposes that recommendation. We think downtown is a unique environment with a high level of under sized infrastructure and many significant utility conflicts. And so therefore we recommend and would want to maintain the site specific analysis to think about the capacity of the receiving infrastructure in determining whether an onsite or regional solution

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is more appropriate. We have recommended and implemented the exception and automatic eligibility for commercial sites one-half acre or less, the sites more constrained for an onsite solution, we think we have addressed those with a half an acre size threshold and would not want to further expand it to all properties downtown which can benefit from the site by site review. We think the proposal where we landed balances council direction to provide for alternative compliance, to allow for unit yields and downtown area while still ensuring the development does not cause flooding impacts. Hand it back to Brent to talk about administrative process. >> Thanks, Andrea. So we're going to talk a little now about administrative procedures.

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A topic that sometimes makes people's eyes glaze over, but it's fundamental to the operation of the code. Administrative process pertains to how people interact with the city around development. It pertains to how the city engages the community around development, and it pertains to how the city, different units of the city government interact with each other as it relates to development. And so we want to use the next few minutes to highlight some issues addressed in the code that pertain to process. As an initial matter, I'll just say that a great deal of the procedural provisions that are in the Idc revision are carried forward from draft 3, but there are a few enhancements we'll touch on. I'm going to cover a the look of ground and a lot of kinds of procedural requirements, and additionally I want to emphasize that since council has not had the opportunity really to engage in these parts of the code, if you have questions, if you would

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like explainers on particular topics, please feel free to reach out to us and we'll be happy to provide more information. First thing I'll touch on is just a really basic fundamental day-to-day operational requirement. And that is scheduling public hearings. One of the innovations that was included in draft 3 and that's carried forward here is an allowance that would grant the city manager and department directors the authority to schedule required public hearings. Council would retain the ability to do that if you want to and so nothing would have to change. But if there is a desire to move away from having a set public hearing portion of the council agenda, this would provide a flexible way to schedule public hearings without that having to be a part of the council's agenda. In looking at other cities' approaches to sort of handling development issues, we found that most cities don't have that as a part of the council agenda, just the

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scheduling of hearings. So we wanted to provide that as an opportunity for you all to consider going forward. Additionally, the code makes a number of improvements with respect to how particular departments are address understand the code -- addressed in the current code. Current code includes references to departments that no longer exist and it has a lot of -- a lot of just very prescriptive requirements that specify who does what. And it's impossible to amend the code quickly enough as things change over time and functions are reassigned. So this code seeks to strike a balance between providing readers of the code information about what the responsible departments are, but at the same time giving the city manager flexibility to make necessary reassignments of functions among and between departments and work groups. One of the key features of this approach is at the very beginning of the code we

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provide a table that provides user-friendly, readable information about what the different departments do. Nowhere in current code could you Goen a find a place that actually says where the watershed protection department, here's the kind of things we do on a day-to-day basis. You couldn't find that with respect to dsd either. And this code provides a table that outlines in general language the functions that the departments carry out on a day-to-day basis. Additionally, when we were working with our consultants on draft 3, we found that most codes include some general information about how to read the code, about how to interpret the code. And so in the first chapter of the proposed ldc revision, we include some just general fundamental rules of interpretation. These rules do not replace the law department's

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functions in advising all units of city government on how language is interpreted, but they do establish some just fundamental guiding principles that come up on a day-to-day basis. One of them is that the code is supposed to be read to where the more restrictive requirement prevails other the least evict I have. That comes up in the context where watersheds in some areas are more restrictive than zoning requirementsen and it's a fundamental enough requirement it deserves to be stated up front to help applicants and reviewers understand how to apply the code. Another basic rule is the requirements are cumulative, that the code is to be read in a manner where all -- if there's different approaches to reading the code and one would essentially render a particularly requirement meaning also, you don't read it that way. You read the code in a way that harmonizes all the provisions. Additionally, we have included in this code

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greater specificity as to what constitutes a violation of the code. Some issues that we've confronted over time in enforcing the code are conditions to variances. Conditions that are imposed on different development approvals and discretionary provisions are under this code treated as an actual code requirement. So there's a greater acknowledgment of council's authority and the boards and commissions' authority to impose conditions and to make those binding and enforceable. Additionally we've included more detail about what it means, what the requirements are in the full and limited-purpose jurisdictions. As council is aware, when you annex an area for full purpose, that's a part of the city for all purposes, taxes, services and regulations. But we are also a city that annexes for limited purposes of planning and zoning. And so we think it's important that the code

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clearly delineate what all those requirements are and we've included a more robust section that goes through that. Additionally, I mentioned a second ago that we have a table that lists all the departments and provides information. We've also included a table that was prepared for this draft that lists all the different permit types and all the different primary administrative decision that are made in implementing the code and we provided clear information on what notice is required, what the appeal rights are and other information that we think is useful in understanding how the city process works. And we think that's a major enhancement that we offer to council as part of this process. Additionally, some of you recall a few months ago you passed an ordinance that implemented house bill 3167

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affectionately called the 30-day shot clock bill. We have used this opportunity to clarify and tighten those requirements. We worked with our law department, Erika Lopez on the core team helped us to take the work that the law department did and getting us through September 1st when that bill went into effect and really sort of tightening those requirements and clarifying them and doing everything we can to protect the city's interests. For example, the shot clock provision received that if a plat is approved because we don't meet that 30-day deadline, that doesn't mean the lots are buildable. The lots have to system ply with all applicable site regulations. So we've done everything we can to put these requirements in a single place so that they are not scattered throughout the code and to make them as readable as we can and to do everything within the bounds of the law to protect the city's interest.

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Additionally, we provide -- we provided, and this is carried forward from draft 3, but we provided a clearer statement of what the different kinds of notification requirements are that are specified under the land development code, and we've clarified the terminology of interested party versus registered party. The current code uses the broadly to cover a lot of different situations that are actually very much different. And it's created confusion and it's actually not addressed in code that matches how people use the he were the. Most of the time you hear the word interested party used it means you've signed up for something, signed up to get notification about a particular application. That's not actually what the code says when it talks about interested parties. So we tried to clarify the requirements and really to the greatest extent possible

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embodied community expectations as to getting notice for things that -- pending applications that people want to know about. And if councilmembers have questions about these provisions or any other provisions, you know, that are pretty fundamental to how our development process works, please feel free to reach out to us. Additionally, we've included a provision that clarifies process works. One of the fundamental requirements, really the kind of gatekeeper requirement for amending the code is initiating an amendment. But the code other than saying initiation is required, it says nothing about what that means. So we've -- looking at other codes and how other cities have treated the amendment process, we've included in draft 3 as well as in this code some general language that describes how -- how the initiation process works both at planning commission and at the city council level.

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So one of the -- one of the features of the ldc revision and draft 3 as well is greater flexibility in certain instances for staff to make sort of reasonable adjustments in terms of how regulations are applied. And so we want to go through as clearly as we can the different circumstances in which this code authorizes that sort of flexibility. The first thing I'll touch on is amnesty certificates of occupancy. Amnesty cos are a thing that exists under current code. Essentially what an amnesty certificate of occupancy is basically under current code when it was adopted I believe in 1986 there was a provision that said that if you were a structure that did not have a co in 1984, but complied with basic requirements, you were entitled to -- the building

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official is entitled to issue a certificate of occupancy to that structure even though it might not comply with all applicable site development regulations. Amnesty certificate of occupancy exist under current code. We've included an updated amnesty certificate of occupancy provision. What it does essentially is

for structures that existed in 2008 or before, that comply with basic health and safety requirements and that are residential and include no more than nine units, those structures would be entitled to a certificate of occupancy even if not properly permitted. This is similar to the certificate amnesty provision that exists in current code, but limited to residential and it also doesn't go back as far. As I mentioned, when the amnesty provision in current code was adopted in 1986, it

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applied to structures that existed in 1984. This would only capture structures that existed 11 years ago or earlier. So it's a more limited approach, but it definitely is intended to provide a way for structures that have existed without proper approvals that meet health and safety requirements and have not resulted in code enforcement actions or created any disruptions in the surrounding areas to have a clean slate and get certificates of occupancy. Additionally we've included -- when I say minor adjustments, that should say limited adjustments. Limited adjustments are a providing that exists under current code that was I think part of the citizen initiative to provide council with the ability to grant some limited exceptions to the save our springs ordinance based on

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legal issues and the current draft does not propose any changes to that except that it expands it to include other watershed regulations as well besides the save our springs ordinance. So essentially this would be a tool that under the proposed draft would be something council could consider in other context besides the save our springs ordinance. Additionally there's a provision that is provided for administrative modifications for residential structures. And there are essentially two types of modifications that are authorized. The first is where construction occurs and due to -- due to topographical features or steep slopes or things of that nature, the structure is built in a way that doesn't fully comply with the approved plans. And during the inspection process it's on discovered that the height is off a

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little bit or there's a slight encroachment into a setback. This provision would under very defined and limited circumstances give the city the ability to grant a co for those structures. This was a provision that was in draft 3 and there definitely have been concerns raised about it and so we're happy to talk with council about, you know, the specifics of how this provision applies and follow, of course, council's direction as to whether to include it or to perhaps scale it back a little bit, but it's a provision that's there and we're happy to follow up with any of you who may have concerns or just want more information. Additionally, on administrative modification under this code is also authorized for waterway setbacks

that apply to single-family homes. Under current code, most watershed regulations do not apply to single-family homes. And so I think one of the

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efforts that's been made in developing this code is to incorporate some appropriately tailored right-sized environmental requirements that can be applied at the single-family level. And this I think fills a void that exists in our current code. And parallel to that, we've included some -- we've recommended the inclusion of some Greer flexibility in how those requirements would apply. And essentially the way this would be is if it's a single-family house that is substantially impacted by a waterway setback to where that house could not achieve a certain base level of impervious cover that is otherwise allowed under the regulations, the staff would have the ability to relax the waterway setback. And again, it's important to know that waterway setbacks are currently something that applies to single-family. So this added flexibility is in connection with a requirement that currently single-family homes do not have to meet.

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Additionally, and we can maybe talk about this in a minute when we get to the professional aspects of zoning, but there's a provision in draft 3 as well as the current code for minor use permits. Minor use permits in a nutshell were proposed by our consultants in draft three and staff worked to try to Taylor it to our development process. But essentially a minor use permit would allow staff to impose reasonable conditions to help mitigate the impacts of development on the surrounding area, and then there would be an appeal to commission. And what this is intended to do is provide for some context conditioning in a way more efficient than the use of conditional overlays or conditional use permit. It's a new tool and it would be applied in cases where council deems it appropriate. It would have to be list understand the use matrix, a

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use would have to be listed as a minor use for that process to apply. Additionally, we've included in draft 3 as well as in this draft improvements to the requirements for nonconforming uses, structures and lots. And a lot could be said about those requirements and in the interest of sort of picking out some topics to cover, I'm not going to go into detail in those provisions, but I encourage councilmembers that would like to know more about the treatment of nonconforming uses to please follow up with us. The one thing I will say is that the current draft includes the provision for single-family homes in transition areas that would not be allowed to be built today as new structures. It allows those existing structures to have far greater rights to be modified and maintained than a standard nonconforming use would have. So site plan review.

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Another vital and important part of the development process and one that, you know, I think we all hear a lot about. So I just want to cover a few high-level issues as to how the new code addresses site plan review. Excuse me. It focuses on I think fundamentally one of the key themes of this code is that it focuses on the scalabilities of application requirements. Our current code has a lot of requirements that are one size fits all. If you are a site plan, you have to comply with a whole universe of code requirements, and if you are site plan exempt, there's a lot of requirements that you don't have to comply with. And this code throughout makes a number of efforts to try to tailor requirements in a manner appropriate to the context of the development and the type of

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approval. So that structures, single-family homes, for example, and some of the multi-unit residential development allowed in the missing middle Zones, that will have to meet more requirements than would be required today. We developed tailored drainage requirements, as I mentioned, single-family homes will now be subject -- would be subject under this code to some environmental restrictions. And so there's been an effort to really tailor requirements to particular scale of development. Additionally, the code gives staff greater authority than they have today to tailor application requirements. So if an applicant is submitting an application for a type of development that is not subject to certain requirements, staff has the green light not to require the developer or the applicant to submit information that's relevant to requirements that don't apply. And that greater flexibility is enabled by a code that is more specific and clear

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about the kinds of requirements that apply to particular types of development. The code diem diem take sizes the site plan exemption in favor of more clearly defining requirements applicable to development. As we mentioned earlier in a couple of our staff reports, the code today broadly applies to development, but then the concept of a site plan exemption means that those projects that qualify are not subject to a whole universe of requirements. This code tries to be more clear about what requirements apply and be more clear about what it means to be site plan exempt and what it doesn't mean. And again, these are issues that are hard to discuss in granular detail in the time allowed us, but those of you that want to understand those issues more, please feel free to reach out to

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us. So nearing the end here, we we want to talk about a few professional enhancements. The city over time has -- procedural enhancement. The city at times -- what I mean is when the city has to issue stop work orders to stop a development from proceeding while it's under construction. Also situations where the city has to revoke permits or suspend permits. It's important in setting up an administrative enforcement process to both honor the due process rights of applicants who have obtained permits that confer property rights and they've relied on those permits, but at the same time give the city flexibility to ensure that the code is complied with and to protect basic health and safety. Our current enforcement process includes a number of

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conflicts. It includes redundant and multiple appeals that do not serve any particular value. It includes some deadlines that are very difficult for the city to comply with. And so what we've done in revising these requirements is to provide meaningful due process for landowners who are subject to stop work orders, but at the same time give the city necessary flexibility to enforce the code in a reasonable way. And so there are a lot of details that I won't go into, but this is we believe an important improvement that protects the city's interests. Additionally, we've included provisions that are meant to make conditions more enforceable, conditions to variances, conditions to other types of development approval. And one other enhancement along those lines that I'll mention is currently we encounter situations where trees are illegally removed from sites before a

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development application is submitted. This code includes a provision that would give the city arborist the authority to ensure that mitigation is provided in situations where we believe that has happened. We cannot permanently prevent property from being developed if a tree has been illegally removed, but we believe we can do better than we do now to address those situations where we know that has occurred. Additionally, we include the draft code as well as draft 3 includes requirements that clarify the different kinds of administrative appeals that are provided for and tries to consolidate those requirements. Not all appeals are the same. We have, you know, board of adjustment appeals related to zoning issues. We have appeals that are related to health and safety technical codes. We have appeals that go to council of conditional use permits. In each of those different types of appeals presents different issues, different requirements, and so we've tried to consolidate the

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requirements, but also appropriately tailor them to the type of case, the type of appeal. And finally, and then I think this is a fundamental guiding principle of draft 3 as well as this code, you know, based on feedback from our consultants and from the code diagnosis report, this code places less reliance on site-specific conditions that opposed at zoning. Consistent with draft 3 there is not an authorization for conditional overlays in the future. We know this presents challenges and we're -- we look forward in the coming weeks to talking with council about these issues and doing anything we can to try to help address concerns and discuss what zoning would look like going forward under the new code. And additionally, transportation requirements under the new code are more tailored to a zoning level of analysis.

