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[9:13:23 AM]

>> Mayor Adler: All right. We have a quorum so let's go ahead and get started. Today is a work session on the land development code. Today is February 5th 2020. We have a quorum present. We're in the boards and commissions room. It is 9:12. We'll go from 9:00 to 11:00. We'll take a break at 11:00, reconvene at 1:00 and we'll go until 5:00 today. This morning we'll talk about water, watershed and non-spokenning matters. And then this afternoon we'll be talking about primarily mapping, I guess. Why don't you go ahead and start your presentation. >> Thank you. Good morning, mayor and council. Brent Lloyd with the Idc team. And today as you indicated, mayor Adler, we'll dive into some important non-zoning topics. And just by way of -- just

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to kind of roadmap our presentation today, we're going to start out this morning with some environmental updates that are going to focus on drainage regulations water quality and that will include discussion of our graduated impervious cover proposals. Parkland dedication and tree protection. And we're going to talk about some important refinements to the site plan process, including the board of adjustment special exception related to housing capacity. And this afternoon we're going to dive into the preservation incentive, the graduated calculation of floor area ratio, the house scale testing and F.A.R. Calibration including some modeling . That I think everyone will find interesting. We put a lot of effort with Peter park, our consultant, into preparing some robust and I will stray active zone -- I will straight active zone models that we hope you will get something out of.

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And additionally we'll talk about multiunit and mixed use additionally with some modeling and a focus on compatibility as well. And between each one of these topic areas we'll pause for questions. And with that, we'll turn it over to Matt Holland from watershed. >> Thank you. Good morning, mayor and council. I'm going to be talking about three broad topics. The first is -- talks about graduated impervious cover for one to six or more units of residential development. And this is talking about -- those are eligible for the streamlined development process P secondly I'll be talking about updates to the streamlined regulations for residential development to complement that first bullet. And thirdly, briefly, I'll update you on the removal of code changes requiring S.O.S. Ordinance amendments. So this first slide is

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slightly overwhelming. It's basically showing the seven different council amendments that are related to the topics that I'll be discussing. Generally they talk about council has important requests involving impervious cover levels with these residential properties. And showing how they would increase with increasing numbers of units. And we'll go into more detail. We can always refer back to the slide if you'd like. Also you're wanting to look at preservation of existing housing stock in some of the different ways and also ensuring positive drainage outcome. So again, these are seven council amendments that you want 9 us to -- wanted us to weave into the code. So our proposal is as follows -- and in a second I'll show you a table that's going to further illustrate this, but basically what we're calling graduated impervious cover so as the

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number increases in a residential project, one to two, three to four and on up, that would incrementally increase with the number of units and this new system supports supports preservation system that you requested. It does not actually apply to the very smallest lots, the r1 and r2 C properties that we're still proposing can go up to 65% impervious cover. This is a very small number of lots and they are very again small in size. Secondly, we're -- council was requesting one unit developments be capped at 40 percent impervious cover so we're proposing with the scheme to have those new units -- that 40% impervious cover limit apply to new construction as in tear down and rebuild projects. And which importantly would mean that if a project

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already exists -- if a structure already exists at the time of the code, those folks would still be able to expand to their current entitlement of 45% impervious cover. That would still have a meaningful impact on impervious cover overall over time as some homes will be replaced by brand new homes and will come in at 40% impervious cover instead of the current limit of 45. And then we're also per the council direction we're increasing the r4 missing middle zone to a maximum of 45% impervious cover. And we'll show you how that works with our scheme with drainage. And then fourthly, projects with more than 50% impervious cover or 5,000 square feet of impervious cover, either one, either of those thresholds, will be subject to new drainage requirements. And we'll go into more detail two slides from now.

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So this is a table that walks us through this. Again, the very smallest Zones are the properties that are the smallest are the r1 or r2 C properties. We're not proposing changes to those. Those are lots that are say 3200 square feet and smaller. So limiting those to 40% or 45% impervious cover would result in a quite small opportunity to develop. We're not proposing to changes to those. And the r2 a and B, that's the vast majority of properties that we're talking about here. That's the single and two-unit homes of today, we're recommending if you tear down and rebuild a house you have a new project. It would come in at 40% impervious cover per council direction, and if had you an existing home that those folks could still go from, say, 38% up to 45 or 42 percent up to 45, that would be as they can do today. And that they had -- if they preserve an existing home per the preservation bonus, they could actually go to

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three units with those properties. So you see that in that column, that's the 50% with the as sixth street, achievable only with the preservation incentive. On the r3 side it just clicks on up. You can see that each one incrementally goes up. Then r4, the first of the main missing middle Zones, if you come in with one unit in those Zones you're going to have to stick with 40%. One of the council amendments asked that we have new projects that come in with the missing middle zone that only propose one or two units, that those be -- you wouldn't have a 50% or 55% single cover home. That we would to cap those at 40 or 45. And rm1 is the most intensive missing middle zone. That goes up to 60. And so you see a dark bold line through there that goes between three and four units. And that's actually

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delineating the above 50% impervious cover threshold and that will be an important thing for the next slide in the next proposal which has to do with drainage. Anything above that or below as it were, above impervious cover, that line, is going to have to do -- have to do to make additional provisions for drainage. So this is our streamlined regulation drainage plan. Drainage proposal. And so y'all probably

recall a lot of discussion in our previous code discussions a year ago and beyond where we talked about drainage certification for projects for single-family and missing middle projects. And that was a difficult nut to crack and we think that we've arrived at something that we're really pretty excited about that basically says there was a lot of

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discussion of, you know, would a drainage certification be done by an engineer, but then basically just filed and then be useful later on in case of issues? And who would -- would staff be reviewing that and expecting that. So we had not come to a good resolution. We think we have a good plan for that now. We're basically saying that if you exceed 50% impervious cover in your project or you exceed 5,000 square feet of impervious cover on your project, then you're going to have to do a drainage plan. So that drainage plan would be done by a licensed professional, so say an engineer or an architect or a landscape architect. And that would be an official plan sheet that would be submitted to city staff for review and inspection, which we've heard from council and the community was an important consideration, and so if you can stay under 50% you will

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still have to comply with plumbing code, still make sure you don't flood folks around you, but you wouldn't have the same level of formal plan creation and review. But if you have something that's more intensive, then you would have to provide that drainage plan. And that would include a single home or a two-family home. This is not just applying to the missing middle. So that one of the council amendments was to consider if you had a very large single-family home or two-family home, how would you handle drainage with that? Because those could have similar impacts to something that's a missing middle project with four or more units. So if you -- in a second I'll show you basically a schematic, a diagram that shows this more visually, but basically -- to keep things simple and come out with a good drainage outcome, if you can show you

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can drain safely to a roadway, like a public right-of-way or a drainage easement, like a creek or official drainage easement, you can basically direct your flows to that spot and go past that 50% limit on up to 60, depending on your entitlements and move forward with your project with higher than 50% impervious cover. However, if you cannot show that you can drain safely to such a place to the street or to a drainage easement then you will have to limit your project to 50% impervious cover and so again I'll show you an example of that. This is an important new change. And then we also have -- with this new

simplified process additional missing middle projects from 50 to 65% impervious cover will qualify for the streamlined regulations and thus we're not recommending that they be required to have water

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quality controls. This will be a small subset of this and this will be an important -- we wanted to push this forward to council to discuss. We know that you're going to want to talk about it. But basically that's an outcome of the proposal we have today. And then we also say that if -- so if you had a large scale single-family home or two-family home and you had less than or a missing middle project, and you had less than 50% but more than 5,000 square feet of impervious cover, you still have to, as I mentioned before, you still have to do a drainage plan and you have to show that your drainage is not going to harm neighbors, so that's back to that important plumbing code provision that we have in the code today. And then one of your council amendments was asking us to review that plumbing code which we are doing and we are going to make sure that that works well and we're going to strengthen it if necessary and then we are also going to -- we are working very actively with the affected departments, the dsd, watershed

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protection and the code department to make sure we implement that smoothly. And then finally, one of the amendments was asking that we look at possibly increasing impervious cover beyond the 60% level and then using gsi, which is green storm water infrastructure, to mitigate those impacts. And staff did not feel comfortable or is not recommending that option, but we're very happy to discuss that if you like. All right. Here's our schematic that kind of walks you through these new -- this new drainage proposal. So for purposes of this discussion, these are all six of these lots have been zoned rm1 and that means that they could theoretically go to 60% impervious cover. And so the direction of flow -- and so Austin is -- varies in topography and some areas are quite hilly

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so we're going to for the purposes of this diagram we're going to show that this particular subdivision has these three units at the top are kind of up slope and the three units at the bottom are downslope and so the drainage is going from top to bottom. So here it is it is draining to the street or the creek behind these. It varies on the project. It's very site specific, but these projects are showing that they're draining right to a street where the water is going to proceed to a curb and gutter street and go down into a storm drain system and out of the creek. These projects would -- to simplify process, the projects would be eligible to go to 60% impervious cover. They still have to do a drainage plan and it shows how

the water proceeds from their project and to O to the street from an orderly fashion and those would be allowed to go to 60% impervious cover or whatever their limit would be, some of them are limited to 55.

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These are three projects that we envision they could take or have to take. In the first case these folks work with the downstream neighbor and purchase a drainage easement. And so through the other properties' land. So that would be a safe way to get your water through your neighbor's property and have it proceed to a safe location to the street and storm drain system downstream. There will be cases, of course, where the downstream neighbor is not interested in providing that drainage easement and so forth so that is not always available but that is one outcome. If they -- in the second case, it's always possible that you could regrade your property to actually have the water proceed up -- safely up to the street that's up slope. It just depends on your slope and so forth. And site specific fashion. So some of the time you will be able to get your drainage to move in a different direction. We do have cut and fill limits on these properties. It will not be -- we do not

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want people, you know, radically changing their grade to meet this new proposal, this new requirement. So there will be some limitations on your ability to do this. And then finally, in the third case, this particular lot in our -- in this example, is unable to get an easement. They're unable to regrade their property so they are going to have to stick with 50% impervious cover. They could increase the number of units up to whatever they could work out with their land plan depending on height and so forth, but they would not be able to exceed 50% impervious cover. They would still, of course -- they're still draining to their neighbor like they are today, so they would have to still comply with the plumbing code and of course the existing state law that says you cannot flood your neighbors. >> Alter: Excuse me. I'm having requests for when this will be posted for the public, the presentation? Is that going to be

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happening soon? >> This morning's presentation. >> Alter: Yes. >> We will do what we need to do to make that happen later today. We can post that right away. >> Alter: Thank you. >> I'm sure you want to discuss these two proposals more,, but concludes the drainage and streamlined presentation of my talk. Briefly I'm going to mention that per council request, the new draft of the code pulls out any and all code changes that would have required an S.O.S. Amendment. And so -- but we did want to clarify that there will be some nonsubstantive clarifying edits in the S.O.S. Ordinance section, some new headings, citation updates, basically cleanups. So things like in one spot it talked about how in the

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Barton springs redevelopment exception that you -- in certain cases you could use a sedimentation filtration pond to comply. We wanted to make sure that everybody knows that's not just a sedimentation filtration pond, it's actually now going to be a green storm sedimentation pond that's a little higher standard. So there are some cleanups there that we wanted to mention. So no substantive changes to S.O.S. And that is I believe it for my -- my presentation. I would welcome any questions you have. >> Mayor Adler: >> Kitchen: I have a question let's see, it's about the chart slide on page 8. So I'm just trying to understand what that means in relation to -- in relation to the current

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S.O.S. Requirements? I see a star that says achievable only with new build, but I see that only for r4 and rm1. So r3, r2 a are higher than existing requirements under S.O.S., so can you help me understand if in these other zoning categories if that increased impervious cover only applies if there's -- if it's new build or what? Help me understand that. >> These are the zoning impervious cover limits. So a project would also be subject to the S.O.S. Ordinance requirements. So under standard practice today it would be the more restrictive of the zoning or the watershed impervious cover limit that would apply to new construction.

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There are exceptions where the watershed impervious cover limits do not apply to certain types of projects. Today there is an exception for one or two family homes. The streamlined regulations apply an exception to additional units, but those streamlined regulations will not apply in the Barton springs zone. There is one narrow exception that could allow somebody to build multiple units under an existing provision of the S.O.S. Ordinance, but the primary take away is that the more restrict of the watershed or the zoning limits would apply. >> Kitchen: I'm sorry, you will have to break that down for me a little bit more. So if a house is -- they have been grandfathered to certain impervious cover. If they built a new house on that land because it's in the S.O.S. Area, they wouldn't be able to build as much. So are we maintaining that across all of these zoning

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categories? Unit construction would apply across all of the zoning categories and all of the watershed classification areas. So today if the construction of a single-family home in the Barton springs zone, then that home can go to its zoning impervious cover limit because the watershed limit would have been applied at the time of subdivision. So under the proposed code a single-family home in the Barton springs zone would still be able to be built to its zoning impervious cover limit which under the graduated impervious cover proposal would be 40% for new construction or 45% for expansion of an existing home. >> Kitchen: Okay. So applied at the subdivision, talk us through that. >> So when there's a new subdivision the impervious cover cover limits apply to the subdivision as a whole. In the Barton springs zone

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they apply to 25 to 50% of the net site area and a new subdivision needs to show that the total number of units and the assumed impervious cover -- I'm sorry, not units, lots. The total number of lots and the assumed impervious cover per lot do not exceed the watershed impervious cover limit. So in the S.O.S. You're likely to have far fewer lots and more open space because of the low impervious cover limits. Then once the subdivision is complete and the individual lots are constructed, they can build out to their zoning impervious cover limit, but the subdivision as a whole is still compliant with its watershed limit. >> Kitchen: Okay. So help me understand the thinking of the as sixth street for r4 and rm1 to say that that's achievable only with new build complying use, but the others are not. >> That has to do with when a new one-unit project is allowed in the missing middle Zones. And for more information on

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that I would ask Mr. Lloyd. >> Donna gallette. So in r4 or rm1, a single the sun in the base zone is not a permitted use, however it is a complying use through another section of code. It's established as a complying use and can be rebuilt. So you can-- if you have a single-family home you can replace the single-family home with another single-family home and that's what two as sixth street are referring to is achievable only through that provision. >> Kitchen: Okay. One last question. And then I'll let it go. Roadway do want to talk about this further. So in the case where a -- because we're lowering the lot size now, so that there's more opportunity for subdividing than there is

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currently because we're lowering it from 5,000 to 5750. So a 10,000 square foot lot could subdivide. So in that circumstance could they subdivide and then have units on each of the subdivided property, but not go back -- not have to comply with the watershed impervious cover limits? >> They would still need to comply with the watershed impervious cover cover limits for the subdivision, so even though dividing

a 10,000 square foot lot into two would be theoretically possible given the minimum lot size, it would probably not be achievable given the watershed impervious cover limit because the impervious cover for two lots would be too high. It would exceed the 15 to 25%. >> Kitchen: Okay. So the 15 to 25% would apply in that circumstance. >> It would. >> So when you see a lot in the Barton springs zone subdivided to be a -- an S.O.S. Compliant subdivision

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they usually have a large green space that's a large percentage of their project and they have some lots in addition or have some very large lots. So again, it's physically impossible to blow past those impervious cover limits of S.O.S. With the subdivision. >> Kitchen: Okay. I could talk to y'all about the actual language. I want to make sure that that's really clear in the code. And so you don't have to -- they should refer back to each other. Very good. >> Mayor Adler: Further questions about this section? Kathie? Cal son? -- A Alison. >> Alter: Thank you for your work on the localized flooding. I may have more questions on that as I absorb with the map, but I think my questions are going to be very sort of site specific and I don't need to address them here. I wanted to ask a real basic question. We've had concern before

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about folks being able to rebuild their property as a single-family and I just want to make sure that with this change for one unit with the impervious cover currently what is their impervious cover limit for single-family for what is likely to be rezoned to r2 a or r2 B. >> Correct, they are typically 45% today. >> Alter: Okay. So if I own a single-family home in that area and I am not -- have not exceeded my 45% and I have not gone above my 40%, I have a small little house and I was hoping to save for five years and then rebuild a bigger house when I could afford it on my lot, but I'm not preserving my house, that was never my plan, my plan when I bought my house was to knock the little house down and build a bigger house. What rules do I need to follow? >> That would be case number one of two for -- if you

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wanted to replace the home and put in a new one that would come in at 40% impervious cover with this proposal. If you kept the existing home and expanded it you could come in at 45%. >> Alter: So I'm a homeowner who had I bought my house five years ago I planned to expand it and build a bigger house up to my 45% impervious cover. Under this plan I will be constrained from doing that to the same extent of the 40%? I could only go to 40%, I cannot go to 45%. >> That is correct. >> Alter: So I'm losing five percent of impervious have built out. And I'm not saying that's good or bad. I'm going to get questions on it and I want to be able to answer what this is doing. >> That is correct.

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>> Casar: I do want to qualify that generally with the square footage that we allow for a single home in the mcmansion area that the -- you can build out all of your square footage usually and you're not taking up 45% impervious cover. Like the house is usually one portion of it and then the driveway or pool or other things are other components. I just want to make sure -- I'm not disagreeing with you here. I just don't want the message to get out where -- that if you had a plan that had you a small house and you wanted to build out a house, we have said that you could still build the same square footage of house. You just can pave five percent less of the lot which if you do a total rebuild you can't do a circle driveway. >> Correct. This does not affect height. You could go up as opposed to -- you could not surpass 40%. >> Casar: The square footage of the house stays the same. It may be some portion of the lot would be less paved. >> That's correct. >> Alter: And a pool doesn't actually count against impervious cover because it absorbs the rain.

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>> Right. A swimming pool is -- >> Casar: Sorry, then the driveway. Scratch the pool part. >> Alter: But there are still thanks that you might have wanted to do that you will not be able to do and there may be circumstances where you would have liked to spread our square footage out. I'm not advocating to do that. I just want to make sure that I'm understanding what the implications are. >> I would just point out that we have had many instances over the years where new regulations, mcmansion, design standards, different regulations that the city has adopted over the years will create nonconformities. And in general the rule for nonconformity is that you can't increase the degree of nonconformance. So in this instance the approach that Matt described actually does allow people to increase the degree of nonconformance by adding on to their house up to 45%. So we did -- I think your points are well taken, councilmember alter, but we

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did in looking at this try to craft a middle ground proposal that would protect the rights of homeowners who just simply want to add on to their house as long as it doesn't constitute a demolition and rebuild that's new construction. >> Alter: There are large swaths of city that do not fall under the mcmansion requirements, that do not have those requirements which would now be constrained. >> Tovo: I have a lot of questions, I assume I won't have an opportunity to ask them all, but I have a lot of questions about this. I'm pretty much getting emails everyday asking specific questions about specific properties in my district. I got some last night from north loop, but I guess I want to just make a general point. You know, even after the first maps of codenext, there was a repeated

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assurances from this council that even though the number of units were increasing there would be no increase in impervious cover. Now we're looking at what I would regard -- what my constituents living in some of the documented areas of localized flood identified problem areas are going to regard as of concern. And so I just want to note that. I also want to note on first reading I asked this council to consider passing an amendment that would have our staff committing to develop a plan for infrastructure improvements in just those areas where we are significantly upzoning them to assure people that there would be the infrastructure supports they need to make sure if they're currently living in a documented localized flood area that they would have the infrastructure improvements they need. This council majority voted against that amendment. So you can imagine why the constituents in my district are concerned about these

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proposals that were at the end of the day made by councilmembers whose districts aren't impacted by these changes as significantly. So I guess, Mr. Holland, knowing the huge cost, huge timeline that has been the dice the Guadalupe storm drain project still not complete. It's going to impact only 200 houses, I guess I would like you to help me understand why -- as we look at something like shoal creek, which the flood -- as I understand it impacts downstream properties even though the water drains to the street, it still impacts downstream properties. I've driven through Hyde park and nuna and other areas on the day of the memorial flood. Many of those streets were impacted. So draining to the street is helpful if you don't -- if you're not walking in the street because the cars were submerged. There were some streets where cars were submerged,

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that's how high the flood waters are. So we're looking at a very substantial increase in impervious cover because many of those lots aren't built out to their existing 45%. So you're looking at the a redevelopment that will not just bring it up to beyond -- I mean, it will allow them to go higher, but it's also likely that they're under that 45. And I want you to address some of those impacts. >> Sure. And we greatly sympathize with folks who know that it takes a long time to get those projects done and we're trying to accelerate those projects. >> Tovo: More than a decade and tens of millions of dollars, right? I mean, I think the Guadalupe storm drain was 30 million. >> 40 actually. >> Tovo: 40. And now as I understand it we need to acquire property to do that improvement. >> That's correct. That's probably the second largest storm drain -- public works project our department will have taken on. It's a pretty complicated version. There's much smaller, more

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nimble projects, but that one is complicated. I would say that the -- so we often talk about the differences between creek flood and local flood and lot to lot drainage issues. It is very confusing for the public and for almost anyone to talk through these issues. In our modeling, with our professional judgment, these marginal increases in impervious cover in these local flood problem areas are not in our view driving the drainage challenges. The -- there's an understandable perception that if you go from -- and people are looking at the individual lot. Okay, this lot goes from 45 up to 60. Wow, that sounds like a large -- that's a 33% increase, but you have to look at the entire drainage area to that system. And what's happening is the roads are staying the same, most of the houses are staying the same. Most of the zoning is not actually allowing increased impervious cover. So in the Guadalupe storm drain -- in that problem area, I forget the numbers. I don't have them in front of me, but it's less than

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two percent increase in that -- within that drainage area. We do not think that's going to drive extra drainage challenges even though the water is going to the street and maybe the streets are overwhelmed. We're talking about one inch or a half an inch, et cetera, et cetera. For any given rainstorm and change potentially. We are very concerned that somebody at the more microlevel is going to be putting water on to their neighbor and not safely getting that water to where it needs to go. That's why we want to have the drainage plans. That's why we're wanting to make sure that the plumbing code is strong. And obviously we do need to continue our work on the -- on improving the storm drainage system. That we have an active project that is in the works, it's moving forward for the blue and many other areas -- for the Guadalupe and many other areas of town. >> Tovo: That as I understand was geared toward the current situation, not necessarily the impact of dozens and dozens and dozens of upzonings that would

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result in higher levels of capacity in other areas. So I can't agree with the characterization that there are a few number of properties impacted. It's 50% of several of my neighborhoods that are looking at increases in zoning that would bump up the impervious cover. So it's not at all a minimal impact in several areas of town. And there were some specific -- there were some specific lot to lot issues that were raised in north loop and others. So I think maybe I'll just take those outside of this conversation. And I had another question that I'm missing for the moment but I'll come back to it after my colleagues speaks. >> I wanted to briefly let everybody know that the presentation that we're giving this morning has now been posted online.

