

**AUSTIN CITY COUNCIL
MINUTES****SPECIAL CALLED MEETING
THURSDAY, FEBRUARY 13, 2020**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a special called meeting on Thursday, February 13, 2020 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 9:10 a.m.

Discussion continued on item 2 from the meetings conducted on February 11, 2020 and February 12, 2020.

2. Approve second and third readings of an ordinance adopting a comprehensive revision to the Land Development Code, relating to the regulation of land use and development in the City of Austin and its extraterritorial jurisdiction, and providing for implementation.
A motion to approve the staff recommendations on second reading only was made by Council Member Casar and seconded by Council Member Flannigan.

The following additional proposed amendments were acted upon:

III. Centers and Corridors [RM/MU/MS/CC/DC/UC]

An amendment proposed by Council Member Alter was accepted without objection. The amendment was to "Consider appropriate changes to mapping and zoning criteria for Centers, with the goal of better tailoring density levels to the context of each individual center. To the extent more refined mapping and zoning criteria cannot be incorporated into the LDC Revision, propose a work program for more individualized map changes to be considered following LDC adoption.

An amendment was proposed by Council member Tovo to maintain current Floor-to-Area entitlements for the Rainey Street District until mobility improvements have been implemented per the City's Transportation Plan was made by Council Member Tovo.

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

An amendment was proposed by Council Member Tovo to maintain the maximum FAR of 15.1 in the Rainey Street Subdistrict Regulations of the Downtown Density Bonus Program codified in § 25-2-739.

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

IV. AFFORDABLE HOUSING

An amendment was proposed by Council Member Harper-Madison: “Allow group residential by CUP in less intense R zones.”

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

V. NON-ZONING

An amendment was proposed by Council Member Harper-Madison: “CO-HOUSING: A residential development of three or more sleeping units in which sleeping units are separate and detached from a single dwelling or sleeping unit with common areas that include kitchen, laundry, and other shared facilities. At most one sleeping unit may be attached to these common areas. Includes cooperative housing. For the purpose of calculating density, each sleeping unit in a co-housing use equates to a dwelling unit. Each sleeping unit may be occupied by no more than 6 unrelated individuals.”

The amendment failed on a 5-6 vote. Those voting aye were: Mayor Pro Tem Garza, Council Members Casar, Ellis, Harper-Madison and Renteria. Those voting nay were: Mayor Adler, Council Members Alter, Flannigan, Kitchen, Pool and Tovo.

An amendment was proposed by Council Member Harper-Madison: “The use of a site for occupancy by a group of more than six persons who are not a family on a weekly or longer basis in which sleeping units are separate from, but located in the same building with, common areas that include kitchen, laundry, and other shared facilities. This includes, but is not limited to, fraternity and sorority houses, dormitories, residence halls, boarding houses, and cooperative housing.”

The amendment failed on a 5-6 vote. Those voting aye were: Mayor Pro Tem Garza, Council Members Casar, Ellis, Harper-Madison and Renteria. Those voting nay were: Mayor Adler, Council Members Alter, Flannigan, Kitchen, Pool and Tovo.

The following amendments and direction were acted upon in one vote.

IV. AFFORDABLE HOUSING

An amendment was proposed by Council Member Casar to “ALL EXISTING MULTIFAMILY” as follows:

To the greatest extent feasible, map all existing non-mixed-use apartments citywide to an RM zone as follows:

- RM2 – Three or fewer story multifamily properties
- RM3 – Four or more story multifamily properties

Apply the discretionary bonus procedures from the equity program citywide to these existing apartments.

An amendment was proposed by Council Member Kitchen to “PRESERVING EXISTING AFFORDABLE MULTIFAMILY” as follows:

1. Use available data, such as Apartment Trends, to identify multifamily properties and zone those properties to reflect existing use, and approximate number of units, height and floor to area ratio, with the goal of preserving existing housing by not triggering redevelopment.
2. Continue efforts to fine-tune the proposed “Preservation Incentive” for older multifamily to ensure that existing affordable units are either preserved or replaced if new units are added. Those efforts should include proposing a definition of affordable to be used when calculating the # of units that should be replaced. Such definition should be based on a review of rental data in existing older multifamily properties as compared to market rents or renter incomes

Direction was proposed by Council Member Pool to “PRESERVING EXISTING AFFORDABLE MULTIFAMILY” as follows:

- a. Use available data, i.e. Apartments Trends, to identify multifamily properties and zone those properties to reflect the existing use, and approximate number of units and height, and floor to area ratio, with the goal of preserving existing housing by not triggering redevelopment.
- b. Continue efforts to fine-tune the proposed “Preservation Incentive” for older multifamily to support the preservation of existing multifamily developments; consider providing a definition of “market-affordable” to use when calculating the number of units in existing market-affordable multifamily structures.