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Challenges have been presented in the past where zoning cases are conditioned in a manner that really presumes a certain type of development that isn't necessarily what has to occur within the zoning district, and we have situations where zoning is so significantly conditioned that it creates a very difficult development review process and also significantly expands the size of council's zoning docket. So there are a lot of practical procedural challenges that the current zoning process presents. In the new code as well as draft 3 kind of point in a different direction. Peter park was instrumental in helping us craft some of these provisions as were our prior consultants, and we're available at this point to answer questions about the information I've covered or any of the other topics that have been addressed this morning. Thanks. >> Mayor Adler: All right. Let's go through a question

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period. We have about four minutes each. I'll try and keep track of time. Does anybody want to start us off with questions? Leslie? >> Pool: So this one I'm going to direct over to the city manager and he may want to bring in some staff, but we've talked on a couple of occasions about the process for receiving officially and formally receiving the protests that I think over 5,000 people have now submitted to the city. That would include also correcting whatever is going on for mail that comes in through the post office that is being returned to sender because the city is refusing to accept it. So you had said you would have a process to talk about today, so thank you for that and I think we would all like to hear. >> Sure. Thank you, councilmember, and I'll defer to our legal team to describe what the position that is city has had, but to your question we

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are receiving some protest letters, the city's communication department is keeping those letters and so we are not returning them. >> Pool: There are -- they are being returned. Some people are receiving

them back as nondeliverable, return to sender. >> All the ones that I have received and that we have directed our departments, we're collecting them centrally in our communications department, but I'll turn it over to Deborah Thomas in legal department to clarify the position the city has had in this area. >> Pool: So some of what I'm hoping in the process discussion is to get clarity for people who are interested in sending a letter or some indication to the city that they are protesting zoning changes to their personal property. They believe that under state law they have the right to protest zoning changes to their property. Property rights is a pretty key fundamental tenet in

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this state. I want to make sure we have clarity on what email people can use to send in their protests, what is the street address, a post office box or whatever and what kind of acknowledgment will the city be prepared to send back to people who have taken the time to indicate they want to secure their rights with regard to their personal property. >> Do you want to state the city's position or describe what process we've had so far? >> [Inaudible] >> Pool: I think Kathy has a question for clarification. >> Tovo: We need to clarify the address people should use. And I just want to underscore that, you know, we received in our box a hard copy that went to a P.O. Box that was forward to do council offices, they are going all over. So if you would please be clear, city manager, about where these should be

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forwarded to. Is it your office, development services, is it the P.O. Box? And knowing that in at least several cases emails to the P.O. Box have been, I've heard, returned to sender. I don't have an image of that, but I know in the case that I was directly involved in, it ended up being hand-lettered and forwarded to my offers. We know these are going to multiple places and if you would embed into your response where exactly they should be sent and those that went to different places, are they being forwarded to that one recipient. >> Sure. So again, I've asked the communications department to collect any of these letters that we have received from any department across the city, and I have received some via email, but for those who are listening, by mail the city of Austin communication and public information office is P.O. Box 1088, Austin, Texas

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78767. That can be hand delivered to the public information office, 301 west second street, third floor, Austin, Texas, 78701. Those are where we are collecting them centrally so we have a depository of all the letters that we've received. >> Pool: What about an email? >> I'm going to defer to Jessica if there is an email address we've been using. >> Sorry about that. Jessica king, C.P.I.O. An email address that residents can send their letters to could be ldc@austintexas.gov. And we are collecting everything, we're

actually counting as we go. >> Pool: So to be clear, all of the emails that came in that went to Spencer have now been transferred over to the ldc@austin, texas.gov

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email? On no they have not. Just a clarification on that that email system worked. When we worked through that process, we found out that all the emails that were coming in were coming from one email account so we were having a difficult time responding. It would only go to the one email account that generated it and would not have gone to the actual senders. >> Pool: You are talking about responses. >> Correct. So we weren't able to actually email respond to any resident who used the online system to send an email to city staff. >> Pool: The document that you received in the email does not include a name or an address or email in the document body? >> It does include a name, address, but not an email, no. >> Pool: So you have an address. You would have to. >> We have physical addresses. >> Pool: Because they are protesting a zoning change at that particular address. Has the city given any thought to sending a

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communication back? You have the address. You can actually contact people, right? >> So we can do that. I think the challenge is that it is a heavy lift and it is our understanding that the process is unique. We've worked with the law department to figure how we might proceed moving forward. First and foremost, we have received several and so once we had a gravity -- a better understanding of the situation, the amount of time it would take for us to open any single email, document name, address, and then prepare a response and send that out through snail mail because we would not be able to email back would be very time consuming and staff -- we don't have the staff at this time to accommodate that request. We are looking at other options. We have communicated also, I believe back in October shared the information with council to let you guys know what the process was. Information is placed on the ldc website to give information that the protest

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system is not actually in place, but we do understand that the public is interested in submitting their protest requests. >> Pool: So I guess then, Spencer, you can tell us what is necessary if it's administrative or from the dais what is necessary to put that process in place. So that would be good to know. Is the email address, Jessica, for general feedback or just for protest emails? The ldc@austin, texas.gov. >> That email account was originally set up to communicate with council with regards to the communications you are receiving right now, the weekly digests about the council questions. But we are setting it up to also take in communication if people wish to submit protests. >> Pool: It's all going to

come into the same email box. >> If people wish to send an email submitting a protest, they can send it to the ldc

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account and we will receive that. We will need to talk and figure out about a systematic approach to respond to that. My concern, just as a communications person, is that we would respond to some but not others. He would like to create consistency how we proceed forward. >> Pool: Totally on board with the consistency and right now it's been very inconsistent from the community. They are hearing they can't protest, they are hearing they can protest. When they do protest, some are getting their protests returned to them. They don't know through the email if their protest has been received. I absolutely agree, it is very -- it definitely needs to be made more consistent. So I guess, Spencer, were you then -- we need to have a process in place. It sounds like we're putting one in place. We have an email address and a street address.

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And then was law going to talk to us? >> I think you were asking process questions and so we're happy to facilitate that. But if there are other questions about our city's position at this point. >> Pool: That would be great. >> Mayor Adler: Got it. Great. That was about four and a half minutes that I'm dividing up between both less he Lee and Kathy. Jimmy. >> Flannigan: To be clear, sending letters to that P.O. Box or in box is how all input is being received. This is input on the L.D.C. There is no formal protest process because the city is not accepting protests when you apply a code broadly across the city. So I don't want there to be confusion we are setting up a process for which we are not doing. These are Earth's will of people who don't like what's happening in the rewrite and that is fair and people should have their voices heard. But this is not a formal protest process. >> That is my understanding, correct. >> Mayor Adler: Okay.

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About a quarter minute. I just wanted to reiterate that because I know it's in the conversation in the community a lot, I mean ultimately I would imagine this gets settled in the court somewhere. But the question presented is can cities do comprehensive zoning changes. To the degree that every property owner has an individual ability to be able to appeal a change associated with a comprehensive zoning change, we're -- you can't have comprehensive zoning changes.. So part of the decision will be whether or not cities can have the decision to comprehensively change zoning. I hope and trust and a reading of the law would indicate that the cities have that power and need to have that power, but the concept of having an individual change is inconsistent with that. First you would spend the rest of the next 10 years

doing individual cases, but beyond that when you do a comprehensive zone change, you may be making a change here that corresponds to a change somewhere else. And those changes are all

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over the city and they're interrelated to one another. So if you undo part of that equation here, you change the comprehensive plan and the comprehensive balance throughout the city. So as a practical matter on at least two bases it doesn't work. Now, in this community there was a request at the ballot to see if the community wanted healthcares to be able to challenge a comprehensive zoning change. Frankly I don't think the law would allow for that either. But regardless it was rendered moot when a majority of the voters in our community said that they did not want to have it going to a vote of the community. That they were ready to rely on the representative democracy that we have in this city for us to move forward. And I think that is a community that is recognizing the need to do this, which is why on lots of levels we don't have individual protests and the people's property rights are sufficiently guaranteed around the constitution and our laws and under our

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representative democracy. And that was two minutes for me. >> Pool: What I would say -- >> Mayor Adler: Leslie, we will come back to you in a second, but let's give other people a chance to talk to. >> Pool: You are not denying the council the ability to vote on a comprehensive plan, all this does is increase the -- owe. >> Mayor Adler: Please, Leslie. Ann. >> Kitchen: I don't want to talk about whether we think a protest is legal or not. I don't think this is the place to do that. I just want to ask a question. So my question is -- so councilmember Flannigan mentioned that this is not a protest process, so I guess this is a question for law. -- Actually, will et cetera me back up. Instead of using this time now I think we might need an executive session because I think we need to understand what is the process.

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The transparency and clarity to the public is what's important here. I think we understand that the position is -- of the city that there's no rights. But that doesn't go far enough in terms of telling them, you know, if there were rights what should they be doing or are we just saying that we just shut it down and that's that? So I think I want an executive session about it. >> Mayor Adler: We can set one. >> Kitchen: So when could we do that? >> Mayor Adler: Um, we could do it at any one of the meetings that we have set, so either Monday or Tuesday. Monday we have it set for first reading on this. We could do it at that point if you wanted to. >> Kitchen: I would ask councilmember pool when she would prefer to do it. >> Pool: As soon as possible. There's a lot of people waiting to hear what our position is on this.

And I just reiterate that what they're asking for, what I'm asking for, doesn't take away the authority of the city council in any way.

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It does simply ask that more of us agree to the changes. And I think that that is -- that really isn't a very high bar for this council that cares about what the community is saying and wants to listen to the electorate. >> Kitchen: So maybe -- electorate. >> Kitchen: So maybe -- I think before Monday would be better. I don't know what our bandwidth is tomorrow and I don't know if we're posted on Saturday. >> Mayor Adler: Let me look at the agendas and see if it's allowed for us to do it either on Thursday or Saturday, we'll do it then. >> Kitchen: Just to reiterate, I think it's clear what the city's official position is, that's fine. I'm not asking about that. I'm just asking the public understands what that means in terms of how they should do something if they disagree. >> Mayor Adler: I understand. That was two and a half minutes.

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>> Pool: And thank you. >> Mayor Adler: Next person want to comment? Mayor pro tem. >> Garza: I have to leave around 3:00 so I wanted to, I guess, daylight some of my amendments and just get some understanding from what the staff -- make sure I understand exactly what the staff -- so I posted on the message board about an equity overlay and I think essentially your acceptance of -- you didn't accept planning commission's recommendation on kind of a mechanism that does a similar thing, which was to treat vulnerable areas different, a little bit differently. So can you help me understand -- was it staff's recommendation and not planning commission's recommendation? >> Anik Beaudet.

[2:04:54 PM]

We proactively came up with new recommendation after our October discussions with the community with a further detailed approach to areas vulnerable to displacement, which we outlined today, which was to remove transition areas in the early -- earlier stages of displacement per the uprooted report. And then do a less intense zone in the dynamic, which is in the middle of the spectrum. Which was also explained today. Did you want to explain something, lacy? >> Garza: So it's the map 17 and -- >> Yes. >> Garza: And 20. So the first part of my recommendation about -- of a possible equity overlay. The second was requiring more on-site and so we will just daylighting that that

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is an amendment, as direction, I will be adding on Monday. And then the third part was incentivizing preservation of multi-family, and that could be something considered citywide. It's my understanding it's not really in the current draft, is that correct? >> There was direction from a second to look at preserving market rate affordable multi-family so we've dawn to a degree by looking at co-start data and rents under 80% mfi and only applying comparable zoning to we've modified the Zones and whatever zoning those multi-family properties are today, they've received a comparable, whether they were nonconforming or not. And so that's as far as we've gone with the intent of the council direction in really protecting those

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existing multi-family. Lacy, did you want to add anything to any further criteria that we used? No. >> Garza: Okay. I may have direction to -- to firm that up a little bit. >> Great. >> Garza: And the last is a change to the childcare conditional use permits and just recalibrating what kind of -- what size of childcare is allowed in certain zoning categories, and just mainly right now I think the current draft doesn't -- only allows a certain number of children in certain zoning areas and as we've seen the need for more childcare around the city, I think recalibrating that a little would allow a slightly larger childcare facility to be in neighborhoods or near neighborhoods. So just daylighting that as also an amendment or

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direction. That's all I have. >> Mayor Adler: Thank you. That's four minutes. Ann. >> Kitchen: I want to ask about two recommendations that were made by housing works. One was to keep the vmu bonus program. I think it's actually more specific to either keep the vmu bonus program or perhaps just to keep the V on certain designated property. And the thinking is that that allows for more income restricted affordable units. So that was one of the recommendations that I want to bring -- that I've been thinking of bringing direction on. And the second one relates to considering ways to reduce or eliminate requirements for ground floor commercial uses in some areas. That that could maximize opportunities for affordable housing in some places. So those are two that I'd like to bring direction on, and just wanted to see if staff had any thoughts on that. >> Erica leak, neighborhood

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housing. So related to reducing or eliminating requirements for ground floor commercial, those really only exist in the main street Zones, which are in fairly limited areas where there's a desire to make sure that there are pedestrian-oriented uses so they're near bus and transit stops and other locations that

are proximate to transit. So we think though the requirements for ground floor commercial are limited to the extent that makes sense if we want to continue to have high pedestrian use areas. >> Kitchen: I'd like to talk to you offline. Maybe there's some more flexibility needed there. What about the V? >> So we may want other people positive chime in on this as well, but maintaining the V I think would be an interesting challenge just in terms of

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would that mean they would be f25 properties. It would definitely be something different that is in the proposed code. The other thing that I would say is that obviously vmu has worked in some locations, we know that. It's possible that we could have actually gotten more affordable units in some locations, but what we don't know for certain is where 10% requirement didn't work and won't work. So the challenge is always if you set the affordability requirement too high, it may mean that people will develop under their base entitlements. >> Kitchen: I didn't mean instead of. I would like to talk to you fine about that -- offline about that too. Maybe there's flexibility in V in areas where it's working. >> Mayor Adler: Sounds good. That was two and a half minutes. Pio. >> Renteria: Thank you, mayor.