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>> Mayor Adler: Would you go further into the questions that Kathie was asking? Is it de minimis, minimum impact, assuming that people build out to the allowance or if people build out to the allowance are we going to have a perceivable challenge? >> So again, a great question and these are all extremely good questions and we're getting the same questions from the public and thank you for this discussion. We have to look at the -- the impacts are in the aggregate. The impact from lot to lot is literally one lot to the other lot. So those can go up. And that's why we are really focusing on the lot to lot and coming up with the drainage plan and making sure that those flow paths are really studied and reviewed and inspected as they go in. When you look at these -- when we looked at the 147

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local flood problem areas and we talked about it yesterday, the remapping of those, and we did take out some missing middle Zones along the flow paths of those creeks just to be extra sure and extra safe, to not introduce new units into those areas, but the fact remains in our professional view when we look at it from an engineering perspective, that the flow increases are extremely small. And I know visually it looks much different and you see these upzonings and you see what's going on, but when you run the numbers, the impervious cover in these areas is not going up more than one or two percent in these areas, it's true. So so if it's 38 now and it goes up to 40 or what have you, that's a two percent increase but you can look at it several different ways from how much it goes up. But when you run those numbers we're just seeing, like we showed in that Dell occur tow case study in

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south Austin, that we're literally seeing half an inch or an inch in these storms. What's happening is in the very largest storms most of the water is coming off of all surfaces during these large storm events, these floods. So the changes in impervious cover are actually not meaningful, they're not causing meaningful changes in how the runoff responds in a very large event. Absolutely it affects very small events. And we want -- so one of the reasons we have impervious cover limits and we're concerned about this is we want to make sure that in the smaller rainfall events that water soaks in the ground and it helps trees and retains soil moisture and so forth. We're very concerned about that and that's one reason why we were supportive of counseling saying let's have the impervious cover entitlements on average be held constant. But when it comes to flooding it's just not as big a driver. And I think that's a super important thing. That's one of the things we talk about almost every time we meet with the public at this point. >> Mayor Adler: So I think it's important for you to have gone through that because I have gone out to

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the neighborhoods and I talked to people in communities. They see an impervious cover change or no impervious cover change and they want to know about build out and what happens relative to the flooding occasions that they have seen or driven through. And again, you're in front of us saying that when the engineers actually run the numbers, it's de minimis and not something that's perceivable with what you're recommending, except that you paid Marcos attention to a lot to lot -- close attention to lot to lot impact. Does this code have anything to particularly address the lot to lot situation. I heard -- I remember and I could be remembering wrong. It could be wishful thinking, but was there a change in the code so as to allow a project to be red flagged in mid construction if there was an impact from

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lot to lot and drainage that didn't exist before? Are there things in this code that address that concern about the lot to lot impact? >> Yes, there are, mayor. We have a provision. It actually passed in 2017. It was a local amendment to the plumbing code and it requires that all of these single-family and duplex and so forth private properties and we would fly this to the missing middle as well, those cannot cause drainage impacts to their neighbors per this code provision. And so we have already enforced that in several occasions. We're getting the word out that that exists and that these projects cannot. So currently we have that in there. There's some discussion of do we want to put in the drainage section of this code and not just in the plumbing code. Anyway, that's a separate discussion. But meanwhile in this second addition of the code proposal we're requiring these drainage plans that we think will greatly strengthen this provision and think that the projects that have the most intense

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active, have the most impervious cover, higher than 50% impervious cover come forward with a professionally overseen and submitted drainage plan that's reviewed and inspected by the city staff. >> Mayor Adler: Okay, thank you. Natasha. >> Harper-madison: I have a couple of questions actually. I was thinking during the course of the conversation you said a couple of things that reminded me of my time in agriculture. And I keep thinking about our soil composition and the clay that is surrounding us. And just wondering, is the conversation about impervious cover sort of moot at some point given our environment? Like do we need to be taking the conversation about impervious cover to a higher level and be talking about real infrastructure? Given that we can't do anything about the soil? And then the other thing I wanted to ask was, because I've never heard anybody talk about it, how do we enforce these regulations that we apply by way of

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impervious cover? Is there some mechanism that we deploy to determine whether or not people are meeting, maxing, et cetera, with impervious cover requirements? >> So that's a good two-part question. Yes, our soils do affect our drainage. Again, unless you have very sandy soils, it's pretty unlikely that you're going to have the soil affect the runoff, you know, substantial or mitigate runoff during a flood. We have clay soils. Except for along the river we don't have very elifial, fast infiltrating soils. Generally the soils are not working in our favor. But they don't act totally impervious either. We are again in the smaller rainfall events you can manage the water and actually have it soak in and that's what's happening in most of these installer projects. I'm going to defer to my dsd colleagues about the enforcement. >> Harper-madison: Before we move on, if I may, I

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wonder if it might be helpful to have -- we keep having these conversations over and over. And I think -- to some degree that part being glossed over, you know, the terrain that is the clay soil that we live on, I wonder if we could add that in a way that's more substantive to the conversation with the general public? Because I frankly have never heard us discuss it. I think we make assumptions about people's level of knowledge with our terrain, but we never discuss it publicly. I think it's something we ought to spend a little more time talking to folks about because that's something in a no amount of infrastructure or impervious cover regulation can change. So I'd appreciate that very much if we could figure out as a body how we can, you know, have more open dialogue with the general public about that part. Because it's important. >> We appreciate that comment and I think it is sort of integrated or buried

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within our engineering assumptions and so forth. But it's not usually the front and center on the conversation. So your point is well taken. >> Harper-madison: Thank you. >> As to Brent Lloyd and enforcement, and I'll ask Donna to chime in, but I think one of the most effective means of enforcement is the development review process. When people come in to modify, redevelop, they have to show what's on the ground. If there is unpermitted or excessive impervious cover, that has to be remedied as part of the review process and there are certain small-scale improvements that don't trigger that, but any sort of meaningful development the city will use the review process to catch those errors. And if there's unpermitted construction, that can also be a -- trigger a code enforcement complaint and enforcement action, but I think the most effective

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enforcement is the development review process. >> Leslie. >> Pool: I wanted to go back to the parcels at Brentwood that were not scaled back in the review in the 300 parcels. There's a lot of local area flooding. Can you -- and just to re-remember you that we're all concerned about the big flood events, but in neighborhoods with local area flooding, it's the one on two-year flooding that have huge effects when there are drainage issues. It doesn't rise to a city level so may not garner much press conference, but it have certain absolute impacts on people in that area and small storms can have a big effect. I wanted to ask you again about Brentwood and why parcels in that problem area have not yet -- but are no

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so far on your list of 300. >> Yes, thank you for that question. So we did -- between yesterday and day preliminarily look at that. We probably want to look at -- I haven't had a chance to look at myself, but our staff has looked at that, and that problem area, we could maybe talk about this more off line and talk about maps, but looks like that problem area was already in the flood plain and we had already removed those missing little possibilities because it was when that sort of at a 14 500 year flood plain. >> Pool: Okay, that's great. On the -- you were talking about lot to lot flooding and you said if a neighbor who is causing the flooding into your backyard, if you are a property owner, that if the backyard neighbor doesn't want to make any

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changes, then the property owner can regrade her land. I thought that the whole point of the lot-to-lot flooding requirement was that in fact those negative effects wouldn't consider and that it was the responsibility of the property owner who caused the flood into, say, my backyard. So I wanted you to kind of talk about that a little bit more because it sounded like it was not a requirement. >> So -- so with those three possibilities, I think frequently it's going to be not possible to -- you know, if you have a relatively steep slope, it's not going to be possible to take your house's water if you were draining downhill to your neighbor in the back, it's not going to be possible to get it uphill into the street. Yes, he could have lower graders from and you want to make sure it's not getting back in your neighbor.

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But if you can't do that, you are going to have to limit to 50. So we're definitely -- we're wanting to make sure -- this is an additional, you know, protection that we didn't have in the previous draft of the ordinance and we're hoping it's going to really help in these scenarios. >> Pool: I hope so too and that sounds great, but I was just focusing on who shares the responsibility for pay to go make sure the

downhill neighbor isn't inundated by changes above them and so do we not have some kind of requirements in the city that can be triggered to require the partnership and the payment or not? >> Well, the new project would be -- might need a correction if I'm wrong here, the new project is going to have to show that it is compliant and producing an acceptable drainage outcome so that the downstream neighbor is not going to have to contribute or chip in. We're wanting to protect the downstream neighbor. So if the -- remember, if

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some of these cases the water is already coming through for 50 or 80 years or whatever this subdivision has been there, water is sleeping through. And we're happy to have you purchase a drainage easement and we won't have the flooding we're already experience as you are building this new project. In some cases people would not feel comfortable with that and that's their private right. And so then that property would be forced to figure out a new grading solution or barring that it would have to -- retain the 50% level. >> Pool: The neighbor that you were referring to that could say no is the one affected by the downstream water flow. >> That's correct. >> Pool: And then as part of the recommendations, do we talk about Swales and berms and dry creeks? We're not talking about channeling through tunnels. We maybe could talk about a French drain that would allow the water running off to be retained in the soil?

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>> That's correct. So what we're going to do is we are going to add a new criteria manual entry for this issue of lot-to-local drainage, and so we're going to give some examples of solutions, but we're not going to prescribe them. Basically it's going to be the engineer or whoever is working on this, the licensed professional coming up with the drainage plan or even not drainage plan. If you are under 50 and under 5,000 feet of impervious cover, you are still going to be required to not flood your neighbor. Everybody is on the hook for making sure these things don't happen. But in the case of where you have a drainage plan, that's an even more scrutinized version of that. >> Pool: Okay. Just to explain my reaction when you said the 45 or 48% to 50 is only a one or two percent increase, but 45% or 50% is actually a 11% increase in volume, and a 45% to 60% increase in impervious cover is a 33%

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increase. And so my point is that people are hearing the lower number thinking that that's a volume or a total impact, but it's actually not. >> We completely agree with the math on impervious cover, if it goes from 45 to 60, that's a 33% increase if you look at it this way. When you do the modeling, it doesn't literally mean there's 33% more water. I think that's the disconnect. I think people are assuming

understandably that if you are going up, it's sort of a linear relationship in both cases. That's not the way it works in terms of water retention and moisture condition, all these different things that go into a flood. It's just not -- we're not literally producing the same, you know, sort of response in runoff as we are -- as impervious cover goes up. Clearly there's more runoff coming off more impervious sites, but in the flood level it starts merging and becoming closer, so anyway, it's a complicated

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discussion. Happy to give more detail if the council wants to see more on this, but it's going to come back to something similar that I presented on with the Dell curve scenario. >> Pool: But it is a third increase in impervious cover. >> That's correct. If you did go from 15 to 60 on that particular lot, once we start looking at the whole subdrainage area to a particular point, you have to look at roads that don't change, you have to look at properties that around subzoned within that area. So when we talk about the local flood problem areas and how much they've changed, in these neighborhoods we're not seeing 33% increases in impervious cover, we're seeing 1%, 1.5% and so forth. We're happy to take a dive into some of these examples because we know people were concerned. Probably would be concerned if I wasn't living and breathing this every day.

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>> Pool: My last question, Brent, you were talking about unpermitted structure identified through the plan review. If we're doing and also, like, flood mitigation and different things about a lot, if we are going to do a streamlined or simplified site plan, will we miss some of these important elements? >> That's a good question, so I think the limited -- the limited site plan process that as we've defined would be if it's outside the limits of construction and there's existing nonconforming conditions, then that would not be subject to the review unless it was determined to be of significant threat to safety or the environment. So that essentially codifies largely the existing practice for site plan exemptions, but it builds in a level of discretion and judgment on the reviewer's

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part to not allow the limited site plan in instances where it's going to have a major impact. But if it's a building permit project or a project where the entire site is going to be included within the review process, we would catch those things. And obviously if it's a full site plan, we would catch all those things. Donna, do you have any other -- >> I did want to point out that Brent said in the nonconforming structure was outside of the limits of construction, but not unpermitted, which is two separate things. If it was unpermitted, we would pick that up in the limited site plan review because if it was unpermitted, it would not be nonconforming, it would simply be illegal. >> Pool: I think that's great. That's something

we also should keep our eye on to ensure things don't get passed us in the limited site plan review. Thanks.

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>> [Inaudible] >> Alter: Thank you. I wanted to get greater clarity on the concept that you are talking about with it having little impact, having the additional impervious cover. So I understand the argument in the context of the 25-year flood or the 50 or 100-year flood that this little bit of extra impervious cover on the whole on a big area is not going to appreciably impact the flooding. What we're seeing though in the localized flood areas is areas that are flooding with the one to two-year two-inch rain events and they are pretty regularly doing that. And we would still be putting additional development in areas that we know already are flooding. And I don't think it's just the three lots, from what I understood, from the areas that have been removed where we have that. And so I'm not understanding how if I add a whole bunch

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of impervious cover around or near areas that are already experiencing flooding on the one to two-year -- one to two-inch level, then we add all of this impervious cover nearby, how we are, a, not ex Satter baiting will amount of flooding happening with low rain events and in situations where we've already decided there's no infrastructure fix, and then we're going to add more people into that situation with no proviso that they have to do anything to make sure the structures are not flooding. So can you help me understand those scenarios? >> So great question. So we did look at -- so in the Dell Curto example, we looked at the two-year flood, the smallest flood we look at generally. Obviously that's a 50% chance of that occurring any year. If somebody is subject to that, that's an alarming situation. And so what we're seeing is

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again we're even at those low flood levels, those are the ones with great he change. That's where the impervious cover matters the most is in the smaller floods. That's totally correct. But even with that, it's just -- in that particular scenario, and again, we're talking that was a -- I think it was only going up a small amount in impervious cover as are most local flood problem areas. I have to go back and look at the results, but it goes up on inch or inch and a half or something of that maximum. That's along the drainage way, not uniformly through the basin. The most change is where the water accumulates. That was why it was a good addition that council asked us to look at mapping chains and we removed 300 properties. That was a very effective helpful thing. Even if the smaller floods where water is

accumulating, of course it's not going to reduce or hold the line if you have impervious cover increases, but it's just,

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again, we're talking about you know, very small, very small increments. >> Alter: So we're talking about very small in yes, ma'am of entitled impervious cover. That's not necessarily what would be the change on the ground. So you only modeled what they are entitled versus what they would be newly entitled, you didn't model what was on the ground now versus what they could go to, which is what I think people are concerned about. >> In the Dell Curto project, we held the line on commercial and -- those are not increasing. And actually are providing green field flood management. And so that's actually helping push it down where applicable, not all the sites have that on there. The -- but meanwhile, what we did is we maxed out the single-family residential areas and just assumed they go to their maximum. So we did look at the entitlements. We looked at existing conditions and also the

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maxed out condition as well. >> Alter: Were they mapped? I don't remember, were they maxed out to the missing middle in rm1 or just r2b? >> We were look ago the the single-family. >> Alter: Because the areas that we're concerned about, it's going to rm1 from single-family. That's not built out to the impervious cover and they are already experiencing flooding at, you know, one-inch rainfalls. >> I think the key is the delta. We are looking at I think it was 31% impervious all the way to to 47. Looking at that kind of delta of change within the single-family area, it was driving a very small change. >> Alter: I will take this to the extent we have any time before voting, I will try and talk with you about this. I practice he shall the additional guardrails that were -- appreciate the additional guardrails introduced in this draft for some of the lot-to-lot

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flooding and I welcome those. I wanted to understand, you made a comment that we're now enforcing the plumbing code, et cetera. Can you speak a little more about how that enforcement happens and who the responsibility relies on and what the city is planning to do to increase its ability to enforce because the last we had this conversation when this was first introduced in October, we had said there were two cases of enforcement of where this had happened. And I am concerned that you have to know that you can enforce this, you have to be able to have the lawyer who will help you through this process, you know, I have cases now in my district where they could have used that who had lawyers who didn't know this was possible, and I understand you are doing education, but I'm still fairly skeptical that we have a robust experience with the enforcement on this. I think there's some equity concerns about who

will be able to say, like, you are flooding my property and you have to do something about it. >> Those are great

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questions. So this is a relatively new provision. It's not widely known. And so part of this effort and I appreciate councilman your -- councilmember, your looking at getting the word out so that's really important. Very heavy talked with our staff colleagues and our code department colleagues about how we can improve and coordinate our response to this. But I would say it's not -- it is no longer the case as it was before this plumbing code amendment that you have to have a lawyer to interact and that's one of the advantages. Previously it was state law you can't flood your neighbor, so folks were having to hire an attorney and go through the court process to try to get a remedy or mediate it somehow. Now the city is going to have a role in this with -- yeah, already the city now has a role with this and

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problems create by construction post 2017 when that rule went into effect, that ordinance went into effect. So now if somebody is affected and wants to remedy that, they can approach the city and we would either -- if a project -- the allegedly offending project is under construction, we would talk to our dsd. The staff would become involved. If it's post-construction, post-certificate of occupancy, then our code department would be -- would become involved. >> I would just point out briefly as well that again, as similar to our response to councilmember harper-madison's question about impervious cover, the -- one of the most effective means of enforcement is the develop development review process and I think the two instances where this provision has been enforced were both instances where there was an administrative hold put on inspections until the landowner made modifications that would

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address what are obvious problems that potentially cause flooding to adjacent property. So I think the city, this is new territory and it's not going to happen overnight, but the city staff have shown a commitment to trying to make this provision work. Additionally in terms of potential local amendments, we've been discussing with watershed the possibility of another local amendment to strengthen this provision and to -- it's not an in too active fit for the plumbing code. One doesn't usually think of the plumbing code as having a drainage requirement like this, so we're thinking about ways while maintaining it as a local amendment which we think is important, also putting it or referencing it in other parts of the code so it's more clear to people, people who are looking at the parts of the code you would go to to look at drainage requirements, they will see that prominently stated. >> Alter: I think that would be a really good idea to reinforce that.

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So there's been no problems post-instruction? >> I'm not -- construction. >> I'm not aware. >> Alter: Mr. Gonzalez, can you make sure through this process if we're going to rely on this provision, that our code department and dsd have the resources they need to be able to enforce this? Because I think we're going to see a lot of folks raising issues related to this. >> We will. >> Alter: Thanks. >> Mayor Adler: Okay. A couple more before we go on to the other sections, Kathy and then Greg. >> Tovo: Thanks. A couple things I'm looking at one of the emails I got from a property now being absorbed into the atlas-14 flood maps. They report the staffer who looked at it indicated that indeed the rm1 designation west of the property would have an impact due to lot to

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lot and storm water runoff. They are concerned as others who have voiced concerns about flood insurance, how they might be impacted from a practical standpoint as well as a financial one. I wanted to go back though to a couple things and I'll provide you with those addresses, but just to be clear, there are -- as we're hearing about particular instances, I've got three in my in box just today of individual property owners who have varying levels, they don't understand the -- I'm getting these very frequently and these are just the folks who are aware of what's going on and responding. There is no telling how many similarly situate properties might also need that kind of individualized attention and may not even be aware of the proposed rezoning at this stage. But I want to just go back to the original amendment which was -- which was to consider a small increase in impervious cover in r4 with reduced impervious cover in

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r2 Zones to mitigate in the same watershed the increase in impervious cover. But as I understand what you are saying, houses that are already constructed would be allowed to go up to 45%. So there's no reduction from the 40% that's in the new code, nor is there a reduction from the previous code. So we can't achieve that in areas that are built out. We can't achieve the meaning of this or the intent of this amendment. As I understand it. Because you are allowing our 4s to increase so they will have entitlements to 45%. If there was an intent to try to mitigate the concerns that some of us expressed about allowing that increase to 60%, we've -- there is not a way to achieve that unless you have a lot of vacant lots in your area. And the reality is in the areas that are being up zoned to r4 and rm1, those

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are fully built out lots, entitled to 45%. So I had a question about whether you've modeled -- what you've modeled, and I know you spoke to us about this in the past so I may need to go back to some of those work sessions, but I'm interested in seeing modeling, in the past if you've done it, of areas -- I think I remember that Dell Curto was not mapped for rm1 and r4. What I would like to see is modeling of those areas where you have lots within localized area flooding, and I showed the map of my area before, there are multiple areas that overlap with areas that are also now in the transition zone which have documented area flooding. I would like to see the modeling of an area like that where the impervious cover is changing from 45% to 60% and see what impact that has. Again, if you've done some

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of those areas, Mr. Holland maybe you could -- if you do some of the areas that were changing from 45% to rm1 or r4? Have you modeled one of those areas within a localized flooding area? >> We just modeled the one area. It's a pretty involved process. We got a consultant on board a number of months to create -- it's not a just -- a week-long or trivial exercise, unfortunately. I wish we could do this more quickly but it is rather labor intensive. So the key is not does it have rm1 or r4, what's the increase in impervious cover that's going to be modeled from existing to proposed or comparing with existing entitlements to proposed entitlements. In the case of Dell, we have a meaningful outcome, even though we have to check what the missing middle is, but let's say it had almost

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none, you are still looking at what's the change. So the change is driving it one way or the other and so we actually did look at -- and we were seeing it was very -- there are the changes we were looking at were existing to maximum, just not the -- these other difference and we're not seeing a big delta. So it's possible that we could find that modeling a new area, you know, has more missing middle would have a slightly different outcome, but I wouldn't expect that because year not -- again, when you look at the areas in aggregate, with the existing roads, with properties that don't -- aren't being up zoned to higher impervious cover levels, we're not seeing 33% impervious cover increases, we're seeing something much less. >> Tovo: I think we maybe need to look at some of the areas I'm talking about. When you have 50% of a neighborhood being remapped, you are not talking about a small inies in impervious cover. Most of those -- in impervious cover.