The amendments and direction were approved on an 9-1 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Flannigan, Harper-Madison, Kitchen, Renteria, and Tovo. Those voting nay were: Council Member Ellis. Council Member Alter abstained.

An amendment was made by Council Member Casar to “THIRD PARTY AFFORDABLE HOUSING MANAGEMENT” as follows:

For projects taking advantage of an affordable housing density bonus program, require developments with any number of affordable units to utilize a City-approved entity to manage income-restricted units, but allow a waiver when infeasible or when staff approves an alternative plan.

The amendment was later withdrawn without objection.

Direction was proposed by Council Member Pool to “INCREASE MULTI-BEDROOM HOUSING TO BENEFIT FAMILIES WITH CHILDREN AND OTHER MULTI-GENERATIONAL HOUSEHOLDS” as follows: Review a potential multi-bedroom requirement for the residential zones starting with R4 and provide a method to target these requirements in areas within ½ mile of our urban public schools.

The direction failed on a 5-6 vote. Those voting aye were: Council Members Alter, Kitchen, Pool, Renteria, and Tovo. Those voting nay were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, and Harper-Madison.

An amendment was proposed by Council Member Ellis to “MISSING MIDDLE STRS FOR AFFORDABLE HOUSING” as follows:

To help small developments cross-subsidize the cost of providing affordable units, allow Type 3 STRs in the R4 and RM1 zones on lots where the property is participating in the affordable housing bonus program, and only for the duration of participation in the affordable housing bonus program. The STR unit(s) and the affordable unit(s) shall be distinct from one another, and no greater number of STRs than affordable units shall be allowed. If NHCD monitoring and enforcement reveals a property is no longer in compliance with the AHBP, the Type 3 STR license shall be revoked.

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

An amendment was proposed by Council Member Tovo to “Apply to All Programs: Amend General Requirements (Section 23-4E-1030) to require an applicant to provide tenant protections like those found in Section 23-4E-3020(B)(1)(b).”

The amendment failed on a 4-5 vote. Those voting aye were: Council Members Alter, Pool, Kitchen, and Tovo. Those voting nay were: Mayor Adler, Council Members Ellis, Flannigan, Harper-Madison, and Renteria. Mayor Pro Tem Garza abstained. Council Member Casar was off the dais.

A request by Council Member Tovo to reconsider the vote was granted without objection.

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

An amendment was proposed by Council Member Tovo to “(In reference to Casar CC5 | Downtown mapping and bonus calibration, First Reading): Remove the fee-in-lieu option in areas that were previously non-Commercial Center (CC) bonus areas and require on-site affordable housing.

The amendment failed on a 3-6 vote. Those voting aye were: Council Members Kitchen, Pool, and Tovo. Those voting nay were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Flannigan, Harper-Madison, and Renteria. Council Members Alter and Ellis were off the dais.

V. NON-ZONING

An amendment was proposed by Council Member Harper-Madison to “SLEEPING UNIT DEFINITION” as follows: SLEEPING UNIT. Rooms or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

The amendment was later withdrawn without objection.

An amendment was proposed by Council Member Harper-Madison to “IMPERVIOUS COVER EXEMPTIONS” as follows:

“The Land Development Code shall specify exclusions to impervious cover calculations for all residential zones, including the following:

- Artificial grass surfaces, such as synthetic turf, that have a permeable backing that allows water to permeate the material and filter down to the soil;
- Pervious technologies;
- Unpaved portions of driveways including the unpaved portions of ribbon driveways;
- Uncovered decks, including wooden and metal grate decks, that have drainage spaces between the deck boards or drainage spaces in the patterns and is located over a pervious surface;
- All areas and items currently excluded from impervious cover calculations as outlined in Section 1.8.1 – *Calculations* of the City’s Environmental Criteria Manual.

