

**AUSTIN CITY COUNCIL
MINUTES****SPECIAL CALLED MEETING
MONDAY, DECEMBER 9, 2019**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a special called meeting on Monday, November 18, 2019 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:19 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve an ordinance amending the Imagine Austin Comprehensive Plan to revise the Growth Concept Map and associated text, adopted in the Austin Strategic Mobility Plan, to designate areas for multi-unit house-scale residential development and existing single family uses.
No action was taken on this item.
3. Authorize the negotiation and execution of all documents and instruments necessary to purchase in fee simple approximately 1.3620 acres of land and a building containing approximately 31,649 square feet out of Lot 2, Block B, Metro Center Section 3, subdivision in Travis County, Texas, according to map or plat of record in Volume 99, Pages 288-289, of the Plat Records of Travis County, Texas, known locally as 7705 Metro Center Drive, Austin, Texas 78744 from Jay Shyam Corporation for a total amount not to exceed \$6,800,000.00 including closing costs. District(s) Affected: District 2.
No action was taken on this item.
4. Approve a resolution declaring the City of Austin's official intent to reimburse itself from proceeds of certificates of obligation to be issued for expenditures in the total amount of \$7,800,000 to acquire and renovate a building to provide shelter and support services to those experiencing homelessness.
No action was taken on this item.
5. Approve an ordinance amending the Fiscal Year 2019-2020 Office of Real Estate Services Capital Budget (Ordinance No. 20190910-001) to increase appropriations by \$7,800,000 to

acquire and renovate a building to provide shelter and support services to those experiencing homelessness.

No action was taken on this item.

EXECUTIVE SESSION

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

6. Discuss real estate and legal matters related to the purchase, exchange, lease, or value of an interest in real property for a shelter for individuals experiencing homelessness (Real Property - Section 551.072 of the Government Code and Consultation with Attorney- Section 551.071 of the Government Code).

Withdrawn.

DISCUSSION ITEMS

2. Approve an ordinance adopting a comprehensive revision to the Land Development Code, relating to the regulation of land use and development in the City of Austin and its extraterritorial jurisdiction, together with related actions and City Code amendments.

A motion to approve the ordinance on first reading was made on Council Member Casar's motion, Council Member Renteria's second.

The following amendments were made by Council Member Harper-Madison and accepted without objection:

- 1) **"Incorporate specific requirements for Waller Creek into the Downtown Civic Spaces Overlay that establishes metes and bounds for a common Waller Creek centerline for consistent planning and regulatory purposes within the LGC, establishes a 60' minimum building setback for new development from the newly-defined creek centerline and provides a variance process for encroaching into the 60' setback."**

Council Member Harper-Madison offered the following amendment:

- 2) **"All reviewing departments (AWU, AFD, AE, PARD, ATD, DSD, PZD, NHCD, WPD, PWD, Law, etc.) are integral to the success of the new code and should be directed to cooperate with each other to incorporate and implement Council's policy direction and priorities to (i) increase housing supply, diversity and affordability into their requirements, regulations and processes, (ii) achieve our transportation goals, (iii) streamline the code and site requirement review process, and (iv) make it more predictable."**

Council Member Pool offered an amendment to the amendment that was accepted without objection. The amendment to the amendment was:

2) “All reviewing departments (AWU, AFD, AE, PARD, ATD, DSD, PZD, NHCD, WPD, PWD, Law, etc.) are integral to the success of the new code and should be directed to cooperate with each other to incorporate and implement Council’s policy direction and priorities to (i) increase housing supply, diversity and affordability into their requirements, regulations and processes, (ii) achieve our environmental goals, (iii) achieve our transportation goals, (iv) streamline the code and site requirement review process, and (v) make it more predictable.”

The amended amendment was accepted without objection.

Council Member Harper-Madison offered the following amendment:

9) “Consider a process that will allow pocket-parks, parks under ¼ acre, to be approved through a building permit process to expedite and simplify their development for PARD and community groups.”

Mayor Adler offered an amendment to the amendment that was accepted without objection. The amendment to the amendment was:

9) “Consider a process that will allow, without limitation, pocket-parks, parks under ¼ acre, to be approved through a building permit process to expedite and simplify their development for PARD and community groups.”

The amended amendment was accepted without objection.

The following amendments were made by Mayor Pro Tem Garza and accepted without objection:

“1. EQUITY OVERLAY

BOUNDARIES: The area for the overlay should be delineated by the vulnerability map in the UT Uprooted study.

PRESERVE EXISTING MULTIFAMILY: For current affordable multi-family.

- Map and zone to current structure and appropriate RM zone.
- No new height (in base or bonus).

ONSITE AFFORDABILITY: Promote more onsite affordability

- Require onsite affordability to be at least 10% of the total and no fee in lieu option.

“2. MISSING MIDDLE CHILDCARE

A. Increase the number of children allows in the Childcare Large use from a maximum of 24 kids to 36 kids.

B. Allow as a permitted use childcare large under R3, R4.

C. Allow a MUP for Childcare commercial use under RM1.”

“3. SMALL NEIGHBORHOOD GROCER

A. Allow small neighborhood grocers as CUP in all zones.

DIRECTION: Work with Economic Department to identify the square footage of a small neighborhood grocer and where this type of use can benefit areas that have difficulties accessing healthy food options.”

The following amendments were made by Council Member Casar and accepted without objection:

“RES1 Compliant Properties

If changes to the code cause properties in RM1 zones and below to be non-conforming, allow existing residential uses to be compliant and allow such residential uses to expand to current code site development standards. New site development standards from R1 to RM1 should only apply to new buildings.”

“RES5 ADU

Allow mobile homes, RVs, tiny homes, and airstreams to be utilized as dwelling units and staff should include requirements for health and safety.”

“TA2 RM1 Site Development Standards

- (1) Allow an affordable housing height bonus to reach 45’, the bonus height in R4.**
- (2) More easily allow stacked row homes and create a new RM1 zone that focuses on row homes.”**

“CC2 Downtown

- (1) Prohibit new curb cuts onto pedestrian streets, and expand pedestrian streets in the downtown plan to include the remainder of 2nd street from the Central Library to I-35, the length of the protected bike lane on 3rd street, and the bike lane on 5th street to the downtown station.”**
- (2) Consider eliminating the capitol dominance overlay while maintaining capitol view corridors in the area around the most frequent transit service.”**

“CC4 Uses

- (1) Allow temporary uses to serve or sell alcohol if they receive appropriate permitting.**

- (2) Allow the Director to permit evidence of the temporary use to stay (such as art, landscaping etc.)
- (3) Allow temporary uses to have portable toilets.
- (4) Allow indoor crop production to be allowed anywhere commercial warehouses are allowed, not just on AG land.
- (5) Eliminate commercial blood plasma as a discrete use, and combine it with medical office.
- (6) [This section was pulled for Tranche 2]
- (7) Add meditation, philosophy, and theology to definitions of religious assembly, instead of just religious services.
- (8) Remove Transitional and Supportive Housing as a use and allow them to be treated just as other residential uses.
- (9) For any corridor, change personal storage to a CUP if it is a P or MUP. Create a new minimum distance requirement from other personal storage uses. Create findings for Council to incorporate into the LDC related to the impact of Personal Storage on transit service.
- (10) For MU zones, change alcohol sales from unpermitted to CUP.
- (11) Allow government uses as a MUP in all zones where it is not permitted.
- (12) Permit RVs and manufactured homes on AG zoning as the primary dwelling unit.
- (13) Increase the number of allowed employees from one to two for home occupation and from two to five for live/work.
- (14) For home occupation, increase trip per day from 4 to 16 (to allow for an 8 hour day with 30 minutes appointments).
- (15) Change definition of “multifamily” use for small multifamily (4-10) and multifamily (11+), and define 3 units as residential.”