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Those of those are not built out to full 45% now so the delta is quite large between what is currently on the ground and what is entitled. Can you help me understand why given the thrust of the amendment to reduce -- you know, to increase the impervious cover if there was a reduction, knowing you can't achieve that reduction on built out properties, why the staff proceeded along with the increase? >> So that's a great question. And so -- it's a policy called by council. If you want to hold the 40% to all properties whether they are existing or not, that's a choice, of course. So we looked at it and said let's apply it to new builds which is also going to compliment the preservation incentives that you guys have been looking at as well. And so I would argue that even if you had every single house built out in a certain area, it was already to 45, there are going to be folks, but some of those properties -- it doesn't have to be vacant for somebody to decide to tear that down and build a new

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one. Over time, over the long haul, you are going to have people make choices to tear down an existing home and put something back. In every one of those cases if you did that, you would have to go to 40% and not 45. Incrementally, you are going to see a little reduction in those areas and incrementally a little increase in the missing middle areas. We're working on modeling that, it's kind of -- we're having to use assumptions, so hopefully by next week, next couple of weeks we're going to come out with our new impervious cover analysis by watershed. But I would say that our proposal does incrementally decrease some of those single-family. And there's about a ten to one ratio between missing middle -- I mean single-family, the two family versus the missing middle. There's a lot more properties that are r2 than r4 or rm1. >> Tovo: Citywide or by watershed or -- >> I think that's are citywide numbers I'm

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thinking of offhand. >> Tovo: I think it would be super valuable if we had a big giant map looking at all the proposed mapping because you'll see pretty much all the change is taking place in one area of the city and that's the central city. I mean there are extremely minimal changes anywhere else. As we talk about citywide, you can understand why people who live in those neighborhoods are saying, you know, it's great to talk about impervious cover increases being minimal citywide, great to talk about these changes citywide except that, I don't know, what percentage, the largest percentage of the districts that are represented on this council are not being impacted. You are talking about the impacts largely on four council districts, one mine, most. I think it would be very valuable especially if we wanted to try to assure people that the significant increase in impervious cover is not going to impact their areas, I think we need to

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model that. >> Mayor Adler: I think that's a good point. >> Tovo: As I see it, the staff have made different recommendations, there are two choices when faced a recommendation that passed on page 26 discussed in staff response knowing we couldn't -- since we can't achieve that in most areas being zoned to r4, we can't increase the impervious cover in r4 without having a measurable impact. There were two choices. We have the policy choice about whether to hold everybody to 40% even if they have 45% now, but the other choice would have been to not go as far in the amendment that councilmember Casar brought to increase the impervious cover in those transition Zones. That's another policy question we can consider. >> Mayor Adler: We have half an hour left. >> Tovo: I want to clarify, did you see one to two inches or one to two percent? >> In regard to -- >> Tovo: The increase --

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>> Like the Dell Curto? >> Tovo: No, you were talking about the estimates of increases in flooding. >> Yeah, so I was just referring back to our Dell Curto study which showed this one-inch delta between the scenarios even in the two-year flood. I would have to go back and look at that. >> Tovo: I wasn't sure if you said one to two inches or one to two percent. >> That's along the drainage away. If you are looked up slope you are not going to see the same response. That's where the most change is happening and that's where we're modeling it. But those were the maximum. We looked at both the average increase and the -- >> Tovo: But it was one to two inches. >> That's my recall. >> Tovo: One of the things that I just wanted to raise is that it's my understanding we're changing atlas-14, 10.2 inches to 13.

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We're acknowledging a 2.8 increase in rainfall is significant. So I think that's the other thing that I see people grappling with. Why is one to two inches in this instance being described as diminimus, yet we're changing all our flood plains to address the 2.8 increase that is -- we're experiencing. You know, that's significant enough that it's incing flood plains around the city. Flood plain maps. >> Sure. As you get -- I mean as the rainfall intensity is -- ratchets up, it further diminishs the role of impervious cover. Because it becomes -- the smaller the storm, the more impervious cover weighs in and has a big impact. And so in the new 5000-year event it's like 19 inches or something. That's basically has no impact from a previous code.

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I think we're -- >> Tovo: I was talking about the scale of the increase, whether or not the scale of the increase is significant or not. So the 2.8 seems to be significant in the on one context. I guess if we had a project that came before us and said they were, you know, it was likely going to -- Kevin said it was likely to increase the runoff by one to two inches, would we regard that as significant, probably. >> If you do

look at the maps, the -- a lot has to do with the topography and in the central city there's not as great of increase in the atlas-14 flood plain. If you compared yesterday 100 with 500, there's this thin ribbon along the edge. It affects people, it's real, I'm not trying to diminish that, but in many cases or most cases it's not -- there's not a very

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large difference between the 100 and 500. Flatter terrain in the east. That's where you are seeing bigger changes. We would be happy to take this up. >> Mayor Adler: Greg, do you want to speak? >> Casar: Yes, please. Actually let me start off by saying thanks to you all because I think we're going to be moving on to another presentation, lots of questions from my office and every council was on -- council office and the public. Try to getting our water quality and flooding issues better. Thank you. From our last presentation, y'all's overall assessment was that we were improving our response to flooding and improving our water quality because -- in particular because the biggest changes throughout this entire zoning code are around the big commercial tracts, in those centers and on those corridors that abut the transition areas. Is it still the case that it's y'all's read that watershed by watershed and

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citywide we're coming out of this better on flooding and better on water quality than we are today? >> Yes, that is correct. Because the biggest areas of changes are in those commercial areas, retrofitting in the green field flood management proposal and so forth, those have major impacts more than the small incremental impacts in other Zones. >> Casar: In that Dell Curto example, maybe half an inch, inch in a smaller rain event, that's not the same kind of thing as one inch more of rainfall across the city. That's not an apples to apples comparison. >> Very true. >> Casar: In the end what you are talking about is reducing flooding, improving water quality by redeveloping these big parking lots into something that acts more like they did when they were a green field; is that right? >> That's right. >> Casar: In the transition areas that sometimes abut or almost every case are abutting a corridor or center that has

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commercial tracts, you are saying there would be an incremental increase in impervious cover potentially on those missing middle tracts, but then all of the r2 tracts that are next to it, when those redevelop, you're talking about a decrease there. >> Correct. For those that choose to redevelop entirely. And by the way, the one-inch inies with that example, we were just looking at residential in fill. We weren't looking at residential in fill plus the benefits of new flood Mitt immigration strategies. That's why we were confident the area of change that's going to have that green fields change is very large and is going to have a very meaningful impact. That's -- >> Casar: If you don't calculate the most beneficial

things in the code for flooding and you just calculate the worst case scenario in that missing middle zone, then you see an increase in the small storm events that is very small, and it's not the big floods that we're

[10:35:49 AM]

talking about, that's the smaller rainfalls. >> That's correct. >> Casar: So if you break down the zoning changes across three categories and look at an area where we've changed, you look at the commercial tract, you might look at missing middle tracts and the r2 tracts. That happens almost every time there's all three next to each other. >> Alter: That's not accurate. >> Casar: I didn't say every time. I just as a general rule we've got commercial tracts, missing middle tracts and r2 tracts, in some case just missing middle tracts and r2 tracts. In the cases where you have all three next to each other, you've got the decrease in flood impact and water quality on the ones biggest impact. Then the missing middle ones where you have similar impervious cover cover limits or if they increase over a certain level that's got a drain to the street. Then you've got the r2 where you have a decrease just

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like in the r4, those are tracts when they redevelop might look different as we know in lots of our neighborhoods, houses get torn down, those redevelop and you've decreased it there. >> That's correct. >> Casar: I want to make sure we have each of those in its own place and I think that we can still amend them, but I think that we have all three of those happening and it's important for folks to hear that broader set of change you guys have worked on and we're probably not done. I'm sure everyone is going to have their opinion. But I don't want folks to take away from this presentation that that one inch that you saw maybe in the Dell Curto example in a small rainfall is the equivalent of one inch citywide because I don't think we would support that. And I don't think that you would that that's an improvement to flooding and water quality citywide and in each watershed if that were the case. I just wanted to make that really clear. >> Mayor Adler: We're not going to solve this question

[10:37:51 AM]

here today. We're going on to the rest of the presentation. >> Kitchen: I haven't had a chance to speak on this mayor and I'll just take a second. I know you want to -- >> Mayor Adler: We're going to finish the press rest of the presentation because we're going to stop at 11:00. We can come back. I understand the light wasn't on. We're now further, I wish you had turned on the light earlier. You will get a chance to speak later. We're going to finish the presentation. >> Kitchen: Ten seconds, talking about Dell Curto, my area. Very quickly, I appreciate what you are saying, councilmember Casar. We have to remember what happens in one particular area is just as important citywide. One inch in one area may be really

important to those living there. That is why part of the conversation needs to be you cannot generalize. We need to talk about planning on particular areas because the areas -- what you described is not happening everywhere. And so in order to understand the impact of what we're doing as code amendments, we need to drill

[10:38:51 AM]

down and allow for opportunities to plan specific areas. I'll be happy to talk with you more about it afterwards. >> Mayor Adler: At some point in this, you are going to have to return to this topic because you have said both localized and globally we're in a better place than before and the code provisions to take care what we're hearing from the concerns coming from people, we have people that are saying we have these concerns. Somehow or another we need totara those up and be -- true those up and be definitive about what we know and don't know so we can true up this conversation. We're not going to do that right now. We need to figure out what is the best forum to do that. Maybe it's a memo, maybe it's you going to these offices to talk about their individualized areas to see if you can assuage the concerns the way you said you could. But regardless we have 20 minutes, we're going to finish the rest of this

[10:39:52 AM]

morning's packet and come back 1:00 to 5:00. If we finish before 11:00, we'll take the time and give it to other people. Please continue the presentation. Go ahead. >> Thank you mayor and council. Joining us is Scott grantam M and a member of the core team for the land development code revision. And just briefly to give an

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overview of the amendments that council directed us to address on first reading, the first one pertains to corridors and centers. And without reading on the text on screen, existing practices with respect to the types of sites they want to consider for dedication and this will help, you know, further the goals of efficiency and streamlining the review process. Additionally we've included a provision that addresses councilmember harper-madison's amendment with respect to pocket parks. And we've included a -- I think a fairly technical amendment not of general interest related to how we go about documenting private parkland obligations. And finally, we have an amendment here that we still are continuing to fine tune and look at and that has to do with the degree to which parkland dedication requirements apply to missing middle housing types.

[10:41:53 AM]

And I think it will not take us long to land the plane on that and what we propose will be simple, straightforward, but we have just a few more issues I think to work through and we will do that in advance of third reading. So with that, briefly we'll give an overview of the key amendments, and the first one is the amendment related to corridor and center sites. What this would do is if it's a property that's on a designated corridor and less than or equal to 1.66 acres and it's not adjacent to a creek, body of water or existing planned park or trail, then the applicant would have the ability to provide a -- to pay a fee in lieu rather than dedicate parkland. That would, of course, be up to the applicant, the fee in lieu is always -- has the obligation of simply complying with the underlying requirementment but by codifying these

[10:42:54 AM]

provisions, it would ensure that pard does not want parks with less of a quarter acre so that cutoff point would ensure that sites that meet these requirements would not need be provided to them for review. Additionally we built in with pard's guidance and leadership, criteria that ensure that if it is a property that's going to -- where dedication would provide meaningful connectivity or otherwise sort of enhance the city's park system, that those can be considered for dedication. So this is not a one size fits all approach. This is a context sensitive incremental process improvement that we hope would help to make the review process more efficient. Additionally we have in response to councilmember harper-madison's amendment, we have provided a limited site plan review process for pocket parks and we do not

[10:43:55 AM]

call them pocket parks, we call them something else. >> Good morning, councilmembers, mayor. Scott with parks and recreation. I just wanted to briefly clarify on that -- and thank you, councilmember harper-madison for recognizing this as an issue that with regard to pocket parks, we've looked at this and seen that the constraint oftentimes is not necessarily on the size of the park but the type of programming that's put in. So really for the [inaudible] We are looking at the size is not a constraint, it's the -- it's the type of amendments or the types of improvements that would be able to fall under the limited site plan, into the limited site plan bucket so they wouldn't need to go through a whole site plan. >> And the factors, the term of art we developed is

[10:44:57 AM]

standard publicly accessible recreation amenity. I'll get the hang of that eventually. But the -- >> [Inaudible]. >> Standard publicly accessible recreation amenity. And the things going into defining it, they are ones that ensure it's not the type of site that is going to trigger environmental regulations or regulations that wouldn't be appropriate for a limited review process. Specifically it can't be a situation where it requires the removal of a protected or regulated tree, it's not within the 100-year flood plain unless the watershed director determines it would have an insignificant affect on the waterway, it does not require environmental variances, and does not include more than ten parking spots. So I think these criteria would encompass your traditional pocket park in most instances and other situations as well. But if it's a site that really does impact other regulations, it wouldn't be

[10:45:57 AM]

eligible for the streamlined process. Additionally, as I mentioned, we're continuing to look at an appropriate application of parkland dedication requirements for missing middle Zones. And that review remains ongoing and I anticipate we'll have those issues and a proposal worked out soon. And before we move on to trees and our other process nonzoning related amendments, are there any questions with regard -- >> Mayor Adler: Finish with your presentation. >> So we'll move on to the trio related amendments. And we have several, and again, I think like the parkland dedication-related amendments, these are modest, incremental changes intended to really help the review process with respect to corridor lots while maintaining the substantive part of our tree regulations. And the city arborist could

[10:46:57 AM]

not be here this morning so I think Donna and I will be able to address most of the questions. But if there are technical questions we're not able to answer we will follow up with you as soon as we can. So the first aspect of this amendment is to codify a no net loss policy and a 50/50 tree canopy policy. And we have included in response to that enabling language in the ordinance that really sets the stage for implementation of that policy. And I think that will require, you know, careful changes to the environmental criteria manual and other, you know, administrative work to really enforce and flesh that out. But it's something that we through the code amendments before you signalled a commitment to and that the city arborist is very excited about working on in the near future. Additionally, the -- the

[10:47:59 AM]

code has been revised per council direction to further limit the ability to get administrative variances for heritage tree removal. Under the first reading draft, the proposal was for that administrative process to be available for sites that are located on corridors, and the revisions would limit that to sites that are located on the transit priority network. So that's a more limited approach to allowing administrative

variances for heritage trees on corridors. Additionally, we want to speak to councilmember Ellis' amendment. Councilmember Ellis' amendment and I think this will bleed into another aspect of our presentation, but councilmember Ellis' amendment was essentially without reading it verbatim was to consider a way to provide some kind of a development bonus with respect to sites that are preserving heritage trees. Anwe really -- we

[10:49:00 AM]

considered several factors in terms of how to address this amendment. And it's one of the amendments that council proposed or directed us to do that we really had to kind of approach slightly differently. I just want to explain as clearly as I can our thinking and approach to it. A bonus by definition is inherently something where you are getting some sort of an extra entitlement for doing something that you are not otherwise required to do. And because the heritage tree preservation ordinance is a requirement, it's not an option, it's mandatory, it really wasn't appropriate to characterize that as a bonus. We shifted our thinking and looked at, well, what if we just baked into the site development standards some automatic enhanced entitlements for sites that contain heritage trees. And that proved to be very difficult to apply kind of in a uniform code level. The sites are different and so writing a regulation that

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would sort of encompass those distinctions within sort of the body of a uniformly applied site development standard was very challenging. And additionally, as this amendment, as your amendment, councilmember Ellis, acknowledges, we want to be sure we don't work at cross-purse with the affordable density program. There's definitely concerns that by providing other increased enhancements, we can potentially create disincentive for using that program. So what we've done is -- what we've done, I'll address this in a second, but we're going to talk in a minute about the board of adjustment process that I think provides some of what you are looking for in this amendment. So additionally, with respect to there's one point I didn't mention. As I mentioned, we're limiting, we're proposing to limit the administrative variance for heritage trees to sites that are on the

[10:51:05 AM]

tpn. Additionally we've codified what we previously in our staff report at least 50% of the project has to be residential and it has to consist of at least 10% on site affordable units. And another key point of our trio related amendments that he -- tree related amendments I want to mention is we have codified a requirement that trees, that all residential projects with a tree planting requirement. This will be something that is key, a cornerstone of our efforts to further the no net loss of tree canopy goal that is part of councilmember pool's amendment. And I think this is a provision that will require, as I

mentioned, further changes to the environmental criteria manual. And it's our hope before third reading we can provide a little more specificity as to what those changes would look like, recognizing there would be ecm amendments as

[10:52:05 AM]

well. So with those changes, I just want to go into our other process amendments and this is our last slide. The board of adjustment special exception process. So sort of harkening back to councilmember Ellis' amendment, what this would do is it would authorize the board of adjustment, if there are nonzoning regulations that are deemed to propose a significant impediment to housing construction that really costs a project units, it would allow the board of adjustment to consider 10% reductions in height and setback restrictions. And this is something where the board of adjustment, you know, is a sovereign board and they have authority to consider a variety of factors and we've built into the regulations criteria that allow them to consider, you know, the context of the neighborhood, the context of the area, and whether it would have -- whether the reduction would have a significant impact on

[10:53:06 AM]

adjoining properties. But special exceptions are a tool established under state law where municipalities can really craft criteria by which is board, their local boards of adjustment may consider granting some kind of a relief from zoning regulations in cases where it's not just a traditional hardship variance, where it's not a steep slope or a property regulations render it unbuildal. Special exceptions are a tool cities can use to sort of create other circumstances where the city deems it appropriate to give a little bit of relaxed standards with respect to zoning. And so councilmember Ellis in cases where there is a heritage tree and the requirement to preserve it does impact housing construction, this would authorize but not require the board of adjustment to consider that in granting some relief. Additionally, and this is an important point, this would not apply in the house scale

[10:54:07 AM]

residential Zones, it would only apply in the rm and above. So it's really intended for sort of larger scale, multi-unit structures. Additionally, we've proposed some minor changes in response to other council amendments. We proposed some clarification to the minor use permit process and the conditional use permit criteria. And those are really intended to sort of clarify the criteria and the range of conditions that are available under the minor use permit process versus the C.U.P. And also to recognize that the criteria applied the way C.U.P.S and nups are reviewed should be cognizant of the type of construction. If it's a project that is site plan exempt or limited site plan, the scope of conditions and scope of review would be different than if it were a larger scale project.