A partial impervious exemption shall be allowed for the following:

- Pervious concrete or porous pavement including patios, plaza, sport courts, or other non-walkway pedestrian surfaces;”

A friendly amendment was made by Council Member Ellis and accepted without objection to revise the first paragraph to read as follows: “Land Development Code staff shall consider and specify partial or full exclusions to impervious cover calculations, if and as appropriate, for all residential zones, including the following:...”; and to strike the sentence “A Partial impervious exemption shall be allowed for the following.” but retain the last bullet point.

The amendment as revised above was approved on a 9-0 vote. Council Members Alter and Tovo abstained.

An amendment was proposed by Council Member Kitchen to “23-3D (LANDSCAPING)” as follows:

Throughout the landscape section, expand the Green Infrastructure provision (currently applied to parking lot tree islands (section- 23-3d-3050 (E)) which adds a requirement that planted areas must be graded to receive stormwater) to other landscape categories, including:

- front yard planting (23-3d-3040),
- landscaped medians without trees (23-3d-3046), and
- parking lot perimeter (23-3d-3047).

Exceptions to receiving stormwater may be made for natural undisturbed areas, or where receiving stormwater is impossible due to design constraints such as conflicts with utilities.

Rationale: The landscape section of the code has a stated purpose to "enhance, improve, and maintain the quality of the Austin landscape" including to "improve the environment's ecological balance by contributing to air purification, oxygen regeneration, ground water recharge, and storm water infiltration processes and aids in abating noise, glare, and heat."

A friendly amendment was made by Council Member Casar to add to the beginning of the amendment "to the extent feasible". The friendly amendment was accepted without objection.

The amendment as revised above was approved on an 11-0 vote.

An amendment proposed by Council Member Flannigan to "Allow for a proportional impervious cover bonus if an applicant provides oversized drainage infrastructure designed to collect rainwater and reduce stormwater runoff."

The amendment was withdrawn without objection.

An amendment was proposed by Council Member Flannigan to "Detention requirements should be more flexible in the Downtown area to encourage fee-in-lieu rather than onsite detention."

The amendment was withdrawn without objection.

An amendment was proposed by Council Member Flannigan to "Landscape buffering should be based on an objective and measurable goal and not based on subjective requirements such as "protecting property values"."

The amendment was withdrawn without objection.

An amendment was proposed by Council Member Flannigan to "Allow applicants to choose to dedicate bicycle or pedestrian pathways to create new mixed-use pathways through or between properties to enhance pedestrian and bicycle connectivity in order to satisfy a portion of parkland dedication requirements."

The amendment was approved on an 11-0 vote.

An amendment was proposed by Council Member Flannigan to "Revise Ch. 23-7 (Signage) of Land Development Code Draft 2 to make no changes which would directly or indirectly

limit off-premise signage. Including but not limited to adding any new language, provisions, sections, districts, or overlays which would in any way change any existing code with respect to off-premise signage. Ch. 23-7 should reflect current off-premise signage standards as exist under Ch. 25-10 (Sign Regulations) and staff should make no direct or indirect limitations to off-premise signage.”

The amendment was approved on an 11-0 vote.

An amendment was proposed by Council Member Flannigan directing “The City Manager should initiate a separate public process for new off-premise signage requirements as discussed during the 8.22.2019 City Council Item 83.”

The amendment was approved on an 11-0 vote.

An amendment was proposed by Council Member Ellis to “SUPPLEMENTAL HERITAGE TREE PRESERVATION PROGRAM (aka Heritage Tree Housing aka Transit-Oriented Trees):

Create a Supplemental Heritage Tree Preservation Program for developments in Imagine Austin Centers and along Imagine Austin Corridors and the Transit Priority Network. To the extent possible, the program should, in exchange for the preservation of an existing, healthy heritage tree that could otherwise qualify for a variance for removal, offer flexibility in development standards that will allow the site to achieve equivalent building entitlements to those that would have been possible had the heritage tree been removed via variance. The applicable development standards should account for and attempt to mitigate the loss of development potential resulting from tree preservation. The program should be administratively approved, and, since no additional entitlements beyond those already available are being granted, the program should not negatively impact the viability of an applicable affordable housing bonus program. The full operational details of the Supplemental Heritage Tree Preservation Program may be finalized following the third reading of the LDC revisions.”

The amendment was approved on an 8-3 Vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison, Kitchen, and Renteria. Those voting nay were: Council Members Alter, Pool, and Tovo.