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What I want -- I want to go back to the missing middle mapping residential corridor, 14, 15. What is exactly -- I need some more clarity. On the draft 4, October 4 draft, I see a lot wider. And then in a supplement -- this is what you're proposing right now on the supplement part of it? >> Yes. The proposal in the supplemental report is to start the count on residential corridors in the transition area on the corner lot, which does have the effect of reducing the transition depth by a lot. >> Renteria: Thank you. That's all I wanted to say. >> Mayor Adler: You had half a minute on that. Alison. >> Alter: Thank you. I didn't get to ask some of my questions yesterday so I may be a little bit more

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time. So we had on page 2 of the supplement and I just lost the page in here where we talked about additional ways to map missing middle and we had schools and parks and imagine Austin corridors. I had two questions on that. One was how are we prioritizing among those different categories? Because they don't seem to be all equal. In terms of, you know, like we have mobility bond investments. Yes, we would want that. And activity centers, but then how are you prioritizing among those as to how you would do that. And then with respect to the parks we have a lot of different types of parks, a lot of different things that are categorized as parks from pocket parks up to metropolitan parks. And I'm not clear how you would be doing those because I don't think a pocket park is the same thing as a metropolitan park. So I would like some clarity on that.

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Thank you. Then if you can speak to when we'll see some modeling for the commercial Zones. We haven't seen any modeling of the commercial Zones at all or some of the mixed use Zones. And I would like to know if your models for the draft and the stuff that you're under considering are maxed out in terms of entitlements or not because one of the things we saw with the testing is they weren't maxed out. But you know in Austin they will max out, so we really need to understand our models in that regard. So if we could start with those. >> Thank you. Anik Beaudet. So we haven't thought about prioritizing the criteria that is coming from the community, also from

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planning commission we want to look at the context that is provided when we look at grocery stores in high opportunity areas and the different levels of parks as was mentioned. And what does the context look like, what does the road network look like. How connected is the road network to these amenities would be one thing we would look at. So I think they all kind of rise to the level of being opportunities to map missing middle depending on their access to these items and the street network. And maybe neighborhood plans, for example, if there are any neighborhood plans active in the high opportunity areas, we would want to look at implementing those plans to the extent that we can do it through the code because that is the point of the code is to implement the comprehensive plan and neighborhood plans are part of that. So those are some ideas that we have talked about with regards to prioritization, but we're wanting to get your feedback today on any of these or any additional

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that you think. We went through the centers quite a bit to show that there isn't a lot of opportunity. We thought it was important to show visuals because it been discussed a lot in previous work sessions of how we were applying the council direction for missing middle as applies to center. We focused a lot on the linear corridors and there's not a lot -- where there is some opportunity we will try to map. We showed oak hill and some others. So the context will be important as you said, the types of parks and where the street connectivity is I think will be important. As far as modeling, we are planning to have maxed models for more of the Zones as well as what we think is market viable for some of the Zones. And those will be coming after first reading so between first and second reading, we'll have a gallery up on the website with more of Zones modeled

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and especially to your point, councilmember kitchen, on the main street, we can have some of those models as well as following up with your office on where those are applied. >> Alter: And are on the models that are in here maxed out? >> A few are and Laura will speak to that. >> So the models shown today in the rm 1 zone are maxed out in terms of F.A.R. And then the models shown produced by outside architects are maxed out on impervious cover. And one of those actual exceeds F.A.R. So you know, we're still in the process of reviewing their models and developing those. >> And with regard to the commercial sites, while we have not modeled them in the same way we did the

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residential Zones, they were in the public testing and they were maxed out and they showed very clearly the additional capacity derived from council direction of not having combatability apply -- compatibility apply. >> Okay. >> Alter: Is there more you were going to answer anik? >> Mayor Adler: I have a little over five minutes, but keep going. >> Alter: Okay. In your direction for the second supplement, I appreciate the changes on the F.A.R., that direction, and I look forward to

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exploring it more. Is the intention to reduce F.A.R. On r2 Zones regardless of the lot sizes or only of lots of a certain square footage? It's still unclear to me. You had a reference to ads on less than 7,000, but I'm trying to understand what that means. >> So right now we're looking at reducing the F.A.R. Up two units to .4 for 7,000 square foot lots and above, which would be in line with current code. On lots between 5,000 and # thousand square feet, we're still calibrating what the F.A.R. Should be so we're not incentivizing one for one replacements. >> So the calibration of the F.A.R., the recalibration of the F.A.R., is looking at calibrating that F.A.R. Relative to the units as well as the lot size because when you get to the smaller

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lot size if the F.A.R. Is lower then it makes-- let's say it may actually disincentivize actually getting a duplex because it becomes too small. And again, we're really trying to figure out how to find the right calibration to prioritize. As we said early, prioritize getting more units rather than larger units. >> Alter: Okay. And with your F.A.R. Calibration, if you were doing that in the arr, does that setup mean that you are not getting like -- I'm trying to understand what kind of duplex you get in the two situations and whether I'm somehow getting a bigger duplex in rm 1 than I can in r2 and whether that's what we want

to be incentivizing. And I'm not sure I have my numbers right, but that's the question that I'm trying to understand from what you've presented. >> Sure. So for example, minimum lot

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size in r2 is 5,000 square feet. If the F.A.R. is .4, reduced back down to .4, then I would have the ability to do 2,000 square feet. If I was doing a duplex that would give me a thousand square feet per unit. What we've heard in talking to different folks who develop, that's too small, especially if the intention is to create a three-bedroom unit, a family size unit. So it's trying to find what is a good F.A.R. That would actually help realize a duplex on the smaller lot condition. But again as we discussed before, also not as the lot gets larger, create a situation that privileges the potential of getting very large duplexes. >> Alter: So I'll pass

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after this. I just want to make sure that we're not setting up the situation where our rm 1 duplexes can be bigger than the r2 duplexes on the same lot size. Because it seems like we've set up a situation where you can get a bigger -- I may have my numbers mixed up, but that's what I'm concerned about if we've created. >> Mayor Adler: You were on before. You're on. >> In the rm 1 zone, the F.A.R. For duplexes is .4. It's in line with what's allowed today. Then we increase the F.A.R. For more units. >> That is an inconsistency I think between the rm 1 and the r4 in the October 4 draft. It was .4 for the r2. And .4 for the rm 1. Your point is taken that there was an inconsistent we in the October four draft. So as we're looking at the cool abrasions we're looking at those situations as well.

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>> Alter: Thank you. >> Mayor Adler: Thank you. That was 10 minutes. If we -- colleagues, if we have the four minutes and nine minutes, everyone has like 13 minutes total. I'm just going to run it at 13 minutes total rather than necessarily breaking it up into those two sections. >> Alter: I wasn't able to speak yesterday, though, because everyone left. >> Mayor Adler: Paige. >> Ellis: I have a question about the changes in zoning and kind of alleviating that measure along the corridors. Have we done another crunch of the numbers to see where we are on 397,000 if we are kind of redoing the way the corridor lot is now number one instead of number 0? >> We have not yet. We are aware that as we move things around in response to community input and response from talking with you all that there will be a change

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to the numbers. And we are trying carefully to calibrate the changes so that they stay close to where we are today. We are planning to have our consultants, cascade consultants, run a calculation on the things that are presented today if that was acceptable and whatever amendments might come after first reading so that we can maximize that run because it is quite a bit of work. And so -- we are trying with what we've put forward in the supplemental we believe we can rebalance to achieve that 397, but have it further meet the council goals in -- council direction in a better way. >> Ellis: I appreciate that. I know there's a lot of moving towards with the planning commission's recommendations and the other things we're talking about doing. That would be helpful.

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My next question is about parkland dedication and missing middles. I'm not sure if anyone needs to come up. Can you talk a little bit about fees in lieu and the idea of units versus square footage or kind of what are the triggers of parkland dedication and how does that look for missing middle? >> In the supplemental staff report we've clarified the parkland dedication requirements are applicable to missing middle, but they're going to apply differently than we would to larger scale developments. Scat anthem is here to address those issues. >> Ellis: That would be helpful, thanks. >> Hell hello, Scott Grantham for the missing middle, under current code it would receive the same type of review as a -- which would

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be that a site plan would be required for more than two units. Under the proposed code it would actually be -- it would be a similar review. And basically what's been clarified is that it would be -- it would -- we would just use the same criteria. Now, it should be said that most of these sites are going to be quite small so in almost all cases we're talking about fee-in-lieu. >> Ellis: So there may be some that are small enough to qualify for the fee-in-lieu, was it 1.2 something acres? 1.6. And then above that it would -- would it be based on acreage or units or are we still figuring out exactly what that -- >> It's always based on number of units, but the -- if you're looking at this

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site, the real question is is there -- is there a vital connection there. So for instance, access to a park that would be provided to -- for instance, if there was a park behind it and this was like an eight-plex that was developing and there would be a potential easement through there that would give access to a neighborhood, say, that would be owe we would be looking at land dication in that case. And the rest -- so it's calculated based on number of units, so you would say, okay, the land dedication and then

whatever is the remainder would be fee-in-lieu. >> Ellis: Okay. I'll have to think through that a little bit more, but I appreciate your input. That's all I have for now. I may have more later. >> Mayor Adler: Paige, that was four minutes.

[2:27:17 PM]

Kathie, you've used up four minutes so far. >> Tovo: Okay. I have some questions about the vp. I'm going to fly through any other ones though and highlight these. I'll have to ask them through the Q and a. I think that there are so many questions that I have for staff, that my constituents have asked that this is just an extraordinarily challenging format to have very limited time to ask questions and actually have a conversation. Mr. Holland, these are for you. I need to -- I'll submit these through the Q and a, I guess. I'm interested in together if you've mapped impervious cover by watersheds. I don't think we have time to answer the questions. I'm just going to ask them. And the other question is maybe you could just say yes or no whether reviewed the proposed transition rezonings to see which ones overlay with areas of localized flooding. Just in my review of my area I see multiple transition rezonings that overlay with areas of localized flooding including in areas such as the one that would be served by the Guadalupe storm drain, which has been contemplated since 2010 at

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least, possibly earlier, still isn't constructed. It will \$40 million. And I assume it was potential L.I. Not each contemplating managing potential redevelopment. It's designed to serve -- to reduce the risk of flooding for 221 treasures structures. So that's a 40-million-dollar project. We're now nine years into the contemplation. It's not constructed and we're looking at some of the very same areas and rezoning them. So have you -- I guess a simple question at the moment is have you overlaid areas of localized flooding with transition Zones? >> Yes, we have. We have looked at all 14747 transition Zones to look at what the zoning is there, what the impervious cover changes are. That's correct. >> Tovo: Okay. I'll ask you then for that information on those areas. Just quick comments on what other people said. I support mayor pro tem Garza, I support -- I don't understand your proposal on on-site affordable housing, but I am supportive of that and believe we should

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strengthen our requirements. So I appreciate your comments on that. Councilmember alter actually had brought forward an amendment last spring when we were doing the policy direction that was strong on that issue. We didn't incorporate it into the policy direction, but I look forward to getting better, stronger provisions on that. Councilmember kitchen, I support your comments along the lines of vmu. I've heard from the housers and others that there are areas being rezoned. They are in vmu, we would

get affordable housing. I think they're being rezoned to a category that doesn't have affordable housing. We're actually losing units that we might otherwise get and the current zoning is actually better than what they're being rezoned for. Okay. So the valid petition. I support talking about it in executive session, but several of the memos have now been released to the public and I need to ask questions about those for the benefit of those members of the public who are trying to understand and are frankly asking me questions, including today in the

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middle of a store I was asked a question about the city's position with regard to legal valid petitions. >> Mayor, I have a statement I could read that might frame the issue if that would be okay. >> Tovo: Does that count toward my time? I do have some very specific questions about very specific things that have been said by the city attorney and released to the public and I want the opportunity to ask those in public. >> Mayor Adler: Okay. I'm going to stop the clock while she reads the statement. >> After reviewing the existing case law and legal commentary on position rights, the weight of the authorities supports the position that individual landowners do not have protest rights when a municipality seeks to enact a reclassification of its classifications and associated regulations. From yesterday I understand that councilmember pool to say that the answer to this issue may seem to fall within a gray area and from a policy perspective.