“NR10 MICROBREWERY TASTING ROOM RIGHT-SIZING

On-site tasting areas should be enlarged to accommodate smaller breweries/micro-breweries, but the floor area should not exceed 50%”

“NR17 ALLOW MOBILE FOOD TRUCKS IN ALL RM, MS, MU ZONES (AND AMENDED AS FOLLOWS)

Allow mobile food trucks in all RM2 and above zones with CUP and MU1 and MU2 with a Minor Use Permit (where they are currently prohibited)”

“AH2 Density Bonus Calibration

- (2) **Affordable Homeownership: Include a condo of HOA fee in the maximum sale price for homeownership. Assess a reasonable assumption based on local trends for condo fees and increases over time. (e.g., 80% MFI homeowner may only be able to afford a home valued at 70% MFI plus condo fees)**

“AH3 Enforcement

Applicants may lease on-site affordable units as follows:

- (1) Accept tenants from the City’s waitlist, when one is established. Staff should fast-track the development of the waitlist program. Contract with a third-party nonprofit to manage service providers and the waitlist; and income-qualify, lease, and manage tenants for affordable housing units created through density bonuses; or**
- (2) Applicant may contract with a third-party non-profit to manage the affordable units created through density bonuses, if the third-party nonprofit is on a list approved by the city.”**

“I5 MONITORING AND COMPLIANCE FEE FOR AFFORDABLE HOUSING PROGRAM PARTICIPATION

Consider requiring a monitoring and compliance fee from all participants of the affordable housing programs.”

“NZ2 Water Quality

- (1) Explore allowing staff the discretion to incorporate Green Stormwater Infrastructure into the City’s rights-of-ways when it is appropriate and would not create future non-compliance issues.”**

“NZ5 Transportation

- 1. Maintain the Director’s current ability to deny a proposed development, instead of administratively reducing the density or intensity, if it presents a risk to public safety that cannot be reasonably mitigated.”**

“NZ6 On-Premise Signs

- 1. In areas with a significant number of pedestrians, such as downtown, require on-premise signs to be focused for pedestrian use.”**

“P5 Zoning Change Reports

Include the following information in zoning change reports:

- 1. Mode Shift Impact**
- 2. High Opportunity Impact**
- 3. Displacement Impact”**

“P6 ADU FEES

Reduce fees and/or costs for those who are not doing a full rebuild, but are instead just adding an ADU.”

A motion to amend the ordinance as follows was made by Council Member Casar. The amendment was:

“NZ3 Landscaping

- 1. Clarify that irrigation requirements do not require irrigation when it is unnecessary, such as for landscaping that has low watering needs.”**

Staff offered the following amendment to the amendment that was accepted without objection. The amendment to the amendment was:

“NZ3 Landscaping

- 1. Clarify that irrigation requirements do not require permanent irrigation when it is unnecessary, such as for landscaping that has low watering needs.”**

The motion to approve the amendment as amended was made by Council Member Casar and accepted without objection.

Mayor Adler recessed the meeting at 12:40 p.m. without objection.

Mayor Adler reconvened the Council Meeting at 1:53 p.m.

The following amendment to the ordinance was offered by staff and accepted without objection. The amendment was:

“[PC] T5 Zoning Map – Additional Context Sensitive Mapping Criteria for Transition Areas

Staff-Supported PC Rec.

PC Intent: Increase depth and zone density for transition areas when conditions exist for maximizing density where corridors, centers and high capacity transit co-exist. These are areas where IA and TPN corridors also serve as high capacity transit service routes and intersect IA centers with high density RM, MS and MU zones.

Staff Response: Staff will review centers for additional opportunities to maximize the application of transit zones.

“[PC] T9 Zoning Map – Transition Areas Near Parkland

Staff-Supported PC Rec.

PC Intent: Map additional missing middle near dedicated parkland of substantial size or programming with consideration for safety.

Staff Response: Staff will review the application of new transition zones to areas adjacent to parkland in high opportunity areas.”

A motion to amend the ordinance as follows was made by Council Member Kitchen and accepted without objection. The amendments were:

“Council Priority Q2 Housing Capacity, 1, b.

- b. In general, within activity centers, along activity corridors, along the transit priority network, and in transition areas, additional entitlements beyond current zoning should only be provided:**
 - ii. through a density bonus that requires some measure of affordable housing.**

Council Priority Q1 Scope of Revision, 4, h.

- h. Land Use and Zoning Categories.**
 - ii. Propose options for prohibiting uses along corridors that displace potential housing opportunities, such as self-storage facilities or other uses that do not contribute to overall policy goals.”**

“Council Policy Direction Document Addition 2. Affordable Housing, 1 and 2

- d. Create New and Affordable Housing Choices for All Austinites in All Parts of Austin**

- *Streamline City Codes and Permitting Processes”

“Council Priority Q1 Scope of Revision, 4, f.

- f. Creative Spaces. Propose options to preserve creative space, including but not limited to zoning categories specific to cultural spaces and incentives to create dedicated, below market rate creative spaces in developments along corridors and in centers.”**

The following direction was given to staff and accepted without objection:

DIRECTION 7: Review MU/MS categories

- To ensure we provide appropriate zoning to achieve and support transit and corridor investments with housing opportunities.**
 - 1. Staff is directed to explore a zoning category that would enable and ideally incent large retail centers along corridors and major transit intersections, when they redevelop, to incorporate housing, including affordable housing. In addition, explore appropriateness of the proposed MU and/or MS zoning for tracts along corridors and major transit intersections, to accomplish and incent greater opportunity for affordable housing in mixed use developments, including capturing current “V” designations**
 - 2. Review MU and MS mapping along corridors, particularly along major transit corridors and those being upgraded with significant multi-modal transportation bond improvements.**
 - 3. Ensure the designated zoning provides maximum affordable housing potential, particularly on the larger corridor tracts at**

major intersections, including capturing or utilizing current “V” designations.

4. Review use assignments for MU and MS to ensure maximizing housing opportunities along transit corridors are not diminished by such uses as personal storage or uses in conflict with residential use.

DIRECTION 12: Strike definition of “Transitional and Supportive Housing” in 23-C-2030 Land Use Definitions

- To remediate the confusion around distinguishing different populations in need of housing
 1. Remove barriers to supportive housing in the proposed code.
 2. In accordance with the Fair Housing Act, reduce barriers for transitional housing and refine its definition.
 3. Report back to council on the above two directions before second reading.

DIRECTION 13: Diversify, Sustain, and Cultivate Art, Music and Culture (PC I 18)

- To ensure we provide path to codify opportunities for creation and cultivation of the City’s artistic community.
 1. Create a new article: 23-3F: Diversify, Sustain, and Cultivate Art, Music, and Culture. Creation will provide path for future work by staff with the community to establish its General Provisions and content to sustain, diversify, and strengthen the music and arts industries and communities.

The new section will provide city-wide regulations to promote arts, music, and culture with the goals of protecting existing assets and promoting new ones in areas inequitably deficient of art, music, and cultural assets, supporting housing and jobs for musicians and artists and sustain these important elements of Austin’s economy.”

The following amendments were made by Council Member Flannigan and accepted without objection. The amendments were:

“ZONING

1. Special Use in Historic Districts

Revise special uses in historic districts to address the difference between the Code’s non-discrimination clause as defined in Ch. 23-3D-1360 A.9 and the City’s official non-discrimination policy and to expand the applications for Conditional Use Permits.”

“NON-ZONING

1. Signage

Revise Ch. 23-7 of Draft 1 to reflect non-substantive changes related to new zoning districts and administrative procedures but to maintain provisions related to off-

premise signage as codified in the current LDC Ch. 25-10, adding now new restrictions or limitations to off premise signage.

The City Manager should initiate a separate public process for new off-premise signage requirements as discussed during the 9.22.2019 City Council Item 83.

2. Parking

Maintain parking maximums but develop a process that allows an applicant to apply for an administrative variance based upon completion of a parking study defining the market need and proof of mitigation in order to achieve community goals with context-sensitive requirements.

Regional parking structures that include compatible uses such as transit-supportive and bike and ped supportive elements should be allowed in the Downtown Capitol View Corridors. The parking regulations should further incentivize participation in joint parking plans and construction of regional parking structures instead of on-site parking.”

“PROCESS

2. Shared Use Easements

All utilities and departments that regularly require easements should develop a process for sharing easement area as much as possible to minimize the total land dedicated to easements, in accordance with best management practices.”

A motion to amend the ordinance as follows was made by Council Member Pool and accepted without objection. The amendments were:

“1. Trees – Protecting our Canopy & Promoting Climate Resiliency

Direction:

- B. Consider including a “Trees Species Prioritization for Resiliency” list in the code. The protection list should prioritize native and well adapted trees and those expected to be more common as a result of climate change.**
- D. Consider the benefits of restoring the public process for heritage tree removal and develop an incentives program that relaxes and makes flexible site development standards to encourage on site preservation of heritage trees for parcels on all corridors.”**

The following amendments were made by Council Member Tovo and accepted without objection. The amendments were:

“Amendment #13: Continue the analysis of the opportunities or challenges associated with allowing for income averaging for income-restricted units and propose a unit threshold for which income averaging would be permitted.”

