

**AUSTIN CITY COUNCIL
MINUTES****SPECIAL CALLED MEETING
WEDNESDAY, DECEMBER 11, 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 Wednesday, December 11, 2019 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:27 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.
Ordinance No. 20191211-001 was approved on first reading 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. Those voting nay: Council Members Alter, Kitchen, Pool, and Tovo.
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.
Ordinance No. 20191211-002 was approved on first reading as amended below on Council Member Casar's motion, Council Member Renteria's second 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 Alter, Kitchen, Pool, and Tovo.

**LDC REVISION FIRST READING
2ND ROUND
("Traunch 2")**

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

An amendment was made by Council Member Casar and seconded by Council Member Harper-Madison and accepted without objection to read:

“To protect renters right zone citywide existing missing middle housing, including triplexes and fourplexes.”

Downtown Mapping and Calibration

A motion to approve all amendments except for late night cocktail lounge uses was made by Council Member Tovo.

The amendment is as follows:

“Amend [STAFF2] DT-1 Commercial Core (CC) Subzone Bonuses, [PC] DT2 Substitute Amendment, and [PC] A9 Unlimited CC Bonus to Increase Community Benefits.”

“Allow an unlimited CC bonus across Downtown, except do not map this unlimited bonus in the small area of Downtown where there currently is no bonus, on first reading. Council intends to add a bonus with new height and density in this northwest area on second reading, while maintaining a transition in height to areas that are primarily Residential House-Scale within the Downtown area. This transition in heights is to be considered the transition zone for house-scale areas in the Downtown. Staff and stakeholders should explore options for achieving this goal.”

“Within the boundaries of the Downtown Plan Overlay, if staff demonstrates that greater participation in the affordable housing bonus program would be achieved, DC zones may be mapped where CC zones are currently proposed, while maintaining a reasonable transition in height to areas that are primarily Residential House-Scale within the Northwest District of the Downtown Austin Plan Overlay.”

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

The following amendment was approved on Council Member Casar’s motion on an 11-0 vote.

“Late night cocktail lounge uses that are being newly permitted in Downtown areas (where they were previously unpermitted) should be allowed, but only by conditional use permit.”

Mayor Adler recessed the meeting at 11:18 a.m.

Mayor Adler reconvened the meeting at 12:25 p.m.

Compliant Properties

A motion to amend compliant properties was made by Council Member Casar.

The amendment is as follows:

“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 builds. However, properties in RM1 zones and below should not be allowed to expand their impervious cover to levels higher than 40% for single unit development/expansion, as listed in the staff-supported planning commission recommendation, while allowing for 45% impervious cover for two-unit development, as listed in the staff-supported planning commission recommendation.”

The amendment was approved on Council Member Casar’s motion on an 8-1 vote. Council Member Harper-Madison voted nay. Council Members Pool and Tovo abstained.

Direction was given to staff to provide a GIS Analyses of how properties are non-conforming.

Water Forward

A motion to amend water forward was made by Council Member Kitchen and seconded by Council Member Ellis. The amendment was included without objection.

The amendment is as follows:

To ensure climate resiliency and responsible stewardship of water resources.
“Consider enhancement to the code that could increase the beneficial use of stormwater from smaller storm events to be beneficially used onsite and reduce demands on potable water. As part of this analysis, report back to council on any affordability impacts of any proposed changes.”

Zoning Assignments

A motion to amend zoning amendments was made by Council Member Kitchen. The motion was approved on a 10-0 vote. Council Member Ellis abstained.

The motion is as follows:

“Review proposed zoning for state and publically owned lands, including lands controlled by Special Districts with elected boards, to ensure that zoning assignments align with current uses.”

Prioritizing Smart Housing Project Review

A motion to amend SMART Housing was made by Council Member Kitchen. The motion to amend was approved without objection.

The motion is as follows:

“Consider a “Prioritized” Expedited Review for S.M.A.R.T. Housing projects in which projects would be reviewed ahead of other applications including where an expedited review fee has been paid.”

An amendment was made by Council Member Tovo to read:

“To the extent feasible, create options for creating distinct definitions for cooperative housing, fraternity and sorority housing, dormitories and residence halls.

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

Entitlement Increases

A motion to amend entitlement increases was made by Council Member Tovo.

The amendment is as follows:

“Consider opportunities to tie all increases in entitlements over current base zoning in-lieu fees for projects between three and five units.”

A motion to substitute the original amendment was made by Council Member Casar, and seconded by Council Member Ellis.

The amendment is as follows:

“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 shows that site development standards after first reading, and market conditions will in fact produce an on-site affordable unit.”

A motion to add to amend Council Member Casar’s motion to add to the end of the of the sentence “affordable unit or an in-lieu fee” was approved without objection.

The motion to approve Council Member Casar’s amendment as amended above was approved on a 7-3 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, and Pool. Council Member Tovo abstained.