[10:55:08 AM]

That's something review staff felt was important in the interest of clarifying or streamlining our process just to be clear on. Additionally, we have included in the code an allowance for projects that are up to three units to take advantage of the automatic streamlined regulations. And that would be limited to projects that are outside of the Barton springs zone. If you are in the Barton springs zone, the streamlined regulation entitlement would only apply up to two units. So that concludes our process-related amendments and we're happy to answer any questions. >> Mayor Adler: Colleagues, we've five minutes. We're going to do a speed round. Everybody has 30 seconds to daylight an issue. We can return to them this afternoon at the end of the day assuming we get through the mapping and that. Why don't you go ahead, Paige. >> Ellis: I appreciate your work in looking at that

[10:56:09 AM]

nonbonus. I agree with your language and it was brought to my attention as well that you are not trying to conflict with the affordable housing bonuses and you are not trying to give someone something they wouldn't otherwise be able to do. And it really was geared toward, you know, if you are preserving that heritage tree, how can you also balance the need for housing units and square footage and trying to get a little more creative with the shape of a structure as opposed to other forms of nonzoning regulations that we have. I'll simmer on the 10% and see how that plays out and work with you off line, but sounds like a happy medium between people that should be protecting the tree canopy and not having that sacrifice our housing units available. So I really appreciate your work in trying to toy with that and find a good space to make that happen. >> Mayor Adler: Thank you. I just want to appreciate the continued work that you are doing on the parkland dedication issue. We're obviously trying to make sure that we can

[10:57:11 AM]

maximize, we learned yesterday most of the new residential density is happening on our corridors. The additional supply capacity that we have. And everybody in all departments are working to make sure that happens. My understanding is the conversation is now centering over just really codifying what is the historical practice in lots between 1.6 and five or six acres. I had an amendment I pulled down because you were making head way in those conversations. Please keep us apprised of those because I want to see that worked out that way rather than having to urge an amendment. So thank you. Less Leslie. >> Pool: Thanks, my staff and I are working on an ifc for the tree canopy so we'll get the numbers needed and work with you further too. Get a metric for that canopy

[10:58:12 AM]

replacement policy. That's going to be a really important one for our city. Thanks. >> Mayor Adler: Anybody else? Want to make a comment. >> Tovo: I'll go back to the original and just make sure I'm correct. Exception of the 10% variance was an item that was in the first draft of codenext and if I'm remembering correctly, I think the league of women voters and others expressed concerns about it. Has it altered much since that first iteration? >> Councilmember tovo, these are actually two separate things. I believe the -- what you are referring to is administrative modification. The development services has authorized to grant in situations and I can't remember the numbers off the top of my head. But it's limited to situations where there is a -- there's unforeseen circumstances related to

[10:59:12 AM]

site features that then an inspection it's determined that a structure is slightly off. So it would allow inspectors to grant some relief in the field where a structure is not built entirely according to plans. >> Tovo: Is that still in the code? Is that in this version of the code? >> I believe it is. It was not directed to be modified. So it is in this version of the code. >> Tovo: You mean it wasn't directed on first reading to be modified? >> It was carried forward from draft 3 and we were never directed to remove it. What we were recommended to remove and did remove was, and really volunteered in one of our staff reports based on our discussions with chair don light and burrwell in the board of adjustment, there was a special exception built in that would have allowed the board of adjustment to consider granting relief in situations where there was a permit issued in error, and it might not be a case where it's a hardship or it meets

[11:00:13 AM]

the criteria for variance, but it was a permit that was issued in error in good faith and would have allowed the board of adjustment to consider those situations and we removed that from this draft. >> Tovo: Okay. Thank you. I'm glad we talked about the administrative waiver. It escaped my attention it was in this draft of the land development code, so I know there were concerns as I mentioned from the league of women voters and others about that 10% administrative variance, so the fact that it remains in the code is something that I would like to -- that I'll bring an amendment forward. >> Mayor Adler: Okay. We'll check and see if anybody else has anything they want to do. >> Tovo: Okay. >> Mayor Adler: Does anybody else have any other comments they want to make? You want to finish that real fast? >> Tovo: Sure. And then with regard to the 10% reduction in height and set back, is that -- do they need to show proof of a hardship in the same -- with the same criteria that currently exist, or could -- or is it -- I mean, from what you've said and what it looks

[11:01:15 AM]

like here, if you can say that you can get more housing if you have 10% more, is that now a hardship? >> So the intent -- it's not a hardship variance, really, it's intended to be something where non-zoning regulations that could be utility easements, drainage ponds, water quality ponds, protected trees, have a significant impact on the construction of housing, and again this would be outside of the house scale residential Zones, then it would authorize the board of adjustment with due consideration to area character and the surrounding properties to, in those circumstances, if it's going to help housing construction and help, you know, providing units, it would allow the board of adjustment to relax those standards and it would be solely a decision within their discretion. But it's definitely something that is intended to be different than just a standard variance. And council's direction, you know, throughout this process has signaled, has emphasized sort of the need to prioritize

[11:02:17 AM]

regulations and expressed concern in various forms about the cumulative impact that regulations can have, and there's no easy answer to that. And it's not something -- one of the ideas that was floated was something along the lines of alternative compliance that would be within staff's authority, we're not comfortable with that and would not recommend that. If there's going to be a body that has the power to sort of consider the holistic impacts of of -- regulations on policy goals, that should be the board of adjustment. That's why we've offered the special exception for you all to consider. >> Tovo: Would you mind telling me, since the draft isn't marked with changes, would you mind telling us what the exact provision is that we would look to in the code? And you can tell me afterward or at the afternoon session, if you could please provide me with a code citation. >> Yes. I believe it is cited in our staff report but I have it right here. It is section 23.3b .4040.

[11:03:27 AM]

>> Tovo: Thank you. >> Mayor Adler: Jimmy? >> Flannigan: This was my amendment during first reading and it really was what Brent laid out, which is if you have an ability to build a triplex but for two feet to the left and because of the overlay of all the other requirements you can't get that triplex like we want to see get built, then you let -- in this case, what staff is saying, let boa account for that. We've seen examples of that when there was certain types of slopes and where do you measure the height from, let's save the tree by moving the building two feet to the left, we can actually get more of the things we want. We want to preserve more trees, we want more water quality and we want more housing, so the intent is to say height and setbacks are less important than preserving a tree and if we can find ways within a small tolerance to get there, we should in this case let boa make that determination. >> Mayor Adler: All right. It is two minutes after 11:00. We're going to recess this meeting and reconvene at 1:00.

[11:04:29 AM]

[City council is in recess until 1:00 P.M.]

[12:47:34 PM]

[Music]. [Music].

[1:19:06 PM]

>> Mayor Adler: All right. We have a quorum. No microphones yet. We have a quorum. We're going to go ahead and get started. I was just at an event with councilmember alter. She's working her way back. I left early. The mayor pro tem is with her family down in San Antonio today. There's a medical issue. We'll go ahead and get started. We're going to break this into three chunks for questioning. We're going to do the preservation incentive and the calculated F.A.R. First and then open it up for questions. Then we'll do the handout scale residential testing and F.A.R. Calibration questions and then multiunit and mixed unit questions. I'm going to -- we're going to spend three hours with these, so hopefully we'll try to keep it to hour blocks so that we have time at the end for people to ask

[1:20:07 PM]

any questions that they want to ask. And I'll try and announce timing so that we can share time equally. The floor is yours. Today is -- this is a continuation of this morning's meeting here on February 5th in the boards and commissions room. Please go ahead. >> Mayor and council, Greg Dutton, planning and zoning. So this afternoon we've got a presentation -- you have to pardon my voice. I'm suffering from allergies. We've got a presentation as the mayor mentioned that will cover the following topics. The preservation incentive and calculating F.A.R. And then house scale residential testing and F.A.R. Calibration which will include data analysis and modeling. And then lastly multiunit mixed use modeling and compatibility. We're just going to get right to it, preservation incentive. So the preservation

[1:21:07 PM]

incentive is a tool that has been in previous drafts and over time with iteration it's been really fleshed out and had more specificity added to it. And the first two staff reports staff indicated that there would be changes to the preservation incentive, and then on first reading we got some direction from council on the preservation incentive, which is on your screen in front of you now. And I'm not going to read through all of that, but just to paraphrase, it included direction about allowing the preserve units to be expanded and remodeled remodeled, the limitation of a preservation unit to be larger than would otherwise be allowed in the 10-4 draft. Allowing the lots -- utilizing the preservation incentive to have a simple subdivision process clarifying that an Adu

[1:22:08 PM]

cannot be used as a preservation incentive as the unit is being preserved. Changing the age for qualification from 30 to 15 years, changing the impervious cover so that it's graduated and that's what -- what Matt was talking about this morning so it would fall in line with that. And then waiving parking requirements for the new units and when utilizing the preservation incentive making sure that there's an increase in the number of units on the lot. So the preservation incentive tool as you know is trying to do a lot of things. It's trying to preserve some character as well as market rate affordable units, but also add units to a lot so it's doing a number of different things through a single provision. And in the recent draft that came out on the 31st you will see the changes that are on the screen in front

[1:23:08 PM]

of you. So the bonus unit now will not count against the maximum F.A.R. And if you recall previous drafts, those units were added to the lot had no cap on F.A.R. And that led to concerns about large expensive units being added. So there's now a limit on the maximum F.A.R. For those units that are being added to the lot. One additional unit beyond what's otherwise allowed can be added to the Lott. So for instance, in an r2 zone you can have a maximum of three units. For eligibility the unit still has to be 30 years old. We know we got first direction on first reading about changing that to 15 years. We really felt that 30 years was the appropriate time frame for units that have been built to kind of filter down into something that's more market rate affordable than neighborhood new housing. If you're doing 15 years or less, then it's less likely that those units would have filtered down and become

[1:24:08 PM]

more organically affordable. The principal use on the site has to be the one that's preserved so an Adu cannot qualify as the unit that's being preserved. And the number of units again has to increase by 1 and that's just in there to ensure that we're getting an additional supply out of this tool. More units on the lot than were there previously. The preservation requirements, this is where you're going to see some

changes compared to the previous draft. We got a lot of feedback from the public. About what those preservation requirements should be. So you'll see that there are limits now on how walls can be removed and altered and it includes some modification requirements to the roof line and expansion of the original structure. The original structure now can be expanded and added to as if it were any other structure in the zone. So if it's a single-family house in an r2 zone, the

[1:25:08 PM]

F.A.R. Cannot increased up to .4. So there are limitations on the expansion of the preserved structure, there are limitations on the far for the new units being added to the lot. Impervious cover follows the same graduated approach that was discussed this morning. So as you add units to the lot the impervious cover can go up as those units are added. And then parking is waived for new units with the house scale preservation incentive. And then in the multi-family preservation incentive it's largely the same, which some important distinctions. Instead of being able to add one unit more than you would otherwise be allowed in the zone you can add 50% more units. So that means that in a zone that allows 24 units maximum by right, you could get 36 if you use the preservation incentive. And that's in line with the house scale preservation incentive, which allows 50% more units. And in r2 zone.

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But it also -- it's been calibrated so that the number of units that you can add are fewer than you can get out of the affordable housing bonus program. We just wanted to be mindful that the preservation incentive is another way to get units in far, but that it not necessarily out compete the affordable housing bonus program. So again, eligibility, 30 years has to be the principal use on the site and instead of one count having to be added to the site it's 10% because we're a talking about a number of units now, not just one or two. The requirements for preserving are slightly different. Instead of having to preserve the unit with limitations on remodel and renovation, 75% of the existing units have to be preserved and again that's just because we're talking about sites that have a large number of units instead of just one. But there are still limitations on wall removal, exterior walls, modification to the roof line, and then

[1:27:12 PM]

parking's not exempt for these larger multiunit sites, it's just subject to the standard parking exemptions. And with that I'm going to turn it over to Peter park who is going to discuss F.A.R. Calculations. >> Good afternoon, Peter park, consultant working with the team. So I'd like to describe some of the changes that are being made and these form the basis of the calibrations and the models that we'll show you later this afternoon. And it takes from council direction, really focused on better

accounting of usable space such as garages and attics in the calculation of F.A.R., and using the mcmansion ordinance as a starting point, but also looking for ways to simplify the manner in which some of

[1:28:14 PM]

these areas are calculated. We carried forward or introduced the counting of floor area ratio that is 15 feet or taller, so it counts twice forwards F.A.R. And provide for, as I said earlier, sort of a simpler description of calculating attic and partial garage exemptions. So the under the current code under subchapter F one can get up to 600 feet for garage and carport if certain criteria of met, so the certain criteria is part of what makes it sometimes a little difficult and uncertain. The same is true with attic, could potentially be fully exempt if meeting certain criteria, and in working with the development staff, the review staff. There's a lot of complexity to this. And so we really worked on trying to find a simpler way to calculate F.A.R.

[1:29:17 PM]

And so this diagram explains what's proposed. So in the case of a garage -- so the Orange areas are proposed to be representative of the types of space that would be exempt otherwise it all counts. So on the first floor you can see part of the garage up to 200 square feet per unit is exempt, which is less than today. But as was discussed, the idea here is to -- because of one parking space is required, to exempt that, but count garage area if additional parking spaces are provided. In the attic up to 400 square feet per unit for an attic for all space that is five feet or taller. So when you go up to the attic space you can see part of the space that's the hatched pattern might be the

[1:30:18 PM]

crawl space or the attic space in the attic that's not really habitable. So that Orange portion is just showing a portion of that third floor. And then something new that was added was allowing up to 60 feet -- square feet per stair. And the idea here, and this is not an unusual way, it's actually the typical way that F.A.R. is calculated in codes, is to recognize that vertical circulation is necessary in a multi-story building and counting it every time sort of double counting it, if you will. And in fact, especially as in the smaller lot conditions, in the smaller house conditions, the -- in the models that we developed they need vertical circulation in order to stay under impervious cover. So if you want to gain the square footage that tends to make a building go up rather

[1:31:20 PM]

than out. If you were trying to protect impervious cover. So the idea here is introducing up to 60 square feet per floor exemption for the stair. So we could have discussion, questions on these first two topics.

>> Mayor Adler: Okay. Any discussions or questions on this topic before we go to the next one? Leslie.

>> Pool: Thanks. I was looking at -- Greg, I think this is four on page 4:00 the 1600 square feet for an Adu. That is-- that amount of square footage is larger than many homes particularly in the central part of the city. So if I'm remembering right, one version of codenext

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had the size of the Adu, some proportion relating to the existing structure, whether it's already on the property. Am I remembering that right? >> You are remembering that correct. >> Pool: So why did this change? >> So that is still the case on a lot that's not using the preservation incentive. The Adu counts against the F.A.R. If you are using the preservation incentive then you can add units to the lot, any mix that you want for units that are allowed in that zone. So you could have multiple adus, you could have more than one single-family house, they would just be limited in that case by what the zone requires for those uses. >> Pool: So when I meant proportion I meant the ratio to the size of the existing structure and the Adu would be some proportion to that, like half as big or -- so that's the case code in today's code it scales with the lot prize, but the

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previous drafts of codenext are certainly the previous draft on October 4th no longer had that scaling provision. So it was just flat. >> So what's the theory behind jettisoning that proportionality. >> It was really just to make it as simple as possible so that it wouldn't scale with the lot size, just a flat cap. And then it would be entirely up to the property owner to build the size of Adu that they wanted to up to a certain point, 1100 square feet is the max. >> Pool: Would it really be considered an Adu if it was larger than the original structure that's still on that site? You. >> It Kennedy R. Depends. You could add an Adu and it could be larger than the original structure or you could designate the original structure as the Adu if it was in the floor area size or the square footage size and then build some other use on the property. >> Pool: I'm just seeing in my mind's eye some really strange looking neighborhoods evolving from that sort of thing.

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So I'm going to ponder that, but 1600 square feet, my house is 1614, perfectly serviceable, but that's the -- that's like subdividing my lot and putting another full size single-family home right on my lot. So that's

not an Adu, that's subdividing a lot and putting another full sized home on that lot. >> Right. To clarify, if you add ads through the preservation incentive, they still have a size limit to them. It's just that you can also add a single-family house if you want to because you can add any use allowed in the zone. So at that point you could -- there's really no difference. You're adding an Adu if it's smaller than 1100. >> Pool: If that's the case then I think we shouldn't call it ads. We should say this is part of the two to three units per lot and this is a full size home. 1600 square feet is plenty big for a home. Then I wanted to ask about

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the placement on the lot. It looks like we're incentivizing flag lots. And there's reason why in land planning you avoid flag lots. And one of those reasons is because there's no other way -- how do you get your utilities assuming it's in the back of a home? You get it through the flag, the long thin narrow easement, but that's also generally where people put a pathway or a driveway. And so if the city ever had to come in and dig up the line they would have to dig up the driveway. It's also usually a pretty significant distance and so it's also a lot more expensive to go to the back of a flag lot than it is to attach to the utilities out at the curb line. So I am concerned about we are incentivizing flag lots throughout our city when the general incentive -- the general perspective of land

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planners for the last I don't know how many decades since the second World War has been to try to avoid them. Travis county has worked really hard to avoid flag lots. I think there was legislation of flag lots over at the state capitol, but I can't remember offhand exactly which direction they went. And knowing the state capitol maybe they like them. They give the wrong impression to somebody who may be deciding to build behind a home that they can lay -- that the expenses that they would incur would be relatively minor when the fact is the very distance from the dwelling to the hookups is going to be significantly further. And then there's the concern that the city would have, as with its utilities on how to you get the utilities back to that dwelling unit and what access does the city have? If it's an easement then the people-- then that flag lot doesn't belong to really in any meaningful way to the owner of the property. So I would like to have some

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assurances that we are not incentivizing flag lots. I don't think we have dug into this area of concern yet, but it's significant. If we don't talk about it now it's definitely going to jump out at us. >> And the preservation incentive is really not trying to incentivize flag lots or actually subdivision of any kind. It's allowing additional lots -- additional units on the same lot. >> I understand about the preservation bonus

and how you're not including this in this conversation, but this very likely could happen and I think it needs to be addressed and, Mr. Park, if you think it wouldn't, I'm happy to know that it wouldn't, but I don't know that we can really be should be sure. So I want to make sure that we're contemplating flag lots and the impacts that they have on our neighborhoods and the city. Literally the city. >> Lyndi Garwood, planning

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and zoning, the incentive of a preservation incentive is really to keep it on the same lot. If you were to subdivide you have to have a minimum lot size or a lot large enough to reach the minimum lot size, which is standard subdivision would give you the same incentives that the preservation incentive would give at that point. Because the house in the house scale would be on one lot and the back lot would be a separate lot that would have the same F.A.R. Requirements or allowances as the front lot. So to subdivide actually diminishes the impact and incentive of the preservation incentive and it wouldn't be an -- if you wanted to subdivide you would subdivide regardless but you wouldn't use the preservation tool most likely. >> Pool: Good point. Absolutely. It doesn't mitigate the flag lot and the cost of getting the utilities back to the back unit. A lot of the properties in the central part of the city can be 70 feet or they can be 100 feet to the back lot line or even further.

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Some of the lots in the central part of the city are about a quarter acre. They're narrow and deep. So there's definitely room to put something back there, but it's super expensive. So that's the part that I really want to make sure that we all understand what we're talking about. And also the -- maybe the inadvertent outcomes, if we end up inadvertently creating situations where we have a lot of flag lots, then what is the actual outcome of that and will we because it's a flag lot will we actually get those units in the back of existing homes as a smaller -- for me a thousand square foot for an Adu was plenty, so I still have a concern about 1600 square feet. If you're going to pick a factor it would seem to be something that's smaller than the average size of something especially in the central part of the city, the homes that already exist there. >> I think to speak to that we can definitely take the utility factor into consideration and work with

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the utilities directly on how we can solve that problem, but to speak to the 1600, I think in councilmember Casar's motion I had recommended that we allow an Adu that was larger, up to 1600 square feet, but what we recommended in the code draft is that we just allow any use that's permitted on the site. So a single-family house is a permitted in the residential house scale zone. So you can just

build a house. It doesn't have to be called an Adu or you can build an Adu or it doesn't have to be parked, all of these don't have to be parked under the preservation incentive. But if you call it an Adu it has an 1100 square foot cap. If you call it a single-family house, it doesn't have that cap, but both would be permitted to be built under the preservation incentive. >> Pool: You just said the Adu has an 1100 square foot cap? >> If you listed it on your site plan when you bring it

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if, if you list it as an Adu it would be capped at 1100 still. >> Pool: But this discussion here talked about 1600 for -- >> Page 4 is councilmember Casar's original motion. That's what he recommended. In the previous draft we listed only an Adu could be built under the preservation incentive. And under this draft we're recommending that any use that's allowed on the site or any use allowed on the site can be built. So a single-family house can be built. So you can have your single-family house that you're preserving and then build a second single-family house in the back and that single-family house does not have the cap on it. So that speaks to councilmember Casar's request for a larger unit allowed without changing the cap for the Adu. So the Adu if you built that has an 1100 square foot cap. >> Pool: In the text it differentiates between ads capped at 1100 and any other structure that can be as large as 1600. >> As large as your F.A.R.

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Allows because there is an F.A.R. Cap for those units. >> Pool: Okay. That helps in understanding this. Okay. Thank you. >> Mayor Adler: Okay. Leslie, you used seven and a half minutes. My guess would be that if we follow the same timing we did yesterday it's about nine and a half minutes. We'll adjust when we get to the end. Ann, do you want to go ahead? >> Kitchen: I want to step back a minute on the preservation incentive just to help me as I think about the framework. What we're trying to accomplish here is we're trying to incent smaller, relatively more affordable units, multiple units, as opposed to one very large single-family home, which is what is happening in our central city areas. We're tearing down a building larger single-family homes that are very, very expensive. So that's what I'm understanding our goal is. So we need to align our

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incentives with the decision making that occurs to decide to do one way or the other. So I would just like to hear from you all how you think this whole set of requirements asks that? Does that make sense -- does that? Does that make sense as a question? Do you think it does it? I assume you do because you're bringing it forward. And what is it about it that is going to help us accomplish that? >> So councilmember, the -- overtime I think we've had to add and balance the different provisions and the

incentive to try to accomplish that. And I think it started out as a -- just a way to add units and preserve market rate. It's gotten a little bit more preservation provisions in there because based on feedback now, but it's still we think has an attractive bonus so that it's a way of preserving character, market rate affordable units although they don't have to have any kind of income restriction, it's just what's on the lot.