An amendment was proposed by Council Member Tovo “To the extent feasible, create options for creating distinct definitions for co-operative housing, fraternity and sorority housing, dormitories and residence halls.”

The amendment was later withdrawn without objection.

An amendment was proposed by Council Member Tovo to “Expand Great Streets boundary to include the Rainey Subdistrict of the Downtown Density Bonus Program.”

The amendment was approved on an 11-0 vote.

An amendment was proposed by Council Member Alter “To the extent feasible, consider amendments to LDC review procedures and/or site development standards to ensure that the Austin Fire Department requires the same level of Fire Code compliance for multi-unit development utilizing a condominium regime as for development located on individual lots. Required compliance should include, but not be limited to, safe evacuation and ingress/egress requirements.”

The amendment was approved on an 11-0 vote.

An amendment was proposed by Council Member Alter to “Consider appropriate LDC revisions, as well as amendments to interlocal agreements or changes in procedures, that will help to ensure parking and transportation-related requirements meet the needs of school districts at individual campuses. To the extent changes cannot be implemented through LDC adoption, identify measures to be initiated for future consideration.”

The amendment was approved on a 10-1 vote. Council Member Harper-Madison voted nay.

Mayor Adler recessed the meeting at 11:58 am.

Mayor Adler reconvened the meeting at 2:37 pm.

DISCUSSION ITEM CONTINUED

An amendment was proposed by Mayor Adler to PARKLAND DEDICATION FOR CENTER AND CORRIDOR SITES BETWEEN 1.66 AND 6 ACRES

Payment of a fee-in-lieu of parkland dedication shall be authorized for development on parcels within activity centers and fronting activity corridors that are greater than 1.66 acres in size and less than 6 acres in size (any applicable fees in lieu of dedication will still be required).

1. The foregoing notwithstanding, dedication of parkland may be required if one or more of the following conditions are met:
 - a. Required dedication of parkland would occur:
 - i. on land necessary to accommodate a named project in the Urban Trails Master Plan or to otherwise provide for pedestrian connectivity that does not currently exist, or
 - ii. in a flood plain, or
 - iii. on land with drainage facilities or environmental buffers with amenities suitable for park use, and
 - iv. required dedication of land will be credited at 100% toward fulfillment of parkland dedication requirements (with any remaining applicable fees in lieu of dedication still being required).
 - b. Other specific conditions to be defined by staff and approved by Council that are clear, predictable, and are relevant to a critical need for parkland.
2. An applicant may appeal a requirement for land dedication to the Land Use Commission.

3. The director may request that the Land Use Commission approve dedication of parkland when none of the above conditions are met if doing so is necessary to address a critical shortage of parkland for an area identified in the Deficient Parkland Area Map or provide connectivity with existing or planned parks or recreational amenities.

A friendly amendment was made by Council Member Pool and accepted without objection to revise Section 1.a.ii to read: “in a flood plain, or creek or trail or;”

An amendment to revise the first paragraph by revising “6 acres” to “3 acres” failed on Council Member Pool’s motion, Council Member Alter’s second on a 4-7 vote. The amendment failed on a 4-7 vote. Those voting aye were: Council Members Alter, Pool, Kitchen, and Tovo. Those voting nay were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison, and Renteria.

An amendment to revise section 1.a.iv by revising “100%” to “50%” failed on Council Member Pool’s motion, Council Member Alter’s second on a 4-7 vote. The amendment failed on a 4-7 vote. Those voting aye were: Council Members Alter, Pool, Kitchen, and Tovo. Those voting nay were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison, and Renteria.

An amendment to move number 3 and renumber it as 1.a.v was made by Council Member Pool and seconded by Council Member Alter. No action occurred on the amendment.