“Amendment #15: Staff should require a percentage of onsite residential with an affordability requirement in MU zones and develop an incentive within MS zones.”

“Amendment #16: Prohibit STRs within density bonus units.”

“Amendment #18: Reduce percentage of short-term rentals Type 3 allowed in MU and MS zones.”

“Amendment #34: Update the draft Code Section 23-3C-10130 (University Neighborhood Overlay) to reflect changes adopted on November 14, 2019, and revise capacity numbers.”

“Amendment #35: Update the draft Code Section and update capacity numbers to reflect changes to the Mueller Planned Unit Development adopted on December 5, 2019.”

The following amendments made by Council Member Alter and accepted without objection. The amendments were:

“Corridor Uses – Staff shall identify options for removing personal storage as a by-right permitted use on all corridors. Personal storage should be allowed via a MUP or CUP.”

“Affordable Housing – Parcels currently zoned for commercial-only use such as CS, GO, GR, LO, NO that do not allow residential uses by right today should be mapped to include an affordability requirement with any residential development. This can be accomplished by either re-mapping them for an MU zone that contains an affordability requirement, or creating a zone that has an affordability requirement to the MS category that these parcels were mapped to in the October 4th draft.”

“Development Reserve – Areas currently zoned as Development Reserve that are to be maintained as undevelopable open space for the foreseeable future, such as greenspace owned and operated by homeowner associations, should be mapped as Conservation Land (23-3C-9070) or some other suitable zone to reflect their status as privately owned open space.”

The following amendments were made by Mayor Adler and accepted without objection. The amendments were:

“PLD-4 Corridor and Center Sites

Clarify code text to reflect current PARD practice: Development on parcels within activity centers and fronting activity corridors that are less than 1 2/3rd acres in size should not be required to dedicate parkland on site, unless dedication of parkland is

necessary to provide for pedestrian connectivity to a creek, existing or planned park, or existing or planned trail connection. Dedication of parkland should be limited to the amount of land required for the pedestrian connectivity need. Any remaining applicable fees in lieu of dedication will still be required.”

“DT-3 Waller Creek

The new code should require a minimum 60’ setback from the (to be established) creek centerline in the Waller Creek District for buildings and permanent structures.”

A motion to amend the ordinance was made by Council Member Harper-Madison. The amendment was:

“Increase opportunities for interior neighborhood commercial spaces to offer walkable access to basic amenities such as but not limited to daycares, pharmacies, neighborhood groceries, restaurants, and civic spaces.”

A motion to amend the amendment was made by Council Member Alter and accepted without objection. The amendment to the amendment was:

“Consider opportunities for interior neighborhood commercial spaces to offer walkable access to basic amenities such as but not limited to daycares, pharmacies, neighborhood groceries, restaurants, and civic spaces.”

The motion to amend the ordinance was approved on Council Member Harper-Madison’s motion and accepted without objection.

A motion to amend the ordinance was made by Council Member Harper-Madison. The amendment was:

“In order for staff to implement the Adopted Council Policy Direction, existing NCCDs should be remapped to accommodate changes related to ADUs, Parking, Preservation Bonuses, Affordability Bonuses, lot size, and Transition Area mapping.”

A motion to amend the amendment was approved on Mayor Adler’s motion, Council Member Casar’s second on an 8-3 vote. Those voting aye were: Mayor Adler and Council Members Alter, Casar, Ellis, Kitchen, Pool, Renteria, and Tovo. Those voting nay were: Mayor Pro Tem Garza and Council Members Flannigan and Harper-Madison.

The amendment to the amendment was:

“Preserve and amend NCCDs to ensure changes related to ADUs, Parking, Preservation Bonuses, Affordability Bonuses, lot size, and Transition Area mapping apply within the NCCDs.”

The motion to approve the amendment as amended was approved on Council Member Harper-Madison’s motion on a 7-4 vote. Those voting aye were: Mayor Adler, Mayor Pro

Tem Garza, and Council Members Casar, Ellis, Flannigan, Harper-Madison, and Renteria. Those voting nay were: Council Members Alter, Kitchen, Pool, and Tovo.

A motion to amend the ordinance was by Council Member Harper-Madison and seconded by Council Member Renteria. The amendment was:

“Allow co-housing in all R-zones.”

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

“Allow co-housing in all R-zones with an affordability component.”

The motion to amend the ordinance was approved on Council Member Harper-Madison’s motion, Council Member Renteria’s second on an 8-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, and Council Members Casar, Ellis, Flannigan, Harper-Madison, Kitchen, and Renteria. Those voting nay were: Council Members Pool and Tovo. Council Member Alter abstained.

A motion to amend the ordinance was approved on Council Member Casar’s motion, Council Member Flannigan’s second on a 10-0 vote. Council Member Pool abstained. The amendment was:

“RES 2 Site Development Standards

To incentivize smaller housing types, R-zones should allow for increased allowable size of structures only as the number of units increases. This would mean a fourplex would be allowed to be a bigger size than a triplex, a triplex would be allowed to be a bigger size than a duplex, and a duplex would be allowed to be a bigger size than a single family house. Also, staff should continue to explore having a different graduated FAR for large lots compared to small lots to keep with the goal of incentivizing moderate size, family friendly housing. Here is an illustration of FAR requirements that would incentivize family friendly, but modest size, homes without prescription:

- (1) 0.35 FAR for one unit
- (2) 0.5 FAR or for two units
- (3) 0.65 FAR for three units
- (4) 0.8 FAR for four units”

A motion to amend the ordinance was made by Council Member Casar, Council Member Alter’s second and accepted without objection. The amendment was:

“[PC] R22 FAR Exemptions

In calculating FAR (Floor Area Ratio), allow a partial attic and partial garage/carport exemption.”

A motion to amend the ordinance was made by Council Member Casar and seconded by Council Member Harper-Madison. The amendment was:

“RES4 Preservation Bonus

Amend the preservation bonus as follows:

- (1) Allow the preserved unit(s) to be expanded and remodeled up to the allowable FAR for the unit(s).**
- (2) Limit the size of a single preservation unit ADU to be larger than the current allowable size (e.g. 1,600 sqft) and two-unit preservation bonus to 0.5 FAR (or whichever graduated FARs are adopted).**
- (3) Allow lots utilizing the preservation bonus to utilize a simple subdivision process and allow them to waive minimum lot sizes upon subdivision.**
- (4) Clarify that preserving only the existing ADU does not qualify as preservation.**
- (5) Reduce the required age of a qualifying home to be preserved from 30 to 15 years.**
- (6) Increase impervious cover from 45% to 50% if preservation bonus is used. Reduce impervious cover in R2 zones by 5% for developments of only one unit (as recommended by the Planning Commission) or an amount that negates the increase in impervious cover, and potentially reduce a small percentage the impervious cover for R2 zones generally to negate any increase in impervious cover.**
- (7) Waive parking requirements for preservation bonus units.**
- (8) To utilize the preservation bonus, there must be an increase in units.”**

An amendment to the amendment was offered by Mayor Adler and accepted without objection. The amendment to the amendment was:

“RES4 Preservation Bonus

Amend the preservation bonus as follows:

- (1) Allow the preserved unit(s) to be expanded and remodeled up to the allowable FAR for the unit(s).**
- (2) Limit the size of a single preservation unit ADU to be larger than the current allowable size (e.g. 1,600 sqft) and two-unit preservation bonus to 0.5 FAR (or whichever graduated FARs are adopted).**
- (3) Allow lots utilizing the preservation bonus to utilize a simple subdivision process and allow them to waive minimum lot sizes upon subdivision.**
- (4) Clarify that preserving only the existing ADU does not qualify as preservation.**

- (5) Reduce the required age of a qualifying home to be preserved from 30 to 15 years.**
- (6) If possible, increase impervious cover from 45% to 50% if preservation bonus is used. Reduce impervious cover in R2 zones for developments of only one unit (as recommended by the Planning Commission) or an amount that negates the increase in impervious cover, and reduce by a small percentage the impervious cover for R2 zones generally to negate any increase in impervious cover.**
- (7) Waive parking requirements for preservation bonus units.**
- (8) To utilize the preservation bonus, there must be an increase in units.”**

An amendment to the amendment was offered by staff and accepted without objection. The amendment to the amendment was:

“RES4 Preservation Bonus

Amend the preservation bonus as follows (without specific numbers or methods being prescribed):

- (1) Allow the preserved unit(s) to be expanded and remodeled up to the allowable FAR for the unit(s).**
- (2) Limit the size of a single preservation unit ADU to be larger than the current allowable size (e.g. 1,600 sqft) and two-unit preservation bonus to 0.5 FAR (or whichever graduated FARs are adopted).**
- (3) Allow lots utilizing the preservation bonus to utilize a simple subdivision process and allow them to waive minimum lot sizes upon subdivision.**
- (4) Clarify that preserving only the existing ADU does not qualify as preservation.**
- (5) Reduce the required age of a qualifying home to be preserved from 30 to 15 years.**
- (6) If possible, increase impervious cover from 45% to 50% if preservation bonus is used. Reduce impervious cover in R2 zones for developments of only one unit (as recommended by the Planning Commission) or an amount that negates the increase in impervious cover, and reduce by a small percentage the impervious cover for R2 zones generally to negate any increase in impervious cover.**
- (7) Waive parking requirements for preservation bonus units.**
- (8) To utilize the preservation bonus, there must be an increase in units.”**

The motion to amend the ordinance as amended was approved on Council Member Casar’s motion, Council Member Harper-Madison’s second and accepted without objection.