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>> Kitchen: Yeah, yeah. >> And add units at the same time. So it's kind of on owe it's trying to do all of those things at once in an attractive package. But whether it retains units that are considered affordable just depends on where it's being utilized. What exists on the lot. >> Kitchen: I don't mean affordable, I mean relatively, a smaller unit is relatively more affordable than a larger unit. So what are the factors? When someone is making a decision -- I know it's guesswork. In our best thinking what is the factors that's going to push them over to keeping a lot -- keeping a smaller, more smaller units than just rebuilding as a larger single-family home? >> I think if they -- they have have some idea of of what they want to do with the extra units, if they want to sell them or rent them. They have to have a plan for what they want to do or some

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reason to get the statistic units. They also have to have a lot that makes sense for the configuration. They've got to retain -- >> Kitchen: I'm sorry, I don't mean to interrupt. I'm really asking -- maybe this is a longer offline. You're looking puzzled Jimmy. I'm really trying to understand, it's okay. It just means I'm not asking the questions right. What I'm trying to understand is are we accomplishing what we're trying to accomplish with this and what is it about it that is helping us accomplish it? That's really what my question is is. >> I think from -- if if you put yourself in the mind of a developer, I'm guessing what they want is that F.A.R. They want that square footage that they wouldn't otherwise get without preservation incentive and they get the extra units. If you're someone there already, you might want to have the center units for an income stream and then you would have to retain part of your original structure of

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course. But it's also -- it's a little bit of an unknown because it's a brand new tool for Austin that frankly other cities don't really do this kind of thing. >> Kitchen: Okay. >> So it is kind of uncharted territory. >> Kitchen: Okay. So the thinking is that the square footage makes a difference for people in making a decision that that's an incentive, right? >> Right. >> Kitchen: And to some extent the extra units. So that's what we think might be what would kick people over into this bucket. >> I think having no parking requirement for the newly added units is going to be helpful, especially on smaller lots where that extra

impervious cover or that the space needed for it might make or break a project. >> Kitchen: Okay. In y'all's best thinking do you think it will be effective? Just give me your -- >> To speak to that, I will say when we've gone out into the community and during our

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office hours and public testing and things like that, we've heard a lot of positive energy in the community about the preservation incentives. A lot of excitement about people who wanted to build additional units to help stay in their home or even from people who, like Greg said, who are developer whose that additional unit might help finance the project in general and just add that additional unit to market. It has definitely been well received when we've spoken about it in the public and people are excited to see what this tool could implement. Like Greg said, it's a brand new concept, so we don't have -- we will kind of be a leading city and how -- and if it works, but I do think that will excitement generated about it is a definite good sign. >> Kitchen: Can I just ask Peter if you could give us your thoughts on it? >> So in addition to the -- so the additional square footage of units, the original -- one of the

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intentions of this was a concern about change in the character, right? So the idea that this would be a way to encourage the reuse of existing buildings from a sustainability perspective well how does my neighborhood look and feel when I walk down the street and walking around the neighborhood. And some of the models we'll show later will reinforce that and we showed other models earlier that speak to that. So in terms of the value, in terms of the outcome, it is -- seems like it would be a good tool to balance your concerns of how do we maintain the character of our neighborhoods and also accommodate some additional capacity in housing, housing units. >> Kitchen: Okay. I would just want us to build in a calibration mechanism or. Evaluation mechanism, just like we're doing with the affordable housing program

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because it is new we need to continually assess whether we've got the right balance because if we make it too difficult in all the requirements about what you have to meet in order to take advantage of it, then we could end up with people that it's too hard to take advantage of. So I would just want us to evaluate it. >> Mayor Adler: Sounds good. That was seven minutes. Jimmy and then Paige and then Kathie. >> Flannigan: Peter, I think you covered what my thought was, is being clear about the intent of these different ideas. The preservation incentive wasn't about smaller units to be more affordable. It was about that street frontage character question that folks have been frustrated about that we see now in

certain neighborhoods where homes are being torn down and it's emotionally destructive to them and their communities. And I agree that an evaluation period, I mean, on all the things that we're doing, we're going to want a year from now and two years

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from now and three years from now to say how many people took advantage of preservation bonus. How many took advantage of the housing program because we ultimately want them to do it because the alternative is what happens now is an older structure gets torn down and a newer structure built that doesn't make anybody happy except for the owner who built it, which makes them pretty happy, I imagine. Which is also part of the reminder for us is that especially in the R Zones, property owners are not maximizing their economic power. They are often making decisions based on their own desires for their own properties. So it's not always going to be taken advantage of because some people have the money and they want the bigger house. And that's not really something we have the power to change although the graduated impervious cover is more of a tool towards that end to say if you're still going to have this one ginormous house then it would have -- visual to

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scale it back. Hopefully incentivizing a second or third unit in those areas that have that ability. But I like the reminder that it's not a decision that is set for all internty. We will have to go back and see what the market reacted and adjust accordingly. >> Kitchen: I would say one quick thing, it's also investors' decisions because a lot of our neighborhoods people are bringing in money to invest from actually outside the city. So a lot of these central city neighborhoods it's not just the homeowner homeowner in a lot of cases it's the investors. We need to think of both the potentials and where the incentives apply. >> Flannigan: That's an interesting question on whether or not it's a known ratio. How much housing turnover is an independently wealthy person deciding they want a bigger individual house in a central Austin neighborhood and how much of it is a developer coalition trying

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to maximize a cadre of investor profits. >> Kitchen: I'm sure that data is out there. >> Flannigan: Some ratio. It not 100% either way. >> Mayor Adler: So I have -- that's okay. I have you at an additional quarter minute and you an additional 30 seconds. [Laughter]. >> Ellis: I just have a clarifying question on slide number five where it talks about must increase the number of units by one. Is that at least one in the case of like an r2-a, like I have a lot in my district? I wanted to make sure I was understanding. >> Yeah. It's at least one based -- at least one compared to what's there today to ensure total supply is going out.

>> Ellis: Okay. And could the preserved unit if it's affordable be that affordability trigger as well? Like if the house in front is affordable and you want to build a duplex in the

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back, but you're an r2, would that work? >> You could do that. I don't understand the relationship to affordability. You can do that. >> Ellis: Just because of the affordability bonus if you commit to the one of the unit being affordable you can get an additional unit as long as you have the space and -- >> There's no affordable housing bonus in that zone so the only way to actually get that extra unit is with the preservation incentive. And the bonus and affordability starts in r4. >> Ellis: >> To take part in the preservation incentive you don't have to have any affordability component. If your house is 30 years old and you preserve it you can qualify and you don't have to live in that house any longer. You could live in one of the back units or the back unit and rent out the front unit. But there's no -- you don't have to do any specific affordabilitywise. >> Ellis: In the r2 Zones you can only get two.

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>> You could have three units total in the r2. So if you had a house in the front, a duplex is an allowed use, so you could build a duplex in the rear. >> Ellis: Okay, thank you. >> We'll show you an example later. >> Ellis: Okay. I wanted to make sure I was understanding that correctly. >> Mayor Adler: Minute and a half, Paige. Kathie, you're up. >> Tovo: I have a couple of quick questions and then some longer ones. I want to frame it that way so I preserve my time. With regard to the preservation incentive, can you clarify whether the preservation incentive in terms of what it's preserving refers to the facade and could we add language in there that makes that really clear? >> It does. >> Tovo: Not the rear. >> Right. There was language in there indicating it was the front wall and it was inadd vary tently removed. >> Tovo: So that will be a clarification that happens? Is the private frontage as referred to in the preservation incentive a porch? >> Yes. >> Tovo: Okay. Can a -- I'm assuming that a

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house preserved in the preservation incentive cannot be relocated. It needs to remain in place. >> That's correct. >> Tovo: Okay. And then I had a couple of broader questions. I'm still trying to figure out how the subdivision, there were some amendments related to subdivision and I'm trying to figure out whether or not those have been embedded within the preservation incentive or not. But before we get to that, I wanted to ask -- I know you said that as you went around the city there was a lot of interest in this tool. Since we have some areas of the city that are -- most of the areas I represent you can already have two units. There are areas in our city I know -- I think Anderson mill is one and others where they actually have deed restrictions that restrict them to one unit and so this would be a citywide change that

would allow them -- allow people in that area to have three units. And I wondered if you were seeing the same level of interest and excitement in those areas and are they working to change these deed restrictions. >> I will say we heard it generally from various

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community events. I can't speak specifically to which areas of the city were most excited about the preservation incentive. And I didn't speak to anyone to deed restrictions when speaking about the preservation incentive. I know deed restrictions are something that is complicated for the city and the law department has weigh understand on -- >> Tovo: They would need to be privately he enforced. But we do have those pockets of neighborhoods where I think you are prohibited from both subdividing and adding an additional unit beyond the one. So that will certainly be as is a citywide tool something that will come up. So the amendment had with it the subdivision, the ability to subdivide a lot if the preservation incentive is utilized. And it's not clear to me how that has worked into the draft code. So if I decide to preserve my house, but subdivide the pieces out, how are you then going to monitor where the -- I mean, I'm just

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struggling with where the impervious cover -- does each of those subdivided lots retain the same impervious cover limits? If you have one that is a house and then one is a duplex, I mean, where -- I think it would be helpful to maybe see that graphed out. Like if there's a house and it's subdivided does each of those -- what happens to each of those resulting lots and does it look exactly -- do all of the entitlements remain exactly as they would have had that lot remained intact? >> So to speak to the subdivision, as I mentioned earlier, the benefit of the preservation incentive really lies in the lots staying intact. And the primary unit staying on the same lot as the additional units. To do a subdivision the lot would have to be large enough to meet the minimum lot area for a subdivision. So in an r2 it would be 5,000 square feet. >> Tovo: Can I stop you there for just a second

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because I think part of the amendment was there would not be him Muslim lot lies, so consider waiving minimum lot size. So can I assume piece did not get worked into the code. I think while safe that for later. But if you would let me know where that piece of the amendment came forward. >> Sure. Lazy,. >> Sure. Brent Lloyd, Idc team. This goes to broader issues I think emerged from several amendments on the dais so I'll just speak to it. So we encountered some difficulties with trying to come up with a simple subdivision process or an amended plat -- using an an amended plat process to create lots, and the

challenges we encountered were lowering minimum lot sizes. That was definitely part of at least one of the amendments, and we have had some off-line discussions with councilmember harmer

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Madison's office that really what that would be focusing on is townhouse lots, which is a special type that already has a low minimum lot size and we think there may be opportunities to explore that. As far as just generally lowering the lot size for the missing middle Zones in particular, we think that would present real challenges in the sense that the missing-middle Zones are predicated on the idea that you're not going to create more free-standing structures on their own lots. They're really designed for multi-unit, to incentivize a multi-unit style of development. And so lowering minimum lot sizes to allow further subdivision in those Zones would really create some challenges with respect to how the Zones themselves are structured. Additionally, a lot of the times where people would want -- would be wanting to do that type of subdivision, it would be a situation where you would have a structure in the back and you would have to dedicate

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some easements and you're immediately out of the subdivision process. So there were a lot of challenges with respect to that. If we narrow the minimum lot size further lowering the lot size to townhouse lots, I think we definitely -- that's something that we can work with. And of course we're happy to keep talking to council about these issues and to receive your direction. But we encountered -- bottom line, we encountered some technical challenges in fully implementing some of council's direction on simple subdivision and lowering lot sizes. >> Tovo: Okay, thanks. So the lot size remain the same with subdivisions with the preservation incentive. >> Yes. >> Tovo: Cool, thank you. >> Sorry if I gave you two long-wind -- >> Tovo: The other information was good too. I wanted to make sure I understood exactly how it worked in this instance. Thank you. >> Mayor Adler: [Off mic] >> Renteria: Thank you, mayor. I've been waiting almost 15 years to get this correct because I preserved my house

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in the front and built an Adu in the back, and I have 640 square feet, a space there that I had to build a car garage and I cannot use it because I have no air conditioning. I have no shower in the restroom area, so it's just being used as a storage place and it's very disappointing that I couldn't invite my friends and guests from out of town so they had a place to stay. Of course I'm using the front part. Half of it is a revenue source so I can stay there. The reason I was bringing that up is I thought that -- you know, what we did, and that's the correction that I wanted to see, is we tapped into the existing energy meter, ran a

line to the back, and we tapped into T water meter and ran that one all the way to the back. And that saved us almost \$20,000 just by doing that.

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Are we looking into doing that also when you have your preservation where you are run -- tap into the existing meter? If you're not going to sell your place, you know, can -- have y'all looked into that? >> Councilmember, I think -- yes. The short answer about whether you can do that is it depends on the exact nature of what you're adding. But, yes, we will -- it may not necessarily be a code item, but we'll pursue that with utilities for sure. >> Renteria: Thank you. >> Mayor Adler: [Off mic] >> Alter: Thank you. I'm trying to understand how much space can be add the to an existing preserved house. The code language says in 233c306cb the preserved structure does not count toward the maximum far allowed for a site in the base zone. The observed structure may not be altered to exceed the

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far allowed for a site in the base zone. So let me give you an example. So on a 7,000 square foot lot, you could add to an existing older and smaller structure to get it to 2800 square feet, not including exemptions, and none of that would count towards your far? And then at that point you could construct two additional structures that get their F.A.R. Maximums from the table in the r2a section. Is that correct? >> Yes. So the new units being added are contained by the F.A.R. Limit in the zone and preserved unit is as well. It's sort of like they're both on the same lot but independent of each other, as far as F.A.R. Calculations go. All the other site development standards still apply to the lot. As far as F.A.R. Goes they're capped independently. >> Alter: Okay. So I thought that the stated purpose of the preservation incentive was to preserve an existing market affordable units.

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So why would we allow the older smaller stock that is some of our affordable portfolio in our existing neighborhoods to max out on their F.A.R.? I could go from a 13 square foot house to 28 square foot house, got a 2800 square foot house, we have no definition of unit so I don't have to back those out. Now I've got mcmansion on steroids. >> Previously there were no F.A.R. Units on the newly added units so that was added. Then they wanted to put some limitation on how the preserved unit could be expanded and, frankly, we had a lot of back and forth about what that should be because if it's a percentage then you're penalizing existing smaller units to some degree and it was hard to land on a flat so we just decided why not make it it what it is in the zone. That way the existing unit is granted the entitlements

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it would otherwise have but it has to still preserve the front facade and have those press features. It gives flexibility for the existing homeowner to keep their home but expand it or add square footage or do a remodel. But it is limited just by that zone F.A.R. >> Alter: So this just seems really exploitable for people who have money who want to have a big house in these areas. We're not -- I mean, the point was not to preserve the front of the house. The point was to not have everything go to the landfill and to keep things smaller and preserve the market affordable house. In neighborhoods that I'm familiar with, you will get your 2800 square foot house, you will get your two units up to the max, and nobody else will live in it. At all. They'll put their little -- we have no definition of a unit, you know, if they have a pool, the pool doesn't count as impervious cover.

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One of those units will be a pool house and you'll have your guest house. And it's not gonna be anyone living in it. >> Just to clarify we do have a definition of dwelling unit in the code. >> Alter: Okay. What is the new definition of dwelling unit in the code? >> Just give me one moment to look it up. >> Alter: While you're at it can you give me the definition of an attic? >> Mayor Adler: You want me to come back while they find that answer. >> Alter: As long as I get the answer. Thank you. >> Mayor Adler: Greg. >> Casar: Thank you all for working so hard on this, and I know that y'all have been changing it and doing your best to address the pros and cons. I think that to the -- I do think that it's really important for us to be thinking about how if somebody sells their whole house because they're moving for a job, how do we encourage the preservation incentive to get used instead of a scrape when it's, say, a home builder

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that buys it but also to figure out how homeowners can use this as a tool, as councilmember Renteria and others have noted to add an income stream and not feel like their best option is just to sell their whole house to be scraped, so I think we're trying to wrestle with both of those. In that vein I think one question I'd like y'all to think about, I don't need an answer but I want to express it because if it makes sense I'd love for you to let me know, thinking of homeowners in any district I've talked to interested in doing this, the provision that you have to bring everything up to current code even if it's not health safety might be something for y'all to think about. I think -- see there's other exceptions in the code where it says you have to cover health safety portions but not everything. So let's take a look at that because I don't want to limit that, make it harder for existing homeowners to -- if they already have a house and an Adu but that's where their whole family liveses is those two units and this creates the opportunity to create a rental unit, I want to make that easily accessible so let's take a look at that.

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I understand that you may not want to be able to move the house from here to Leander, but on the relocation, if 4 make a little bit of room because you've got a tree or something, I would love for y'all to think about how we still have the neighborhood character but if somebody has to move the house some, what that would look like. And we voted to move the number from 30 years to 15 years because I don't think it's just about preserving the 30-year-old house. It's the person who has a 20-year-old house that will be 30 -- their house eventually will be 30 years old but they might not still live there if they can't better utilize their land so I think I'll bring us something back to bring that age number back down. I realize it says consider but I'm likely to bring an amendment to say just do it. I want to meet with staff about the subdivision question because I do think, for example, somebody on a corner lot might want a more

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easily subdivide off one of those units and sell it. People have raised a question how can a homeowner build new units if you don't have the capital. It's easier to say you know what I don't need this portion of my lot but I did need the money so I want to keep looking into that. The only thing I would love to hear a little bit more from y'all is some of the new roofline requirements, how y'all see those working out. Like you debate the everything, can you give me some of the pros and cons from y'all's debate about how you came to the roof line amendments. >> The roof line amendments and the front facade requirement for retention did come about based on community input that we got. Some of it from the historic stakeholders. Some of it from our own historic staff. We talked a lot to our historic staff about making sure that it would go some ways towards preserving character but not be too

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onerous from a -- you know, not tread too much into the historic preservation part of what we usually think of as historic preservation. So, you know, it's the front wall. There's a requirement that you've got to preserve up to the ridge line or some distance behind the front facade. So we don't think it's gonna be too onerous. We think it's doable without being too heavy handed. >> Casar: I would love to see some examples of things that you couldn't do that -- and I imagine there's some things that this would block that we think that's good to block, but I would want to know what sorts of things might somebody reasonably want to do that are in the gray area of they couldn't do this with the roof line amendment. I just want to sort of know what the range is there. I agree that knocking out the whole front of the house that shouldn't count for the

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preservation incentive, but if somebody is adding -- you know, in some of my neighborhoods folks have added stuff to the side that are all the way up on the front and have it wrap around, those sorts of things. I would just be interested in what that ends up looking like. But overall, I agree that it could be a really powerful tool. I'm glad we're leading on this across the country. I think it's a good way to have more density in our neighborhood while preserving units so I really want to get this one right because I think it's one of the more powerful tools in the new code. >> Mayor Adler: Great. We ready to -- do you have the definition yet? >> I do. Dwelling unit is also known as residential dwelling unit or residential unit is a permanent space containing one or more rooms designed for human habitation with provisions for cooking, sleeping, and sanitation. >> Alter: What about attic? >> Attic is not defined in our code because it's defined in the building code so it's not defined in the

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elected but would be found interested. >> Alter: How did they define it in the building code? >> I would need to have one of our building code experts find that for me, but I can get that back for you later in the session. >> Alter: To figure out what you're doing with the attic exemption, you have to go to the building code to get the definition of attic? I just have people trying to understand the balance of what you can build, and I just want to -- so that definition, the building code, is gonna be sufficiently clear so that we're gonna be able to know what's an attic and what's just space? >> Laura Keating, planning and zoning. We can get you the definition from the building code. It's -- some of the plan reviewers prefer to not redefine things within our land development code that are defined in the building code, just to avoid

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confusion. >> Alter: I understand that. I'm getting questions about how you put all of these pieces together and I'm trying to provide some clarity on that. So find the definition of attic in building code and that should be clear enough to do that. I would like to know in alter amendment number 4, I asked staff to come back with code language and modeling demonstrating impact on housing and affordability capacity to eliminate attic, garage exemptions from F.A.R. Calculations in residential house scale in transition Zones, prepare information to demonstrate what if any impact eliminating those exemptions would have on housing limit capacity. Where can I find that code language and model that this amendment asked staff to

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prepare? >> So maybe in the next part of the presentation it's gonna show modeling, and in our modeling we have shown in the different Zones what unit sizes are and we've included the way -- we've calculated the unit size and F.A.R. Based on these exemptions that are similar to current code, and so maybe that will answer some of your questions and then we have a further discussion about that afterwards. >> Alter: I'm happy to look at those and hear that, but part of what I'm trying to understand is the impact of those exemptions and the size of those exemptions on the size of the houses that we're getting and the affordability that we're getting. And without actually modeling what happens if you have no exemptions versus those other things, then it's hard to tell whether those exemptions are helpful and, you know, there's different wades that these are incorporated or not

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incorporated into mcmansion now and we're not carrying over mcmansion and the choices we make here have a big impact on the size of what we get so I hope that we will get that modeling to see, okay, there's a problem with it. If we just get -- do away with exemptions altogether. >> And you'll see in the modeling later, when we describe these, what we're trying to figure out is how to -- as council directed, create opportunities for more units, right? Not necessarily larger units, right? And so when we get to the smaller and to the lot area, this is where getting more units on a 5,000 square foot lot, for example, becomes more difficult. And so in terms of your request, as Laura said, we'll be able to describe

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sort of F.A.R. That you get if you provide these exemptions. And then you'll also see how much smaller the units get if the exemptions weren't available. I mean, that's the best way that we have available to get to this direction. >> Alter: Right, we'll see both of those. >> Mayor Adler: Okay. Ready to go onto the next session? Ann. >> Kitchen: If I'm understanding correctly, what you're saying is that the rationale for not exempting attic and the garage completely is to get more units? Is that the thinking? Because my question is the same as councilmember alter's, why not -- it seems overly complex to allow those to be exempted, plus they're part of the whole structure, so why are we exempting them? >> Could we go back to the

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slides? So the -- if you look at the first -- for example, the idea here is that up to 200 square feet of the garage, which is less of an exemption than mcmansion today. >> Kitchen: Rig. >> Right? Is allowed. So, for example, if I did a two-car garage, I would get exemption for one parking space, but the other parking space that I decided to build beyond the minimum parking requirement is counting against my F.A.R. Right? >> Kitchen: Yeah, I understand that. I don't understand why. If a F.A.R. Is the simplest way

to talk about what all is -- you know, just the size of what you're building. >> That's right, yeah. >> Kitchen: So it seems that we should just set the F.A.R. And not exempt out parts of a structure. >> Yeah, well, that would be an alternative, is to increase the allowable F.A.R.S and just count

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everything, right? Again, what we're trying to work within is staying with the .4 that you have today in mcmansion and has been in previous drafts, use that as a base reference and find simpler ways to allow these exemptions, as was directed in the council direction. >> Kitchen: Okay. Well, we can talk about that further. So -- >> Mayor Adler: All right. Let's go on to the next section. >> Okay. Next we want to go through the house scale residential testing so this is gonna go from r2 to rm1. And to describe a little bit of how we're working here, we took our direction of course from city council direction, as was mentioned, discussed earlier, of focusing on -- and really managing and calibrating the F.A.R.S as it relates to

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the number of units. So the increases in the F.A.R. Would occur as more units are provided. So that's generally the operating direction. But what we've done is -- in terms of the process, we have modeled a lot of different things to understand this, to confirm the past recommendations and also to fine-tune some of these standards. So what we're gonna show is models on the minimum parcel size, so 5,000 square feet is the proposed minimum, and we also did a lot of data analysis to understand what are the median parcel sizes, right? So how does land today and how do parcels today exist? We're going to talk about

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modeling in base and [indiscernible] Scenarios. These assumptions are assuming one-to-one parking is provided, except in the bonus and preservation areas, so there will be fewer parking, as the code allows. And critical here to the testing and understanding how to calibrate is understanding where F.A.R. Or impervious cover are both -- are governing factors in limiting the unit count, right, because that -- well, we'll explain that a little bit more. But that's basically the method of how we're working here. So we started by analyzing a lot of data sets to understand really what stands today. And so what you see on the left side is all of the single, two unit, three and four unit residential units in Austin that were built prior to 1990. So this is our 30-year, so this is helpful for us to sort of understand the

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XXX year preservation incentive on the one side. And on the other side we've got the numbers for everything that has been built since 1991. And you understand -- I mean you can see a significant amount of your growth has happened. I mean, nearly 30% of all the housing stock has been built in the last 30 years. And what you also see is -- up here is the median building sizes. So of houses that were built -- single-family houses built before 1990, the median building size is 1531 square feet. Since '91 the median size has grown for a single-family house to 2236 square feet. When we looked at two unit and three and four unit buildings we saw similar trends in terms of the size of the units have grown in the last 30 years.