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The council should consider the direction it wants to take. Of course, council has this prerogative, but there are a few things that I did want to address. First, one of the public memos that councilmember tovo was referencing that was released on may 14 states that in part authorities around the country, including Texas, have interpreted status authorizing zoning protests as limited to changes reclassing individual properties or distinct limited areas. Clearly with the rezoning of individual properties the state law provides for very specific notice and protest rights. I have been asked isn't that what we're doing here? Aren't properties being rec.d.? Yes, properties will ultimately have different designations, but not because the individual property was considered for rezoning. Rather the classification is the outgrowth of the council's holistic revision of the code. And herein lies the difference between a

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comprehensive revision of our zoning regulations and the rezoning of individual tracts. An individual tract rezoning cases, council is evaluating a very specific piece of property. Is the use compatible with neighboring existing uses? Will the height authorized by the requested zoning district hinder the air and light available to existing residents? On the other hand, with the comprehensive revision, council is

looking at the bigger picture. What do we want our city to look like in 20 years? What overarching goals do we want the code to effect? Council waits those goals in its may direction to the manager. The staff created what it considered to be a code that responds to council direction. The changes on the map are an illustration and reflection of those goals and policies the changes are not based on the specifics of any individual property, but rather on criteria based on broad policy goals. The revision is the policy

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decision affecting a large number of property owners and a vast area of land based on general criteria and not on the details of any particular property. Therefore because the property owners would be affected equally by the legislative enactment of the comprehensive revision, the property owners don't meet the same level of protection as when the city focuses on an individual property on small discrete areas. Second, protest rights do not exist in a vacuum. Protest rights are inextricably linked to state law notice requirements. If we were to consider the proposed comprehensive revision of our zoning regulations as individual zoning cases as some in the public are requesting, then the city would also be required to send individualized notice to each property owner in the city identifying the proposed change to the zoning on each individual

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property and send notices to owners of property within 200 feet of each property within the city or 500 feet if we follow the city's existing code regulations. To notify the neighboring property owners of the proposed change. One issue we had with the notice is that under state law notice must identify the specific change proposed. At the point in the process when we would normally send notice of a proposed change we had no certainty of what the new zoning district would be. Even at this late date we are not 100% sure of what the zoning will be because council has not yet acted on final action. In addition, and of great importance, we will need to consult with the city's gis team to determine the logistics associated with establishing the protest areas for each property in the city in terms of time and resources involved. Finally, I did want to point to a possible alternative method of taxicabbing

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protest rights -- establishing protest rights should the council decide they want to do so. Here is what the city uses for combined neighborhood plan for zoning. The required percentage is the land -- the required percentage of land is based on the boundaries and area of the proposed -- of the entire proposed district. Since under this comprehensive revision, every piece of property in the city will have a new designation, the required percentage could be based on the entire area of the city. Under this

method a petition would be valid if the city received protest from the owners of 20% of the land in the city. Again, I don't know what the logistics are, but theoretically this would be an alternative method that is in line with the process already established by the code. >> Mayor Adler: Okay. Thank you. Kathie, do you want to continue? >> Tovo: I do. I have I think a three

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minute question to ask of our code team after so if you would make sure I don't run out of all my time on valid petitions because that's on a different subject. Thank you for that and look forward to reviewing that statement. >> Mayor Adler: I have you a total of seven minutes at this point and you have 13 minutes. You have six more minutes. >> Tovo: So one thing that is established precedent in the city of Austin is that when we do neighborhood plans, that was an area wide plan, that were changes that affected that whole area. There were also individual rezonings being presented as part of the proposal just in the very same way we are in transition Zones. And so what is hard for many in our community who are writing to understand, and I'll put myself in them, is why this is any different. It is not true. I mean, it is -- as opposed to the last code rewrite where certain classifications all became another certain classification.

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Sf 3 and sf 2 are all being mapped to one of the r2 Zones, but it isn't the case that all sf 3 is being mapped that way. Some are mapped to r4, some are mapped to rm 1. It's not at all clear why that is different that is in many people's opinion an individualized zoning classification and would be if you have a protest petition right for opposing those individual rezonings that are part of a neighborhood plan, it's not at all clear why you wouldn't have one if you're being mapped to a transition zone. Your property is being treated differently from other single-family Zones. They're not all citywide being moved to the same zoning category. You're being rezoned. That's my question. >> Okay. The code does prove for neighborhood plan combining districts, two types of zoning. The area wide combined a neighborhood plan combining district and at the same time there are also

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individual zonings that happen on properties. Those are individuals zonings and they had the full -- we do the full notice and protest right. Here while properties are being affected, they are not being affected based on their individual particularities, the specifics of the property. They're based on broad criteria that the code development team has taken based on the council's goals that they've set and apply across -- just generally across the city. Based on a set of criteria. And the criteria may be different -- the

property may be affected differently from property to property based on the criteria that are used, but they are broadly based criteria and

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have nothing individually to do with the specific piece of property. It's just based on broad range of criteria that they've applied as council has said to apply it. So it doesn't have anything to do really specifically with that individual piece of property. >> Tovo: Okay. I guess we don't have the time -- I don't have the time within my minutes to really explore that, but I would say the same was supposed to be true of the neighborhood plans. They identified corridors and those areas had particular zoning and they were attempting to do more comprehensive planning and allocating similar zoning -- similar zoning, rezonings to properties that were similarly situated, which is exactly what we're doing with the transition zone except, a and this leads me to my last question before I run out of time that is to the on valid petition rights, except on transition Zones, is being applied differently throughout the city depending on where you are and other criteria that are kind of a mystery to me. So I guess -- I appreciate

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this conversation to extent that we've had one because I think it highlights the nature of the dispute, which I think is a valid dispute. So I appreciate always you, Ms. Thomas, and thank you for that additional information. And then my last question for the moment is one for lacy Patterson. Thank you for explaining the change that, as I understand, is going to be made to streets such as Duval. You're basically just counting the house on Duval as part of that transition zone so it will result in one less. When you are explaining why there wouldn't be an increase, a proposed increase at Mcneil and 183, you offered -- you were looking at the different imagine Austin centers. You said that that would -- it sounds to me if I'm interpreting correctly that that would not be an area where you would be recommending increasing the missing middle zone because it would exceed the two to five. So I guess based on that statement, do you intend to go back to the areas around

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Duval and other areas throughout this city where you've gone well beyond two to five tracts. Again as I've mentioned and I'm sorry to start sound like a broken record, but on areas bounded by Duval and 38th, we have 11, 12, 13 tracts rezoned. Is there an continue mention staff to bring that back to two to five? If we're concerned about having transition Zones bigger than five up at 183 that we would be concerned about it on a residential street. >> So there are two elements to this recommendation. The first being to the centers. And when we looked at 183 and Mcneil and put it up on a slide as an example,

we were bringing up that this is an opportunity for providing for more missing middle housing and I think what we were trying to say is just to be cognizant of how the methodology does differ in an area that has a transition area also there in the center.

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So it is a different level of consideration for the melding of high opportunity mapping and transition area mapping. And as far as exceeding the two to five lots methodology methodology, it is really about just understanding that the center is not based on corridor methodology. We want to make sure that that's really clear in these proposals if we go through with mapping residential in these centers. And it is a different component. An while it may look like transition area mapping, it has different characteristics and different depths. And it will not look sort of the same, I think, can't say R certain, or how it may look moving forward. To the residential corridor, if we want to go back to slide 14 and bring Duval back up -- >> Tovo: That was an area of Duval where I think the transition Zones are smaller than other areas of Duval. So my question is very

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simply, is there an intention or a proposal that will be coming forward from staff to reduce the areas around Duval and again other areas where this is true in other parts of the city to the two to five that were the council direction? >> So the methodology is the two to five lots as you can see on the kind of left-hand side of the roadway, of the transition area, and that parallel configuration. The methodology we're proposing as far as how we measure transition depth and lot depth is not what we're proposing to change. It is counting and the creation of that depth of the lots that we are proposing to change. >> Tovo: Okay. So that sounds to me like no. >> The answer is no. >> Tovo: I appreciate that. Thank you. I guess I still don't understand why, especially again as wreaking at far more major corridors and we have far less deep transition Zones. Even the council direction of two to five has been

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greatly exceeded. And again and again I have constituents both from my district and others asking why that's the case. And I have yet to receive an answer that's really direct about that. And I just think -- I do think that's an area that needs to shift. So anyway, thank you very much. And I think again as we look, especially as we look at criteria that are being applied and being applied similarly, I would just point to that example as some evidence it's not for the most part. >> Mayor Adler: That got you to just over 15 minutes. Greg? >> Casar: So I've handed out a set of amendments that I'm working on, likely will add a few more and I wanted to make sure everybody had the draft that we were going to work on. These aren't finalized amendments. I want folks when they come to the public hearing on Saturday to know

what sorts of things we're thinking as early as possible so that way we can have -- post things to the message board on Friday and have really

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amendments ready after the public hearing. So I want to just walk through those really briefly and I'll turn on my own stopwatch to make sure I don't go over. So the first one that I have listed it may not be necessary, but I want to make it really clear that we're not making anybody's home nonconforming as we change and modify the rules, but have to evolve. The second amendment I think-- I like where the staff is headed and with councilmember alter to graduate the F.A.R. As you increase in units. I've had noted out sort of a chart with some of the chart highlighted in yellow to show what that would end up looking like. So that if you have a house on a single-family lot, right now if it's a 5757 lot you could build a 2700 square foot house. What I have laid out here is to lay out builds on that 5750 would go down to about

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2,000 square feet. So that would be a reduction in the size of new maxed out single-family houses. But it would allow for more square footage as you added units. So you could do a duplex where either side was 1400 square feet or a triplex where each of the three units if maxed out, which of course not everybody maxes out, would be at around 1200 square feet. So you would actually ultimately add units and add entitlements, but incentivize the more moderate size units as opposed to the big single-family. But I do like how the staff have thought of this idea of potentially having a different F.A.R. Graduation when you get to really big lots. And so there might be a way to do both of those things. The amendment I've handed out doesn't say that you need to do the F.A.R. Exactly as I've laid it out in the chart. The amendment says hearing loss an illustration of F.A.R. Requirements that emphasize family friendly and also modest housing

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types. Just trying to show what that scaling could potentially do because we don't want to force the units to be so small that they can't get built or families can't use them, at the same time we're trying to dysincentivize the big 3200 square foot new build sf home replacing a home as opposed to the preservation bonus or the addition of units. My third amendment, I think largely aligns with the staff and planning commission work. There's been all this debate about garage and attic exemptions and I think there being some partial recognition of garages and attics may be a way to go to acknowledge that that's not always fully living space, but that we also want to build nice roof lines and to recognize that adding a door on to your carport is something that we're going to try to help folks are able to do while

not incentivizing maybe big garages. That's where I've split the baby on that one. I've been talking about how I want the preservation bonus to work. I think it's important to

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let people who stay in the preserved house to have the ability to remodel and maybe add a bedroom and do things like that with their house. I know the staff presentation and supplement addresses some of that, but I want to make people -- have gone out and polled a lot of people in the community about whether they would use it and I don't want so many restrictions on the person who chooses to stay in the preserved house while preserving the house. There's been some questions about whether preserving the existing Adu would count as preservation bonus. I don't think that that should count. I also have heard from folks that may have a house that is a little bit newer than 30 years old, but want the ability to add the -- preserve their house and add existing units, add new units to be able to stay where they are. And so I want to make it more flexible and here my draft is instead of a 30-year-old, why not put it at 15. Don't have that many houses that new in my district, but I have heard from some folks that said if my house was 25 or 30 why wouldn't I be able to do this? As was laid out in councilmember alter and the

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mayor's post, I think increasing impervious cover for things like the preservation bonus, r4, would work if one potential thing we could look at is slightly dialing down the impervious cover and brand new r2 builds, especially brand new r2 builds where you're just building one house. So this amendment or direction is trying to say can we mitigate that or negate the increase over here by having a slight decrease over there? Then on the next page there's a few other things on preservation bonus, but they're not quite as significant. On the next page I want to consider the fact that the bonus height in r4 is 45 feet for the bonus height in rm 1 just leaves you at 40, which I'd be interested in what the answer is if why there's that discrepancy but now I'm having them potentially go to 45 and you have staff grow homes. You have in a lot of communities the cheaper basement unit or the cheaper top unit in a row house.

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My next amendment is for us to go back and look at U.N.O. In the context of that particular code amendment at the council meeting or two ago. I think there was a close vote and a lot of discussion about whether add additional capacity to U.N.O. And I want us to reconsider that as part of the overall code rewrite. Affordable housing, I have the amendment here to look at vmu. I think that was raised by both councilmember kitchens and tovo. So I have it sort of written out here how to not f25 those lots,

but still address the issues that the people in the affordable housing area have raised to keep the base height and place so essentially we're still getting the affordability while still updating the code. That way we don't end up with lower drainage requirements and things on the f25 lots. We update the zoning, but keep the affordability components intact. My next amendment and direction is really looking at us more regularly recalibrating our fees in

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lieu and/or on-site units. I think that since we're adding so much in the bonuses and in affordability bonuses in this code that it's on us to -- the stakes are that much higher for us to not have properly calibrated fees in lieu and on-site requirements. Also we've heard issues where affordable home ownership can be inaccessible because we require a certain level of income, but a condo fee on top of the price of the unit will price people out who are supposed to be qualifying. So I think that could be a good thing for us to fix while we're in the moment of redoing the code. Now I'm on the bottom of page 2. We've heard issues about enforcement of on-site affordable housing and making sure that people in a lot of need actually have access to the units that are delivered by the private market. This council passed a resolution to ask for a waitlist program and partnerships with non-profits to get people into those newly created affordable units.