A motion to amend the ordinance was made by Council Member Tovo and seconded by Council Member Kitchen. The amendment was:

“For buildings 30 years or older:

- (a) If the structure has a side-gabled, cross-gabled, hipped, or pyramidal roof form, set the addition behind the existing roof’s ridgeline or peak.**
- (b) If the structure has front-gabled, flat, or shed roof form, set the addition back from the front wall one-half of the width of the front wall. For example, if the front wall is thirty feet (30’) wide, set the addition back by at least fifteen feet (15’).**
- (c) Retain the original roof configuration and pitch up to the greater of (a) 15’ feet from the front façade or (b) the ridgeline of the original roof.”**

An amendment to the amendment was made by Council Member Tovo and accepted without objection. The amendment to the amendment was:

“For buildings 30 years or older, consider specific provisions that would support the retention of existing structures such as the following:

- (a) If the structure has a side-gabled, cross-gabled, hipped, or pyramidal roof form, set the addition behind the existing roof’s ridgeline or peak.**
- (b) If the structure has front-gabled, flat, or shed roof form, set the addition back from the front wall one-half of the width of the front wall. For example, if the front wall is thirty feet (30’) wide, set the addition back by at least fifteen feet (15’).**
- (c) Retain the original roof configuration and pitch up to the greater of (a) 15’ feet from the front façade or (b) the ridgeline of the original roof.”**

The motion to amend the ordinance as amended failed on Council Member Tovo’s motion, Council Member Kitchen’s second on a 5-6 vote. Those voting aye were: Council Members Alter, Ellis, Kitchen, Pool, and Tovo. Those voting nay were: Mayor Adler, Mayor Pro Tem Garza, and Council Members Casar, Flannigan, Harper-Madison, and Renteria.

A motion to amend the ordinance was made by Council Member Alter and seconded by Council Member Kitchen. The amendment was:

“FAR Calibration – Staff should come back with code language and modeling demonstrating the impacts on housing capacity and affordability to eliminate attic, garage, and balcony exemptions from FAR calculations in residential-house scale and transition zones. Staff should prepare information to demonstrate what if any impact eliminating those exemptions would have on housing capacity. The new code should include an updated and clear definition of “Residential Unit” so that only

spaces truly meant for separate habitation are allowed to access increased FAR and impervious cover entitlements.”

A motion to amend the amendment was made by Council Member Harper-Madison and seconded by Council Member Flannigan. The amendment to the amendment was:

“FAR Calibration – Staff should come back with code language and modeling demonstrating the impacts on housing capacity and affordability to eliminate attic, garage, and balcony exemptions from FAR calculations in residential-house scale and transition zones. Staff should prepare information to demonstrate what if any impact eliminating those exemptions would have on housing capacity.”

A motion to amend the amendment to the amendment was offered by Mayor Adler and accepted without objection. The amendment to the amendment to the amendment was:

“FAR Calibration – Staff should come back with code language and modeling demonstrating the impacts on housing capacity and affordability to eliminate attic, garage, and balcony exemptions from FAR calculations in residential-house scale and transition zones. Staff should prepare information to demonstrate what if any impact eliminating those exemptions would have on housing capacity. The new code should include an updated and clear definition of “Residential Unit” so that only spaces truly meant for separate habitation are allowed to access increased FAR and impervious cover entitlements, (including artist studio and other work/live arrangements within the unit).”

The motion to amend the amendment as amended was approved on Council Member Harper-Madison’s motion, Council Member Flannigan’s second and accepted without objection.

The motion to amend the ordinance as amended was approved on Council Member Alter’s motion, Council Member Kitchen’s second and accepted without objection.

A motion to amend the ordinance was approved on Council Member Harper-Madison’s motion, Council Member Casar’s second on a 9-1 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, and Council Members Alter, Casar, Ellis, Flannigan, Harper-Madison, Kitchen, and Renteria. Council Member Pool voted nay. Council Member Tovo abstained. The amendment was:

“Reduce minimum lot size requirements in missing middle zones to better facilitate fee-simple ownership of missing middle units on current standard lot sizes.”

A motion to amend the ordinance was approved on Council Member Harper-Madison’s motion, Council Member Casar’s second on a 6-5 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, and Council Members Casar, Flannigan, Harper-Madison, and Renteria. Those voting nay were: Council Members Alter, Ellis, Kitchen, Pool, and Tovo. The amendment was:

“Study and model potential code revisions to all impervious cover in missing middle zones and the utilization of green stormwater infrastructure on site to improve water quality, stormwater management, and ensure project feasibility. Consider ways GSI can be used to unlock affordability.

- a) GSI alternatives to impervious limitations should be drafted in a prescriptive manner to eliminate uncertainty and provide swift review.**
- b) Performance based GSI standards should also be provided to maintain design flexibility and context sensitivity.”**

A motion to amend the ordinance was made on Council Member Casar’s motion and seconded by Mayor Pro Tem Garza. The amendment was:

“Increase impervious cover from 50% to 55%. Reduce impervious cover in R2 zones to mitigate the increase in impervious cover.”

A motion to amend the amendment was made by Mayor Adler and accepted without objection. The amendment to the amendment was:

“A small increase in impervious cover in R4 with a reduction in impervious cover in R2 zones to mitigate the increase in impervious cover.”

A friendly amendment was made by Council Member Kitchen and accepted. The amendment reads as follows:

“Reduce impervious cover in R2 zones to mitigate in the same watershed the increase in impervious cover.”

An amendment was made by Council Member Kitchen to add the word “consider”. The amendment failed on a 5-6 vote. Those voting aye: Council Members Alter, Ellis, Pool, Kitchen and Tovo. Those voting nay: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Flannigan, Harper-Madison, and Renteria.

The motion was approved as amended on a 7-4 vote. Those voting aye: Mayor Adler, Mayor Pro Tem Garza, Council members Casar, Ellis, Flannigan, Harper-Madison, and Renteria. Voting nay: Council members Alter, Kitchen, Pool, and Tovo.

Dumpster Location

A motion was made by Council Member Kitchen, seconded by Council Member Pool to amend Dumpster Location to minimize disruptions and conflicts with residential and commercial service needs. The motion was accepted without objection

The motion to amend Dumpster location to minimize disruptions and conflicts with residential and commercial services needs reads as follows:

“1. Consider incorporation of East Riverside Corridor Regulating Plan or Affordability Unlocked design standards as they relate to dumpster location and requirements to minimize disruptions for dumpster services. This should consider appropriate distances from residences, screening requirements, as well as frequency and allowable hours of service.”

General Parking Requirements

A motion was made by Council Member Kitchen, seconded by Council Member Pool to amend General Parking Requirements.

The amendment is as follows:

“Allow reduced parking where there is a sidewalk present or funding is identified to provide a sidewalk to support walkability and public safety

- 1. Explore approaches to ensure that infrastructure important for walkability and multimodal transportation are on site at the time or prior to new developments in areas within ½ mile of corridors. Consider options such as city using bonds to upfront costs of sidewalk construction with reimbursement from developers and delaying or phasing in parking reductions until funding is identified for sidewalks.**

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

Parking Requirements in Transition Areas

A motion was made by Council Member Kitchen, seconded by Council Member pool to amend parking requirements in transition areas.