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The other part of this that's useful to look at is how much single unit uses comprise your housing stock in the city. So when we said before that middle housing is missing in Austin, that's pretty clear that it's missing, right? What we also did is look at -- to understand a little bit more of what's happening in the marketplace in the last ten years of construction, the staff looked at -- we looked at all the residential permit data. Again, in this case looking at one unit, ads, two unit, three to ten units, and developments that are 11 units and more. And here the median building size in the last ten years for single unit is 2574 square feet. For the two unit, it's 2574

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square feet for the building size. So you could divide by two if you want to understand the average. Then for the three to ten median building size is about 4,000 square feet, and our calculations on the unit size end up being about 1900 to a thousand square feet per unit. Here again this chart shows in the last ten years you've mostly built single family detached and multi-unit buildings. And in terms of the missing middle really very few. But this data is very helpful for us to understand how should we be calibrating the F.A.R.S to understand how big are the units out there. This is a little bit of an exercise in, you know, not too small that the markets are gonna build it, not too big that it goes against your goals of creating more affordability and preserving the character. So what we also did is we looked at a lot of

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comparable buildings, products that are on the market today across the region from small units and the size of units in multi-unit configurations of three unit buildings or multi-unit buildings. We also looked at microunits and how big are microunits, right? So with this information of understanding the data of all the buildings that stand today and some of the characteristics when they've been built, looking

specifically at the last ten years of all residential building permits and the characteristics of the properties that were developed and also looking at what's for sale, what's on the market, what's actually available on the market in the Austin region, we used these kind of information points. So, for example, we looked at comps, and we were looking for, for example, smaller units, right, configurations. So here's an example on the left of a three bedroom two badge unit at 1300 square feet. On the right is a three

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bedroom two and a half badge configuration just under 1300 square feet. We're trying to figure out what's a good number, what's a target number for these F.A.R. Calibrations. So that was the data and the research that went into, again, confirming the standards as -- and refining them. So when you look at r2a and r2b, the map on the left shows you the areas that are mapped r2a or r2b, and they comprised just over 21% of the city. The median parcel size is 8528 square feet, so that's the median parcel size. Remember in the r2 the minimum lot size by zoning is 5,000 square feet, but as we find it out there, as land is subdivided today, the median parcel size is above the minimum 5,000 square feet. Parking space is one per unit, and the parking for an Adu and as we covered in the past, 25-foot top plate

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height and 35 feet overall height. What you do see in terms of the number of units and, again, this is toward the encouraging more units rather than fewer units, it is an r2 zoning. So with two units you get an additional impervious cover of 45 -- of 5%, right? So that's a bit of an incentive, as intended to get more two units over singles. With regard to the F.A.R. It carries forward the .4, similar to mcmansion today or 1300 square feet, whichever is larger, because on a 5,000 square foot lot, you end up with a much smaller total F.A.R. -- Or total floor air possible. -- Area possible. In this case this is a single family development on a 5,000 square foot lot, which is the minimum lot area by the code. F.A.R., as you can read down the zone standard, .4, 1300

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square feet per unit and 37% impervious cover max. As illustrated here, it's the building in the middle, this is on a 5,000 square foot lot, we're able to create 1940 square foot unit. In this case it comes in at about .39 F.A.R., which is pretty close to the limit, and it's at 40% impervious cover. Here's an example of what a house could be, a single unit house could be on a 5,000 square foot lot. In this case impervious cover and F.A.R. Both are kind of the constraints for how big this house could be. Right? The next example is a single family with an Adu. So this is a new build situation on a 5,000 square foot lot. The Adu is limited to 1100 square feet, and the F.A.R. Once again is .4 or 1300 square feet for the primary unit. The impervious cover goes up to 45%, again, to -- as part

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of the incentive to get more units. So in this case, as illustrated, what you see is a primary house in the front and the Adu. The primary house was able to get to 1300 square feet and we're showing the Adu at 1100 square feet. Obviously the distribution of that could be different but that's what this model is showing. And here, again, you can see that the F.A.R. For this illustration is that of .48 effective but essentially we utilized the 1300 square feet, right? And the impervious cover is at 43%, so it's below impervious. In this case for this model it is, again, sort of showing out the maxed out condition, if you will. Where impervious cover and F.A.R. Are -- or in this case 1300 square foot per unit is the limit. The next case is a duplex on a 5,000 square feet lot,

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again, the minimum lot area for the zone. And the incentive here is allowing up to a 45% impervious cover. The F.A.R. Remains the same. So in this illustration you see what a duplex might look like with two surface parking lots, and in this case the sort of effective F.A.R. Would be a .52, but, again, we're using the 1300 square feet per unit and the impervious cover lands at 43%, just under the impervious cover limit. So in this case it's contained by the maximum size of 1300 square feet per unit. Now, this is an r2 using the median, close to the median lot size of parcels zoned r2. So in this case you can see

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the unit in this model is 1700 square feet. The F.A.R. Is at .4. It's limited at .4. And the impervious cover ends up being 34%, well under the maximum. So in this case this is an example where it's maxed out because the floor area is being maxed out. And the street level view gives you an idea of how that might appear on the street. And then this last one is a preservation incentive inform an r2 on the median lot size. So in this case each of the new units are 1700 square feet, and you can see them on the drawing on the right, you can see them in the sort of -- the twin buildings connected by garages. Their F.A.R. Is at a .4, and in this configuration, the impervious cover was also 34%, well under the 50% that's allowed by the zone.

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And so in this case the preserved unit, which is the one story house in the front was a 1464 square foot house that -- two units, two 1700 square foot units were added. In this case maxing out the F.A.R.

Allowable and in this case there's still more impervious cover available to use, but couldn't use it. Didn't need to cover it so that's a good solution. This also speaks to the stair exemption because in this case what this allows is buildings to go more vertical, which rather than -- rather than spreading, which helps in service of reducing impervious cover. But allowing the square footage to achieve a marketable unit, in this case 1700 square feet. So this 1700 square foot unit is just below about. It's pretty close to what

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the median unit in a duplex that has been built in Austin in the last ten years. So it's not out of sort of theoretical example. So r3, r3 is mapped -- you can sort of see where it's mapped in those darker specs. It's .19% of the city. And in this you can see how -- in the table you can see how one to two units basically mirror what r2 standards are, and then as we get to three units there's more impervious cover allowed and a little bit more F.A.R. Allowed. As a house scale residential zone, similar height requirements apply. So here's an example. Again, on the minimum lot size of 5,000 square feet, what a three-unit

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configuration could look like. In this case, the F.A.R. Is .5. The code is proposing a .6. And here impervious cover becomes the delimiting factor. In fact I think in all our r3 situations impervious cover is the governor more than F.A.R. Is. In this case the unit sizes would be 836 square feet, so three units on a 5,000 square foot lot. On a 7,000 square foot lot, which is the median lot size of all lots zoned r3, proposed to be zoned r3, the unit size that we were able to achieve is just over a thousand square feet. The F.A.R. Is at .44 and here again impervious cover was the limiting factor of the building footprint, as well as the driveway and parking associated with servicing the building. In the r3 preservation

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scenario, we were able to get 1,026 square foot units, three of them. Here, again, the F.A.R. Is below the limit and impervious cover is the governing factor. The preserved unit is the house in front, and that represents 1300 square feet, right? So here's an example where the combination of the existing house and the additional three units -- I mean, there's a little bit of room in terms of the new units that are added and not hitting the maximum F.A.R., and so in this case the overall F.A.R. Of the site under the preservation situation is sort of closer to what the base F.A.R. Would be if I didn't do the preservation. So this is actually one of those examples. So, you know, with the intention of maintaining the

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character of the street, the preservation of an existing house, that incentive might allow sort of more utilization of the land than what is today. In other words, it would incent rather than adding significantly to an existing house or replacing it, getting more units on the site. And what we found in our analysis is all of the properties at least today, so looking back today, going back -- up to 1990, the average F.A.R. Was below 2. Something like .18 F.A.R. So there's a lot of, if you will, underutilized floor area in properties 30 years old, older than 30 years. R4 comprises 1.5% of the city, and this is the first

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missing-middle zone. The first zone that bonuses are available for income-restricted housing. The median size of the parcels here are just under 8,000 square feet. So similar to before, basically the number of units and impervious cover and F.A.R. Carry forward from the previous Zones, with the idea that as you get above five units the incentive of F.A.R. And the bonus F.A.R. Appears. The other bonus components here is -- well, in general for base zoning development, the 25-foot top plate and 35-foot overall applies. There's a 10-foot height bonus in the top plate and a 10-foot height bonus, so essentially one additional floor in one is doing an

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income restricted housing in -- so when we look the a minimum lot area of 5,000 square feet, .6 F.A.R., 55% impervious cover, this illustration is showing you what we were able to achieve, which is ending up being a small unit just under 600 square feet per unit. We get four of them. The F.A.R. Is at .47, so below the .6 F.A.R., and here, again, is an example where impervious cover is actually more the limit than F.A.R. Is. So in a different design configuration, for example, if there were more cant levered portions of this building, there's additional F.A.R. That could be used to make the units a little bigger. This is the maxed out version of a bonus development on a 5,000 square foot lot, minimum area for r4.

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In this case these would probably be closer to a microunit scale of 200 square feet per unit so the F.A.R. Is at .32 and here, again, the impervious cover becomes the delimiting factor. The r4, in terms of a base, here we're modeling at the median lot size, at around 8,000 square feet. In this case you could do a base development of ending up with about 1,040 square feet per unit. The F.A.R. Was at .52 and impervious cover was the limit. So here, again, impervious cover is the primary factor limiting how many units -- or how big the units could be. Here's the maxed out version of eight units on a 8,000 square foot lot. So the unit size that we

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were able to achieve was 800 square feet per unit. We hit the F.A.R. Max, and we hit the impervious cover max. So in this case, in this configuration, this of course, again, would be an income-restricted bonus scenario. Finally the rm1. Rm1s were mapped in fewer areas than previous, and so they now comprise .89% of the city. The median parcel size for rm1s is just over 7400 square feet. The calibration of the F.A.R. And impervious cover carries forward from the previous Zones, and then it begins to move only at the place where it allows -- or incents more units at a .8 or plus one for the bonus at units or more.

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I'm sorry. At six units it actually goes up to 60% impervious cover and .8 F.A.R. So here's a model of an rm1 base condition on a minimum lot area of 5,000 square feet. It shows six units, and in this case we were able to achieve 650 square feet units, six of them. The F.A.R. Is at .78. The limit by the code is .8. And we are at about a 59% impervious cover, so in this case both impervious cover and F.A.R. Are the constraints for a six-unit condition. If we were to -- and I apologize I don't have a model of it, but if we were to do a bonus version of this, I would be able to get ten units, so four more units. And an additional 5 feet. So I'd actually be able to configure this building into

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a four story building. So you could -- given this footprint, you could configure an additional floor on this building, so it could be a very similar configuration, with just one more floor. Okay. I know that's a lot. That's just, like, the highlights of a lot of different models, right? I'm sorry. We have two more models. Thank you. The rm1 bonus versions. So this is the bonus scenarios of getting up to ten. And in this case they would be those much smaller units, again, at 200 square feet each. The F.A.R. You can see is at .4 rather than .8. Again, remember this is for a 5,000 square foot lot, maxing out the smallest lot that's possible. And impervious cover is at 60%, so here we are -- we're

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really contained by impervious cover more than F.A.R. At this point. There may be configurations of the units that could be modified here that would allow a little bit more generous size in the units, but these are very compact, very efficient unit sizes. And that's what it might look like. When we looked at the

median lot size in the rm1s, that's at 7500 square feet, six unit, a base case would be a thousand square feet per unit, and here we kind of maxed out at F.A.R. And impervious cover of .8 F.A.R. And 60% impervious cover. And this is the one that I meant to say could be -- if you did the bonus and you wanted to get to ten, you could add four more units and a fourth -- configured as a fourth story building.

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>> Mayor Adler: Okay. All right. Questions? Alison? >> Alter: I just wanted to start with a very basic question. Do your models include taking advantage of the exemptions? And how did you factor the exemptions into your models? >> Yes. So the models include taking advantage of the exemptions. So because we typically provided one parking space per unit, they would take advantage that have 200 square foot exemption. The stair exemptions, as well as whatever attic space was built. So in the single family model, that exempted was about 400 square feet. In some of the smaller buildings it would be a smaller number of attic space bond the roof formed,

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that would be exempt. >> Alter: When we see the unit size that's not including whether there's a parking space, does not include attic, stairs, balconies? >> Correct. >> Alter: Thank you. I'll let someone else go. >> Mayor Adler: Okay. Leslie. >> Pool: I wanted to make sure my math was right on slide 23. And this is the 8500 square foot lot as the median with the r2 preservation. And I think, Peter, you said that there would be two 1700 square foot units on that lot. Plus the original structure, which is listed here as the 1464. So I was curious where you got the F.A.R. Because this -- because when I do two 1700 square foot and the 1464, I come up

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almost to 5,000. So -- >> So the 1464 square feet for the preserved unit. >> Pool: Right, right. >> And that's what we were talking about earlier. >> Pool: Right. >> Is that that square footage is not counted in the F.A.R. What is counted in the F.A.R. Is just what is added to the site. >> Pool: The 3400. >> The two 1700 square foot units. >> Pool: How would that work -- okay. So you don't count the size of the original structure, which is how you keep it at .4 F.A.R., even though that isn't, it's P.M. .97 F.A.R. For all three of the structures added together.

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That's if you're dividing it by 5,000. If you're dividing it by the 8500 you get a .57 F.A.R. >> Correct. So the effective F.A.R. Would be .57, but we were including the units that counted towards F.A.R. So I apologize if that was a little confusing in the table. >> Pool: Well, it makes me really think about how we are trying to incentivize and if we're actually doing more harm than good. I'm not sure how, depending on where this might occur -- where it might be built, what the easements would be, whether there would be any lot to lot flooding, just the actual -- the actual impact beyond the theoretical. The actual impacts on the ground. Do we have a sense of what the easements -- the setbacks, the easements on these properties?

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>> We're showing typical lots. So in this situation the models constrained by the setbacks of the zone but there's no easements shown in this example, which might constrain a lot further. >> Pool: Can you do one of these showing the easements? Because that would be the reality, right? We would have easements that we would need to take into consideration. It would subtract out the buildable area. >> In this example, this is a corner lot, and so the units directly face on to streets, so there wouldn't be any access easements of any kind. >> Pool: There's no access easements of any kind because it's on a corner lot. But you would have two sides of four that would be ostensibly adjacent to something else. I don't understand. >> The properties -- the two additional units would face one street, and then the original house faces another

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street. So they don't need an access easement to get from one -- from the entrance -- the front of the lot to the back of the lot because they can just access it from a different side. >> Pool: Assuming that you can actually have street access on both sides, which isn't necessarily the case. >> I'm just saying in this example it's a corner lot so it wouldn't be necessary. >> Pool: And the easements I was talking about would be the utility setbacks, I'm using setback and easement interchangeably. >> Again, this is -- since this is so new, this is something we would need to work with the utilities on and to work out how this would be operable. Just like when accessory dwelling units are allowed citywide, that's another thing that had to be worked out at the time that ads were permitted. This is something that we would need to continue collaborations with the utilities on. >> Mayor Adler: Okay. Jimmy. >> Flannigan: These diagrams

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are pretty helpful. I can imagine it took a lot of effort to pull this together so I just want to thank you all for really giving us this level of example, especially with the lot size difference because I think that's really important for people to think about how things will actually get built. You know, there's an instinct

to take a extreme example and then apply that rhetorically across the entire community, but every time you go into another chapter of the code you find another reason why this won't get built. You don't find other chapters of the code that make things bigger. You only find requirements that make things smaller, so it is far more infinitely probable that these developments are difficult to build on most lots or challenging in most ways and because we have a city of a certain size we can't build the zoning code with, you know, 200,000 Zones. I mean, that's probably why we're writing it in the

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first place because we were starting to do 200,000 Zones. So I'm really pleased to see the way this lays out, and it gives us, I think, some good starting point to acknowledge that this type of development is really compatible with the buildings that are currently on the ground. It will mean more people, and I know there are some folks in the community that are concerned about what more people means, but, you know, we've tried long enough to say you can't have more people and we know what that means so you can't do that anymore. All you end up doing is in some cases codifying institutional segregation and racism if you do it the way we continue to do it, so I'm excited to see these changes and especially see them diagramed because it really helps fill that gap in the mind's eye about what we're talking about. So thanks. >> Mayor Adler: Anybody before we move on? Kathie. >> Tovo: I have a couple of questions. And I guess, you know, I'm familiar with the areas where this has been mapped

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in my district. I was going to ask councilmember Flannigan if he wanted to elaborate on where r4 and rm run were mapped in his district and kind of what's in the surrounding area. Maybe we can pick that up next week because I'm not familiar with many instances of it in his district. I am familiar with where it's been mapped in my district, and I would say that, you know, as I'm thinking about it, and I have to go back and really look at the figures, but in looking at a couple of, say, the properties along Duval, you know, one of the properties that I just looked up was -- let's see, about 1306 square feet, so a four-story building next to a one story cottage of 1306 square feet is certainly going to be pretty dominating. I think an 8,000 square foot property next to a 1300

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square foot cottage is also going to be pretty transformational, and so I guess I just don't -- I would just say that my character -- I, too, appreciate the models. I think they are very illustrative of what some of these changes will feel like in the areas where they've been mapped in the central city. I wanted to ask a couple quick questions. Mr. Parks, you said a couple times if one is doing affordable income-restricted housing, and I just want to match that with what we talked about yesterday. It's my understanding that

all of these entitlements are accessible within areas that are not in the equity overlay without actually constructing units there, it's all fee-in-lieu, that there are no requirements to have on-site affordable housing in rm1 or r4, and so these entitlements are -- you can access these entitlements if someone is doing

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income-restricted housing and it is my understanding that is no longer -- that is not the case. You're just in those cases doing a fee. >> So these were illustrations of models that we're providing on-site, right? So it shows you how much -- how big the building might be if those units are provided on-site. >> Tovo: But that's not the requirement. There's no requirement to have those on-site. >> Okay. If they're not, then as you look at these -- as you look at the massings of the building on the site in the street view, you could look at that and say that's -- well, that's what eight units could look like next to the single-family house, and it could also be -- what we know is that if it weren't on-site and it were four units, they would be four bigger units. But that's how big the building would be. >> Tovo: I guess my point is unless I'm misunderstanding our conversation from yesterday, you can build what you've modeled whether or not you have on-site affordable housing, there's

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not a requirement to have on-site housing. >> That's correct. >> Tovo: All of these entitlements that you've provided are accessible with an affordable housing contribution from four to eight or from six to ten. So could you give us a sense of four some of these models, like, say on page 30 and on page 35, what the affordable housing contribution would be for each of those? And we can come back to that if it will take a little time. But I think that's one of the things I'm grappling with, because it's a -- because there's no on-site, you can't point to a number of units, it's really gonna be a fee, I'd like to better understand exactly what that fee would be for the models shown on 30 and the models shown on 35. And I think there was a request yesterday that encompasses this, but I would like -- I think in the first draft we had potentially some indication of the number of units that had been mapped for rm1 and

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the number of units that had been mapped for r4, and I would request that we get that for the updated maps, the number of units mapped for -- zoned for rm1, the number of units zoned for rm4 by this draft. I think that would really help us to understand where we could be seeing these models and what is around it so that we could kind of better assess what that will -- how compatible those resulting structures will be with the existing housing stock. That actually people are living in including lots of renters. And then, I guess, lastly, in terms of some of these models, for 200 -- the model on 30 at 200

square feet, the model on page -- I think there was one at 600. Mr. Parks, I think you made the comment in some cases,

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for example, on page 30, you might be able to design it in such a way to get more than 200 square feet. I guess I'm wondering if in the research that you've done or in other -- in other cities, if you're noticing that families with children are able to live in units that are 200 square feet, 600 square feet. My guess is that a lot of these resulting units are going to be too small to have families with kids. And that's something we need to be thinking about as we think about some other competing city goals that we've struck, which is to try to support our network of neighborhood schools by having family-friendly housing, which typically is -- in my guess is probably larger than 200 square feet, 600 square feet, 800 square feet, typically. >> Mm-hmm. So, again, we were asked to show maximized >> So again we were asked to provide maximized scenarios.

