

# Housing and Planning Committee (HPC) meeting Transcript – 11/14/2023

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Looks like we got some really important folks trickling in. Hi y'all. Did we determine whether or not our speaker is virtual or in person today? I believe our speakers in person. Good to know . Okay. Afternoon, everybody. All right. It's 202. And to not be outdone by the mayor pro tem who starts and finishes on time every time. Good afternoon, everybody. I am Austin city council member Natasha harper-madison. I'm chair of the housing and planning committee and we are here today in city hall chambers in Austin, Texas

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hall chambers in Austin, Texas on this sunny November 14th in 2023. It is now 202 and we're going to call the meeting to order. Call colleagues, given our relatively small agenda today, I'm going to recommend that we take up our items as they are listed. So item number one, we are tasked with taking up our minutes. We are going to approve the minutes of the housing and planning committee meeting from September 6th, 2003. Is there a motion to pass the minutes it looks like our vice chair alter has made the motion, seconded by council member qadri. So with that all in favor, please say aye. Aye, aye it is. It looks like item number one passes unanimously. Item number two, land development code amendments, prioritization item number two should be very familiar as a topic to everyone in the room. So the discussion regarding the status and timeline of amendments to the land

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amendments to the land development code is what we're discussing as a refresher for the general public. Following along this item is a reoccurring topic in our committee meetings. It is the product of this committee and staff working very closely together to prioritize previous initiated land development code amendments so that they prioritize our number one priority as a city, and that is housing. I fully expect that these updates will continue over the course of the next year and this committee to continue its very important role of providing feedback as is necessary staff will you please begin?

>> Absolutely. Good afternoon, chair and members of the housing and planning committee. My name is Steve Greathouse and I'm a division manager within the city of Austin planning department. I'm here today to provide you with a brief update on the status and timing of the various land development code amendments that are in various act of amendments to the city of Austin. Land development code. Additional information on all

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Additional information on all act of code amendments can be found at public input .com forward slash ldc updates, including the Gantt chart that is up on the screen for this item. It has been a busy couple of months since staff last presented to this body on September 6th. City council has adopted six major amendments to the Austin land development code, including an amendment to regulations and definitions that apply to theaters and other cultural uses to support cultural arts. An amendment to the university neighborhood overlay to remove the prohibition of illuminated signs and amendment to regulations and definitions that apply to child care uses to support child care throughout the city. An amendment to create a six month pilot program to modify deadlines related to zoning and rezoning and neighborhood plan amendment applications. An amendment to the north burnet gateway plan. And last but not least, on November second, city council adopted an amendment that will eliminate minimum parking space requirements citywide. Currently a

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citywide. Currently a significant focus of staff across multiple city departments is supporting review of the home amendments and related amendments to the land development code. The amendments . Being considered as part of the current phase of work will allow up to three housing units, including tiny homes on a single family zoned property will revise regulated options that apply to property with two housing units and will remove restrictions on the number of unrelated adults living in a housing unit. These proposed amendments were the subject of a joint meeting of the planning commission and city council on October 26th. Prior to the joint meeting, staff sent out a purple postcard to every property owner and utility account holder in the city, informing them of the potential changes. On November 6th, staff hosted a well attended informational open house on the amendments at the Austin central library and the planning commission will host a public hearing on the amendments in this room this evening.

City council is scheduled to consider the amendments at a public hearing on December seventh. In addition, staff has been

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addition, staff has been preparing answers to planning commission and city council questions and responding to questions from the public that have come in via email, phone and web form information about these amendments, as well as all other active amendments can be found at [speakup.austin.org/ldc](http://speakup.austin.org/ldc) updates. There are an additional 35 active code amendments in development review or adoption phases as indicated on the Gantt chart that's available from the [ldcupdates](http://ldcupdates.austin.org) website. As we close out the year, staff will be refining schedule for the code amendment processes that are on deck for 2024. We will also be finalizing a recommendation for early out amendments to the land development code that could be undertaken in 2024 to support implementation of the phase one light rail project. We plan to provide additional information on refined 2024 priorities, along with an updated Gantt chart to the public and council in December with that, we are happy to answer any questions.

>> Thank you very much. Appreciate it. Any questions? Colleagues looks like you did a great job. We appreciate the

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great job. We appreciate the briefing. All right, colleagues. So up next, we are going to have a briefing on our city's density bonus programs. I expect that our committee will have multiple questions in the interest of time, please take notes during the presentation and hold your questions to the end as an ability to be able to refer back and give staff the opportunity to thoroughly answer your questions. I encourage you to flag any slides that you would like for us to review at the conclusion. Ann staff, please approach the podium. We look forward to the presentation. I'm sorry to interrupt.

>> Can we pause? Just for a minute? Absolutely. And call our speaker. Oh, I see them, but just for good measure.

>> So we do have a speaker this afternoon. Alex lamb, are you joining us in person or virtually.

>> We don't have anyone online.

>> Ann okay. And in which case, if Alex is in the building, I will call your name again when

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will call your name again when you make your way to chambers, just tap somebody on the shoulder and let them know that you've arrived. Thank you. Comfortable with us moving forward at this point. Okay all right.

>> Hello. Thank you so much for having us here today. I'm Rosie Truelove. I'm the director of the housing department. And I'm here to introduce Rachel Tepper, who's a planner principal within the housing department, who's going to provide this overview presentation on our density bonuses. This is intended to be a high level overview of the variety of density bonus programs that we have included in the backup. You'll have additional in depth information on each program with the goal here today of highlighting some of the policy considerations we are contemplating. ING as we look at potentially revising these programs. Rachel. Thanks, Rosie.