The motion to amend parking requirements in transition areas reads as follows:

“Rather than eliminate all parking requirements include short-term temporary use parking to ensure that caregivers, meal delivery drivers, and volunteer or ride share drivers have access to seniors’ housing, as recommended by the Commission on Seniors (#20191113-04B).

- 1. In areas where all parking requirements are to be eliminated, instead include temporary, short term parking for safe pick-up and drop off, short-term parking for caregivers or deliveries. Those who serve the needs of older adults and others who need assistance are not likely qualify accessible parking.”**

An amendment was made by Council Member Casar, seconded by Council Member Renteria and approved on a 6-4 vote. Those voting aye: Mayor Adler, Council Members

Casar, Ellis, Flannigan, Harper-Madison, and Renteria. Those voting nay: Council Members Alter, Pool, Kitchen, and Tovo. Mayor Pro Tem was off the dais.

The amendment is as follows:

“Modify and/or clarify the code to create options to reserve on-street, accessible parking to ensure that caregivers, meal delivery drivers, and volunteer or ride share drivers have access to seniors’ housing, and in other cases on as-needed basis, in a way that is legal and/or that staff recommends.”

The motion was amended and approved on a 9-2 vote. Those voting aye: Mayor Adler, Mayor Pro Tem Garza, Council Members Alter, Casar, Ellis, Flannigan, Harper-Madison, Renteria, Tovo. Those voting nay: Council Members Kitchen and Pool.

Reduce Restrictions on Parking for Eldercare Facilities

A motion was made by Council Member Kitchen, seconded by Council Member Alter to amend reduction of restrictions on parking for eldercare facilities.

The amendment is as follows:

“To ensure enough parking to enhance visitability.

1. Encourage accessible elder care by reducing restrictions, including parking, on elder care facilities, including occupancy limits, in all zoning categories, except industrial and airport zones.”

The motion was amended and approved on a 9-1 vote. Those voting aye: Mayor Adler, Council Members Alter, Casar, Ellis, Flannigan, Pool, Renteria, and Tovo. Those voting nay: Council Member Harper-Madison. Mayor Pro Tem was off the dais.

Transition Zone

A motion was made by Council Member Kitchen, seconded by Council Member Tovo to amend Transition Zone.

The amendment is as follows:

- “1. Review Activity Centers and apply the same criteria for mapping areas adjacent to Activity Centers as was applied for those adjacent to corridors and Transit Priority Network.”

The motion to amend was approved without objection.

Reserving Impervious Cover

A motion to amend impervious cover limits was made by Council Member Pool, seconded by Council Member Kitchen.

The amendment is as follows:

“To provide scenarios to consider holding impervious cover limits at 45% in R4 and RM1 and only raising the limit (in varying amounts) with the provision of on-site affordable housing units.”

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

Multi-Bedroom Housing

A motion to amend multi-bedroom housing was made by Council Member Pool, seconded by Council Member Kitchen.

The amendment is as follows:

“Review a potential multi-bedroom requirement for the residential zones starting with R4 and provide a method to target these requirements in areas within ½ mile of our urban public schools.”

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

Transition Areas

A motion to amend to foster complete communities per Imagine Austin was made by Council Member Tovo, seconded by Council Member Pool.

The amendment is as follows:

“To foster complete communities per Imagine Austin, do not up zone existing childcare centers, local businesses, cultural venues, historic districts or grocery stores located within transition areas or elsewhere.”

The motion failed on a 3-7 vote. Those voting aye: Council Members Kitchen, Pool and Tovo. Those voting nay: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison, and Renteria. Council Member Alter was off the dais.

A motion to amend Transition Areas was made by Council Member Tovo, seconded by Council Member Pool.

The amendment is as follows:

“To remove transition areas on residential corridors that bisect existing house-seal neighborhoods.”

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

University Neighborhood Overlay

A motion to amend University Neighborhood Overlay was made by Council Member Kitchen, seconded by Council Member Tovo.

The amendment is as follows:

“To increase affordable housing bonus capacity in Inner and Outer West Campus without increasing the base.”

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

Mature uses in MU5B Zone

A motion to amend mature uses in MU5B Zone was made by Council Member Kitchen. The motion was approved without objection.

The amendment is as follows:

“To provide family friendly housing in dense residential category

1. Explore options for revising proposed restrictions and/or creating a public process for appealing the uses under MU5B zoning that allow for adult entertainment in a residential location.
2. Proposed code currently provides for location retractions such as:
 - 1) within 1000 feet of another adult entertainment establishment;
 - 2) within 1000 feet of a lot with a school, church, public park or playground, licensed day-care, museum or library is located; or
 - 3) where 50 percent or more of the lots within 100-foot radius are zoned or used for a residential use.
3. Adjust 50% threshold and provide rational or consideration of a more sensitive/protective threshold percentage for families; and include residences that are part of the actual commercial tract in considering number of impacted residential units triggering restriction.”

Rainey Street District

A motion to amend Rainey Street District was made by Council Member Tovo, seconded by Council Member Pool.

The amendment is as follows:

“To maintain current Floor-to-area entitlements for the Rainey Street District until mobility improvements have been implemented.

To maintain the maximum FAR of 15:1 in the Rainey Street Subdistrict Regulations of the Downtown Density Bonus Program codified in section 25-2-739.”

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

Bars

A motion to amend Bars in Centers and Corridors was made by Council Member Casar, seconded by Council Member Flannigan. The motion was approved without objection.

The amendment is as follows:

“Leave in place the current CUP requirements for late night/outdoor bars, and for lower-impact neighborhood bars, establish a graduated scale that allows such establishments in more intense zones, and then requires MUP’s or CU’s in medium intensity and low-intensity zones, respectively.”

Imagine Austin Centers

A motion to amend Imagine Austin Centers was made by Council Member Tovo, seconded by Council Member Kitchen. The motion passed without objection.

The amendment is as follows:

“Additional mapping of increased entitlements to maintain our housing capacity goals should first prioritize adding capacity by mapping additional entitlements within Imagine Austin Centers, starting with Regional Centers, (except those that currently have a regulating plan or are to be mapped F25) in high opportunity areas, as well as within Imagine Austin Centers containing undeveloped (greenfield) areas.”

Compatibility – CMP-3 Corridor and Center Sites

A motion to amend compatibility was made by Mayor Adler, seconded by Mayor Pro Tem Garza. The amendment was approved without objection.

The amendment is as follows:

“Development on parcels within activity centers or fronting activity corridors that participate in an affordable housing bonus program should receive a waiver of compatibility standards.”

Mayor Adler recessed the Council meeting at 7:45 p.m.

Mayor Adler reconvened the Council meeting at 9:08 a.m.

Compatibility – CMP-3 Corridor and Center Sites

A motion was made by Mayor Adler to reconsider his direction and remove the amendment language that was added to the compatibility section. The language was removed without objection.

IV. AFFORDABLE HOUSING

The following amendment was made by Mayor Pro Tem Garza and approved on consent without objection:

“EQUITY OVERLAY

BOUNDARIES: The area for the overlay should be delineated by the vulnerability map in the UT Uprooted study. Staff has already proposed this in their report.

PRESERVE EXISTING MULTIFAMILY: For current affordable multi-family

- a. Map and zone to current structure and appropriate RM zone
- b. No new height (in the base or bonus)

ONSITE AFFORDABILITY: Promote more onsite affordability

- a. Require onsite affordability to be at least 10% of the total and no fee in lieu option”

The following three amendments were approved on Council Member Casar’s motion, Council Member Kitchen’s second without objection:

Existing VMU

“Keep the affordability requirements of VMU for currently zoned VMU lots. Set the base heights and residential densities for currently zoned VMU lots at the base height and densities of the current VMU lot.”

“Maintain “V” – Vertical Mixed Use for affordable housing creation

To ensure we maintain zoning on properties currently with a -V designation

1. Carry over existing -V zoning designation on tracts to preserve the existing affordable requirements related to minimum residential units and 10% affordability based on total square footage of the development.”

Affordable Housing Bonus Program (AHBP)

“Properties with current Vertical Mixed-Use zoning should access the AHBP with requirements of at least 10% affordable units or more.”

The following three amendments were made by Council Members Kitchen and Tovo and approved as amended without objection:

“Standardize VMU Median Family Income affordability levels to 60% for rental units and 80% ownership.”

