



**PLANNING COMMISSION  
CODES AND ORDINANCES SUBCOMMITTEE MINUTES**

**REGULAR MEETING  
Tuesday, April 16, 2013**

**The Planning Commission Codes and Ordinances Subcommittee convened in a regular meeting on Tuesday, April 16, 2013, at 301 W. 2<sup>nd</sup> Street, City Hall, Room #1027, in Austin, Texas.**

Commissioner Chimenti called the meeting to order at 6:03 p.m.

**Subcommittee Members in Attendance:**

Danette Chimenti - Chair  
Myron Smith  
Jean Stevens

Stephen Oliver  
Jeff Jack – Ex-Officio

**City Staff in Attendance:**

Greg Dutton, Planning and Development Review  
Jim Robertson, Planning and Development Review  
Steven Sadowsky, Planning and Development Review  
Randy Scott, Parks and Recreation  
Ricardo Soliz, Parks and Recreation  
Jesse Vargas, Parks and Recreation  
Matthew Christianson, Code Compliance  
Marti Bier, Neighborhood Housing and Community Development  
Rebecca Giello, Neighborhood Housing and Community Development

**Others in Attendance:**

Will Herring  
Annie Armbrust, RECA  
Matt Curtis, HomeAway  
Brandy Guthrie, ABOR  
Emily Chenevert, ABOR  
Kurt Cadena-Mitchell, Austin Interfaith  
Pete Gilcreaso  
Peach Reynolds

Stuart Hersh  
David King, Zilker NA  
Jean Mather, SRCC  
Jack Murray, Jack & Adam's  
Blake Tollet, WANG  
Karen Kelly  
Karen Paup  
Juan Oyervides, Emma Barrientos MACC

**1. CITIZEN COMMUNICATION: GENERAL**

- a. None.

**2. APPROVAL OF MINUTES**

- a. A motion was made to approve the March 19, 2013 minutes by Commissioner Stevens, seconded by Commissioner Smith. Vote: 4-0 (Commissioner Nortey and Commissioner Anderson absent).

### **3. POTENTIAL CODE AMENDMENTS: Proposed for Initiation and Discussion**

*Potential amendments to the code are offered for discussion and possible recommendation for initiation. If initiated, Staff will research the proposal and report back to the subcommittee.*

- a. Historic Landmark Commission Public Hearing Deadlines** – Discussion and possible initiation of code revisions to Section 25-11-213 (F) of the Land Use Code to allow the Historic Landmark Commission up to 60 days to hold a public hearing on an application in order to meet code requirements for public notice. City Staff: Steve Sadowsky, Planning and Development Review Department, 974-6454, [Steve.Sadowsky@austintexas.gov](mailto:Steve.Sadowsky@austintexas.gov) (Discussion and/or Possible Action)

Steve Sadowsky explained that under the current code, staff has 45 days to have demolition and relocation permits reviewed, and staff would like this extended to 60 days to allow for notification and scheduling.

A motion was made to initiate by Commissioner Stevens, seconded by Commissioner Smith. Vote: 4-0 (Commissioner Nortey and Commissioner Anderson absent).

- b. STAFF BRIEFING: Tenant Relocation Standards** – Discuss Council resolution directing the City Manager to work with stakeholders to develop recommendations regarding tenant relocation standards and to identify the feasibility of and mechanisms for implementing these standards in zoning and demolition permit applications. City Staff: Marti Bier, Neighborhood Housing and Community Development, 974-3196, [Marti.Bier@austintexas.gov](mailto:Marti.Bier@austintexas.gov) (Discussion and/or Possible Action)

Rebecca Giello presented draft recommendations that outlined possible tenant relocation standards. Tenant relocation has become an issue as affordable housing has dwindled, and low-income tenants have a harder time relocated if they are displaced. Ms. Giello explained that several other Texas cities have such programs, and that to date, all relocation provisions have been on a project-by-project basis, as there are no regulations in the current code. More meetings will be held with stakeholders to discuss the draft recommendations before the recommendations go back to Council and a code amendment is initiated.

No action was taken.