>> Good afternoon. So I'm going to give you a little overview

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to give you a little overview about our density bonuses, but before I do, I just would like to give a little bit of background for those that might be following at home about why we have density bonus programs and what are they. So in 2017, the city of Austin adopted our strategic housing blueprint to address our affordability crisis. That blueprint outlined and set a goal of 60,000 affordable units within the next ten years. We should state that that 60,000 goal was based on the need at the time. So not necessarily our ability to deliver. But. But how many low income affordable housing units do we actually need to close that gap? We had calculated in 2017 that it would be an \$11 billion deficit. So now we start to look at the tools and the tools that are outlined in the strategic housing blueprint to help us close that gap, include both subsidies like our local bond dollars and our federal

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bond dollars and our federal funding, as well as tools that incentivize the development of affordable housing through market rate development. And that is our density bonuses is our fee waivers as well as our land development code. Density bonuses are primarily effective for helping us achieve our 30 really 50 to 80. MFI MFI targets and the way that density bonus programs work is that they provide additional height and density or additional units in exchange for community benefits such as affordable housing. So this chart shows the base entitlements that what you could get with your current zoning on the left and on the right, you can see the bonus entitlements which incentivize the developers as they get a little bit of additional ML value and then the city gets a portion of that

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city gets a portion of that value back in community benefits like affordable housing, we use density bonuses primarily because a lot of affordability tools that might be allowed in other places are actually not allowed in Texas. So our state prohibits tools that like inclusionary zoning and rent control that can be used to help alleviate the housing crisis. But in Austin, we use density bonuses to help us do that through our regulations. And before going into the density bonus programs, we wanted to highlight one of our programs that's actually not a development. It's not a density bonus program. It's called a development incentive. And that's our smart housing program. So our smart housing program, rather than giving additional height or density, we exchanges permit fee waivers in in exchange for dedicated affordable housing unit. S. This

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affordable housing unit. S. This is one of our oldest programs and the council has already initiated some changes to this program through resolution 2020 307 21 to 9 and that resolution is looking at the fee waivers and staff agrees. And here we have some policy considerations. Burns in addition to the needed alignment of fee waivers, this program is older, so there were no specific mixed use policies as there are administrative improvements that we could do to this program, such as how the smart housing units are tracked and reported. Smart housing units are often overlapped with other density bonus programs. And so it's hard sometimes in the affordable housing inventory to identify why the those programs because there they're often double counted. They are both smart housing program and a new program or a vmu. And so that's an administrative policy

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that's an administrative policy consideration as well as smart housing. Typically has lower than average affordable periods. You know, average of five years in some cases. And so we know if we revisit that program, we'd want to look at perhaps aligning those with some of our other density bonus programs. Know now I'll sort of move into our density bonus programs we have over a dozen different density bonus programs and many of them have tiers within them. So in terms of application, different application processes, you know, it's upwards of 20 different kind of separate application processes. I show on the left, you can see the geographically specific density bonus programs mapped on the, you know, on this map. Those are only applicable in those different colored areas. And they were often

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areas. And they were often created alongside a planning effort. And so they're not just necessarily affordable housing, but also no other community benefits as well. So this is a lot of data. And so I'll go slow, but this chart is showing our participation in in all of our various density bonus programs is the

dark blue is showing our completed number of units and the light blue is showing units that are either certified or under construction. Ann so we're calling them planned units as you can see here, affordability unlocked is one of our citywide programs, is our highest performing density bonus program in terms of planned units. So there are the most number of units in the pipeline over 5000 are our most productive density bonus program

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productive density bonus program in terms of completed units is actually the university neighborhood overlay. However, you can see there that the dotted blue is showing bedrooms because the university neighborhood overlay allows you to dedicate affordable bedrooms. So in that way that number is a little bit lower in that the units that are being dedicated are actually just bedrooms in a larger unit. So I just wanted to give that caveat, but it is in terms of numbers, one of our highest performing programs. And then the other the sort of second highest performing program in terms of completed units is our vertical mixed use program. Which you can see on this slide. And then we've also put the fee and Luz received and anticipé stated these numbers are actually from the city's financial system. So our aims so this is how much money we have

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this is how much money we have received in terms of fees in lieu as well as our. We also track the fee. And Lou anticipated and you can see that pods we've received a lot of money through our our planned unit development and density bonus programs as well as our downtown density bonus programs. So I'm putting this on the slide on the screen, not not to ask you to read any of this information. Now but we wanted to put it all on the on the next three slides show you the complexity of implementing these various density bonus programs. There are very they vary in terms of the amount amount of set aside or the amount of units that we're asking for. Some sometimes we ask for it in terms of you know, 10% of units, sometimes it's 10% of the bonus square footage area. Some of the

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square footage area. Some of the density bonus programs have beds , room requirements, bedroom size required payments, some of them allow for fee in lieu. Some of them do not allow for fee in lieu. Some of them have additional residential requirements like design standards or design commission Ann. And so we can I put this in here? Not necessarily to dwell on it now, but to provide it as a resource for you all and anyone watching at home to understand the complexities of implementing these programs and why staff is recommending, in some cases, stream streamlining some of the programs so that they're easier to implement it. And also to bring some of them in line with current standards. So now we

in the most recent density bonus programs, we've added tenant protections. So making sure that all the density