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So this is sort of the maxed out version of the number of the versions on the smallest minimum lot size. And using the F.A.R.S and the impervious cover, the intention of the model is just to illustrate what is a potential configuration of providing eight units on that 5,000 square foot lot. It does show some parking approximate. So for example, if this was an area where -- near transit and no parking was required or that area could have been used for -- to go into the units. So there might be a mix in a development of eight units that could utilize, say, a module of a microunit and have a larger unit or a couple of other larger units in this configuration. Tovo>> Tovo: [Inaudible]. >> On page 30.

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>> Tovo: So 32 doesn't have parking but you're saying the unit on 32 does so it could be -- that could be designed -- those units might be able to be bigger if you eliminated the parking? >> The one on page 32 is at the median lot size of 3800 square feet and the the other is the 5,000 square feet. If you have the much smaller site how much each unit can be if you're trying to achieve more units on the site gets limited. And that's what we were trying to demonstrate that one can buy these 200 square foot modules and assemble them and create buildings from them. So in this case this was an example of a product that's available and in other markets they get assembled into buildings, and in this case we assemble them into something that would be sort of a house scale, but would provide multiple unit

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opportunities. >> Tovo: Do you have any other perspectives of this modeling? Especially I was interested in seeing the model on page 31 and maybe some -- and pit bull some of the others from kind of front on. So as if I'm standing in front of -- standing in front of those units with the new construction and the existing housing. Do you have any that show it not sort of street angle? And I'm looking at all of them in front, but just right so I can get a sense of what those look like -- >> We could. >> Tovo: And then potentially feel like -- >> So like what we describe as an elevation drawing, so it would just be as if you were looking straight on at the building. And so we could do that. I can tell that you if you do that and then you put it next -- do the elevation of the building adjacent to it, it isn't anything -- it's not the way that we -- it's

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not the way that we see the world. It's the way that architects draw things some times, but it isn't -- it isn't a realistic depiction of what is the relationship, how do we experience and understand the space? So we can certainly provide those drawings, but the reason why this approach to explain sort of the understanding of the mass and the scale and the relationship to the street and other buildings is it most closely rebel belles how -- resembles how you would see that and how your eye defines the space. >> Tovo: Obviously you have a wider expertise on that so I appreciate the point you raised. I'm thinking what it might feel like to be in that 1306 square foot house, if you had a a building of 8,000 square feet on either side of you. So I think it's helpful for the public to see a couple of ranges of the models, of the perspective of these

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models just to better -- to better assess what that will -- what that impact would be like. Anyway, thank you for doing all this. >> Mayor Adler: So one of our colleagues has asked if we could take a short break. Does anybody want to take a five-minute break? All right. Let's take a five-minute break, but literally five minutes. Let's be back here at eight after. [Short break].

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>> Mayor Adler: All right. We're back to a quorum. I think somebody had a definition of attic in the voting code. >> Yes, afternoon. Anaya Johnson, councilmember, to answer your earlier question, the definition of attic, which the land development code in 2512241 adopts by reference the residential code by version, chapter 2 chapter r2 082, attic is the space between the ceiling beams of the top story and the roof rafters. >> Pool: >> Alter: Is there a height limit? >> Not in the definition. >> Alter: So I

could call a third story an attic and it doesn't count against my F.A.R.? >> No, because if it -- if it qualifies as a story, it's not an attic.

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>> Alter: Then how do I differentiate between -- >> If it has walls and a stop plate then it is a zero. If it does not it's -- it's a story. If it does not it's an attic. Basically it needs to either be shed roof, gabled roof to qualify as an attic space. >> Alter: Okay. So somewhere else story is defined then because your attic -- >> Story should also be further defined in there. And I can try to find that. >> Alter: If someone could send me both those definitions, I would appreciate it. >> Yes, ma'am, we can definitely send those over. >> Alter: Thank you. >> Mayor Adler: Continuing on, this is really helpful, to see the drawings are really helpful because I think it answers a lot of questions that people are asking in the community. And I recognize that as different people look at the drawings, different people

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are going take different things away from that and draw different conclusions and different people are going to prioritize different information over other information. And that's part of, you know, democracy and having everybody engaged and talking about this kind of thing. For what it's worth for me, what I'm trying to compare relative size of buildings, rather than comparing the size of an existing home to what someone can build next to that home under the new code, which might be quite a variance depending on how big or small that existing building is, much more relevant to me is what could be built on that lot under the existing code versus what could be built on that lot under the new code. So if I have a bungalow that has 1300 square feet, under the existing code in someone bought my neighbor's property and tore it down and built something it's going to be bigger than my

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1300 square feet most likely, what we're seeing in the marketplace. I'd want to know what could be built next to me under the existing code if we didn't change anything, versus what could be built next to me under the new code. That would be a much more relevant number for me because that's what's changing. And then I know that there's a real important debate we need to have on how much density or number of units we're going to have on streets and different streets and residential streets. And how we treat those. And I look forward to that conversation. It is one we need to have and make sure we're doing it right. But I for one am okay with the exceptions being given when affordability is being achieved not only on-site, but also from contributions to the housing fund.

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In fact, in many cases I think that's probably a better result to achieve so that we're not trying to measure or police or watch scattered, stray individual units. And so that you can collect a presence or a critical mass of units that reflect affordability in an area. So I think it's important that we calibrate it so that people aren't being able to use a fee-in-lieu to avoid paying their fair share of what is the increased yield. But I for one come down on that side. I'm happy with giving the exception in those areas where we're trying to encourage those kinds of contributions. Thank you. Anybody else want to discuss this area before we go on to the next presentation? Let's go on to the next presentation.

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-- >> Casar: Mayor, sorry, I did have one question scribbled down that I wanted to ask before the break. So to be very clear, though, the code that you just recently published allows for 1300 square foot minimum on a unit in the r2 zone. So you're always allowed 1300 square feet regardless of the F.A.R. And so on a -- so on a standard lot you can always do a 13 -- two sides of a duplex at 1300 square feet. >> Correct. And a 6500 square foot lot is where those two units at 1300 reach .4. So the 1300 per unit allows for slightly more space under 6500 square foot lots. >> Casar: And something to think about is once you cross that 6500 6500 square foot

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lot, then there isn't necessarily an incentive to the second unit, but with the preservation incentive -- there might be an incentive with the second unit for it's to sell the two 1300 square foot units -- to do two units as opposing to having that same square footage in one building. But the -- but there's not a square footage incentive. There is an impervious cover incentive associated with that. And then there is the preservation incentive on those larger properties it might be easier to add two units and so that incentive exists. I've just heard in the community some folks saying that we've gotten rid of the incentive to go to a duplex on the square footage site and on lots lower than 6500 square feet, as a matter of fact there still is a square footage incentive and on lots that are larger there is impervious cover incentive and likely a square footage one if you do the preservation bonus, something that I might want to keep lking at is if when you go over that

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6500 feet if there's anything else that we want to look at, but I just -- when folks look at the F.A.R. Table I want them to know we're not incentivizing big mcmansion type properties rather than a duplex

because the 1300 square foot -- always having the 1300 square foot per unit is a duplex over a mcmansion incentive. I just think it's important for folks to hear that when they're looking at the new draft. >> Thank you. Laura Keating, planning and zoning. So I want to walk you through some of the models we had done by some outside architects to look at the more intense multi-unit Zones and the mixed use and the main street Zones. This is kind of expanding upon the public testing where we modeled some of these Zones, but as you know there's lots of new Zones and we wanted to look at

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more likely market outcomes of these Zones on different lot sizes. So that was the main goal of these drawings. So our first lot is about a five-acre lot. It's a deep lot so it represents something you might find along a corridor. And in this scenario the lot is constrained by an easement on one side and floodplain in a critical water quality zone on the back of the lot. So under the rm 3 zone, one of our medium density multi-unit Zones, on this lot size they would be allowed 185 units. The feedback that we received was with that number of units you're not likely to build a structured

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parking in a wrap style building so it would be most likely that they would build garden style apartments. And with that type of building type constraint they would only build three stories and then kind of how much surface parking you can provide becomes another constraint on this site. This model is also showing parkland dedication at the front of the lot, so between the parkland dedication and the environmental constraints on the back of the lot they didn't reach their maximum unit yield. So those were the major constraints in this model. We also wanted to model mu 5, which is the most intense mixed use zone along the

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corridor. And we modeled this both under base entitlements with compatibility. Often deep corridor lots or lots that are located elsewhere, they might have residential behind and the 100-foot compatibility would apply based on the draft code. So this is an example of showing this lot with compatibility on the rear, but they were still able to get to their max unit per acres with the structured parking and the wrap style building. So the dwelling units per acre was the main constraint constraint. In this scenario they didn't reach their impervious cover or their maximum height. And in most of the models we're showing an average unit size of 800 square feet. That would be a mix of

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studios to 2 and three-bedrooms ranging from 670 square feet to 1100 square feet. The average unit size being 800 square feet in those models. And I'm going to let Anaya kind of use this as an example to talk about some of the improvements in the new code. In these Zones they're very similar entitlementswise as far as dwelling units per acre, F.A.R. And impervious cover to our current zoning with additional entitlements available through the bonus. But he will talk about some of the more like procedural or site development standards and building form standards that are improvement over the current code. >> Good afternoon once again. Anaya Johnson, development services department. Some of the things that

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are -- what we feel are improvements or enhancements in the new draft of the code versus current code are that density calculations are much will simplified. It's owe -- we speak in simple terms as far as when we get to the rm and the mu and the other districts we speak in dwelling units per acre. In today's code you have the amount of site area in square footage that is required for every efficiency, the amount of site square footage that is required for every one bedroom and also required for every two-plus bedroom unit. It is -- you can argue that it disincentivized multi-unit -- multi-bedroom units, but even beyond that argument it simply is a time consuming and tedious calculation to perform so

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we've simplified that to simply dwelling units per acre of site area regardless of the unit type that is being proposed. Another thing that we see in the rm districts is there's no longer an exemption from your building placement standards for residential districts or residential developments. In today's subchapter a, if your zoning district is a purely residential zoning district, meaning a multi-family district or a single-family district, your project is exempted from the building placement standards of subchapter E so there's nothing to help enhance the pedestrian experience as you walk along the sidewalk, along the front of the property. In the new code we do have those building placement centers where the building needs to be brought up to the front of the property

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and take up 40% of that total frontage area. Also if you can't do a full 40% we have the active private frontages to help to -- if it's not a big frontage, it's got to be a great frontage, in other words. Those things help enhance the pedestrian experience in town. The compatibility height step-back provisions within the proposed code offer very similar considerations in the immediate vicinity of that shared

property line, yet they are much simplified under the proposed code. It's two simple Zones and then we don't have the final zone that steps up one foot for every 10 feet. It's from zero to 50 you get this tall.

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From 50 to 100 you get this tall and beyond 100 you can go to the max side of your zoning district. A much simpler way of affecting a very similar outcome. In our mu districts, we allow a mix of residential and nonresidential uses by right within the district without the property owner having to go through a time consuming and expensive rezoning process to add the mu to the zoning string. In today's base code outside of special districts like p.u.d.'s or transit oriented districts, there are no districts whereby right you can do mixed use. You have to have that mu qualifier, which requires going through the zoning process in order to achieve that. We have these mu districts

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and the Ms districts in the proposed code which will allow that mix of uses. It doesn't require -- if someone wants to be all commercial, they can be, but they are allowed to incorporate residential into that mix without having to go for expensive, time consuming rezoning. Another thing is from r4 4 and above, all zoning districts are eligible for nhcd affordability bonuses whereas in today's world if you are in the central business district, downtown -- downtown Zones and the waterfront overlay, in a transit oriented district, those are the only areas where the nhcd bonuses are truly available, outside, of course, of the affordability unlocked that was recently passed this past year, but now they are

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built into the individual zoning districts within the code. And with that I'll open it up to questions and/or pass it back over to Laura to continue. I think she's got some more slides. >> So a lot of the stuff that Anaya talks about applies to all zoning districts in the new code. So as we continue to go through these scenarios, this was under the new based entitlements and in council direction under the first reading, there was-- it said to waive capability if the project was taking in part of the affordable bonus program. So this next scenario gives you an example of a similar type development if the compatibility is waived on the back of the lot.

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But due to some easy. Constraints of the lot the main difference is that there have just been townhomes added to the rear of the lot and another story added to the building. And so with unlimited density being a part of the bonus, the project was able to get up to about 64 units per acre. The last scenario that we modeled on this five acre site was a main street, but with office uses. You know, we've modeled a lot of residential, and the main constraint on this was the height, so with this building type you could add another floor, but with the

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65 feet in height and the typical floor to floor heights on an office, they're only provided three stories of office above an active ground floor main vet along the front of the lot. And additionally if you were going to add office you would probably add more parking and so they've somewhat reached their limit of impervious cover and parking to be provided. So sometimes in that case parking -- the amount of parking that can be provided acts as a limiter of available space on the land. The next scale that we looked at was acre sites and we looked at some of the less intent Zones on acre sites. So this is rm 2, which is, you know, the lowest

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dwelling unit per acres multi-unit zone that we have. And this development really hits the impervious cover and the F.A.R. And the height pretty -- reaches the max of all of those. And the unit sizes range from 2300 square feet to 4,000 square feet. So this is a town home style development on this site and the units are large and the units per acre is under what's allowed. So you could also imagine the similar scale of building providing more smaller units. We also looked at a residential scenario under mu 3 both base and bonus entitlements. And this is another situation where they got

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close to the maximum entitlements with height impervious cover and dwelling units per acre. With the bonus, because of the construction type it's easier on a smaller lot it's less likely you would have smaller parking or tucked under parking so they were able to add some extra units and extra floors under the bonus scenario, but because there wasn't enough space or impervious cover to add more parking on this site, that really proved to be the limiter for the bonus in this scenario. The last site that we looked at was about a quarter acre site, and we looked at two uses under the mu 2 zone.

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And the mu2 zone was created to provide neighborhood commercial properties in the current code, in the current zoning map you sometimes have really intense commercial Zones such as cs or gr on small lots within a neighborhood and they're constrained by compatibility today. But there's not really a kind of a medium size commercial zone that's more appropriate for these smaller lots in the current code. So the mu2 zone is something that was created to fill that need and so this is a live-work scenario and you can get four live-work units on a quarter-acre lot. So this would be located

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potentially next to other two and three story commercial and residential buildings in the neighborhood. This is the same zone, but just showing a commercial building that could be retail on the bottom and office on the top. And to achieve this development it's under the minimum parking ratio, so it would have to be located close to a corridor or along a corridor where it would have to not meet its minimum parking requirement. So meet the minimum parking requirement on this lot you would most likely get a one-story building if you were going to redevelop the lot. And so those are all the commercial models that we have had created. And then I'll give it back to Peter who is going to talk a little bit about compatibility.

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>> So the good thing about looking at the code and the map at the same time is that as changes to the map occur it allows us to -- to re-examine how the standards in the code are working and vice versa. And as we've done this in some of the changes of the transition areas and the policy direction on where to draft the transition areas, there are adjacencies and proximities that are raising questions for us that we would just like to share with you some examples and also discuss some possible solutions. So this is labeled compatibility adjacent to r4. And in the middle of the picture you see what might be an existing preserved house and behind it a duplex that could be built under the new code if it was in r4. And just to the right of it is a new building potentially under r4.

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To the left is main street zone. And the possibility of building to 65 feet. And right now the way the current draft works is the main street or the mixed use zone that would be on the corridor has a zero setback owe a site interior adjacency or a rear interior adjacency on r4. Council direction was -- did not have compatibility triggered when the transition Zones meet corridors. But we have a couple of situations now that are a little different than we had from the mapping before. So for example, we have

more adjacencies -- we have these kind of adjacencies of r4. And in this case you can see that it's -- the r4 has a

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required setback of five feet on the side, but the more intensive zone has no responsibility in the setback. So we studied this and here's what it could look like if this building were to get a bonus and could go up to 90 feet. So that was an adjacency that we think needs to be addressed. And one option, a simple option is to say well, in this case the mixed use zone would have to have the same setback as the r4, right? And if that was the case then it would look like this. So to go from a setback to a five foot setback. So can you see it's different, but I think the team feels that there's still some -- a better transition that could be achieved. Now, right now the compatibility as it's drafted if one were to apply compatibility as it is

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proposed today, that the envelope would look something like this. This would be a 30 feet setback from the property line and a couple of things that Anaya was describing. The trouble with this and you can see it here, is if compatibility were to be applied in this situation there's a lot of development that gets lost on the corridor, a lot of units, a lot of capacity. Here's an extrusion of it. It would also create an envelope of the building that no one could build. While I could get that additional height, I'm not going to build a skinny 20-foot long building like that. So here's a case where applying the existing compatibility or the current draft compatibility standard in the situation is too much. And it really is counter to what council direction was about. So this is -- this is

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something that we'd like to discuss a little bit further with you and perhaps get some direction. We're thinking about some other possibilities. The other reason that addressing compatibility in the draft today is important is with the changed mapping approach we have more adjacencies of r2s and r3s to corridors. Which means that compatibility is now invoked on the corridors. And the compatibility as it exists in the draft as you can see is pretty productive. So again this is just one of those things of changing the approach to the mapping reveals some things in terms of the -- what has some impacts on the calibration. So what we'd like to do is actually explore the compatibility as it's drafted today and to see how we might find a better model middle ground to address

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some of the adjacency issues. And I think that's it for our presentation. >> Mayor Adler: Okay. Colleagues? Ann? >> Kitchen: Thank you for bringing this to our attention. I think it points to the fact that there needs to be some adjustment. And because of the situation that you showed that is not something that is really workable where you have that tall a building that close to the smaller structure. So it makes sense to me and I'd like to hear what you all could come back with in terms of potential adjustment to the compatibility. Because if I'm hearing you right just adding an additional five feet on the setback really doesn't get us to where we need to be. So it sounds like it needs another look at compatibility because of those adjacencyies. So I'd be interested in

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hearing what y'all come up with and I assume that would be something that you would have for us at third reading? Is that the thinking or what's y'all's timeline? >> Yeah, I think that would be third reading. I think if -- >> Kitchen: If you can do it faster, that's great. I'd rather have it for second reading, but I don't know if that's timely. >> I imagine that third reading is more realistic because we would want to come back with a fully vetted and modeled compatibility option that we could show you how it would look and work and providing by second reading I don't think we would have time to fully fte it internally prior to bringing it to y'all. >> Kitchen: Okay. >> Mayor Adler: So help me make sure that I understand this. One of the reasons that we had transition Zones was to ensure that we didn't have compatibility standards that

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reduced the yield that we could get along corridors because it was in the corridors that we were rolessing the overwhelming new supply in density and it was on the corridors as we were adding new people that would help make transit that was in those corridor areas that we were getting the most significant movements towards walkability in our city. So we had Zones, the rm1, the r4, that stop compatibility and provided some transition between what was happening on the corridors and what was happening inside. My understanding and what you're pointing out is we also gave the direction in many areas of the city that because of the equity overlay to say that we didn't want to have the same token in those areas -- transition Zones in those areas, take the transition Zones out. But when we took the

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transition transition Zones out we took away the thing that was actually getting us the density on the corridors. I guess there are two ways to deal with that, three ways. One we could say we're fine with the way it is. Recognizing that now we don't block the exalt and we end up with -- the compatibility and we end up with these odd-shaped buildings. Another one would be to say fashion for us new compatibility standards that allow for something more reasonable to be built in the corridor. And the third area would be to go in and say -- the third way to do it would be to go back in and say put back in the compatibility blockers so that we can still get the development that we wanted to get to on the corridors. And then that will require us then to take another look at what the transition area needs to be between the corridors where we want to

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get the density and the neighborhoods where we need some kind of transition to go there. And I think as we have this conversation it will be important for the council to consider both of those. I mean, my instinct is not to fashion the compatibility because that cuts against the privacy of the goal in the city to increase the density along the corridors. It would be to take another look at the transition areas and figure out how to make them best work with the increased density and supply that we wanted to get along those corridors. >> Kitchen: Mayor, could I speak to that? >> Mayor Adler: Hang on, I think mayor was going to reply. >> Yes. Those certainly are the choices. I think that the team feels that revisiting the calibration of compatibility as it exists in the draft right now in the diagram that showed the way that

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it's calibrated now is still pretty -- it's not as reduct active reductive as your current code compatibility standards but it is reductive along the corridors. So the thought is that maybe we could revisit how compatibility is calibrated so that it doesn't have the same kind of impactful reduction to capacity on those corridor parcels, but it does provide some transition to the residential -- adjacent residential house scale residential Zones. >> Mayor Adler: Okay. Anyone want to talk before we go to Leslie. >> Pool: That's what the compatibility was all about was to make sure that we don't have really extreme examples and that we lose human scale in these areas of town.