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And I think fast tracking that and writing into the code that we want people to participate in that waitlist system I think could address a lot of the concerns of you're getting affordable units, but how are low income folks getting routed to those units and knowing about them? A lot of our non-profit developers have really successful waitlist systems, but a private developer doesn't always have that system in place. So I think we can address that as a city. Now I'm on the non-zoning section on landscaping, page three of three. I know the staff said that removing the irrigation requirement might take some time. I'd like for us to think about if somebody chooses to xeriscape their lot, why we would choose to make them install an irrigation system if it doesn't need as much water. So maybe there's a way for us to think about whether this could be something that can be exempted or done away with in certain cases. I don't know if that's in the existing code, but it stuck out to me in the letter why would we force people to build sprinklers because it

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probably forces them to add more water consuming plants they they might otherwise want. Maybe there is something in the code, but I wanted to raise that. Site plans, currently we require a site plan at the third unit. And I think especially for things like the preservation bonus, if it's a homeowner adding an

internal Adu and an Adu in the back, going through the site plan process doesn't seem to make the most sense to me. So I would rather break it down that one through three units is the building permit and then four through 10, which is that transition area zoning, would be that light site plan that I know the staff have developed, and then have full site plan go after the 10 units to break it down that way. Because right now you have site plan light ending at like eight units, which awkwardly is right in the middle of an RM 1 zone, so I think that that might be more clear. I would love to hear from the staff if there's any issues with that or anything else that I've raised here. Wife heard in the code next

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process a lot of the process of the criteria manuals. Hey, maybe could agree to this or likes this code provision but doesn't know what's going to come later. I want us to remove that as a part of us finishing this quickly. I've written out a process for criteria manuals going to planning commission. Not having the planning commission rewrite criteria manuals, but for there to be that level of transparency before they get adopted. And then I've always had a bit of an issue with when somebody appeals. When somebody makes an appeal it's always better for the appeal to go to a third-party rather than to the party that implemented it. So I've always had some concerns about a city department implementing a rule and then somebody appealing it and then that city department deciding whether or not the appeal is valid or not. And so in this draft I've sort of written in the land use commission as the people to hear appeals on the rules. And we're almost at the bottom. Two left. Another one here is creating

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simpler subdivision rules in particular for the preservation bonus and for the missing middle housing Zones. You know, people being able to just buy a lot rather than have a condo regime in an HOA can make a lot of folks' lives easier, but sometimes we disincentivize that if people have to go through a really long process. If they develop a lot, it would be great if they quickly split that and sell each of the townhomes individually rather than as part of a condo regime. So for preservation bonus and missing middle, creating the opportunity for people to more easily do that I think makes a lot of sense. So I've written here just having a simple subdivision process if you're doing those missing middle types of housing, be it preservation bonus or in the high are R Zones. And then finally, again, this was brought up by the watershed staff. If it's not doable in the process, at the least initiating the conservation subdivision code makes a lot of sense to me. You know, it would be great to have more housing within the city and not sprawl as much and I think that this

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code would help us do that. But in the cases that there is that Greenfield development clustering that development, makes a lot of sense to me. So I've included that and it could potentially as staff said, take longer than this process, but if it doesn't take longer than this process, great. That's what I've listed here. So happy to hear what folks thoughts are about this in private or on the message board. I'll likely post after hearing back from staff and folks out in the community, post something similar to this on Friday. Likely will add some more things on water quality and drainage based on what I heard here today and some things to make uses a little bit easier. I've been looking at the live work and the home employment sections and want to make that stuff easier for folks and update to what I understand a lot of people are already doing in their houses. So there will be a few others, but these are some of the main ones that I wanted my colleagues to have these in hand. >> Mayor Adler: Sounds good. Thank you. That's 12 minutes. Jimmy?

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>> Flannigan: Some of the changes that are being proposed, when will we see that in the online map tool? >> After first reading we will produce new code and the map. >> Flannigan: Great. So at first reading if we're identifying other areas of concern, I still have some apartment complexes zoned rr in that map, for example. Should I present that at first reading or should I look for it after first reading and bring it to you for second? >> As much as you have now you can present it at first reading. And we will -- >> Flannigan: Identify it and for you all to consider that type of a process. >> Correct. >> Flannigan: Great. On slide 15 where we're talking about the transition zone along Enfield, that one was a little bit of a surprise for me because it is not in an area facing displacement. It is in another is high

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opportunity and the transition is only on one side of the street. So are we taking into account the nondisplacement high opportunity and why would we reduce it there? That seems like the place weld it to have the wider transition zone. >> You are exactly right. There's some competing direction there with regards to increasing missing middle in high opportunity areas and then looking at the context of transit priority corridors and imagine Austin corridors for mapping transition areas. So any reduction that we are recommending because of context, we're looking to regain that in a different fashion. So we would be looking to -- for other areas in high opportunity areas, parks, schools, corner lots, et cetera, to make up for that. For the different context of the corridors.

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>> Flannigan: Okay, I guess I'll stay tuned to how you all will figure out how to do that. I'm cautiously optimistic about the overlay stuff, I think it could be a good tool, mayor pro tem, it's also a broad

approach to addressing those concerns. I'll dig into it a little concept greatly. The -- I like the stuff, councilmember Casar, you did about graduating the F.A.R. Because I had some concerns about reducing the massing in multiple units which would then maybe lead to not family-friendly housing. So our kind of like lever of we want family-friendly housing, but we want small buildings may not always be consistent when we're talking two or three units. This might be the right place to go. Generally, is there a rule of thumb about square footage to number of

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bedrooms? >> Yeah, I mean, well, every market is a little different, right? So that's part of our discussion is speaking to developers and understanding more what's happening in the marketplace. >> Flannigan: I'm not -- I'm not talking about what we think they will build because there's a market pressure to build one bedroom and smaller. I'm saying geometrically speaking when you are building a unit with two bedrooms, it has to be at least 1,000 square feet or 1500 square feet. Is there any kind of rule of them there? >> Um -- >> You don't want to say one. >> There are in different markets. That's why we want to understand what's happening. >> Flannigan: Austinites like big bedrooms, that would change as opposed to another city. >> May I quickly interject and you can take it from my time and stop his time. I have to leave. I'm grateful you said the concept because that is really what it is right now.

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I know that councilmember tovo asked about wanting to know more specifics and I just want to tell everybody I don't know the specifics yet, it is mostly a concept with the goals stated in the message board post. And we have been trying to work with staff to figure out how we get to those objectives. >> Flannigan: Cool. >> Garza: I just wanted to interject that. >> Flannigan: My last thing for now on the two to five lots question, I thought you all did a really good presentation however many meetings ago that was where you had the slides because when I first looked at it, I was also, like, curious about how that worked. But when you showed the distance from the corridor being equal and what really opened my eyes was how the side that had more lots was actually fewer in aggregate than the side that only went two and five lots deep in areas in your example. I went through the ldc website and I found it buried in a blog post about

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it was a link to the video on atxn about the preparation. Can we daylight the two to five analysis into an article that can be shared more broadly with the community? >> Yes. >> Because it was such a good explanation. When I look at areas in my district that are centers, like mckneel and 183, that distance of the transition zone is not even as deep as the first suburban style apartment complex on palm Springs.

Where the bus does run, my one 383 bus and thank you for putting -- constituents it's pretty great. The apartment complexes in my district are ginormous. You are already 1,000 feet in and I live in that area so I know the challenges of the walking distance to the retail and getting to the bus stop and all that.

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That's not to say there aren't opportunities for some r3 or r4 in that area. I would be open to exploring that. I live in a duplex zoned sf-2 under current code so it's noncompliant, but maybe it could be r3. Maybe there's areas where that's an appropriate transition given the depth of the apartment complex lot which is a different -- in the urban areas. That's all for now. >> Kitchen: Okay. So a couple of quick things. >> Mayor Adler: And I have you with about eight minutes left. >> Kitchen: Is that going to count against our discussion of process? >> Mayor Adler: You know, probably you are right. Probably three minutes. >> Kitchen: Okay, then I have no questions. [Laughter] >> Mayor Adler: Okay.

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Leslie is gone. A couple thoughts, I'll go then with some thoughts on this. I appreciate the work that you are doing. I think you are being really responsive to what we've heard from the community and I think there's significant movement on the things that really were many of the things we're raising, the greatest concern, as I was going around the city and talking to people and I appreciate the responsiveness I think that a lot of people will see their thoughts and suggestions in this. And at least seeing that you are looking at things. With respect to putting the rm3 in, we need to figure out how to deal with the compatibility issue on the corridors. I don't know if we create a new category of r3c, that is the r3, that is the abutting of the commercial corridor that gives rise to compatibility and stopping the compatibility or if

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there's a mu1 or something else that just doesn't have compatibility associated with it, but something like that I think you mentioned that and I think that's just an important thing to do and it might be just adding an additional tool to what we have. There were several issues that were related that I just want to touch on. Calibration I think is key and I don't want to be a broken record on this, but I really do recommend we have somebody on staff doing this because I think that's going to be a person that's constantly looking at recalibration in areas around the city. I just think it's going to be incredibly expensive to have a consultant which would have to be almost working full time, I think, to really do calibration well. This whole system that we're setting up works well only to the degree that we are calibrating it correctly, so we have to be prepared to make mid course adjustments if we find after the

first year, year and a half there are places it should be happening and it's not happening and someone needs to be monitoring that and making sure that the tools we have are being used and

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if they are being used too easily, then we need to ask for more. If it's not being used at all, we need to make sure we have a proper incentive. I'll just daylight that we -- Alison and I are discussing with each other the park dedication issue on the corridors and would meet with some of the folks in the community and with pard and may have something that really doesn't do much more other than just record what the present practice is. To a large degree it's spheres of strain from present practicing, but I think we might be able to codify in the code different sections, probably be one or two issues we need to work through, but I hope that we'll be able to come back with something to recommend that might enable us to quickly move across that piece. With respect to what Greg has as you increase the

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F.A.R. With the number of units, we have to figure out we don't let one of the units take 95% of the F.A.R. And two other units create wet barrooms for what would be a big single unit use on a property. If we're going to do it that way, we need to figure out what that control is. It's the abuse issue we have talked about before that you have said you are going to address with respect to preserving -- are you actually preserving something or keeping a studying present as Kathy mentioned in the past we need to address to some of those things. On the equity issue that dahlia raised, he's not here, but I'm encouraged she looked at the work you are doing with respect to differentiating and the different kinds of gentrifying areas as one way to address the equity overlay. That's a way to address it that makes sense to me. Overlays are going to be tough to do, but this is more -- it goes to the issue

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in a more focused way and I think that might be a really good way to handle that issue and hits the concept. I do hear a lot folks talking about the two to five issue and how that's being applied. I agree with Jimmy there was a real good springs for that if we could -- explanation of that. We did really good work in April with respect to the policy direction that we gave. We weren't perfect at it. I don't think it was the intent of the council at the time to say that the transition zone should be three times as deep in areas where there are perpendicular streets abutting the corridor than there are in streets where it's parallel. I don't think anyone intended it to be three times as large just because it was a perpendicular -- or three times shorter because it was a perpendicular

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and if you just do it on lots, there was a significant linear difference if it's a perpendicular street versus a parallel street. I think the approach to say the distance roughly the same whether it's a perpendicular street or a parallel street I think is a good way to enter the process and now we have to refine that you are for more general site specific conditions in the community. I for one was not intending just because of the abutting street that in some areas it should be three times deeper than the others and I don't think that's what other folks meant. Jimmy, in terms of individual lot changes going to rr, just to remind people this first reading is not going to be the place where we make individual kind of lot assessments. But broadly speaking certainly rr is not an appropriate use for a kind of use and I think that's exactly the kind of thing that we can take on first

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reading because they are applied like citywide and I think we should do that. I want to remind the public there is still going to be time in December and January for folks to be able to come in and say the general policy rules don't take into account the kinds of fact patterns associated with my lot so that we can make individual lot changes, and I think that that will be an important thing for us to do. And Greg, you know, I looked at this stuff. I'm going to go through this, but most of this stuff makes sense to me and notice kind of the details on it. I have some questions about some of them that I will raise either directly or online or on Saturday. And then I would just remind everybody that right now what we had said is that we are hoping people can publish amendments that they are intending by noon on Friday so that people testifying publicly can see it on Saturday and we'll

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give priority, we'll go through all the amendments first when we're going through amendments on Monday. And that was seven minutes more for getting me to a total of nine minutes. >> Kitchen: Mayor, I will take one minute. I changed my mind. I'll take one minute. First I am concerned about applying a different method in transition Zones than high opportunity Zones in terms of depth. I'll talk more about that on the message board. I continue to be concerned about the two to five lots. I think we said two to five lots. I'm not agreeing with my colleagues on some of that, but I'll propose something related to that. The second thing is mayor, I understand what is you're saying with regard to the perpendicular streets, that was my amendment, but what I was thinking of was the issues that are created when you come in perpendicular, you can have issues where commercial property might -- on a corridor might wrap a

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lot -- might wrap a lot on two sides. And so I don't think we've solved for that yet, and so that's really what I'm focused on is I think we need to solve for the situation where the way we're doing the transition Zones and just the way it's mapped can create a situation where a lot, a single-family home lot is butting up against property on one side and on the back but they don't have compatibility anymore, so there's no mechanism for dealing with that. That's something I do want to solve for. >> Mayor Adler: Got it. That was one and a quarter minutes. Natasha. >> Harper-madison: Yes. You guys have to forgive the sniffles. Mostly I have some comments and I'll start with transition Zones. I would like to see that at

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the recommendation in the supplemental report. For transition area mapping and high opportunity areas. I think these recommendations considered land value discrepancies and will help to enable a more equitable distribution of development and housing throughout Austin, which we absolutely need. I don't think it's fair that any single community should bear the brunt of a city's development and I think we're all in agreement on that. So as we move forward, I would like to say I really appreciate what you all contributed there. Also, actually it's not quite a question so much -- in fact, I'll ask later. The other area is around complete communities. So I'm concerned that the proposed draft still has few opportunities for interior neighborhood commercial spaces. Some are thinking through complete communities the things that actually make a community you need active and robust commerce, you

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need schools, you need parks, and I think that's an area that hasn't been addressed day in a way I feel is robust or substantive. Our new code should create creation of not just residential subdivisions, but complete neighborhood communities that offering basic amenities such as day cares, but additionally pharmacies and neighborhood grocers. And where we are able to with rewrite of the code I would like for us to address those specific amenities that make communities complete. I asked yesterday about the heritage tree preservation. Oh, so I'm going to skip back over to transition Zones there were a couple things there. Floor to area ratio should scale with density. If more units are allowed on one site, more F.A.R.S

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additional units. By giving missing middle Zones limits on F.A.R. And impervious cover similar to single-family Zones, we're continuing to prioritize development of most expensive family types, single-family homes. Our codes should be flexible and provide strong incentives to build missing middle homes. It

should not digress any use of the affordable -- if we want to bring down housing prices, it doesn't allow to allow more construction. We must make sure that new construction is affordable to build. These are some of the concerns that we've been walking through with our constituents as well as small builders. And in saying that some of the things that we're thinking about being mindful of, more buy-right housing capacity and expedited permitting process. I'm certain you guys have heard this before. Being mindful of imposing

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receives I have fees that go beyond the development's direct cost to the community. That said, land use is just a part of the affordability puzzle and I would like to take my time, this isn't directed at you all but it's worth saying. I think some of the other tools that we should and could access as a municipality include purchasing existing multi-family to preserve affordability utilizing residential and commercial and commercial. This is another thing I haven't heard discussed yet, but commercial community land trust. For so many entrepreneurs, their businesses are rooted in the ability to have brick and mortar. And when you have, you know, commercial real estate prices akin to that in Tokyo, you really can't afford to operate a business. When we're talking about upward mobility for so many small business owners that really do need brick and mortar, our inaccessibility by way of astronomical costs

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for real estate is a barrier to entry. As we're talking about affordability, I would love to be talking about commercial affordability at some point. I would like to continue work on robust tenant protections and assistance to help existing homeowners to stay in their properties and maximize the potential opportunities on their lots is something else that's of great importance. The preservation bonus. If we want to disincentivize demolitions of existing homes, the incentive to preserve must be robust. Increased F.A.R. For duplexes and the F.A.R. Exemption for the bonus unit is a strong incentive to utilize this bonus and preserve existing homes. The preservation bonus has the potential to be a great tool to help incentivize -- and high opportunity neighborhoods while maintaining the visual character of these neighborhoods. This bonus can also provide

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opportunities to help existing homeowners stay in their communities which is why we have to design it to be simple and accessible to the community at large. And I keep saying community because I think for so many folks the thought about the land development code changing somehow for them implies that their neighborhoods will be decimated or they won't recognize them, you know, and I think that narrative is out there by way of some folks who really do benefit from operating in fear-based narrative

creation. So I just -- I like to do the exact opposite and talk about how important it is that communities are complete and have access to the amenities that they need and that when we're talking about communities -- I'll talk about buildings, we're talking about people and the things they access, the things that help them try and be successful. And thrive. I'll close with this.