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making sure that all the density bonus programs have certain expectations like tenant protections. So so I'm now going to just give some high level, as Rosie mentioned, this presentation is really intended to, to provide some high level policy considerations. And then the subsequent backup can go into each program and you can all peruse that at your leisure. And we're happy to answer to any questions. But at the high level, some of the administrative policy consider actions that staff can. Some of them are which some of them are ones that staff can make. Now or can make fairly easily. Are are we currently have some separate and redundant application processes for programs that this can lead to? Confusion for applicants is there's there are some inconsistencies on who approves fee and Lou, sometimes

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approves fee and Lou, sometimes it's council, sometimes it's the director of housing and sometimes there's no approval needed. So kind of streamlining that that there's also inconsistencies on where the money goes. So the target funds some of the density bonus programs have say that the money should go to the housing trust funds. Some say the housing assistance fund, there's an inconsistency of community benefits and developer incentives. So just all across the board, some programs ask for certain benefits, some of that has come from these community led planning processes that have led to the density bonus programs. But the reality is, is that they all ask for slightly different things, which which creates confusion for the applicants as well as staff. And we don't have a great way of tracking those other community benefits. So for example, we track units created through our affordable housing inventory. But if you dedicated a road so

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But if you dedicated a road so in north burnet gateway, you can dedicate right of way in exchange for development bonuses , but it's hard to track that. That has been a community benefit given in exchange for different entitlements. So a so, so developing a better tracking system for that. It's difficult to spend geographically specific funds that have those additional restrictions. And so even though it was well-intentioned to say that the money for this density bonus program should be spent in the geographic boundaries of that program, it does become a limiter in terms of how how we can get that those dollars out out the door. And then there's just the staff time implementing all the different various requirements as the program consideration. So these are more about how the programs work. So there's a lack of approach between the different community

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between the different community benefits and incentives. We have sort of an underutilized portion of these programs being used as standalone incentives, as many of these programs, like, for example, affordability unlocked actually require coming back to the city and asking for rental development, rental housing development assistance, or pairing the program with other density bonus programs. This isn't necessarily a bad thing. It's just a consideration that these programs are often paired together. So how can we is that an opportunity to align the programs rather than so that it's more clear how they go together? We also know having so many different ones kind of can create confusion. We also know that we don't have an explicit bonus for sort of high

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bonus for sort of high opportunity city or, you know, areas that are not in a not in displacement risk. We think that that the citywide bonuses that have minimal requirements may scatter the density and hinder planned growth areas like itod and imagine Austin centers also increasing entitlements by Wright may have an impact and this isn't again it's not necessarily a bad thing. It's just that because these entitlements are in density bonuses are sort of used as a carrot to as an incentive to get affordable Katy in exchange, if those entitlements are given by Wright, it may reduce the efficacy of these programs as the density bonuses sometimes compete with one another and the and sometimes the bonuses because they're written at a certain time and place can lock in a land use policy like

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in a land use policy like parking Lang that and not to say that it's it wouldn't be invalid but it just gets complicated when policies are are written and need to be updated as land use change over time. And then the final policy consideration is the calibration. So because as this tool is sort of in is reliant on the market and it's reliant on market conditions in order for it to be effective, we have to make sure that the that the incentive is great enough that it makes sense to the developer. That's going to take advantage of it. And as costs rise, the incentive may or may not pencil. So we know that the shifting market conditions is like the interest rates and construction costs and cost of labor,

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costs and cost of labor, etcetera. All have influenced the effectiveness of our programs. We also know that the more we ask for, the more we are likely going to, you know, subsidize it through our programs or through our development assistance dollars or our bond dollars. We think that we need to develop a more frequent calibration schedule to update these programs so that they're more effective. We also think that the fees in lieu are in some cases too low, and they don't actually they're not actually equipped to the cost of construction Singh the affordable units. And because as we have such specific requirements around many of these programs, it can be difficult. To apply one calibration effort to the other. So we kind of have to tailor each one specific to the details of the program. And then it also

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of the program. And then it also becomes difficult to, you know, extrapolate conclusions from one context to the next. So those are sort of our high level considerations in terms of next steps. Actually, the planning department has a consultant on board to assist with the comprehensive approach to density bonuses and the expected timeline for that is the summer or fall of 2024. However that does not preclude us from doing some of that administrative cleanup. And so that is something that we can take up, you know, imminently. And I am here to answer any questions as well as Rosie. I think our law departments are here and our planning department, if you have other specific questions.

>> Awesome, great presentation. Thank you. Colleagues, do we have any questions? Councilmember qadri agree.

>> Well, I'm sorry, I normally don't sit here, so I'm going to. Yeah. God, this is a mess.

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Yeah. God, this is a mess. Before before I ask any questions, I just want to just say how excited I am that you're back. Councilmember harper-madison or chair harper-madison. It's good to be back on this side of the dais with you. I have a few questions and then some comments, so I really appreciate the presentation and I apologize to councilor morales and alter for ruining her mic. But I have three sets of questions on previous land development code efforts on micro unit bonus and then downtown density bonus program. So I guess my first question, I'll start off from the bottom relating to the downtown density bonus program. Is staff planning to address this in the this in the comprehensive approach which. I think. Help me understand what you mean by address this in the

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you mean by address this in the comprehend approach.

>> Are you talking about the just the downtown density bonus program in general? Yep I don't know that we have gotten that far in laying out what specifically we're going to be looking at as part of the comprehensive approach. I think there are probably aspects of many of them that that would fall into the cleanups. You know, the administrative cleanup and then trying to look at a larger, more comprehensive way to approach the density bonus programs. I think having a separate program for downtown will still remain a viable option because development downtown is different than development. And other parts of Austin. But I can't tell you exactly yet what aspects of the downtown density bonus program would be. Part of the comprehensive approach or what that would entail yet? Yeah, sure.