“Include VMU in at least every 3 three-year lookback period/evaluation cycle to analyze participation and success. “

“Extend VMU set asides for AHBP

To ensure broader opportunities for affordability

- 1. Explore ways for Properties to access AHBP with at least 10% set asides**
- 2. Include VMU in at least every 3-year lookback period/evaluation cycle to analyze participation and success.”**

The following amendment was approved on Council Member Kitchen’s motion, Council Member Pool’s second without objection:

“Reduce Requirements for Initial Ground Floor Commercial Use in VMU

To ensure greater flexibility for residential affordability and future commercial

- 1. Where market does not yet support ground floor commercial use, explore ways to reduce those requirements so that some of the ground floor space can be used as occupied residential space, provided that such ground floor space is constructed in such a way that it is able to be converted to pedestrian oriented commercial use in the future when warranted, while still requiring some of the ground floor space to be commercial.”**

The following amendment was made by Council Member Casar and approved without objection:

“Density Bonus Calibration

- 1. Recalibration: Require NHCD to set goals, report quarterly, and recalibrate set-asides and fees-in-lieu every year during the budget process. When recalibrating, explore ways to account for the increase in total value, not just the bonus value.**
- 2. Affordable Homeownership: Include a condo or HOA fee in the maximum sale price for homeownership. Assess a reasonable assumption based on local trends for condo fees and increases over time. (e.g., 80% MFI homeowner may only be able to afford a home valued at 70% MFI plus condo fees)”**

The following amendment was made by Council Member Casar and approved without objection:

Enforcement

“Applicants may lease on-site affordable units as follows:

- 1. Accept tenants from the City’s waitlist, when one is established. Staff should fast-track the development of the waitlist program. Contract with a third-party nonprofit to manage service providers and the waitlist; and income-qualify, lease, and manage tenants for affordable housing units created through density bonuses; or**
- 2. Applicant may contract with a third-party non-profit to manage the affordable units created through density bonuses, if the third-party nonprofit is on a list approved by the city.”**

The following two amendments were made by Council Member Kitchen and approved without objection:

“Strike definition of “Transitional and Supportive Housing” in 23-C – 2030 Land Use Definitions

To remediate the confusion around distinguishing different populations in need of housing

- 1. Remove barriers to supportive housing in the proposed code**
- 2. In accordance with the Fair Housing Act, reduce barriers for transitional housing and refine its definition.**
- 3. Report back to council on the above two directions before second reading.”**

Diversify, Sustain, and Cultivate Art, Music and Culture

“To ensure we provide path to codify opportunities for creation and cultivation of the City’s artistic community.

- 4. Create a new article: 23-3F: Diversify, Sustain, and Cultivate Art, Music, and Culture. Creation will provide path for future work by staff with the community to establish its General Provisions and content to sustain, diversify, and strengthen the music and arts industries and communities.**

The new section will provide city-wide regulations to promote arts, music, and culture with the goals of protecting existing assets and promoting new ones in areas inequitably deficient of art, music, and cultural assets, supporting housing and jobs for musicians and artists and sustain these important elements of Austin’s economy.”

The following amendment was approved on Council Member Pool’s motion, Council Member Kitchen’s second without objection:

Preserving Existing Affordable MF

“Deliver scenarios of different ways of zoning existing market affordable multifamily to answer the question: Which scenarios trigger redevelopment?”

Scenarios should include options such as:

- 1. Map to current use with/without a bonus**
- 2. Map proposed zoning with/without bonus”**

The following amendment was made on Council Member Tovo’s motion and Council Member Kitchen’s second:

Housing Affordability in Transition Areas

“Consider opportunities to tie all increases in entitlements over current base zoning to affordability requirements either via fees-in-lieu or on-site requirements.”

An amendment to the amendment was made by Council Member Casar and seconded by Council Member Renteria to read:

“Tie all increases in entitlements over current base zoning to strong affordability requirements or to the creation of missing middle housing. Include on-site affordable unit(s) for projects of five units or more insofar as staff modeling of code changes show that site development standards after first reading, and market conditions will in fact produce an on-site affordable unit.”

A motion to table the item was approved on Council Member Casar’s motion on a 6-5 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, and Harper-Madison. Those voting nay were: Council Members Alter, Kitchen, Pool, Renteria, and Tovo.

The following amendment was made by Council Member Tovo and moved to the programmatic section:

Housing Affordability in Transition Areas

“To manage on-site affordable units in smaller projects, partner with local nonprofit organizations, such as Foundation Communities, to identify qualified tenants and provide ongoing monitoring.”

A motion to overrule moving the item to the programmatic section and consider the item failed on Council Member Kitchen’s motion on a 3-8 vote. Those voting aye were: Council Members Kitchen, Pool, and Tovo. Those voting nay were: Mayor Adler, Mayor Pro Tem Garza, Council Members Alter, Casar, Ellis, Flannigan, Harper-Madison, and Renteria.

The following amendment was made by Council Member Casar and seconded by Council Member Flannigan:

Housing Affordability in Transition Areas

“To protect renters, do not -up zone existing market affordable missing middle housing, including triplexes, and fourplexes.”

The amendment to the amendment to strike “market affordable” failed on a 4-7 vote. Those voting aye were: Mayor Adler, Council Members Casar, Ellis, and Kitchen. Those voting nay were: Mayor Pro Tem Garza, Council Members Alter, Ellis, Flannigan, Harper-Madison, Pool, Renteria, and Tovo.

The amendment to the amendment to strike “duplexes” was approved on a 7-4 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison, and Renteria. Those voting nay were: Council Members Alter, Kitchen, Pool, and Tovo.

The amendment was approved as amended above on Council Member Tovo’s motion on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, Council Members Alter, Casar, Ellis, Kitchen, Pool, Renteria, and Tovo. Those voting nay were: Council Members Flannigan and Harper-Madison.

The following two amendments were made by Council Member Tovo and moved to the programmatic section:

Housing Affordability in Transition Areas

“Allocate bond or other funding to create a low-or no-interest loan program to upgrade aging multifamily properties that might pose health or safety risks to tenants.”

“To help existing homeowners stay in place, take the following steps to assist them in creating income-generating second units:

- Develop pre-approved ADU plans in a variety of sizes to expedite permitting and cut costs for both homeowners and the city (such plans could also be used by non-homesteaded properties).**
- Create programs to educate homeowners about financing options for ADUs or other second units.**
- Allocate \$1 million in bond or other funding to create a low or no-interest loan program for lower-and perhaps middle-income homeowners to assist in building income-generating additional units.”**

The following amendment was made on Council Member Tovo’s motion and seconded by Council Member Kitchen:

Affordable Housing Bonus Program (AHBP)

“Exclude properties on the Repeat Offender List from participating in the AHBP program until they are no longer listed, or the Housing Director has made a determination that participation is permissible because the existing multi-family

structure requires extensive repairs and rehabilitation costs that will exceed 50% of the market value as determined by the building official. Should this determination be made, public notification is required.”

There was an amendment to the amendment made by Council Member Casar to strikethrough “exclude properties and property owners”. The amendment to the amendment was approved without objection.

The amendment was approved as amended above on Council Member Tovo’s motion, Council Member Kitchen’s second on a 10-1 vote. Council Member Harper-Madison voted nay.

The following amendment was made by Council Member Tovo and approved without objection:

Affordable Housing Bonus Program (AHBP)

“Continue the analysis of the opportunities or challenges associated with allowing for income averaging for income-restricted units and propose a unit threshold for which income averaging would be permitted.”

The following amendment was made by Council Member Tovo:

Affordable Housing Bonus Program (AHBP)

“Institute fees or fines for non-compliance within the Affordable Housing Bonus Program. Housing Opportunity in MU/MS zones.”

A friendly amendment to the amendment was made by Council Member Casar and accepted without objection to revise the amendment to read:

“Institute fees or fines, and/or other enforcement mechanisms, for non-compliance within the Affordable Housing Bonus Program. Housing Opportunity in MU/MS zones.”

The following two amendments were made by Council Member Tovo and approved without objection:

Housing Opportunity in MU/MS Zones

“Staff should require a percentage of onsite residential with an affordability requirement in MU zones and develop an incentive within MS Zones.”

Minimize Loss of Housing to STRS

“Prohibit STRS within density bonus units.”

The following amendment was made on Council Member Tovo’s motion and seconded by Council Member Pool:

Minimize Loss of Housing to STRS

“Prohibit STRS within transition zones.”

An amendment to the amendment was made by Council Member Ellis and seconded by Council Member Renteria to read:

“Prohibit non-owner-occupied STRs within missing middle zones, except for on lots where the affordable housing bonus program is used, and only for the duration of participation in the affordable housing bonus program.”