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Now is definitely not the time to preserve the status quo. Revise our land development code, I don't have to tell you it's not an easy task. So we have the two books, right? I saw it compiled into one today. It's the most absurd looking creation so I don't have to tell you all this is not going to be an easy task, but our rapidly growing city, affordability crisis and transportation woes require bold action and I'm looking forward to seeing what this first draft looks like. I also look forward to continuing to work with my colleagues and staff to deliver a code that meets the needs of the people today without compromising the ability of future generations to meet their own needs. And so I will stop now and just say thank you guys so much for your time and your dedication and your commitment to what has clearly not been an easy task so far and will probably get harder before it gets easier, and we all

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very much appreciate your commitment. So thank you very much for your presentations. >> Mayor Adler: Okay. Thank you. Hang on here one second. I had you with seven and a half minutes on that. Pio and then Alison. >> Renteria: And I also want to pick up on this great report. I know some of you guys have been working on it for over eight years now. I know it's been a long time. And, you know, this has been a very transparent and public process, you know, even my wife served on the imagine Austin committee and she spent many years coming up with recommendation. My whole thing right now is there's -- I've been going through the mapping here on my district, and I've noticed that there are some areas there that we could put more density in it,

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especially right off tillerry. I think the city of Austin owns some property there, pecan street, pecan tree court. It seems like you have it zoned right now for r2a. And I know that it's a pretty big acreage there, but they have a lot of pecan trees so we've been discussing with the neighbors about putting affordable housing there. And about adding more density, put more height there so we don't have to disturb the trees. And they would be willing to work with us, so what's going to be the process of changing the maps for -- >> Councilmembers will be able to introduce proposed changes to kind of echo the mayor's comments, we encourage that your changes be couched in terms of criteria. And I think several of you have expressed interest in,

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you know, particular situations that fairly well lend themselves to criteria. The situation you mentioned involves, you know, trees and other factors that I think you could identify. And the same with councilmember Flannigan's situation, so we encourage in this process for you all to come forward with map amendments, but to do so in a manner that is mindful of the process and really expressing it in terms of criteria. Once we get your direction, we would -- you know, we will prepare a whole new zoning map and code text in advance of second reading. >> Renteria: Are you going to have a process like a forum or something that we can put together? >> Yes, we can make available to you a spread sheet for you to enter in individual changes. >> Renteria: Great. Thank you. >> Mayor Adler: Alison. >> Tovo: Thank you -- >> Mayor Adler: That was two and a half minutes, Pio. >> Tovo: Thank you.

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So the amendments I'll be bringing largely relate to the message post that the mayor and I put forward. Some of them will overlap with perhaps in some ways with some amendments that have been put forward and others will deviate. I did want to thank staff for some of the general direction that you are moving in. I'm not there yet, but I think that you are moving in a number of these issues, you are moving in the right direction. I wanted to ask about one particular element that was in our message post that I didn't catch in the supplement, but I have a feeling it might be in there and I just missed it. So we had talked about the need to create some kind of development reserve category for those green spaces in the hoas that have been actually zoned for building, but all the deed restrictions, et cetera, say they can't be built on. So I will bring an amendment if it's not, but I wasn't

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sure if it was already in the supplement. >> Councilmember alter, we're happy to continue looking at that and, of course, follow council's direction, but we have not recommended for a variety of reasons bringing back the development reserve zone. >> Alter: For the development reserve zone, the issues these cannot be built on. So -- >> So generally we -- the overall approach to zoning is not necessarily to - is to zone based on sort of overall land use goals for an area and not necessarily to try to conform the zoning to other restraints that may exist on the properties. And a lot of -- a lot of properties that are subject to a variety of restrictions including, like, easements and things of that nature, those are going to control over zoning. To try and use a zone that endeavors to sort of be tailored to conditions that

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exist -- restraints that exist independent of zoning is not something from a planning perspective that we recommended. But it's something we can continue to look at and obviously it's something council can give direction on. >> Alter: Weren't a number of those laid out that way this first place to address impervious cover for the whole division, the site division in the first place? And so if you then allow them to build on it, then you are undermining the impervious cover approach that we've adopted, if I'm understanding correctly. >> We can look more closely at the sort of history and all the different contexts Dr has been applied, but in applied the restrictions are going to remain independent of zoning. There may be exceptions to that and we can certainly look into that. >> Alter: Okay, so I guess you already have a

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conservation zone in the code? But you didn't zone all the Dr land conservation. That may be more of what we're trying to get at. >> So the -- Laura has provided us some of the history of development reserve and it's a district that it was intended for temporary use or a use that will not commit land to a particular use pattern or intensity. Dr as a district designation may be applied for a use on land for which adequate public facilities or service are not available, economic demographic and geographic data is unavailable or land and urban development policies have not been completed. And I think in a lot of situations where Dr was applied historically we're at a point now where it's appropriate to remap it. And again, as I indicated, I think some of the restraints

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that apply to those Dr parcels will continue to apply, and Laura, do you have something else to add? >> Yes. So because development reserve was viewed as a temporary zoning under the current code, we applied the same methodology to development reserve as we applied to interim zoning. Where we looked at the existing land use and applied a more permanent zoning. So in the cases where it's undeveloped, we usually applied rural residential. >> Alter: I just want to be clear. I'm not argue to go keep development reserve as a category because I like it as a category, these are green open spaces that are critical to the functioning of the hoas. I believe there's impervious cover reasons for having them. That's why they were that way in the first place. And you have some that were zoned conservation lands and some were not and there's

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not a lot of clarity. In some places they were zoned conservation land and another they were not. >> We worked with the parks department as well as the county and looking at the balance canyon land preserves and in areas where they have those legal conservation limits. The others might be a common space in a hoa. We weren't comfortable reducing entitlements in those areas. >> Alison, if I might because I've got one of these in canyon creek zoned pr. There's even another category that was used in - it was Dr before, it's part of that neighborhood's greenbelt and it was zoned pr. This might be finding examples and work them out. I don't know there's disagreement from any of those those should be zoned as green space. >> Alter: That's what I'm asking. I'm not understanding why

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we're not doing them all green space. >> We will take a second pass and look at the corrections tally that we have on the map corrections. I do recall talking with folks at one of your neighborhood meetings about a particular property near 2222, and so I committed them and I'll commit now to looking at what categories we have that might be appropriate to the unique situation of that property. >> Alter: I appreciate that. I just don't know how unique it is and how many of these, you know, we had found several of them, as I understand it, that were Dr and then were zoned something that you are going to be building on when these are green space, they might have heritage trees, they might be -- really important for impervious cover. >> Yeah, understood. >> Alter: It's something that we need to fix in there and I don't quite understand why we are, you know, the hoa would have to all agree

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they want to build on it since it's common property, so I'm not sure why we're zoning for something else in the whole hoa is going to agree to build on it, agree to rezone it, but if you create confusion and you create hassles for hoas that are not clear, plus I think you are overriding some important watershed things that were built into how these divisions were created. >> Mayor Adler: Let's park that. It's been identified. My sense is that the question is can you differentiate -- obviously we can't zone to deed restrictions. We can't change zonings all around the city based on the particular deed restrictions on any piece of property because it runs counter planning principles. But we're talking something might be different than that. This might be the appropriate use of that property in that kind of situation. Take a look at that and see if there's a category that fits with that. It is 3:30. Now we wanted to hold 30 minutes to talk about the

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process for the first reading. Do you guys want to do a quick lightning round before we do that but just really quickly. Kathy. >> Tovo: Super quickly. Is there anything with the map changes that you've already

made or identified that will be made, it seems to be tracking to parcel numbers rather than addresses. I wonder if there was intent to put addresses and also I'm getting feedback and I haven't verified this that the parcel numbers aren't -- don't seem to be correlated with tcad parcel numbers. So I just would ask if we could put address numbers. When you are highlighting that change, if you could put address numbers, that would be super helpful. If you must use parcel numbers, what do they equate to. >> The addition of address would be more user friendly, however, it's more complicated with tying the data to address for a number of reasons, especially at this point in the process. The parcel numbers, they are

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called property ids because these are unique to our data and they are not correlated with tcad property ids. It accident always correlate to ownership data versus zoning data. So it's -- it's a whole other data set and I understand the confusion, but the property id is just correlated to our data and not the pid or prop id that tcad has within their data sets. >> Tovo: Am I'm trying to -- as I'm trying to determine what changes have been made in my district, or neighbors in their district, this information isn't providing them with the opportunity to do that. For example, I got an email about a cemetery in my district that was rezoned to be within the transition zone. If that hasn't been corrected, obviously I need to let you know that it needs to be corrected. But it's -- I can't work with that data to even map it up, match it up. And again, we have community members who have -- who really need to be able to use that information too.

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I'm not sure what the answer is, but I think we need it to track to something people can identify. >> Yes, that's completely understandable. And there is an avenue for understanding individual properties whether they are being included as a proposed update or not. You can in the map viewer -- I'm sorry I can't demonstrate at the moment. In the map viewer when you select a property, if you have a specific property in mind that you are curious about, that property id does pop up on the proposed zoning side of the map so you can take that property id from that pop-up and look into control find, command find, to find within the spread sheet if that property has been listed. We've also within that spread sheet we have provided the district that the property falls in with. So we could see the district level -- >> Tovo: I appreciate because we asked for that. I just don't know how to get

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from that number to see where those properties are. >> And then you can -- >> Tovo: Short of clicking on the map. >> There's also the option of reverse searching. There is in the address search bar the capability to drop down to search by property id. So if you have your spread sheet -- or you have your

list of property ids you want to see where they are, you can drop down that address search bar, there's an arrow on the left-hand side, type in that property id and it should take you to that specific property. So it isn't -- you know, completely intuitive as addresses, but there is a system in place to look for both directions from spread sheet to map, from map to spread sheet. >> Kitchen: Could I follow up? >> Mayor Adler: Leslie. >> Pool: I wanted to go back to miss Thomas and you were talking about notice given. There was notice given last year on the [indiscernible]. >> That notice was not legal notice. >> Pool: I'm sorry?

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>> That notice was not the notice that would have been required by state law. That was just a courtesy notice. >> Pool: Okay. That was when we mailed out to everybody in the community. >> Yes. >> Pool: What would have been the legal notice under law. >> The legal notice would have been mailed to the individual property to tell that individual property owner what was happening to that specific property. And then we would also have mailed notice under our city code, drawn the circle, the 500 foot circle and mailed notice to each person within that 500-foot area, that that particular property, the change being made to that particular property, then you move to the next property and the next property and you do the same things. Basically end up with a series of concentric circles moving down the block. >> Pool: Right. So we didn't do it this time. >> We did not. >> Pool: And so what was the difference between dollar it last year and not this year? >> Why we didn't do the

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courtesy notice? >> Pool: Yeah. >> I have to ask the department. >> I think it was -- what we did last year was just kind of a just FYI user friendly postcard that went out in utility bills, and that given the time -- you know, the time constraints of this process and also the resources involved, you know, a decision was made at the outset not to do that this time. I cannot remember the costs associated with that, but it's more than one would expect so it was basically a time and resource decision. We tried, as I hope is evident to communicate that the process is going on in a variety of other ways, but we did not do the utility mailing this time. >> Pool: Right. And so you also feel like the substance of the ldc rewrite does not lend itself to the kinds of notice, formal notice that's listed

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in our code and also in state law? >> That is true. I suppose you could do it, it would just be very -- the description I got was it would be challenging. >> Mayor Adler: Okay. >> Tovo: Mayor, one follow-up? >> Pool: How much time have I used of the time I had? >> Mayor Adler: You have used six minutes. >> Pool: And how much were we each getting? >> Mayor Adler: 13. >> Pool: Okay. >> Mayor Adler: You can use

your time, but people wanted to get to the last 30 minutes we said we were going to spend on the process. So we wouldn't run out of time before we lost people. >> Tovo: Super quickly, when you do the search for property id, parcel id, it doesn't pull up the address that way either. If we can just figure out a way of making that stuff available because there doesn't seem to be any way to get to that address. >> Mayor Adler: I guess the question is how does the public access the property id system that the city is using? Is there a way for the

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public to access that? >> Tovo: I think she described it. I think the challenge is you still can't seem to get to the actual address. If we could spend a little time on figuring out a solution for people to get -- >> That is correct. This data does not include the address. It's just part of the zoning data and the zoning tool. The outsourced kind of Google property search that is part of the search part of the application has -- is how you are able to look through and certify address, but the bat where we are drawing the zoning map does not old the addresses within it. It's not a tool for withdrawing addresses from. So I think that you would have to use an outside source via Google and other windows and other tools to draw address from zoning map. It's just not data that's available at this time. >> [Inaudible] >> Mayor Adler: Okay.