>> Thank you. And then a question around micro units. Is there anything precluding developers from building micro units or apartments less than 400ft !S elsewhere in the city? I'm especially interested in

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I'm especially interested in anything impacting the development of single room occupancy limits.

>> That may be one we would have to get back to you on specifically. Yeah, I think we would need to do a little bit of research on that. If that's okay. Councilmember yeah, of course.

>> And then my last question relating to previous land development code efforts. There was a citywide density bonus program and an equity area density bonus. Will those be taken into consideration by the consultants?

>> I would assume so. I mean, we're I'm looking at Lauren and she's nodding, but I mean, that's that's kind of what we want to with the consultant and the comprehensive approach is to kind of take a step back and look across all of the history of work and the activities that and thoughts that were in place as we were going through previous iterations of the land development code, re-write to see what it needs to be carried forward and what makes sense to

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forward and what makes sense to do now and how we might make improvements to it if we need to make improvements to it.

>> Well, that's it on my end. Thank you.

>> Thank you, councilmember. It looks like mayor pro tem Ellis.

>> I'm happy to jump in and I'm glad that councilmember qadri had had brought up those conversations because I'm remembering Singh many years ago . There were some discussions around the downtown density bonus program, some rezonings we did on Rainey street for adjustments that we had done on Rainey street, but there there was some confusion because we had one set of numbers that worked off

the code. We have now another set of numbers that was calibrated and based on the 2019 rewrite, which has been stalled out. So is it is that level of economic analysis that we're expecting back? Is it just what would be appropriate levels of affordability or how many units and what thresholds for median family income? We should be working off of? Or is it just more of a how far off are we on

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more of a how far off are we on the blueprint and how do we just get more units with a little more wiggle room than strict mfi and unit count numbers?

>> So I know one of the objectives of a comprehensive look will be to kind of tackle that conversation around calibration because as each of these because we have so many different density bonus programs and there are so many of them are geographically limited, the calibration of those can be challenging at times. So that is one of the pieces that we'll be wanting to look at as well as what makes sense for calibration, say, downtown versus other parts of town. The idea of just getting more units and how this comes into play with the strategic housing plan is not lost on us. We don't have a density bonus program that is available in all parts of Austin like I think what was envisioned when we were originally be adopting this strategic housing plan. So I think that is also one of the conversations that

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one of the conversations that we'll be having with the consultant and preparation for making some comprehensive changes is I appreciate that and I'm always thinking of how can we make some of our decisions more flexible as our population changes because we know how hard it is to come back every five, ten, 40 years, depending on what you're trying to change.

>> And so I would love for us to be able to somehow work with with your staff, to be able to come up with what are the right thresholds. Is it population count where we say we're just automatically going to change some of these triggers so that people know if and when they're going to build what the expectations are. And we're not having to fight this out over the years. So I appreciate that. I appreciate the mention of not everything being available in all parts of town. I think some of our residential like residential and commercial, for example, is a tool that we know that some folks are interested in and want to use is obviously there's a court case happening right now where we will have to

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right now where we will have to see what is determined through that court case. But trying to make sure we have this flexibility in our code to be able to serve our community and make sure that we're in

alignment with everything that's being prescribed to us. Do you know if we'll have an update on that court case soon or when should we expect further information? Oh, I see.

>> I'm looking at Trish. That's what I was going to do is look at Trish. Trish link with the law department.

>> We are working on gathering information and we will provide an update to council later this month. And whatever options are available. Okay. Sounds good.

>> I will take that. Okay I think that's all I have for now. I'm going to pass it and see if anyone else has questions. I might come back later, but thank you.

>> Awesome. Thank you very much. In addition to committee members, qadri and Ellison vice chair alter, it looks like we're also being joined by committee

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also being joined by committee member Velasquez. So if and when you have a question, please feel free to just show us your face and I'll make sure to address you. Any other questions? Colleagues, it looks like vice chair alter has some questions.

>> Thank you very much. And I do want to echo councilmember Kadri's comments. It's very good to have you back sitting next to me here. It saves me from chairing a meeting. But no, we're really glad to have you back. I I'm wondering, as we talk about the consultants, are we going to give them a certain charge in terms of we want you to accomplish blank and what that blank might be is a streamlining of our existing program, a report on just what you think is the efficacy recommendation on new programs. What is it that we are asking them to deliver to us?

>> I think substantially the scope of work that we have envisioned for them is kind of all of the above. But how we structure that and how it rolls

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structure that and how it rolls out is something that will determine in working with the consultant. Okay

>> I think one record quest or as we have those discussions would be helpful for them to help inform us is if we look outside of the four corners of what exists today and whether or not, you know, as I look through the slides, we have certainly accomplished some goals as it relates to rentals. But, you know, homeownership remains a very difficult. Thing to crack. And so if they have any suggestions on, you know, do we need a specific program aimed at home ownership or, you know, just just as as those conversations having you're having I just want to put that out there. But I do want to talk or ask you about specifically affordability and locked and Eid looking at first off, I'm the disparity in completed to plan 5300 planned units. What's the

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5300 planned units. What's the horizon of that that's a that's a huge discrepancy in completed planned and I have Brendan Kennedy join us do we just have a ton in the waiting in the wings or what's okay hello everyone Brendan Kennedy project coordinator with the housing department at oversee implementation of a lot of these programs.