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

A friendly amendment to the amendment was made by Council Member Casar and accepted without objection to add language to read: “No greater number of STRs than affordable units shall be allowed.”

The amendment was approved as amended above on Council Member Tovo’s motion, Council Member Pool’s second on a 7-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, and Council Members Casar, Ellis, Flannigan, Harper-Madison, and Renteria. Those voting nay were: Council Members Kitchen and Pool. Those abstaining were: Council Members Alter and Tovo.

The following two amendments were made by Council Member Tovo and approved on consent without objection:

Minimize Loss of Housing to STRs

“Reduce percentage of short-term rentals Type 3 allowed in MU and MS zones.”

“Prohibit income-restricted units from being permitted as short-term rentals.”

The following amendment was made by Council Member Alter and approved on consent without objection:

Affordable Housing

“Parcels currently zoned for commercial-only use such as CS, GO, GR, LO, NO that do not allow residential uses by right today should be mapped to include an affordability requirement with any residential development. This can be accomplished by either re-mapping them for an MU zone that contains an affordability requirement, or creating a zone that has an affordability requirement to the MS category that these parcels were mapped to in the October 4th draft.”

Mayor Adler recessed the Council meeting at 11:37 a.m.

Mayor Adler called the Council meeting back to order at 12:52 p.m.

Mayor Adler recessed the Council meeting to go into Executive Session at 12:52 p.m.

EXECUTIVE SESSION

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

2. Approve an ordinance adopting a comprehensive revision to the Land Development Code, relating to the regulation of land use and development in the City of Austin and its extraterritorial jurisdiction, together with related actions and City Code amendments

Mayor Adler recessed the Council meeting at 1:28 p.m.

Mayor Adler called the Council meeting back to order at 8:16 p.m.

V. NON-ZONING

The following amendment was made by Council Member Harper-Madison and approved on consent without objection:

“Consider a process that will, without limitation, allow pocket-parks, parks under ¼ acre, to be approved through the building permit process to expedite and simplify their development for PARD and community groups.”

The following two amendments were made by Council Member Casar and approved on consent without objection:

Water Quality

2. **“Explore allowing staff the discretion to incorporate Green Stormwater Infrastructure into the City’s rights-of-ways when it is appropriate and would not create future non-compliance issues.”**

Landscaping

1. **“Clarify that permanent irrigation requirements do not require irrigation when it is unnecessary, such as for landscaping that has low watering needs.”**

The following amendments were made by Council Member Casar and approved as amended without objection:

Parking

1. **“Parking requirements for certain uses:**

- (a) For home occupations and live/work, eliminate any additional parking requirements for employees.
- (d) For commercial uses in MU, MS, and above, consider reducing the minimum parking requirements by a portion, such as by one-third, without losing any ADA parking.”

The following amendment was made by Council Member Casar and approved on consent without objection:

Transportation

- 1. “Maintain the Director’s current ability to deny a proposed development, instead of administratively reducing the density or intensity, if it presents a risk to public safety that cannot be reasonably mitigated.”

The following amendment was made by Council Member Casar approved as amended without objection:

On-Premise Signs

“In areas with a significant number of pedestrians, such as downtown, propose options for on-premise signs to be focused for pedestrian use.”

The following two amendments were made by Council Member Flannigan and approved on consent without objection:

Signage

“Revise Ch. 23-7 of Draft 1 to reflect non-substantive changes related to new zoning districts and administrative procedures, but to maintain provisions related to off-premise signage as codified in the current LDC Ch. 25-10, adding no new restrictions or limitations to off-premise signage.

The City Manager should initiate a separate public process for new off-premise signage requirements as discussed during the 8.22.2019 City Council Item 83.”

Parking

“Maintain parking maximums but develop a process that allows an applicant to apply for an administrative variance based upon completion of a parking study defining the market need and proof of mitigation in order to achieve community goals with context-sensitive requirements.

Regional parking structures that include compatible uses such as transit-supportive and bike and ped supportive elements should be allowed in the Downtown Capital View Corridors. The parking regulations should further incentivize participation in joint parking plans and construction of regional parking structures instead of on-site parking.”

The following amendments were made by Council Member Pool and approved on consent without objection:

Trees – Protecting Our Canopy & Promoting Climate Resiliency

“Explore the possibility of a “No-Net Loss and 50-by-50 Tree Canopy Policy” to set near-term goal of no net loss of canopy, and a long-term goal of 50% canopy cover by 2050 to align with the City of Austin climate plan and resiliency goals.”

“Consider including a “Tree Species Prioritization for Resiliency” list in the code. The protection list should prioritize native and well adapted trees and those expected to be more common as a result of climate change.”

The following amendment was made by Council Member Pool:

“To prevent a broader loss of our heritage tree canopy over time, reserve and administrative removal process for “major transit corridors” such as Lamar, Burnet, or Guadalupe instead of across all “corridors”.

An amendment to the amendment was made by Council Member Tovo to direct staff to consider both options and come back with a recommendation to protect heritage trees. The amendment to the amendment was later withdrawn.

Council Member Pool’s amendment failed on a 4-7 vote. Those voting aye were: Council Members Alter, Kitchen, Pool, and Tovo. Those voting nay were: Mayor Alder, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison, and Renteria.

The following amendment was made by Council Member Pool and approved on consent without objection:

“Consider the benefits of restoring the public process for heritage tree removal and develop an incentives program that relaxes and makes flexible site development standards to encourage on site preservation of heritage trees for parcels on all corridors.”

The following amendment was made by Council Member Ellis:

Heritage Tree Preservation Bonus

“The new code should create a Heritage Tree Preservation Bonus program for developments in Imagine Austin Centers and along Imagine Austin Corridors and the Transit Priority Network. The bonus program should offer a well-calibrated incentive of flexibility in development standards (e.g. an additional floor of building height) in exchange for the preservation of an existing, healthy heritage tree. The bonus should be administratively approved, and the heritage tree preservation bonus program should not negatively impact the viability of an applicable affordable housing bonus program.”

A friendly amendment to the amendment was made by Council Member Alter and accepted without objection to read:

“The new code should create a Heritage Tree Preservation Bonus program for developments in Imagine Austin Centers and along Imagine Austin Corridors and explore its application to the Transit Priority Network. The bonus program should offer a well-calibrated incentive of flexibility in development standards (e.g. an additional floor of building height) in exchange for the preservation of an existing, healthy heritage tree. The program should include a defined set of criteria including a provision requiring that the project demonstrate they require the bonus to achieve the goal of tree preservation. The bonus should be administratively approved, and the heritage tree preservation bonus program should not negatively impact the viability of an applicable affordable housing bonus program.”

A friendly amendment was made to Council Member Casar’s amendment by Council Member Harper-Madison and accepted without objection:

Drainage

3. “Requirements for drainage management should be drafted in a prescriptive manner to eliminate uncertainty and provide swift review.”

The following amendment was made to Council Member Flannigan’s amendment by Council Member Tovo and seconded by Council Member Kitchen:

Signage

“Revise Ch. 23-7 of Draft 1 to reflect non-substantive changes related to new zoning districts and administrative procedures, but to maintain provisions related to off-premise signage as codified in the current LDC Ch. 25-10, with the exception of the provision that allows the relocation of non-conforming billboards.”

The amendment failed on Council Member Tovo’s motion, Council Member Kitchen’s second on a 3-7 vote. Those voting aye were: Council Members Alter, Pool, and Tovo. Those voting nay were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison, and Renteria. Council Member Kitchen abstained.

The following amendment was made by Council Members Casar and Tovo:

Environmental Regulations

“Enact a conservation subdivision code for greenfield sites. Develop conservation subdivision guidelines that may be required for new greenfield residential development sites that promotes environmental sustainability, ecosystem preservation, and natural flood mitigation while maintaining the city’s Residential House-Scale entitlements and furthering its housing-capacity goals.”

A friendly amendment was made by Council Member Flannigan and accepted without objection:

“Develop conservation subdivision guidelines that may be required for new greenfield residential development sites that promotes environmental sustainability, ecosystem preservation, and natural flood mitigation while maintaining the city’s Residential House-Scale entitlements and furthering its housing-capacity goals.”