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So in the time we have left, let's talk about process that we have. Ann? >> Kitchen: I had a question, I wanted to talk about the process for the map. And -- but first I need to clarify what you guys said earlier. So and some other people talked about it too. So were you thinking, did I hear you say that we submit those to you all? Is that what I think councilmember Flannigan talked about it earlier today too. So what is the thinking on the process? Are you thinking that we just submit those and then y'all will incorporate them in your next draft or what -- >> We will provide a way for councilmembers to provide individual addresses, but we also recommend, as I mentioned earlier, that your direction to staff be rooted in criteria as well. >> Kitchen: Yes, but when you say direction to staff, are you meaning -- what is the deadline we need to give you those changes in order

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for them to appear in the second reading map? I guess that's what I'm trying to understand. Wasn't clear on. >> Mayor Adler: I think -- >> Kitchen: I'm asking them what they were thinking. >> I would say -- >> Kitchen: Or you can give me a deadline later if you don't know now. >> We're going to need, definitely council's direction needs to be provided at first reading. So direction, you know, direction with respect to the map needs to be expressed to staff at first reading. >> Kitchen: Okay. So what you're suggesting is that we have to vote on any direction; is that what you are suggesting, before you can put

it in a second -- put it in another map for us to look at? >> Unless it's something you want to bring to our attention that is a correction that we misapplied our existing process. >> Kitchen: Well, that's a judgment call. The reason I'm asking is we had raised -- I'm trying to

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work out what's the best way to do this. Because we had started a process for the public where the public could submit suggestions for us. And so it's unclear to me about how -- how those suggestions then come forward and are put in a map. I mean, we've got them now. We could bring them forward and have them put in a map, but -- but we haven't set up, we have no -- we haven't gone through anything. Councilmember Flannigan raised a question about how does he get the example that you had given. So what do you think we're doing? >> Flannigan: What I heard was that for next week we should give staff high level concerns that they can interpret as part of directions. So I think I've got some mismatched rr2 housing that's on the ground. I think I've got some corridors that have kind of a hodgepodge zoning that wasn't really considered, it was just kind of applied as a copy/paste but I'm not

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going to say to staff I think this zone should be X or Y. Here are three or four areas of my district I would like a second look. Then I heard you will then provide an updated map tool for second reading. And then there will be a second and third reading process as there can be in any second and third reading for specific amendments. I'm not so concerned about that process. I was concerned what was staff -- >> Kitchen: I'm talking about the same kind of changes that you are. >> Flannigan: Yeah. >> Kitchen: So what your thought is that -- because that requires you to tell them the area that you are talking about. >> Flannigan: Yeah. >> Kitchen: You tell them the area you are talking about and it's tried to criteria. The thinking is they will then take that and put that into a map for us to consider as part of everything else. >> Flannigan: I think staff will do what they think is best at second reading and we can go back

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and overrule the staff. >> Kitchen: Are you expecting all of us vote on your direction -- >> Flannigan: Yes. >> Mayor Adler: Yes. >> Flannigan: But I don't want my direction to be more complicated. Look at Mcneil road -- >> Mayor Adler: I want to be in the conversation too. I think that what we're looking for is on first reading we're going to approve directions to the map, approve directions to the code. The directions that we give hope will not be line iterations nor will they be individual lot. I think this lot should be this as opposed to that. The changes we make to the code will be higher level kind of policy kinds of decisions that then the staff will then figure out and apply and come back with a code that reflects those

before we get to second reading. The map kinds of things I think that one that may come from Alison could be one that says that those lots that are in -- their use was

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to never be developed, they are key to the development and use plan of an area, still never to be developed, we need a zoning category or something that addresses those. Maybe they maintain as f25 in those instances for those tracts. Whatever it is, it's going to state the overall kinds of objectives. And the changes you want to have incorporated into the map need to be stated that way. In the time that we are dealing with in the end of December and into January, people can start preparing more detailed kinds of changes, which I hope the council will consider both in the context of where they are coming from, but also the larger policy issues and how that impacts zoning and use patterns throughout the city, but there will be a place for that. I also think maybe we need to acknowledge the fact that there are people in the community that have submitted to us requests for zoning changes in their areas. And I don't want to pass by first reading and give the impression that we have ignored those or that those

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things are not in play or to be considered. So it may very well be that we create kind of a bucket of where those things are and we place those things in a that bucket and say this bucket contains suggestions for map changes that have not been considered because we aren't considering things at that level but we want people to know we've heard them, they have been cataloged, they are still here and are going to be part of the conversation on second reading so people don't think that because they weren't incorporated into the map you are coming back with. Any changes you make in the code or map will be because council has voted to have those changes made to the code and changes made to the -- that draft map. >> Kitchen: I don't understand. Because, well, I understand the higher level, but I would like more specificity. So for the public, if we're telling them that to be considered, you know, what

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they presented, according to the process that we set up, what happens next to those? >> Mayor Adler: Sometime before we take a vote on second reading, councilmembers will be coming to the staff and to colleagues to say I want to line of the text and I want to make change to this lot or these lots. And that will be part, I would imagine, of the second reading vote. >> Kitchen: And that would be something that staff would be comfortable mapping so that we could see it. Right, staff, am I hearing that from you all? >> Can you repeat it. >> Kitchen: Okay, so what the mayor is suggesting is that -- so say, for example, you know, there were suggestions made through this process where people submitted stuff to us. And it's a suggestion that makes sense to us and we want to -- you know, any

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particular councilmember and they want to bring it forward. So they would just share that with you before second reading and you all would map it into the next map that we look at. >> Mayor Adler: It wouldn't necessarily be mapped into the next map, but they could certainly map it on a piece of paper and you could bring it to council and say this is a change I would like to see done. There's also a suggestion that's been made there might be a lot of those and we can create a consent map so everybody could come in and say here are the 20 changes or the five changes that I want to see made. And then we could have a list of all the changes that people wanted to have made and we could take a vote and say does anybody have objection to any of the changes anybody has proposed in that packet? People could pull any they thought would be pulled, treat it like a consent agenda. Things not pulled could be passed on consent and we could discuss. I think what councilmember kitchen is asking for if she comes in and says I would like to have these lots mapped differently in my

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district, will she be able to get a map from you, an illustration or a diagram or something she then is able to hand out to the colleagues to say this is a proposal or change I would like to see. >> Kitchen: That's not my question. >> Mayor Adler: Well, the map itself will only be -- contain the changes voted and approved by council. >> Renteria: But you said something I think might work and that was the consent map. If I'm understanding correctly, what you're talking about is -- I think we're talking second reading now or February or whatever, when we come back. I think what I heard you say when we come back we've got a map staff has mapped according to the direction that we vote this time. >> Mayor Adler: On first reading. >> Kitchen: And any councilmember who wants to submit things for a consent map, that that's an alternative consent map, is that what you meant? Alternative consent, it will all be compiled together, it would be on consent and we could pull things off if we

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didn't like it. >> Mayor Adler: You may have ten changes you want to make in your district and they could give you a map that shows what each of those changes are and other councilmembers could do the same thing and we could get a map of all the changes people want to be made, people could say okay with this, don't care about this, this one I have questions about, what we could do is take that map compendium and say does anybody have objections to any of the changes made in this collection of proposed amendments and treat it as if it were a consent agenda. >> Kitchen: We can work out the details later. I think that's -- I think there's a much more easier way to do it than that, than a stack of compendiums. I would rather just see one map with a list perhaps. But we can work that out

with staff on what -- what form that would take. But what I'm trying to understand how now is the path forward. I want to know now. I don't want us to take a

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process now and not know what's going to happen the next time because our public -- folks are going to ask. I'm hearing you say that we would do some -- we would do consent map process in -- you know, whenever we come back. And we'll figure out the format that that takes. So what do we need to make sure that that's how we are going to proceed? Can we see if people agree or do we need to vote on a process? I'm trying to understand from the staff what they need to feel comfortable that they can move forward with that process. >> Mayor Adler: So I think part of the question is what's going to be the best process for you. Sometime in December or January, probably after you get the second map out so people know whether it's already been incorporated or not been changed, or maybe they already can know, people are coming to you saying these are changes we would like to have made in the map. Somehow that has to get before the rest of the

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council so we can see what's being -- what is being proposed to be changed, from what to what. And -- and for each one of the changes or unit of change that is being made. So whatever the best format is to do that we need to do. >> Kitchen: If you don't know right now. >> I was going to suggest, mayor, councilmember kitchen, if we could take five minutes, I think we completely understand what you're wanting and we agree it would be helpful. If we could confer for five minutes, I think we could lay out what we believe we could do in the time frame that we have ahead of us January, February. Would that be acceptable? Acceptable to me. Go ahead and take five minutes. Like right now. >> Tovo: Is this something we need to resolve today? We're talking about a process -- >> Mayor Adler: Before everybody leaves. Hang on a second. >> Tovo: I wonder if they could confer outside of this

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session and we could revisit it on Saturday. >> Mayor Adler: You could bring a proposal on Saturday. >> Kitchen: Saturday is fine. I want it resolved by Monday. >> Tovo: It's going to happen on second reading. >> Kitchen: But Monday is our last chance to understand the process. >> Tovo: Maybe we could start off Saturday by presenting that information. >> Mayor Adler: Sounds like a good idea. Other questions on process or statements on process? Good catch. Thank you. >> Kitchen: So I -- can I still finish my -- so when you -- >> Mayor Adler: Hang on. On the same point, I want to let somebody else get a point too. >> Kitchen: I'm trying to understand how we're proceeding on the map question. As part of you all

coming back to us, if you could lay out your expectation for us on Monday and for us on, you know, on this consent map concept, that would be helpful. >> We will. >> Mayor Adler: Okay.

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Other thoughts about process relative to what I had laid out? Anything else? Greg. >> Casar: I just want to remind folks, as I write potential amendments, I'm going to generally be assuming this base motion I think as was laid out yesterday of staff recommendations and the staff agreed to, planning commission recommendation, that way we know -- supportive of starting at that place. >> Mayor Adler: Would you say that again? I apologize. >> Casar: I was reiterating as I draft potential amendments the way that -- what I'm operating under I wanted to see if there are any difference of opinion is that we would start with staff's recommendation and then staff's accept planning commission recommendations, basically and the staff supplements, all the staff stuff. So even if I like a different planning

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commission recommendation, that I would then have to amend that in because it's always useful to know when you draft amendments what you are amending from. And so the staff laid out a few options, I think you laid out on the message board the other day you wanted to start with the staff basic, with all the staff stuff. >> Mayor Adler: What the staff described yesterday was exactly what I put in the post. >> Casar: I just wanted to emphasize, it's hard to draft amendments when you don't know what it is you would be amending. That's the way I've tried to draft what I handed out and what I expect to draft from Friday's message board and for Monday. >> Mayor Adler: Good point. It's going to be the staff recommendation, which is the -- first recommendation, second recommendation, and the PC recommendation they've agreed to. Okay? Yes. Alison. >> Alter: So I just -- I know you were saying you wanted to give priority to amendments drafted on Friday. And I appreciate that we should all do our best to get them out on Friday so

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people -- the public will have a sense of what we're doing, but we're also having a public hearing and that may impact what we want to put forward and I don't know whether -- I'm a little uncomfortable with the full precedence discussion on that not knowing what people are going to say on Saturday and not knowing what my colleagues are going to propose and I might have an amendment to their amendment because I didn't know I need to do have an amendment to their amendment until their amendment was put out. Then if I can't talk about my amendment until we've done 100 other amendments, it becomes very disjointed. So I -- I'm just trying to understand how that plays out and how we honor the public who is coming on Saturday so talk to us to provide us input. I understand that

if we have amendments that we know that we want to get them out there and they may morph given what we hear as well. So I am just trying to get

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this balance of this rather challenging process. >> Mayor Adler: So it's my intent to do that in a way that allows for people to amend things or to change things. So the subject items that we'll give priority to will be the subject items that were raised in the amendments. So it would be the things that people saw in an amendment, had a chance to think about. Certainly everyone when they read that may think about it differently, may want to change the numbers, think that's a bad idea, may think there's a better way to achieve the same thing. All of those will be readily available for people to do. We're not going to stop anybody from being able to do that. Kind of the subject items or the ideas of the elements not raised on Friday will not be the first things that we go over. We're going to first go over the ones that were raised and that people saw and had the most time to think about.

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I would urge people to the degree they see things on Saturday and they can post something before Monday, either Saturday or Sunday, that would be great if people can bring things with them on Monday, that would be great. If we're meeting after that, I mean the goal is to try to consider first the things that people have had the longest period of time to be able to look at. It's not intended to stop anybody from being able to amend things or propose different ways to handle anything. >> Alter: We all know this is a challenging process. We are attempting to do what feels like the impossible, from a rational perspective to understand what all these little pieces mean, several of us still have questions that are not answered. You know, I just need to. I just need to state that and we need some flexibility in that and we need to be able to -- and if we need to

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take a pause for half an hour on Monday so people can read through amendments to we can have a moment to reflect, which I'm sure we will, I think we need to be careful not to have amendments on widely different topics just because someone got theirs in on Friday and somebody else heard somebody as being responsive to the public on Saturday. >> Mayor Adler: Collectively, I think it will be fair to everybody to the fullest extent we can. >> Alter: I didn't mean tomorrow apply that you weren't trying to be fair. I was just trying to digest what we have before us and anticipate some of the problems we might -- we might have. >> Mayor Adler: Yes, Paige. >> Ellis: I'm supportive of what you laid out as far as a base document so I want to put that out here while we're all together. But also if we're going to

be looking at the map changes, did you say Saturday y'all might have kind of more of a description of how that -- was that the day that you said? >> Yes, Saturday.