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

VI. PROCESS

An amendment was proposed by Council Member Harper-Madison to RULES COMMITTEE

1. Create a transparent, new process for criteria manuals whereby a committee of the LDC revision team, departmental representatives, and the city auditor reviews for consistency and resolves interdepartmental conflicts prior to final adoption of a manual update.
2. Develop a standardized list of requirements for criteria manuals that includes:
 - a. A unified semi-annual adoption schedule across all departments
 - b. Determine a centralized location, such as the Development Services Department, whereby notices, posted drafts, and posted final manuals are collect and displayed
 - c. Departments must include an impact statement for proposed rules which includes, but is not limited to:
 - i. Potential added costs to the city and the customer

- ii. Impact on affordability of all types of development
- iii. Impact on health and safety
- iv. Resources required to implement and enforce
- v. Primary policy that the rule is intended to implement or enforce

An amendment was proposed by Council Member Flannigan:

1. Create a transparent, new process for criteria manuals whereby a committee of the LDC revision team, departmental representatives, and the city auditor reviews for consistency and resolves interdepartmental conflicts prior to final adoption of a criteria manual update. All criteria manual rules proposed through this new process should be vetted cross-departmentally, open to independent review, and provided to the City Manager. The City Auditor should establish an independent board of appointed policy and subject matter experts that are not City employees to hold public meetings, hear public comment, deliberate and approve proposed rules, with a limited possibility of appeal to the City Council.
2. Develop a standardized list of requirements for criteria manuals that includes:
 - a. A unified semi-annual adoption schedule across all departments
 - b. Determine a centralized location, such as the Development Services Department, whereby notices, posted drafts, and posted final manuals are collect and displayed
 - c. Departments must include an impact statement for proposed rules which includes, but is not limited to:
 - i. Potential added costs to the city and the customer
 - ii. Impact on affordability of all types of development
 - iii. Impact on health and safety
 - iv. Resources required to implement and enforce
 - v. Primary policy that the rule is intended to implement or enforce

The amendment was accepted without objection.

The amendment as revised above failed on a 5-5 vote. Those voting aye were: Mayor Pro Tem Garza, Council Members Casar, Flannigan, Harper-Madison and Renteria. Those voting nay were: Mayor Adler, Council Members Ellis, Kitchen, Pool and Tovo. Council Member Alter was off the dais.

A motion to provide direction to staff to come back with a post initial adoption criterial manual process, taking into account the proposals that were made and the conversation that occurred on the dais was approved on an 11-0 vote.

A proposed amendment relating to the Planning Commission and Criteria Manuals was proposed by Council Member Tovo.

- a. Allow appeal of specific changes to criteria manual to PC if an affected person believes that the proposed change is inconsistent with the Land Development Code as approved by City Council and the City Manager has denied all administrative appeals.

- b. Majority approval of the PC is required to substantiate the appeal that a specific provision of a criteria manual has no enabling basis in the Land Development Code or is inconsistent with the enabling provision for that criteria in the Land Development Code. If the PC substantiates the appeal, the criteria manual provision in question cannot be implemented as drafted and must be revised in a subsequent rule revision process.**
- c. Allow PC to initiate code amendments for Council approval to address policy issues as currently allowed.**
- d. Direct staff to present future revisions of the criteria manuals to the most applicable technical advisory commission for input as part of the stakeholder process, although technical advisory commission approval is not required for criteria manual changes.**

The amendment was later withdrawn without objection.

An amendment was proposed by Council Member Kitchen to Rezoning School Properties and Parkland to address consistency across AISD properties with the following city mapping policy as it relates to zoning assignments for school properties and associated park land:

- School properties shall be zoned P for Public or F25 to preserve existing conditional agreements associated with the tract.**
- Associated existing property next to or part of school tracts shall be zoned PR for Park if:**
- The City has an interest in the property as parkland, in part or whole through agreement with Austin Independent School District**
- The tracts have a history of being mapped as parkland as well as being recognized and utilized as parkland by the school, surrounding community, and city through studies and analysis related to parkland locations and deficiencies**

Including:

- St. Elmo and Cunningham Elementary: Map School tract “P” and associated park “PR”.**
- Joslin Elementary: School tract “P” and maintain “PR” on park.**
- Barton Hills Elementary: Maintain “P” designation on the school tract portion and map associated park “PR”.**

In addition, consider avenues for affordable housing in the event of a change of use.

The amendment was later withdrawn without objection.

An amendment was proposed by Council Member Harper-Madison to Neighborhood Plan Amendments: The responsible director may accept an application to amend a neighborhood plan recommendation relating to an individual property throughout the year.

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

An amendment was proposed by Council Member Flannigan to expand the 23-3B-4040 Special Exception – Level 2 process to allow for minor modifications, within a specified threshold, to all Residential House-Scale site development requirements, such as setback, height or FAR, in order to achieve the City’s housing goals in a context-sensitive manner.

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

The following amendments were proposed by Council Member Flannigan and later withdrawn.