The motion to approve entitlement increases as amended above was approved on a 9-0 vote. Council Members Pool and Tovo abstained.

Increase Efficiency of Constructing and Operating Schools

A motion to amend efficiency increases was made by Council Member Alter and approved without objection.

The amendment is as follows:

“To increase efficiency of constructing and operating schools, consider appropriate revisions to the draft LDC and/or applicable land development standards agreements to generally:

1. simplify the development review and permitting process and
2. engage with local school districts to identify potential code revisions needed to ensure that reductions in minimum parking standards do not disrupt school operations, including transport of students to and from school.”

Monitoring and Compliance Fees

A motion to amend monitoring and compliance fees was approved on a 10-1 vote. Council Member Flannigan voted nay.

The amendment is as follows:

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

Ensure Support for Monitoring of Affordable Housing Units

“Review the possibility of enacting a "monitoring and compliance fee" as a requirement to participate in the Affordable Housing Bonus Program.”

To “Assess compliance and monitoring fee to properties that participate in the AHBP program.”

Process-Related Direction

A motion to approve the process-related direction was made by Mayor Adler and approved without objection.

The direction is as follows:

“Staff should prioritize publishing the revised code text and zoning map as soon as possible in order to allow substantial review and comment before second reading. Work related to other Council requests should be handled consistent therewith.”

Direction was given to staff by Council Member Alter to produce and release models that reflect changes we've directed them to create, including models that maximize entitlements on a variety of lot sizes that's including but not limited to our preservation bonus, and for our missing middle zones and some of our commercial properties."

Direction was given to staff by Council Member Tovo to create charts for council permitted use chart on existing code and another chart with basic standards, layer of transit priority networks added to the LDC maps."

LDC Revision First Reading Programmatic Amendments

Small Neighborhood Grocer

Direction was given to staff to work with the 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.

Density Bonus Calibration

(3) Allocation of Bonus Funds: Direction was given to staff to create a process so that NHCD can easily assign bonus dollars to create on-site affordable homes during the development review process.

Direction was given to staff that the Land Development Code text should contain provisions for the City of Austin to partner with local nonprofit organizations to identify qualified tenants and provide ongoing monitoring to manage on-site affordable units in smaller projects. That if it is not appropriate to list in the code, staff is directed to inform Council. Council will then place in programmatic on second reading.

Health and Safety of Residents

Direction was given to staff that prior to third reading, the City Manager should outline planned infrastructure (water, sewer, drainage, sidewalk, etc.) investments in areas proposed for up-zoning to "missing middle" zones so that Council can address adequacy of these investments.

Substitute direction was given that the code should protect the health and safety of all residents.

A motion to approve the direction failed on Council Member Tovo's motion 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.

Access

Direction was given to staff to craft visual illustrations of how RM1 or R4 properties on standard city lots that utilize entitlement (i.e. Build to the maximum number of units under the AHBP and the preservation incentive) would accommodate basic services such as trash

collection, emergency vehicles, deliveries, and work crews. Use as context for these illustrations some of the narrow transit priority corridors that have been proposed to trigger transition zones.

A motion to approve direction failed on Council Member Tovo's motion 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.

Mayor Adler recessed the meeting at 2:06 p.m.

Mayor Adler reconvened the meeting at 2:17 p.m.

Direction was given to staff to provide feedback about how the Land Development Code text and mapping proposals (especially with regard to FAR and other elements within missing-middle zoning categories) could impact the construction of multi-bedroom units.

U.N.O Base Entitlements

A motion to amend the draft code section 23-3C-10130 was made by Council Member Tovo. The motion to amend was approved without objection.

The amendment is as follows:

“Update the draft Code Section 23-3C-10130 (University Neighborhood Overlay) to reflect changes adopted on November 14, 2019, and December 9, 2019, and revise capacity numbers.”

Transition Zones

A motion to amend transition zones was made by Council Member Tovo and seconded by Council Member Pool.

The amendments are as follows:

To “Revise map so that transition zones do not extend for more than 5 adjacent parcels in any area.”

“Transit priority corridors that are primarily residential streets should trigger transition zones that are more shallow than those adjacent to major corridors.”

“No neighborhood should have more than 20% of its properties rezoned as RM1 or R4.”

The motion to amend transition zones 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.

Planning Commission Amendments

A motion to amend NR1 Uncap FAR in bonuses was made by Council Member Tovo.

The amendment is to exclude RM1.

A motion to amend the amendment was made by Council Member Casar and approved without objection.

The amendment is as follows:

“Remove the maximum FAR in the bonus configuration of all MU and RM zones, except staff should look at RM 1.”

Hotels in MU1&2

A motion to amend and strike NR21 from Hotels in MU1 & 2 was made by Council Member Tovo.

The amendment is as follows:

“Allow hotels through a CUP in MU1 and MU2.”

The motion to amend and strike NR21 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.

Mayor Adler adjourned the meeting at 4:57 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.