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>> Ellis: And it might be helpful for me if there's some analysis like we talked about today about effect on housing capacity. So as we're trying to figure out if we're making something a little lower zoned or higher zoned, kind after net for that suggestion, I think it could just help I guess maintain the targets that we've approved as a council. So if there's a way to have that in the suggestions that we may all send if at all possible, I think that would be extremely helpful for my decision-making process. >> We'll see what we can do. >> Ellis: Thanks. >> Mayor Adler: To be clear, the advice you're going to give us on Saturday or suggestion, is going to be how we handle the map in the January time frame? >> Ellis: Right, for the second meeting so we all kind of know before Monday's meeting how the map would play out then. >> Kitchen: Mayor, it was both things. We talked a minute ago that they're going to provide us with the information about how we handle in January, but also how we handle on Monday. >> Mayor Adler: We'll take any suggestions that you have. >> Kitchen: Well, I'm

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trying to -- all I'm trying to do is understand and get some clarity on the process. >> Mayor Adler: I'm fine with that. Good idea. What else? Anything else? While we're together does anybody want to ask any other questions on anything? >> Kitchen: I had something else. My light is on. I'm fine if you want to call on somebody else. I'm not done. >> Mayor Adler: On process still. >> Kitchen: This is about moving over to the text now, more about the expectations in terms of what these look like. So I would want to understand from staff if they have any concerns -- not concerns, but parameters within which -- how we need to make these. So I don't know if you do or not, but you might think about that too. But I notice that councilmember Casar, yours is a mix in -- between

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direction and actual language change, which I don't have an opinion one way or the other. I'm just wanting to understand what our expectations are for Monday. Are we thinking that whatever way we want to go works or -- >> Casar: Can you let me know which one seems to you to be -- >> Kitchen: Maybe I'm misunderstanding it because I've just seen it now. Page one you are -- >> Casar: The red line. That is direction from the planning commission. See how it says PC, it is direction from the planning commission that I'm editing. >> Kitchen: I see. >> Casar: That's what I was trying to emphasize. If there's something in a base motion and we pass a direction it could seem clicking. So if there's something in the base motion that we're changing I'm doing my best to actually edit that base motion so there isn't a

base motion and another direction and they both pass and they may be in conflict. >> Kitchen: So basically these are direction kinds of

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amendments -- >> Casar: They're trying to be in the style of our may -- is may the right month? May document. >> Kitchen: Okay. So then the last question I have -- >> Mayor Adler: On that, and I appreciate as I read this that you're not proposing specific F.A.R.S, you've said this is an illustration of what a graduated might look like. On garage you haven't said this is what the percentages should be, you've said how about a partial thing not just for garages, but for attics as well. I appreciate you haven't been prescriptive and you've given the policy direction if we were to adopt this and then staff can use. Ann. >> Kitchen: I am thinking of some direction that is along the lines of asking staff to come back to us for options for doing things. So to give you a concrete example, I would -- I am thinking of direction to ask the staff to help us think through how we might consider additional density

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and opportunity for housing on what are now large retail shopping center areas. But what I would not want to say to them is go put in the code a method for doing that. I would want to say to them, please explore and bring back to us your thoughts. So I'm just wanting to confirm with everybody that that direction is also something that could be contemplated. >> I would allow an amendment that reads just like that. >> Kitchen: In other words, that are options, directions for options as opposed to go you must do this. >> Mayor Adler: I think we do that on first reading on zoning cases. I think we could do that as well. That would be an amendment that would be voted on. >> Kitchen: Okay. Would we need a vote on that kind of thing? Okay. >> Mayor Adler: Yeah. Okay? Yes. And then in a few minutes that we have left does

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anybody have any topics that they want to raise, process or otherwise while we have staff here? >> Casar: I do have -- I wanted to ask watershed a question, but they got swept away so fast. [Laughter]. >> Mayor Adler: Cute. >> Casar: I'm trying out some mayor jokes today. >> Mayor Adler: Dad humor. >> Casar: On the del Curto and other localized flooding sites where you said there was some really, really small potential increase, and overall I see it, but then you also mention that because of the increased standards on some of the commercial lots nearby is it your sense that those cancel each other out or if some of those commercial lots actually develop with increased standards, do you see that as actually improving the watershed and flooding situation because you had previously said a lot of times it is those legacy developments that are causing the flooding issues in the first place.

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So I don't know if it was super clear that if on the new code and the transition area got new lots on the net, if that would protect against the prospects of flooding or not. >> Matt Holland, watershed protection. So the amount of Greenfield area, current impervious cover, subject to the Greenfield standard for flooding, is much larger than the amount of impervious cover increase we're seeing both citywide and within the local flood problem areas themselves. Now, it's very site specific, though. So within the 147 local flood problem areas, some of them have no greenfields contributions, others would. Actually, I did a quick calculation. It looks like about a third of them have at least 25% of their area will be subject to that Greenfield rule so they'll be seeing a lot of improvement there where in no case is it even close to that level of increase in

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impervious cover. But it will be a case by case base and that's why we'll be looking at each of these areas to see if there's adjustments that need to be made. About a 25 to one ratio between areas subject to greenfields, in other words, more improvements for drainage, versus the one unit of impervious cover it creates. >> Casar: So in this case the benefits far outweigh any increase in impervious cover in that area, but now you're going to go check other areas and see if that may be more of a gray area and suggest any amendments if you find some somewhere that the improvements are not easily outweighing the small increase. >> Right. >> Casar: And some of the direction I passed out here are ways to negate some of that on small build up zoning. So hopefully some of this gets incorporated and makes the balance even stronger in some of those areas as you look at them. >> That's correct. Yeah, we're looking for that positive side of it. >> Casar: Thank you. >> Mayor Adler: Alison.

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>> Alter: I appreciate you going back to that. I had a question I forgot to ask. So I understand your discussion of the impervious cover, but what I'm going back to like a prequestion as to why we're encouraging people to build in an area that we know will flood and in some cases we have no fixes. The example you gave had a fix, but in some of the places we've already been told there are no fixes, but yet we're going to go and encourage people to build more in areas that we know are flooding, and we're not allowing people to build in floodplains with our atlas 14, but we're saying here it's okay to flood. I understand there's a difference in the type of flood, but I'm not understanding why we as a city want to encourage people to build in a place that we know floods. >> Right. And the local flood problem areas are basically a drainage area that goes to an area that has known local flood problem points where people have reported flooding. So it would be a little bit like saying the whole watershed drains to a

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floodplain -- we're not saying the whole watershed that has a floodplain needs to not have any up zoning, we're acknowledging first of all that there's extremely low impacts of this impervious cover. If there were, if we had modeled the high impacts, we definitely would be taking note of that and conveying that. >> Alter: And I guess I feel like I'm asking a different question is like we're essentially telling people go ahead and build in this area. We know this area floods. And it's not about the impervious cover, per se. It's like why are we telling them to go build in an area that we know floods? >> Because what we're finding is that the flooding is not driven by that -- those very small increments of impervious cover. That's not having a very large impact. >> Alter: Again, I'm asking a different question. We just said in atlas 14 you couldn't build in a floodplain because it was dangerous to build in a floodplain. And we're not going to allow you to add units in an area that we know floods. Why are we allowing there to

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add units in an area that we know is flooding? >> I think the analogy would be if somebody -- you remember the map showed the drainageway and there were actually buildings literally almost on top of where the water is flowing through and those are all old legacy buildings. If you wanted to build in an area you couldn't build on top of that. >> Alter: But then what are we saying then when we go into an area and we're not -- I'm talking about places that are just residences. They're not these big developments that have 100% impervious cover. Now we're going in and telling them, you can rebuild this whole thing. What about that improves the situation? If there's no known fix in that area for the localized flooding. >> Um, I think there are fixes, you know, for these -- most of the local flood areas. It will take some time and it might not be an acceptable time for an individual personal person in that area.

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But the -- having somebody construct a new project there, I guess we just -- I'm not just saying the same thing over and over again. We're not seeing that as adding significantly or meaningfully to the problem. >> Alter: But we're putting that person in some kind of danger, their property like is going in in an area of localized flooding. And we can take it floodplain, but I know -- offline, but I know some of the areas in my district we've been basically told there's no fix, but yet we're going in and adding all these additional units. So we can have that conversation, but I still -- it's not about necessarily only, well, you're adding more impervious cover, so that adds even more flooding, it's these areas flood, we know they flood, but now we're going to tell people to build more stuff in an area that we know that floods. That is logic that

I'm not understanding. And we can -- we're kind of done here so we can -- unless somebody else -- >> Sure. We'd be happy to talk about this in more length if you wish. >> Alter: Thank you.

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>> Flannigan: Mayor? Councilmember alter, would you mind sharing what areas you're seeing where the increased flood it and the entitlements are? >> Alter: Sure. >> Flannigan: Awesome. Thank you. >> Tovo: I think they're in multiple areas and I certainly have them in mine as well. And I think the fix, as I was trying to point out with the Guadalupe storm drain, is it can be very expensive and time consuming. So in areas that currently have localized flooding where there are issues, we're going in with this draft and proposing very significant increases in entitlements and that will park redevelopment of those tracts. I guess I have to echo the same question that councilmember alter is asking, why aren't we doing better at overlaying them? And I guess the question I had before when we were talking about del Curto that I don't completely understand and we're not going to get to the bottom of right now. As I recall the situation in del Curto started with there were rezonings, there were redevelopments of the property and those were causing pretty extensive

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flooding for their neighbors. And so I'm struggling with understanding your comment earlier that impervious cover isn't the concern and that it's the legacy properties causing the trouble? Because my memory of that situation is that it was the redevelopment of those tracts that caused the increased flooding in that area. And to the point where I think we had a moratorium for awhile on -- I can't remember what the solution was there, but we had a very particular solution in that area because it was becoming so popular for rezonings and causing really pretty significant issues. >> Right. And that area has a pretty complicated history, but we had some extremely large storms that hit. We basically had storms that wildly exceeded the carrying capacity of the drainage systems themselves and you had some new development going in. I'd have to confer with my flooding staff on the details of that. >> Tovo: All right, thanks. I wanted to point that out because you did say -- it

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sounded like you said a couple of times, and this may also be true, that it was the legacy buildings that had built too close to it, but really what triggered it was the new development in that area. >> I think that's the certainly the popularception of what happened, but I don't think we agree that that is actually the driver of that. >> Tovo: I see. Okay. All right. Thanks. >> Mayor Adler: Jimmy? >> Flannigan: What is the url for the map that shows the areas of localized flooding? >> You would Google. >> Flannigan: Just Google it? >> Google watershed master plan problem scores and there's -- you'll find a Google link to go

to our viewer. >> Alter: And when you -- sorry. When you click on like the particular thing it then tells you like what its ACC was in terms of how severe or whether there's a solution or not a solution. >> Tovo: And there were district maps too. I know I had one in my

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office for district 9. >> Yes. Council requested a map of all these areas with the districts and we've provided that as well. >> Flannigan: I think this is really important, really important conversation, especially to have with examples because if we don't have examples, then it makes it sounds like it's happening everywhere. And it's a very different conversation did it's in five spots versus 50 spots. I'll go dig around in it. >> Mayor Adler: Do I understand correctly the issue is why are we allowing additional entitlements in an area even though they don't exacerbate flooding at all? So there's not a reason not to let it happen to the degree it's not exacerbating flooding and I understand that's an open question that we would need to take a look at, but I understand the question of Alison is even in the situation where it's not exacerbating flooding why do we allow it to happen in an area that floods? Are we putting more people at risk? Are we endangering additional -- even if it's not exacerbating flooding flooding and I think that would be an important question to have in the context of identifying those areas because it may be specific to those areas.

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>> Alter: Or are we requiring ourselves to make huge investments that are counter to the whole point? Like if we're making an argument that we want to put density in these places because it's cheaper, but it's an area where if you put more density it's not cheaper because then we're at some level going to be on the hook for doing these drainage improvements that we may never do, but then at some point we may be held responsible and that we up zoned it knowing that we're going to need that, I think there are other elements as well, but the most important one one is we're putting more people at risk and we just passed a plan that said we don't want to put more people at risk. >> Mayor Adler: It's putting more people at risk issue. >> I think it's really important to note the difference between a local flood problem area and a floodplain because a local flood problem area is not entirely a flood hazard area. Only a very small sliver of that area at the very low point would feature those problems.

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So it's not a one to one comparison. I think that's a point of confusion by the community, understandably. When we talk about these areas -- >> Mayor Adler: When we talk about those areas as you identify them, let's talk about the degree to which that they're an increasing danger to people. >> Right. So we'll go back and -- this is a really important conversation. We'll go back and see if we can

confer with our flood team and talk about what would happen with redevelopment within those specific areas. >> Flannigan: Can I make one note on that? >> Mayor Adler: Real fast and then to Paige. >> Flannigan: There's one I have in Williamson county that Williamson county came as a financial partner, so I would be curious to know if similar relationships we're having with Travis county since Williamson county is coming to us and doing localized flooding projects in our jurisdiction. >> I think what would be helpful to round this conversation out is if you could help us understand how localized flooding is evaluated and how that is similar or different than floodpin evaluations because we were just saying

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earlier today that watershed protection standards outweigh the zoning and so you may not be able to fully utilize that zone if you've got, you know, the back of your property is close to a creek. So it might be helpful for us to understand if those are the exact same evaluations for localized flooding versus weeks or if they're different -- creeks or if they're different and why. >> Solution. We can go into more detailed, but the short answer is the floodplain is a regulatory area. The localized problem areas are just a method we use to scope out an area that we want to look at for a capital project and it's much larger than the problems within it. >> Ellis: I appreciate that because I know that you're watching very closely where those infrastructure improvements are needed and it's important to remember that sometimes modernized storm water drainage is going to help an area alleviate that flooding because we have better building standards now than we did decades ago. >> That's correct. >> Mayor Adler: Okay.

[4:20:13 PM]

Executive session Saturday discussion on what Leslie wanted to have with respect to the petition rights. In talking to council, given the fact that we've sent out that letter, I think a lot of the conversation is a public conversation, not an executive session conversation, but we will go into executive session just to make sure there aren't executive session issues, but we can also do that and raise that issue on Saturday as part of the public hearing then. Just can't decide anything that day. Yes. >> Just very briefly, I wanted to say that the potential changes that councilmember Casar passed out as far as format and just overall a way to communicate your tax changes to staff, this is a very workable format for us. It provides the right balance between specificity, but not also being too descriptive. And additionally -- this is really key. If you can -- if you know that your recommendation -- your recommended change relates to a planning commission recommendation or

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one of the changes that we proposed in a supplemental report, if you can put the number, which is what councilmember Casar did. All his recommendations are tied to either a supplemental staff report

number or a planning commission motion number. That's helpful for us. We're always going to assume that there's a conflict that you guys trump the planning commission recommendations or our recommendations, but if you can just associate them together, that would be very helpful for us, but it's not necessary. >> Mayor Adler: And if there's a way for you to give us even a -- something that could be a form for a base motion that would have that and then the things that you pull out of the -- that you agree to and if you could post that document, that might be helpful to the people to actually have that document as they're thinking about that. Okay. Anything else? All right. At 4:20, this work session is adjourned.