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And so I appreciate that our consultants and our staff want to work on this a little bit more to try to reduce the chances that this would happen and I think we all agree that we're not painting with a broad brush so that everything is all the same all around our city. We do have to acknowledge we have unique circumstances and to address the unique circumstances so people aren't hemmed in. So I appreciate the additional efforts coming our way. I would like to see what Peter brings back. >> Mayor Adler: Natasha.

>> Harper-madison: I wanted to go back to something you guys said earlier that it will -- it definitely inspired the comments I'll make subsequently too. It was 30% of our current housing stock was built in the last 30 years, if I remember correctly that's what you said. And then that just leads me to think how quickly our

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population is growing. So when I have this thought in my mind's eye about cost benefit I keep thinking about yield, about capacity. We need housing. And I think to some degree thinking about exact from an esthetic purpose as opposed to use purpose might be to our detriment from a capacity perspective. I want to go on record that I recognize for some folks having a tiny building next to a big building is jarring, but personally it doesn't bother me if I realize we take the opportunity to get as much capacity as we can get. I think about larger cities and some examples of teeny-tiny buildings next to really big buildings and it -- ultimately at the end of the day it does not offend me. And so I just wanted to make certain to go on record having said that. >> Mayor Adler: Okay. Councilmember Casar. >> Casar: May I speak to

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councilmember harper-madison's. >> Ellis: That is part of the reason we brought this today is that we brought it today to look at council direction to looking at as mayor Adler on pointed out, looking at the transition Zones again and looking at capability or which direction council would like us as staff to analyze. I think that would be really helpful information from second reading for us to look at in third reading. So that we can do the proper analysis so that you can get the code that is most helpful for your end goals. >> Harper-madison: And it's probably pretty clear that some of my colleagues and I have completely different perspectives on the matter, in which case to come to a consensus to determine what it is that we're directing staff to do might be something that we as a body take some time to think through because personally I don't think it's necessary that we go through and do that exercise, but I want to be respectful and collegial and recognize that we don't all share an opinion. That's part of the diversity of thought that makes the body beautiful.

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So thank you. >> Mayor Adler: Greg? >> Casar: And thanks for bringing this up and I'm going to look at it now that you've brought it here and I'm sure we can take a vote on second reading or do whatever it is that we need to do. There is also -- was there not also an amendment that if you took advantage of that bonus that the compatibility does not apply? >> Yes. >> Casar: So in the cases -- and all those corridors have a bonus. >> Yes. >> Casar: And each and every one of those corridors if they take advantage of the

bonus whether it's zoned r4 right behind the corridor or not, the compatibility is waived. >> Yes. >> Casar: Now, in some cases they may not take the bonus and I think in those cases let me think through the best way to handle it, but I think that's an important bit of context in that every corridor has a bonus and if you take advantage of the bonus the compatibility is waived. So we should think about that also as they think through what the compatibility should look

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like. >> Mayor Adler: I had forgotten that. >> Casar: And most of those corridors where there is not as much transition areas are primarily commercially zoned in getting the dash-q which requires use of the bonus. >> Mayor Adler: Paige? >> Ellis: My line of thinking is very close to where Natasha is with this. When I look at the buildings next to each other, my home looks more like the one on the left and I think that's human scale. If we're going to be smart about climate change and housing for people, I think corridors is where we really do need to have that capacity for housing. So I'm in line with where in Natasha is thinking. If you're taking notes. >> Mayor Adler: Okay. Alison? >> Alter: I would support looking at it to approve it, but councilmember Casar's remarks suggest to me that maybe we should just be waiving compatibility in general only if we do a bonus and in only that circumstance and we would

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probably get a lot more affordable housing that way. >> Mayor Adler: Ann. >> Kitchen: To my mind, you know, I think that it is important to address how buildings interact with each other, and I'm not offended by this either, but I'm recognizing that there are interactions between buildings and people living in spaces that impact their health, their ability to sleep sound, all of those kinds of things. And so to the scenario that we've got right now is zero lot line and five feet wrapping around a residential house. And to me that doesn't make any sense. And so I'm open to a -- many different ways to address that. I mean basically you've got two ways with a setback or

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the space between the houses or with some kind of step-back of the building. I really don't -- I think there's options for how you do that. And I also agree with everyone that we need to get the density along the corridor, but I don't think we have to sacrifice addressing the situations that we have where we have got small homes like that next to 10-story buildings, we have to address the space between them. And I'm not offended either at all, but I do recognize the issues that come with those kind of interactions. I get a lot of calls from my district about things like dumpsters, things like health and noise, ability to sleep, all that kind of stuff. So we just need to do a little bit of adjustment here. And I'd like to

see what our staff comes up with in whatever way they think is appropriate because I do think a zero lot line on the side and the back of a

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residential property, I don't think that makes sense and I think we need to do something about that. >> Mayor Adler: Okay. Peter, is your light on to speak? That's okay. Further discussion? Any discussion on any topic while we have our folks here? We've allotted an additional hour in our work session. So now would be time to raise other issues if you wanted to do that as well. Kathie? >> Tovo: I likely will have some more content-based questions but I hate to take us back to the scheduling question, but I just need to be -- we're trying to communicate with our constituents about when they can come and speak so I need to verify a couple things. As we talked about yesterday, we're scheduled for three meetings, February 11th, 12th, 13th. As I understood our conversation yesterday we're

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posted for three readings but we can also take them in two readings. >> Mayor Adler: I think the wise thing to do would be take them in three meetings. >> Tovo: Okay. All right. Thank you. And then what was the other part of my question? Okay. And then the other question that's been asked is whether there's any possibility that we would be voting before February 13th. >> Mayor Adler: We are set -- we could potentially take a vote on the 11th, 12th, or 13th. Yes. >> Tovo: And I guess I'm asking this body if that's -- I mean, I understood we can, but we will be -- >> Mayor Adler: I'll have a better feel for it when I see the amendments that are posted on Friday. >> Mayor? >> Tovo: But then we might have people who can only come on the 12th. I guess that's the upshot, if it's possible -- I thought on one of -- I thought I had seen on one of the posts, and it may just be that we added it in, that it said meeting and possible vote on the

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13th. But if it's possible that we may vote earlier, we really need to tell our constituents, if you intend to speak to the council, please come on the 11th if there's a possibility we may vote on the 11th or 12th. If we've taken people they'll have the opportunity to come and speak on one of those three days, but we've taken a vote -- >> Mayor Adler: Obviously, if we don't have an opportunity to speak -- I think we're encourage them to come on the first day to speak to you. We had the option of having a public speaking day, but some couldn't attend it and some who couldn't attend didn't want to have that take place, and that pushed us to where we are. But right now we're set to take action on Tuesday if we -- we'll have the meeting on Wednesday if we can't, we'll have the meeting on Thursday. If we can't, we'll set a meeting for the following week. >> Tovo: I think some of us

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had -- when the dates were presented, I know there were some conflicts with the day-long meeting. I know the staff said they hadn't received direction to have a one-day hearing, so we had multiple options for scheduling for a day when everybody could be present. The inability to be there wasn't a request that we not have a day of a public meeting or day of a public meeting. Had we been able to push it back to another day or schedule it earlier, we certainly could have had a day-long meeting. But I guess that answers the question, we really need to tell our constituents we could be voting on this as early as the 11th, on Tuesday. >> Mayor Adler: Unless the will of the council is otherwise, yes, we're set that way. Now that you have brought up -- I'll get to you in just one second -- now that you have brought up the logistics, I understand the staff is going to send something out that speaks to the points that I had raised just in terms of giving the public notice of sign-up time so they know when signup times will be

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for those as well as the -- let the time the speakers have all consistent with the post that I had put up last week. Basically, we -- the way it's working right now is that we're trying to encourage people to come on Tuesday to speak. That also gives people a chance to speak before we deliberate, which I think would be the most helpful for at least me, allowing people a total of two minutes to be able to speak with no donated time, unless there are more people that sign up to speak, in which case we'll take 120 minutes divided by the number of speakers. But no, no event will there be less than a minute for everybody to speak even if that means extending past the 120 minutes. On Wednesday it's the same thing except it's one minute instead of two minutes. The sign-up time for the meeting will be beginning the day before

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for people to sign up and sign-up will be cut off as we -- at the scheduled time for the meeting to begin, is when sign-ups will be cut off for that day's meeting. Will Leslie. >> Pool: Well, I was just sitting here thinking that if we are wanting to urge people to come on Tuesday, the 11th, to speak to us, why don't we dedicate that to the public hearing and then we can just say that's when the public hearing is and then we can do our deliberations on the 12th and the 13th. It may actually turn out that way anyway. But it would acknowledge that the public was looking for a public hearing and we didn't schedule it; we could schedule it. >> Mayor Adler: Paige? >> People can still come and speak. I mean, that's -- they're still going to be able to come and speak to us so if we get to a

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point where with he want to start deliberations, I think we should get on with it, you know? It's been years in the making. This is our second round. I think it's time to get into this debate and to really iron through some of the stuff. And I'm glad that people will get to come and speak, but I don't know that saying there's a date we won't deliberate is helpful at this point in the game. >> Mayor Adler: Okay. Greg. >> Casar: I agree, and I think sometimes folks that come and speak appreciate the opportunity if they stay to watch us deliberate so if there's time I would start deliberating then. And, you know, the last time we we got through 199 amendments in three days. Hopefully there's -- I anticipate we'll have fewer amendments on second reading and potentially fewer days, I would hope. And then also as it relates to today, I know we're scheduled through 5:00, but from these presentations, it's created a lot of ideas and things to work on, so if we break at 4:20 or 4:30, I'd be happy to go continue

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working on this. I'm open to what other people's thoughts and needs are. >> Mayor Adler: Okay. Alison. >> Alter: I'm hearing from a lot of constituents and they want to be able to speak to the council about their concerns. And I do not believe that one minute, if that's where it would land, or two minutes, is sufficient for them to be able to communicate to us. So I think that we are artificially constraining people's opportunity to share their concerns on this. There's barely been enough time for people to digest the new draft. There have been a lot of changes in it. I think our community expects to have the opportunity at the very least to be able to share their concerns and express how they're feeling about the changes that are being proposed to, for many of them, what's their most important financial asset. And I think that we need to provide that opportunity to listen. We unfortunately don't think did limit it to one day because by

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the state's laws, we have to let people speak to us every day, so that's what we will do, but if we are going to be done quickly and artificially cut it off at 120 minutes on the first day, I'm fairly uncomfortable with that approach. >> Mayor Adler: Pio. >> Renteria: I'm ready to go ahead and -- I support my colleague on getting this done. You know, I ran on -- my campaign is to get this code and support density in our city, especially in our major corridors. I still believe that if we allow the density in our corridors first, and I think the development and the building is going to concentrate on the corridors because people want to move there because we're going to provide the transit so they can move around the city, you know,

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and now with the traffic that we have, it's deplorable, but, you know, there are going to be people, and I just -- like in my area where I live at, Cesar Chavez and holly, you're not going to see that kind of development. We already met -- we're maxed out on our impervious cover. We're not going to be able to build anything. Maybe along the corridors the only other options that we have right now. I'm ready -- this has been going on -- I feel like it's a lifetime, you know, since 2012, and we've been discussing this and we took it to a vote, you know, the voters decided and, you know, the majority of the people here want to take advantage of the density that we need to solve our housing problem. We've got a lot of people that are moving here. I have staff that are just, you know, struggling to be able to

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find anyplace around here to live. They have to move out further and further and further out. And unless we build this housing, you know, we're telling people they might as well just move out of the city limit, and I hate to see that. >> Mayor Adler: Jimmy. >> Flannigan: Yeah, I'm also ready to move forward and I would just say, you know, the time that we make for public testimony at city hall is only one component of the public input that we receive. It tends to advantage folks who live closer to city hall, it tends to advantage folks that have time and privilege to wait around for their turn to speak. I put as much value in the emails and the phone calls and the town hall meetings that I attend in my district because I will tell you that my constituents have no interest in coming down to city hall and wait around for hours in order to speak when they can come to my town halls and I will go to their neighborhoods and I have done those things. So I think it's time to move

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forward. >> Mayor Adler: Okay. Ann, and then Kathie. >> Kitchen: Okay, so just for clarity because I'm a little confused about what we're -- so we're going to have -- people can come and talk on the 11th. >> Mayor Adler: Yes. >> Kitchen: But I wasn't sure I understood what you were saying about limiting the time. So they can come and speak for two minutes? Is that what we're saying, no matter how many people we have; right? >> Mayor Adler: What I had posted was that -- in fact, I think it effectively is -- well, what we had said was -- we were trying to make sure that we had enough time to actually deliberate and work on this. >> Kitchen: Okay. >> Mayor Adler: So what it says is that we're going to let everybody talk for up to two minutes, assuming that everybody can talk in 120 minutes. >> Kitchen: Okay.

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>> Mayor Adler: And if people can't talk in 120 minutes the number would be decreased but in no event would it be less than a minute. Similar to when we have conversations now where the first 20 people get to speak for two minutes, then everybody, the next 20 go down to a minute. >> Kitchen: Okay. >> Mayor Adler: Except calculate it a little bit differently. >> Kitchen: Okay. So what I -- I don't think we should limit our public testimony to two hours. I certainly understand and agree with the way we've done things before where the first X number get two minutes and the next get a minute. But with all due respect to everyone else, I think what I'm hearing from everyone is that each of our districts is different and each of our -- of our constituents are impacted differently. There are differences between first and second reading. I think we have to allow people to come and speak. It's quite possible that we'll only have the number of people for two hours, but if we have the

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number of people for two and a half hours or three hours, I think it is total inappropriate to cut them off, and I really can't agree with that. So I think we need to tell people the amount of time that they're going to have, you know, and then we need to listen to people. I respect the differences people have in their districts but some of us have districts where people may want to come and talk and they want to talk to people other than me. I've been talking to them. So I think that's really important that we allow that to happen, and I hope we'll do that. And to my mind, this is not about whether we -- well, I'll just stop there. I just think it's really important that the public have the opportunity to speak. Kathie? >> Kitchen: So I think that we should plan on not taking --

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well, let me just say because we're all getting emails about this time schedule, and I want to be really clear with my constituents that I don't support this abbreviated timetable. I think it is really wildly impossible for us to digest the changes in second -- that have happened between first and second reading. I think it's entirely impossible for me to absorb the changes. As I mentioned earlier, every week I receive individual concerns about individual properties and a request to please explain why they've been zoned this way or why they haven't been zoned another way. You know, there is a very -- we are hearing different opinions and there are diverse views but I'm just going to go back to something I've said a couple of times today. There are wildly different impacts on different parts of the city with this code, and the central city is far more impacted than other areas. So I would ask those of you who are very supportive of the code,

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please look at the impact on districts other than yours because it's largely the changes in policy that's being advanced aren't impacting your areas. And your constituents -- you may not be hearing from them quite as much. I'm certainly hearing from my constituents because it's going to have a very big impact on my constituents. So I want to be very clear with the public and the audience that I am hearing you, I'm hearing you from central Austin beyond the district I represent. I understand this timetable is extremely difficult and that you're having trouble absorbing the changes and that you have very significant concerns with the first reading, and I'm going to do what I can to see if we can get some amendments that I hope address that. But I would support a timetable that allows for deliberation. I think we should have public testimony on all three of those days and commit to not voting, but if there is a potential that we're going to vote on February 11th, I certainly support having a concrete amount

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of time. I think two minutes, given that it's a reduction from our usual three, I think two minutes is a better compromise than kind of figuring it out on the spot based on how many people show. And I do think people need time to prepare and need some certainty to how much time they're going to have. You know, many people don't do this a lot, and they need to write a speech before they come down. I remember the first time I came down, you know, I practiced and practiced and practiced, and I think that's true for many of the people who come talk to us. They come down with something written and they need to know how much time they're going to have. So that's -- that's where I am on this and would certainly support much more public testimony and really listening. Yes, this process has gone on a long time, as my colleague said, this is a very different draft than the one we saw. There was a will and council resolution that several of you brought forward to ask us to delay the process, but it's very clear that, you know, the maps

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are completely different, there are measures of code, and the text of the code are different. We're not working -- we haven't been working with the same drafts for the last multiple years. This is an entirely new draft and it's much changed since last -- since first reading, as indicated by the hundred-page staff report summarizing those changes. >> Mayor Adler: Ann. >> Kitchen: I have a different topic when you're done with this topic, to go into. >> Mayor Adler: Okay. I would just say that what I had fashioned here actually is more time for people to speak than under our normal rules. 20 people, with an extended period of time, three minutes in that case, then everyone else after that at one minute. This provides for an opportunity of up to over a hundred, that will get more than one minute of time. But I also believe that -- and I concur with what Jimmy said, I would urge everyone to email in

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or to call in or come visit councilmembers. And, again, this is the second reading so there's also going to be another two months, roughly, after this before we get back to third reading, which I think right now is -- they're trying to schedule kind of like the last week in March, or thereabouts. So there would be an additional period of time there. But I do think that the community really wants us to make decisions and to move on, and with the new state laws that are in effect, it makes it perhaps more difficult for councils to be able to do that. Because the way we had handled discussion in the past, we cannot do. So that was the intent. We obviously can't decide anything today. The time for someone to move, to

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handle the speaking differently would be when we convene that meeting. If the attorneys could take a look and see if there's a way for that to fit within something that's on our agenda on Thursday, I don't know that that's possible but you might want to take a look at that to see if that's something someone to make a motion to do it differently than I described. If not, obviously we're set the following week. Okay. Next topic, Alison. >> Alter: This is not the next topic. >> Mayor Adler: Okay. >> Alter: I just want to, you know, reiterate the fact that we've had six business days to review the map changes and the documents. In that six days, we have been in this room, two of the three that we've had so far, and though we're on council, which leaves Friday and Monday if we have nothing else that we're doing besides this. There is not time within that to

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be able to hold a town hall and explain all of this in a coherent way to, to want to hear that. The timing for this -- it's not fair to say, well, this is equivalent to what we hear on another item. This item is not equivalent to a normal item on our agenda. And to treat it as such does not build the trust and the confidence that we need in our community as we ask them to take on bigger and bigger things to improve our city that maybe go beyond this code. And I'm not sure what anyone listening to this conversation will take away about whether they should come on Tuesday. Bass I'm afraid the message that is being sent that is council doesn't care what they have to say, and that is a really sad conclusion for people to walk away with, and that's really what

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I think people will conclude. And I don't believe that's necessarily what my colleagues want to convey. But for the folks who we're hearing from hear incensed, that is what they will hear, from the choices that we are making about how we're setting up the hearing. We're already sitting up that it is on a

Tuesday morning with zero opportunity in an evening, zero opportunity on a weekend, in a setup that does not allow colleagues to hold town halls or office hours in a reasonable way where you would actually be able to communicate with folks to help themed the choices and the options that we have before us. >> Mayor Adler: Jimmy? >> Flannigan: I just want to make sure that there isn't confusion being communicated by my colleagues to the public about the decision that is before us and the process that we are

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following. It's getting harder and harder to believe that, that we are all acting in an honest way, in a straightforward way. But I am going to continue to listen to all of the constituents that contact me, all of the emails that I've received, all the meetings I have attended, and I will continue to refute the misinformation I'm hearing in the community and I will continue to believe that none of it is being spread by councilmember. I just hope that we all continue with that good faith as we go through this process, lest we find ourselves participating in the disruption of this community rather than being the leaders we've been elected to be. >> Mayor Adler: Okay. Changing topics, Ann? >> Kitchen: I want to revisit -- not now, but I want to tee this up so ask when you might think would be the right time to do

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this. In your post, mayor, you had mentioned and suggested that we not bring specific map changes this time, and I think you were referencing what we were expecting to happen on third reading. So I think it's important to repeat so the public can understand and we can make sure we're still on the same page about what's happening on third reading with regard to the map book process and that sort of thing. So I would like to ask if Tuesday when we start our process, maybe after the hearing or somewhere in there, that we ask the staff just to repeat for us what that map book process will be on third reading. I think it's -- one of the reasons I want to make sure we do that is because there's some written language in the staff report that I don't -- it's a shortened version so it's understandable that it would be

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shortened in the report, but it doesn't convey everything we talked about on first reading. And necessarily so because it's shorter. So I just want to make sure, I think it's important that we're all on the same page about what the expectation is. And so I would ask that I don't think it would take a long time but I would ask that we spend 15 minutes or so, 15, 20 minutes for the staff to go over that process with us again so that we're all on the same page. >> Mayor Adler: I think that would be very helpful if you all would prepare and plan to do that. I think that would be really helpful. I also think that given the conversations we've had in the past and the concerns that councilmember kitchen has raised, that you

visit with her prior to then, after you have that presentation and your thoughts on it to make sure that it's addressing the kinds of questions that we would anticipate, that councilmember kitchen would make based on prior conversations. >> Ellis: Yes, we can do that. >> Mayor Adler: Thank you.

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Anything else you guys want to discuss while we're all here? That being the case, we are adjourned at 4:23.