The following amendment was made by Mayor Adler and approved on consent without objection:

Parkland Dedication

PLD-4 Corridor and Center Sites

“Clarify code text to reflect current PARD practice: Development on parcels within activity centers and fronting activity corridors that are less than 1 2/3rd acres in size should not be required to dedicate parkland on site, unless dedication of parkland is necessary to provide for pedestrian connectivity to a creek, existing or planned park, or existing or planned trail connection. Dedication of parkland should be limited to the amount of land required for the pedestrian connectivity need. Any remaining applicable fees in lieu of dedication will still be required.”

VI. PROCESS

The following amendment was made by Council Member Harper-Madison and approved on consent without objection:

“All reviewing departments (AWU, AFD, AE, PARD, ATD, DSD, PZD, NHCD, WPD, PWD, Law, etc.) are integral to the success of the new code and should be directed to cooperate with each other to incorporate and implement Council’s policy direction and priorities to (i) increase housing supply, diversity and affordability into their requirements, regulations and processes, (ii) achieve our environmental goals, (iii) achieve our transportation goals, (iv) streamline the code and site requirement review process, and (v) make it more predictable.”

The following amendment was made by Council Member Harper-Madison and accepted without objection:

“Consider a process to allow administratively amended plats to replat up to 6 new lots in accordance with the Texas Local Government Code by acknowledging all Missing Middle zones as “residential improvement areas” under state law.”

The motion to continue the meeting past 10 p.m. was approved on Mayor Adler’s motion on a 10-1 vote. Council Member Alter voted nay.

The following amendment was made by Council Member Casar:

Limited Site Plans

“Allow small developments of 4-10 units to utilize a limited site plan. Allow up to 3 units to utilize the building permit process.”

The amendment was approved on Council Member Casar’s motion a 7-4 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison, and Renteria. Those voting nay were: Council Members Alter, Kitchen, Pool, and Tovo.

The following amendment was made by Council Member Casar:

Criteria Manual

1. “Require PC majority approval for the initial adoption of criteria manuals.
2. Futures changes may be appealed to PC; changes to the criteria manual go into effect until or unless the PC votes to reject the changes.
3. PC does not write or rewrite criteria manuals, only accepts or denies the original manual, and accepts or denies appeals to future changes. PC may make suggestions.
4. If there is a policy issue, PC can initiate code amendments for Council approval as currently allowed.”

An amendment to the amendment was made by Council Member Tovo to require a planning commission hearing for the initial adoption of criteria manuals. The amendment failed on Council Member Tovo’s motion, Council Member Pool’s second on a 4-7 vote. Those voting aye were: Council Members Alter, Kitchen, Pool, and Tovo. Those voting nay were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison, and Renteria.

The amendment was approved on Council Member Casar’s motion on a 7-4 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison, and Renteria. Those voting nay were: Council Members Alter, Kitchen, Pool, and Tovo.

The following amendment was made by Council Member Casar:

Simple Subdivision

“Consider creating a simple subdivision process utilizing Residential Improvement Areas and reduced code requirements for:

1. Lots zoned R4 and RM1.
2. Lots utilizing the preservation bonus.”

The amendment was approved on Council Member Casar’s motion on a 7-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis,

Flannigan, Harper-Madison, and Renteria. Those voting nay were: Council Members Pool and Tovo. Those abstaining were: Council Members Alter and Kitchen.

The following amendment was made by Council Member Casar and accepted without objection:

Conservation Subdivision Code

“Explore requiring greenfield developments to comply with a new conservation subdivision code that allows the same square footage of entitlements, but prioritizes the preservation of green space that provides ecosystem services and natural flood mitigation. Incorporate into the LDC revision process if feasible, otherwise create a subsequent process.”

The following amendment was made by Council Member Casar and approved on consent without objection:

Zoning Change Reports

“Include the following information in zoning change reports:

1. Mode Shift Impact
2. High Opportunity Impact
3. Displacement Impact”

The following amendment was made by Council Member Kitchen:

Capture of Conditional Overlays (Cos)

“To continue the City’s efforts to maintain negotiated and agreed upon conditions that were not captured by proposed zoning assignments.

1. Review and explore ways to recapture conditions of zoning on parcels related to provision for additional housing and aspects mitigating transportation impacts, particularly cases approved within five years.”

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

The following amendment was made by Council Member Kitchen:

“Development of a proposed district level planning process for Imagine Austin Activity Centers and Corridors susceptible to change.

Direction to develop district level planning process to meet goals outlined in the LDC Revision Policy Direction document.”

A friendly amendment to the amendment was made by Council Member Casar and accepted without objection:

“Direction to develop district level planning process to meet goals outlined in and beyond the LDC Revision Policy Direction document.”

The following amendment was made by Council Member Flannigan and approved objection:

Shared Use Easements

“All utilities and departments that regularly require easements should develop a process for sharing easement area as much as possible to minimize the total land dedicated to easements, in accordance with best management practices.”

The following two amendments were made by Council Members Pool and Tovo:

Ensuring Protest Rights and Process for our Community

1. Recognizing Protest Rights Exist with Comprehensive Revisions.

“The City of Austin shall recognize and give full legal effect to property owners’ valid petition rights to protest the rezoning of their or nearby properties made pursuant to Texas Local Government Code, Section 211.006(d) whether those rights are asserted in connection with the rezoning of one property, multiple properties, or through comprehensive revisions of the zoning map, and the City shall require a supermajority vote of 3/4th vote of the entire Council for the protested rezoned properties to become effective.”

Petition Rights

“Council affirms that property owners have petition rights regarding the proposed rezoning of their properties and properties within a radius of 200 feet as these zoning proposals are depicted on the Land Development Code map.”

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

The following amendment was made by Council Member Pool:

Ensuring Protest Rights and Process for our Community

2. Amendment to Protect Austin Property Owners’ Valid Petition Rights Should a Court Hold That the City’s Legal Position Is Wrong

“The City shall not finalize the rezoning of properties under the proposed LDC map until a Court has entered a final order on whether protest rights exist for a comprehensive LDC revision. If a Court rules that property owners have protest

rights under a comprehensive revision, the City shall post conspicuously and clearly the finding on its website, do extensive public outreach, and allow Austin property owners at least 60 additional days from the order's date to file their valid petition forms pursuant to Texas Local Government Code, Section 211.006. Valid petitions filed during this period shall be considered timely filed."

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

The following amendment was made by Council Member Flannigan:

Alternative Equivalent Compliance

"Expand the AEC process to allow for minor modifications to some base zoning requirements and to apply to Residential House-Scale zones in order to achieve the City's goals in a context-sensitive manner, and include housing-capacity goals in the BOA variance approval criteria."

An amendment to the amendment was made by Council Member Alter and seconded by Council Member Tovo to replace "expand" with "consider expanding". The amendment failed on a 4-7 vote. Those voting aye were: Council Members Alter, Kitchen, Pool, and Tovo. Those voting nay were: Mayor Alder, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison, and Renteria.

The amendment was approved on Council Member Flannigan's motion on a 7-4 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison, and Renteria. Those voting nay were: Council Members Alter, Kitchen, Pool, and Tovo.

The following amendment was made by Council Member Tovo:

Comprehensive Plan

"Amend the Draft Code as follows:

23-1A-4010 Consistency with the Comprehensive Plan

(A) Consistency Requirement. Legislative, quasi-judicial, and administrative decisions under this Title must be consistent with the Comprehensive Plan, as required by Article X of the City Charter.

(B) Consistency Standards for City Decisions.

(1) Legislative Decisions.

(a) An amendment to the zoning map is consistent with the Comprehensive Plan if the nature and location of allowed land uses is consistent with the growth concept map and, if applicable, a land

use map included in an adopted small area plan or other plan element.”

- (b) The City council has sole authority to determine the consistency of a legislative decision, including the adoption or amendment of this Title, with the Comprehensive Plan and to balance the goals and policies of the Comprehensive Plan. A decision by council to approve a legislative decision shall constitute a finding that the decision is consistent with the Comprehensive Plan.”

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

The following amendment was made by Council Member Tovo:

Demolitions

“Require public notification for all properties of a demolition in a manner consistent with the notification processes associated with zoning or land use changes.”

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

The following amendment was made by Council Member Tovo:

Demolitions

“Require affidavit for demolitions as proposed by staff.”

An amendment to the amendment was made that the affidavit include requirement that applicant verify that notice requirements have been satisfied. The amendment was included without objection.

Mayor Adler adjourned the Council meeting at 11:35 p.m. without objection.

The minutes were approved on this the 23rd day of January 2020 on Council Member Casar’s motion, Council Member Ellis’ second on a 10-0 vote. Mayor Adler was absent.