The administrative AEC process should allow some water quality controls, such as rain gardens, to be allowed in Parkland areas.

The administrative AEC process should allow minor changes to impervious cover if the following improvements are included in the development: artificial grass surfaces, such as synthetic turf, that have a permeable backing that allows water to permeate the material and filter down to the soil; pervious concrete or porous pavement including patios, plaza, sport courts, or other non-walkway pedestrian surfaces; pervious technologies; unpaved portions of driveways including the unpaved portions of ribbon driveways; uncovered decks, including wooden and metal grate decks, that have drainage spaces between the deck boards or drainage spaces in the patterns and is located over a pervious surface; solar panels if located within an area considered pervious; and all areas and items currently excluded from impervious cover calculations as outlined in Section 1.8. – Calculations of the City’s Environmental Criteria Manual.

Provide greater flexibility for placement of the Water Quality controls on a site and establish a more efficient process whereby innovative and unique solutions may be presented and accepted for meeting the requirements.

An amendment was proposed by Council Member Kitchen to ensure that zoning assignments for state-owned and other publicly owned lands, including lands controlled by Special Districts with elected boards, align with current uses.

The Tanglewood Forest Limited District, a special district with an elected board, contains designated parks and recreational sites integral to the District’s agreement, with proposed zoning that does not reflect their use, and should be zoned “PR.” Those parks are:

- | | |
|---------------------------|---|
| 1. Tanglewood Forest Park | 9809 Curlew Drive, Austin, Texas 78748 |
| 2. Greenbrier Park | 2810 Slaughter Lane, Austin, Texas 78748 |
| 3. Lindshire Park | 10204 Lindshire Lane, Austin, Texas 78748 |
| 4. Gazebo Park | 2905 Jubilee Trail, Austin, Texas 78748 |
| 5. Woodlands Park | 3011 Slaughter Lane, Austin, Texas 78748 |
| 6. Howellwood Park | 2524 Howellwood, Austin, Texas 78748 |

7. Idyllwild Park	2204 Slaughter Lane, Austin, Texas 78748
8. Renaissance Park	2204 Tybor Court, Austin, Texas 78748
9. Kempler Park	9302 Kempler Drive, Austin, Texas 78748

The amendment was later withdrawn without objection.

An amendment was proposed by Council Member Ellis to Residential Construction Signage to require placement of an informational sign at residential construction project sites on lots zoned R1, R2, R3, R4, and RM1 for any project in which one or more dwelling units is to be built. The signage should include a description of the project that clearly indicates the total number of dwelling units to be present on the lot when complete, as well as contact information and a method to learn more about the project (e.g. the building permit number and <https://abc.austintexas.gov>), if possible. This requirement should apply to greenfield construction, construction following demolition, and the addition of dwelling unit(s) with no demolition.

The amendment was approved on an 11-0 vote.

An amendment was proposed by Council Member Ellis to Post-LDC Mapping Refinements to direct the City Manager to develop a work program for bringing forward subsequent zoning map refinements to be considered following LDC adoption. Consider map refinements where the comparable equivalent zoning applied during the comprehensive LDC revisions produced results contrary to the May 2nd policy direction. Examples of such refinements could include: applying appropriate zoning to reduce nonconformity, correcting split zoning, and improving zoning uniformity and consistency among adjacent lots to improve development potential. The refinements should precede the district-level planning process.

The amendment was later withdrawn without objection.

An amendment was proposed by Council Member Tovo to remove 23-2G-2040 Administrative Modifications for Residential Structures.

A friendly amendment was made by Council Member Tovo to revise the amendment by removing subsection A. The amendment was later withdrawn.

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

Direction was given to staff to provide quarterly reports on how frequently development projects are accessing this modification to address errors in construction.

An amendment was proposed by Council Member Alter to read: To the extent feasible, consider amendments to the LDC zoning procedures that would restrict or prohibit revising zoning applications to change the proposed boundary following a public hearing on a zoning case following the Land Use Commission's public hearing and/or after a specified number of days following submittal of the application. If revisions to proposed boundaries are proposed after the deadline, a new application would be required and would be subject to general restrictions on submitting the same or substantially similar zoning applications.

A motion to revise the amendment was made by Council Member Flannigan and seconded by Council Member Harper-Madison to strike "and would be subject to general restrictions on submitting the same or substantially similar zoning applications." The motion was approved on a 10-1 vote. Council Member Pool voted nay.