>> Affordability unlocked has deeper affordability requirements than the other density bonus programs. A lot of this was envisioned to be paired Ed with the low income housing tax credit program. The nature of those funding sources, the approvals needed. These are Sturup featured programs with federal state and local requirements. It takes multiple years, often for those units to go from planned, which is the point at which they would be certified by our department to

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certified by our department to actually being constructed. Those can be two, three, three or possibly more for year long developer timelines because the program was only passed in 2019. Then we're just now seeing units begin to come online. But many of those units that are planned are in the process of getting construct dated and what are are the requirements for let's say, a tax credit project that are or I guess I should ask, what are affordability and locked requirements above and beyond what is already required either by the federal government or let's say they got to since these projects are typically tied to some public subsidy which has its own strings attached or affordability requirement, it's how much more are we achieving out of affordability in locked?

>> Certainly.

>> So we are or as part of affordability unlocked for rental developments, which is most typical with the light tech

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most typical with the light tech program. We require a certain proportion of units to be at 50% mfi, which is a deeper affordability level, not necessary sarily required as part of light tech. We have additional in incentives that we offer. If you provide additional benefits such as 30% mfi units as well. We also have a requirement that a certain percentage of the affordable units be either two or more bedroom homes or alternatively be supportive housing units or be housing for older persons. So those are sometimes incentives that the permanent supportive housing especially may be an incentive that the light tech program, may generate. But the level that we require may may be in addition to what that

program would require. I'd also say there are other incentives for four bedroom size and we put city tenant protections as part of the program requirements as

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of the program requirements as well.

>> And the reason I'm asking that question is because and you noted it in the presentation, if you look at the benefits you get from affordability unlocked compatible city parking, you know, a lot of the things, number of units on a lot. These are things that we are either eliminating or dramatically changing. And so I want to make sure we are not having very harmful effects on a program that has been very successful. And so as we do make these these other proposals, if you can help us think about and flag you know, everything is connected here and so I want to make sure that we're not undercut eating a very successful program through other policy choices that we're making. So just putting a pin or a flag in that one as it relates . To you're talking about

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. To you're talking about updating, do we have and this may be a consultant question and answer, but do we have the ability to just kind of have a formula that that incorporates interest rates and or other other factors where we could create and say, you know, in in today's environment with. 7% rates and such and such housing costs, that that this is what we would expect out of a project in terms of affordability. But maybe, you know, three years down the road and it maybe it updates annually. It's not like a constant formula but but so that as as these projects are being put together, current factors are being included. And very real time as it were, or given existing market conditions so that we don't have to update, you know, 10% this year, but 8% next year from a council level, you all have the ability to just

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you all have the ability to just kind of run that. Is that something that we can explore with the consultant or try to figure out. So I think ideally we would have an easy way to recalibrate all of these.

>> But there's many factors that go into that geography being one. I think that's part of the conversation that we'll have with the consultant because however we get to a point of talking really about calibration , we want to be able to create a system or a mechanism that will be something that staff can can readily, you know, adjust. I don't know. That's a great idea. We'll note it and we'll talk to the consultant about it. But I don't know that I know that we have answers about each of those or about any of those yet. But when we look at the chart that Rachel presented that had three pages of just lots and lots of detail, that's the data we slog

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detail, that's the data we slog of working with these programs. They are complex and they are not easy for staff to administer. And so whatever we can do to make that easier, the better it's going to be because it's just going to add more capacity for housing staff to be able to do other new, different fun and amazing things. And so that's going to be one of our our highest priorities is how we can simplify either in process or procedure or number or calibration model or all of the above and potentially the hope of streamlining and simplifying Singh you know, we do have the itod coming forward and we have multiple tod already.

>> Bonus programs. I'm curious, do we view those existing programs as successes or do we need to do some recalibration rethinking, kind of what's your professional opinion of our existing tod I think each of

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existing tod I think each of them are probably a little different.

>> I mean, I know Rachel went through in the back up, there's conversation about each of them.

>> Yeah. And I mean, I think that many of them are underperforming. I think the east Riverside corridor are being kind of our project connect corridor kind of first implementation area. I think that one, when you look at the number was is relatively low. And so that I think re-envisioning that and recalibrating it so that it produces more affordable units would definitely be a goal, right.

>> All right. Well, I appreciate y'all's work. I'm very excited to see where this goes. And Ed, that's all I have for now.

>> Awesome. And it looks like there's a follow up question as well.

>> I have a follow up because I was just able to decode what I had scribbled down earlier. You had talked about minimum parking requirements and so I'm proud that this council has supported eliminating the mandate that people provide parking and

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people provide parking and letting the businesses decide what they what is perfect for their business. We also had a case come back to us because someone had to adjust their pod to make sure that they weren't required to provide the parking that was decided when the pod was originally signed. Are there conversations happening in the department right now to figure out if we end up changing some other regulations in the future to make it easier for people to build housing? What the conversation is around

predetermined covenant with the city. I know restrictive covenants that are privately agreed to would not fall into this category, but how does that work with pods or other levels of zoning where we now say we're not going to mandate the parking, you can do what you need or will they all have to come back to council individually if they want to get into something that we just said was fine.

>> I don't know that we have an answer to that. I think my gut says that that and maybe law is coming up behind me to say this

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coming up behind me to say this might gut says that Tricia is going to answer that question and that's going to be fantastic. Hi Trish.