The amendment was approved as amended above on a 10-0 vote. Council Member Harper-Madison abstained.

An amendment was proposed by Council Member Alter to consider revisions to proposed LDC provisions related to private deed restrictions to avoid implying that zoning regulations override or affect private obligations imposed by deed restrictions.

The amendment was approved on a 10-1 vote. Council Member Harper-Madison voted nay.

An amendment was proposed by Council Member Tovo and accepted without objection: Preservation Bonus (a) Wall Demolition and Removal (ii) The front exterior wall of the preserved structure must be retained as a part of the demolition limitations of (D)(2)(b)(i), except that a porch, per Section 23-3D-5 (Private Frontages), may be added to a preserved structure that does not have a private frontage.

Mayor Adler recessed the meeting at 4:43 p.m.

Mayor Adler reconvened the meeting at 5:04 p.m.

An amendment was proposed by Council Member Tovo to Preservation Bonus (a)(i) Except as provided in Paragraph (iii), no more than 25 percent of exterior walls and supporting structural elements, including load bearing masonry walls, and in wood construction, studs, sole plate, and top plate, of an existing structure may be demolished or removed. For purposes of this requirement, exterior walls and supporting structural elements are measured in linear feet and do not include interior or exterior finishes.

The amendment failed on a 5-6 vote. Those voting aye were: Council Members Alter, Kitchen, Pool, Renteria and Tovo. Those voting nay were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan and Harper-Madison.

An amendment was proposed by Mayor Adler for consideration on third reading, propose appropriate text and/or map revisions to achieve the following objectives:

Lots within new residential house-scale subdivisions (of 10 lots or more) in undeveloped (i.e., greenfield) areas outside of Activity Centers and Transition Areas should be allowed a base standard FAR of at least .6 and a maximum allowable impervious cover of 45%. Currently proposed requirements including Drainage, Water Quality, Parkland Dedication, etc. should continue to apply.

A friendly amendment was accepted without objection to change “of 10 lots or more” to “2 acres or more”.

A friendly amendment was accepted without objection to include language in the last sentence to read: Currently proposed requirements including but not limited to S.O.S., Drainage, Water Quality, Parkland Dedication and all other non-zoning requirements should continue to apply.

The amendment was approved as amended above on a 7-1 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison and Renteria. Council Member Kitchen voted nay. Council Members Alter, Pool and Tovo abstained.

An amendment was proposed by Council Member Flannigan: Parking maximums for regional center zones (UC, CC, DC, and existing regulating plans and TODs) should match the parking maximums as defined in Main Street zones for lots with frontage on a corridor or wholly or partially located within a center.

The amendment was later withdrawn without objection.

An amendment was proposed by Council Member Pool to adjust MU2 to require a Conditional Use Permit (CUP) for Bar/Nightclub uses to allow for more community input.

The amendment was later withdrawn without objection.

An amendment was proposed by Council Member Tovo to Housing Affordability in Transition Areas: No waiver is allowed for an on-site affordable unit in RM1 zones in areas not located in the equity overlay.

The amendment failed on a 5-6 vote. Those voting aye were: Mayor Pro Tem Garza, Council Members Alter, Kitchen, Pool and Tovo. Those voting nay were: Mayor Adler, Council Members Casar, Ellis, Flannigan, Harper-Madison and Renteria.

Mayor Adler recessed the meeting at 6:00 p.m.

Mayor Adler reconvened the meeting at 7:15 p.m.

An amendment was proposed by Council Member Harper-Madison to improve feasibility and incentivize participation in the affordable housing density bonus program by increasing allowable floor-to-area ratio of structures as the number of units increases. Consider amending Maximum Building FAR in Table 23-3C-3140(A) and Table 23-3C-4070(A) to increase by unit such as:

(1) Allowed use	Dwelling Units per Lot		FAR Maximum	
	Base Standard	Bonus ¹	Base Standard	Bonus ¹
Duplex, Cottage Court,	2	+0	0.5 FAR	+0 FAR
Multi-Family	3	+4	0.6 FAR	+1.0 FAR
	4	+4	0.7 FAR	+1.0 FAR
Townhouse	1	+0	0.6 FAR	+0 FAR
Other allowed uses	-	+0	0.4 FAR	+0 FAR

23-3C-4070(A)		Dwelling Units per Lot		FAR Maximum	
(1) Allowed use		Base		Base	
		Standard	Bonus ¹	Standard	Bonus ¹
Duplex, Cottage Court,		2	+0	0.5 FAR	+0 FAR
Multi-Family		3	+0	0.6 FAR	+0 FAR
		4	+0	0.7 FAR	+0 FAR
		5	+4	0.8 FAR	+1.0 FAR
		6	+4	0.9 FAR	+1.0 FAR
Live/Work		1	+0	0.8 FAR	+0 FAR
Townhouse		1	+0	0.8 FAR	+0 FAR
Other allowed uses		-	+0	0.8 FAR	+0 FAR

The amendment was later withdrawn without objection.

An amendment was proposed by Council Member Harper-Madison relating to R2C Mapping: In order to use our limited urban space more efficiently and help achieve the goals we have set in the ASMP, the Community Climate Plan, and our Vision Zero plan, consider mapping more R2C adjacent to transition areas in an urban setting.

The amendment was later withdrawn without objection.

An amendment was proposed by Council Member Harper-Madison to Amended Plats: To the extent feasible, allow administratively amended plats to replat up to 6 new lots in accordance with the Texas Local Government Code by acknowledging R4 and RM1 – zones as “residential improvement areas” under state law.

A friendly amendment was made by Council Member Casar and accepted without objection to insert “without impacting our watershed rules”.

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

An amendment was proposed by Council Member Harper-Madison to Pre-Existing Conditions: To the extent feasible, consider expanding the range of repairs and improvements that can be done without triggering full code compliance for existing structures.

The amendment was approved on an 8-1 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, Council Members Alter, Casar, Ellis, Flannigan, Harper-Madison and Renteria. Council Member Pool voted nay. Council Members Kitchen and Tovo abstained.

An amendment was proposed by Council Member Casar to present the option, to the extent feasible, for house-scale residential zoning to allow one internal suite. The internal suite could be attached to a unit (with a door connecting the suite and the unit) and could have its own cooking and dwelling areas and an external door, thereby supporting multi-generational and more shared housing options. Potential rules could include: an internal suite would not be an ADU, would not have its own address or utility accounts, would not have a door facing the street, would not be walled off from the main unit, and would not constitute as an additional unit. A limit on the overall size of the suite could keep the suite small (efficiency to small 2 bedroom).

The amendment was approved on an 8-1 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison, Kitchen and Renteria. Council Member Tovo voted nay. Council Members Alter and Pool abstained.

An amendment was proposed by Council Member Tovo to Transition Areas: To the greatest extent feasible, where the proposed distance methodology for application of missing middle zones results in depth of greater than two lots in transition areas, develop appropriate zone criteria that reduce the depth to two lots in transition areas.

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

Direction was given to staff to provide the number of properties involved that would be taken out of the transition zone; to revisit the direction on page 18 and 19 of the May 2nd, 2019 Council Direction and provide a recommendation on addressing the comments

submitted by the neighborhoods; consider ways to use a Future Land Use Map (FLUM) to address transition zones in vulnerable areas.

Ordinance No. 20200213-002 was approved as amended above and with the amendments approved during the February 11 and 12th meetings on Council Member Casar's motion, Council Member Flannigan's second on 7-4 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison and Renteria. Those voting nay were: Council Members Alter, Kitchen, Pool and Tovo.

1. Approve second and third readings of an ordinance amending the Imagine Austin Comprehensive Plan to revise the Growth Concept Map and associated text, adopted in the Austin Strategic Mobility Plan, to designate areas for multi-unit house-scale residential development and existing single family uses.

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

3. Approve a resolution directing the City Manager to provide resources and support for neighborhoods to develop alternative maps associated with the Land Development Code revision (Tovo Programmatic Motion No. 36).

This item was postponed with consideration for the item to be considered as direction.

EXECUTIVE SESSION

4. Discuss legal issues related to the adoption of a comprehensive revision to the Land Development Code (Private consultation with legal counsel - Section 551.071 of the Government Code).

This item was withdrawn without objection.

Mayor Adler adjourned the meeting at 9:41 p.m. without objection.

The minutes were approved on this the 12th day of March 2020 on Council Member Tovo's motion, Council Member Pool's second on a 10-0 vote. Council Member Harper-Madison was absent.