>> Hello again. So I just make sure that I understand. The question is the question Ann where we have a pod, are they able to utilize the reduced parking requirements if we have other people that have come with with pods, do they is there a way for us to allow when council makes a blanket decision for the entire city moving forward that we don't have people that got rezoned many years ago having to come through again to ask for something that we are giving to people outright currently we can look into that particular question. One of the issues when it comes to a pod is they promise additional things as part of the whole plan. And so if parking is something that was negotiated as part of that development, there's not they would need to come ask council to change that because that was part of the deal that was made.

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part of the deal that was made. Right? That was negotiated between the developer and the city. But for your kind of general question about overall, for all pods, we would again, we'll still have that particular question, but we can look at what options may be available to the council to address that. Okay

>> I'm just imagining all these people that were required to provide it initially and then now council has said we don't need that much parking unless you just really want to build it and trying to make sure we don't have folks coming back into line again to come to council for the blessing to do something that we just told everyone else that they had the authority to decide on their own. So I'm very curious about those conversations and how to make sure where we are more lenient with people. And as as this council decides how to set the regulations burns that it doesn't mean people have to go through another rezoning and come back through the whole process again, just just to opt into something that we are already granting by. Right? So maybe that's just a future conversation to help understand

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conversation to help understand what is possible. But I would like for our ability at the council to say these are new requirements, these are things we don't need anymore for people to just be able to have those instead of coming back and asking to match their neighbor who gets to do that by right now . Understood. Okay. Thank you.

>> Any other questions, colleagues? I have some of my own. I really appreciate the line of questioning that we've had so far because it addressed a few of my questions. So I only have a couple. I'll start by way of piggybacking committee member Ellis, your question about I was thinking earlier as you were giving your presentation, you said something along the lines of inconsistent pieces and redundancies that were sort of the direct result of some of the community led efforts that made it so that it wasn't like applicable in all parts of the city. But I really was curious about when you said how it could

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about when you said how it could be to our detriment to do by Wright application. I'm I'd like for you to expand on that, if that's a consideration that this particular department has. And or just clarify whether or not that's a question that's going to get punted to the consultants and something that we can add as a bullet? Yeah, it's really just a policy consideration on that because the density bonus is, is offering that entitlement in exchange for a community benefit when that entitlement is offered by Wright, then it may mean that we don't get as many of those community benefits.

>> So it's not necessarily I don't think that there is any recommendation one way or the other, but it is something I think that the consultant needs to consider. We need to consider sort of in terms of understanding the tradeoffs. >> I appreciate that. And that's

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>> I appreciate that. And that's actually sort of leads me into the next line of questioning. You made specific reference to community benefits. You said including affordable housing. And I think, you know, generally speaking, especially, you know, that folks who've worked in this industry and worked with this material so frequently, you know, director truelove, you aptly described it as extremely like with five E's complex. And so given Ann that this particular discussion, Ann has very much led to contention and confusion. And I think a lot of the confusion, especially as our constituents are concerned, it's the vocabulary as we're having these discussions. It's really not understanding, extraordinarily complex subject matter. But that's not an excuse for folks not to understand things that directly affect them, especially as it pertains to something as important to your point about home ownership being practically an impenetrable goal with that being, you know, the reality

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being, you know, the reality directly adjacent to the fact that we are a primarily renter oriented city, you know, and I'm still not hearing us talk enough about renters as we have these conversations about the land development code and the implications for the people who live in our city. So my hope is that as these conversations evolve, that the consultants, one of the things that they'll address is how do we do a better job of communicating this extremely complex subject matter, something I sort of took note was you said a portion of the value in community benefits. And then I put quotations around like affordable housing. What else is there? I'm not asking you to answer that, but I'm saying those are the kinds of things that I think would be helpful when we go to these town halls and when people are asking very specific questions, what are the other community benefits? You know, like affordable housing is one, but what else is there? And to your point about making certain that we maximize, you know, the incentives, what else could we be asking for? And then I also I was having a conversation with somebody about San Jose. A

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somebody about San Jose. A friend was in San Jose recently and I said, oh yeah, we bumped them for the number nine spot or the number ten spot. You know, we were the 11th and, you know, one of their mayors pro tem and I would have a conversation about how we were going to bump them. And we did. And I won't say who's at the number nine spot, but we're going to bump them, too, and recognize that the city of Austin is ever growing and expanding, evolving all of these conversations to the mayor pro tem point, you know, thinking about things that are grandfathered in and you know what the various iterations that were going to go through as these conversations burns continue our population will change, our city will change, we'll grow, we'll continue to grow. So I'm thinking about how often times the flexibility is not as much as we would like. So there is something along the way of like protocol practice, procedure, strategy, but you know, it being a little more nimble I think gives us the opportunity to grow and evolve

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opportunity to grow and evolve and change and I'm certainly not the smartest person in the room when we're having that conversation. But it does lead me to believe that if it's already complex, how does it get less complex as we apply the considerations around this being fluid? It won't stop moving and changing. And so I think it would be important for us to be able to communicate that to our constituents because I don't know, y'all can imagine it's not sufficient in a room full of people who have questions that they want answered right now. I'll sort of leave that with, as I was saying, one of the greatest sources of confusion and concern and frustration with our constituents. And I sort of addressed that. But the jurisdiction limitations, I really appreciate that you made that real clear delineation. I don't know if you intended to do so during the course of your presentation, but you were like, what we can do. You

know, I think a lot of folks don't recognize there's a difference between what the feds can do, what the state can do, what the city can do and what the county

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city can do and what the county can do. They don't recognize that we are limited in what it is that we are. And are not able to do by way of state statute, that it would be awesome to have a way to commute indicate that more effectively, if for no other reason, whilst disappointing, it's fantastic for folks to have realistic expectations that way when they are asking us these questions, they recognize what the you know that their questions remain within the confines of what we're able to do. That was more of a statement than a question. Then I will end that with a question on the inconsistencies. I really appreciated that slide. It's like I believe the slide said or your presentation. You said in consistencies based on what's required and by way of council action, what's required by way of the director of housing and where there's no requirements whatsoever that kind of clarification would be helpful too. And I wonder if that's something that's going to come from housing and planning

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come from housing and planning or that's going to be something that you all encourage the consultants to help us be able to communicate.

>> So some of the some of the consistencies and redundancies, yes, some of those inconsistencies, I think, to me, fall into this concept of administrative cleanup.

>> Right. Where we can go in and we can make sure that maybe the application requirements are consistent across all these programs so that we can have similar applications that are being used. So we're not having to have folks enter things multiple times on multiple different forms. Right? Perhaps eliminating redundancies with or inconsistencies, consistencies with how the approvals happen, how we have some that say approve, you know, deposit the funds here. Some say deposit the funds here. It would be great if we were depositing things in the same spot. So there are certain cleanup elements that we would consider just part of the administrative work. Some of them will start to get a little more more complex. And that's when we'll we'll be leaning into

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when we'll we'll be leaning into the support of the consultant to help us with helping to ensure that we have those clarifications made. I will note , as you were talking about your last point before the question, density bonuses are really the only tool we have in Texas. We can only create Wright these opt in scenarios where if folks are applying for, you know, giving, opting into providing these additional

community benefits in exchange for additional entitlements and so for us, it's really important that we continue to make sure that they are giving us as much as we can possibly get out of them, because it's really our only tool. So we want to make sure it's a really precise tool and a really effective tool and that's going to be our primary objective in going through the analysis with the consultant.

>> I appreciate that and I think y'all are reading my mind because that's a really great segue into my next question. Slash concern over the course of

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Slash concern over the course of the years since 2018, one of the things that I'm hearing consistently from builders, large and small, but maybe mostly small within my community, my personal community is access to programs like an affordability unlocked. When we talk about incentivizing the use of so frequent, I hear it's not worth it to even try to use the program because. And so I wonder if y'all are hearing some of those same concerns and if we're making any progress in the direction of making it easier to access more appealing for folks to access. You know, if folks are saying I'd rather just pay the fee in lieu or I'd rather or I'd rather than go through this process, I think some of the administrative cleanup is what they're talking about and making reference to. But I would like to know specific what are the other what are the other barriers to folks accessing our singular tools and Ed? I don't

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singular tools and Ed? I don't know if that's a question for today or if that's a question for one of the bullets. I'll add for moving forward. It would be nice to have some clarity there.

>> I think there's I was just looking back to see if Brendan was was itching to say anything because he is the one who is most directly working with itching to say it looks like this.

>> Then, then I think so.

>> He might have some elements there, but that's certainly something we can follow up on. And one of the things that that we are doing that I'll just do a little quick plug for. We just finished with a program with capital impact partners and housing works where we were working on capacity building for some of our small nonprofit housing developers to help folks get more comfortable in the housing development space. And I think some of that is getting more familiar with the kind of programing that we have, you know, the opportunities that we have. So that was a great program and we hope to do it again and really successful. And Brendan, do you have anything and as you make your way,

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and as you make your way, Brendan, thanks for the plug.

>> Director Truelove and I hope within that capacity building opportunity, there's something along the lines of assistance getting through the, the paperwork component, right? And so I think that in and of itself, not just community based, affordable housing producers, but small builders, folks who are just doing 2 or 3 houses. This year, those folks being able to access, you know, the affordability unlocked program and get five, five families housing that's important, too. So my hope is that we're addressing all of the need and just to answer your question, we do get small community developer owners or landowners frequently who are interested in not just affordable, unlocked, but all of our programs.

>> And we certainly recognize the complexity and some of the issues in accessing, you know, how do you apply? What does the process look like? We have made improvements over the last year to six months on public information. We've been

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information. We've been receiving calls, you know, frequently from those types of developers and try to give them that information. Certainly, again, realizing the kind of hurdles that may be there. I will say also we do get feedback from some of those community developers that at the end of the day, financially the program does not make sense for their particular site or project, which may be one of the other issues with, you know, they often express an interest in taking advantage of the program and find financially it doesn't make sense for them. But in terms of those administrative issues, again, we're we've been making improvements, hope to continue to make improvements and find outreach efforts to get the word out as much as possible.

>> Thank you very much. I appreciate that you all are taking those considerations. I'll wrap it up with to talk about that and that and that. So when we talk about that efficacy, what cities are we sorry, San Jose, but they are so similar to

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Jose, but they are so similar to us by way of population size and their economy and housing, you know, to make reference to something that Chappie Jones said to me in 2020, I believe it was, he said the city of Austin should take note from San Jose because y'all have exactly five years to prevent what is happening to us right now in that we didn't address our land development code needs and we didn't address land development and now we are virtually optionless. And he said that almost four years ago now. And if we're, you know, still plugging away at trying to make progress, I want to make certain that two things, you know, even if it's bad news, I want to give people honest information, Ann and, you know, I guess put you on the spot and ask, how are we looking? You know, are we looking like San Jose or do we still have plenty of room for improvement and runway. Honestly no pressure.

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no pressure.

>> No pressure. I was actually going to look at my friends in planning because it's more of a question about code, about code change. I don't know if there's I feel like you know, from my perspective in the housing department, we have made a lot of strides as of late with initiating some of these changes. And, you know, as long as we're mindful of what we talked about earlier with this, you know, balancing keeping some tools in the tool box for the ability to incentivize and entice people to opt in to programs that will allow for community benefit. I feel like we're making strides, but I don't know if anybody from planning wanted to jump in there.

>> And it doesn't have to be now. I think, you know, just being able to say again, honestly, I mean, people just want information.

>> And so being able to give them honest information about what our runway is looking like, is it long or is it short? And if it's short, I think that's a great opportunity to really incentivize these community members to, you know, help us move faster. Let's work in partnership with community more to move faster if our runway is getting shorter.

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getting shorter.

>> I feel like substantial.

>> The runway is the Gantt chart that we were talking about earlier. Awesome.

>> I appreciate. In fact, that's a great visualization. And then lastly, I would ask to give Ann the complexity that comes with our many, many programs is based on the charts. There that you showed there at the end, the policy considerations slides are really helpful because they're direct and you know, it's like bulleted, this is what we're up against. I really appreciate that. And given the demand for affordable housing in all parts of our fair city, I'm curious to know why we don't have all of the residential properties of a certain size. Provide some sort of bonus. You know, it it would Eid. I think to me it seems like there should be some option. You're nodding your head. I think you understand what it is that I'm attempting to

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that I'm attempting to articulate. There should be some option for all sizes and all parts of town, but without approaching the concern around by Wright and then and thus eliminating some of the community benefit, I think that's going to go back to the conversations that we were having.

>> I believe with the questions from councilmember qadri, where we were looking back at the work that was initiated under previous iterations of the land development code, re-write, where we were talking about citywide affordable housing bonus programs of some shape, form or fashion. And so that's to me, one of the things that I'm looking forward to having a conversation with the consultant about is what, what, what could or might make sense if we wanted to have something that was available all across Austin rather than looking specifically at this geographic area or that geographic area, which I appreciate and I appreciate that you had the specific questions about that downtown quadrant, because to your point, you know, downtown is different than other parts of town.

>> But I also think back to making certain that we address, you know, community members questions and concerns. And I

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questions and concerns. And I don't know that they know what the boundaries of downtown are and why it's important to recognize that building downtown is different. And I think that's just getting sort of down to the nuts and bolts of making certain that this conversation is bringing everybody along and nobody's getting left behind. Yeah, it helps to alleviate, you know, confusion. Ann and that's it for me. Anybody else have any other questions, any other follow ups? Thank you all very much for your presentation. Give me just a moment to get my computer back up. It's it. I talk too much. All right. So, doo doo doo doo doo. It looks like we are at item number four, which is consideration around future items. This is where we get to highlight any future items that we'd like. The committee to discuss to kick this item off, we want to first again, thank staff for providing the thorough briefings today and always on our density bonus programs. This is an item that

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programs. This is an item that we had previously requested during a committee meeting. We fully intend to work with our colleagues to address some of the issues and frankly, some of the challenges that have been identified by this committee, perhaps as an item from council before the end of this year. If we're fortunate. But that said, we would like to ask staff to tee up another important topic for us to cover related to housing and planning in our city. And that is how did we get here? Moving into the next year, it would be valuable for this committee to invite staff and consultants to present on the practical history of how so many neighborhoods throughout Austin have experienced change, including gentrification and displacement. Be on the city's comprehensive plan. We would like to invite staff to present existing reports and studies on how local practices like redlining in the 30s, urban renewal, aka urban removal in

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renewal, aka urban removal in the 90s and exclusionary neighborhood planning in the early 2000 has led us to some of our current challenges. This will be critical context for many of the decisions and frankly, the votes that we must make in the coming year related to housing. And if our committee can serve as a place to provide that context, we will be doing a service to the full council and community as a whole. Staff please connect with the D one team to develop this material. We really want to be a part of the conversation along with our colleagues. We will need to collaborate with multiple departments and established and rising partners to generate the best information possible. So I would welcome now for staff to suggest any future items for consideration, in which case certain will be in touch. And lastly, before before we adjourn , I would like to express my gratitude and appreciation to the members of this committee

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the members of this committee and to my office for their support. I look forward to continuing to collaborate Wright as the chair of this committee in 2024 and invite my colleagues to share ideas and feedback from this past year together, we this committee worked with staff to make some sense of the vast backlog of council resolutions related to the land development code and housing. We this committee initiated amendments to the colony park sustainable community plan that will transfer form an area of great need. As a side note, as I've discussed with some of my colleagues today and as I've made my reentry this week, some folks had the opportunity to take a tour of the colony park sustainable community and really get to see why I've been pressing my finger on the button that is the colony park sustainable community and why it's so important so frequently.

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it's so important so frequently. You really have to see it to understand the magnitude and the importance and I really appreciate that you all had that opportunity and one of my colleagues pulled me aside and said, now I see where you kept pushing. And it's not the only area of town where we need to keep pushing, but I really appreciate that we had the opportunity to put some laser focus on this community and frankly, highlight the efforts of those community members who've been working so long and so hard to help us move in the direction of finally making progress. We this committee, have the chance to do even more next year for all of Austin. Our shared enthusiasm, frankly, is palpable and I am grateful to have the opportunity to be a part of this body and with that, without objection, we are adjourned at 3:09 P.M. Thank you, everybody. Have a great rest of your day.