### **4. REGULAR AGENDA: Previously Initiated**

*Previously initiated amendments to the code are offered for discussion and possible recommendation to the full Planning Commission.*

- a. STAFF BRIEFING: Downtown Austin Density Bonus Program and CURE Amendments** – Discuss the downtown density bonus program codification and Central Urban Redevelopment (CURE) zoning amendments initiated per Council direction. City Staff: Jim Robertson, Planning and Development Review Department, 974-3564, [Jim.Robertson@austintexas.gov](mailto:Jim.Robertson@austintexas.gov) (Discussion and/or Possible Action)

Jim Robertson went over the proposed changes to the density bonus program that would be codified in advance of the Downtown Plan. An interim density bonus program exists today, but to date the interim density bonus program has not been used, and the density bonus from the

Downtown Plan has not yet been codified. CURE is used as a way for developers to achieve additional entitlements in return for public benefits; however, defining public benefits is very difficult and can be subjective. A resolution from Council has directed staff to codify the interim density bonus program (in a streamlined form) in advance of the rest of the Downtown Plan, so that there is a well-defined program that makes clear what the public benefits are. Mr. Robertson explained that affordable housing will definitely be including in the streamlined density bonus program, but that other aspects can be discussed. In addition, Council would be initiated code amendments to CURE to ensure that future development uses the new density bonus program and not CURE.

Citizens in attendance raised the concerns that the level of MFI used for affordable housing as a part of the density bonus might be too high, such that it doesn't help those who make \$30-50K a year. Also raised was how to define public benefits so that it's clear to the public what they are getting in return for additional entitlements.

Mr. Robertson indicated that staff would return in May for the subcommittee to take action on the item.

No action was taken.

- b. Parking** – Consider an ordinance to amend Chapter 8 and 25 of the City Code to authorize parking utilization agreements on under-used City parking lots. City Staff: Ricardo Soliz, Parks and Recreation Department, 974-9452, [Ricardo.Soliz@austintexas.gov](mailto:Ricardo.Soliz@austintexas.gov) (Discussion and/or Possible Action)

Ricardo Soliz presented a draft ordinance that would allow license agreements to be executed between the City of Austin and private businesses, such that private businesses could use/lease underutilized parking spots on city parkland, as long as the business has shown it cannot otherwise meet parking requirements. These license agreements would be renewed after a certain period, and the fee the business pays would be used for park improvements.

- Several questions and concerns came up from Commissioners and the public, including:
- How will underutilization be determined?
- If underutilized lots are used by businesses, won't that just make it harder for the same lot to be used by the public, and thus, won't it remain underutilized by the public?
- Will the city make any money from the fees?
- How can businesses really show that they have exhausted their options for otherwise meeting parking requirements?

A motion was made to recommend denial to Planning Commission, by Commissioner Oliver, seconded by Commissioner Stevens. Vote: 4-0 (Commissioner Nortey and Commissioner Anderson absent).

- c. Heli-Facilities** – Consider an ordinance amending chapter 25-2 of the City Code related to heli-facilities. City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, [Greg.Dutton@austintexas.gov](mailto:Greg.Dutton@austintexas.gov) (Discussion and/or Possible Action)

Greg Dutton went over a minor change to Chapter 25 regarding heli-facilities, to strike a term currently in the code, so that Chapter 25 matches Chapter 13.

A motion was made to recommend approval to Planning Commission, by Commissioner Stevens, seconded by Commissioner Oliver. Vote: 4-0 (Commissioner Nortey and Commissioner Anderson absent).

- d. Short-Term Rentals** – Consider an ordinance amending Chapter 25 of the City Code, to improve compliance, notification, enforcement, and efficiency. City Staff: Jerry Rusthoven, Planning and Development Review Department, 974-3207, [Jerry.Rusthoven@austintexas.gov](mailto:Jerry.Rusthoven@austintexas.gov) (Discussion and/or Possible Action)

Greg Dutton presented proposed changes to the existing short-term rental regulations. In addition to the changes presented at the previous month's subcommittee meeting, there were several new changes: the addition of PUD to permitted zoning districts; the possible consideration of corporate relocations and whether they should be treated differently; possible grandfathering of existing multifamily STRs; consideration of a less restrictive cap for DMU and CBD zoning.

A motion was made to recommend approval to Planning Commission by Commissioner Smith, seconded by Commissioner Oliver. Vote: 4-0 (Commissioner Nortey and Commissioner Anderson absent).

## **5. OTHER BUSINESS**

- a. Update on potential upcoming and current code amendments, and the amendment process** - City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, [Greg.Dutton@austintexas.gov](mailto:Greg.Dutton@austintexas.gov)

Greg Dutton gave a brief update of ongoing and upcoming code amendments. Commissioners requested that at a future meeting a list of existing code amendments that might be rolled into the comprehensive code rewrite be presented.

No action was taken.

## **6. FUTURE AGENDA ITEMS**

*Future agenda items will NOT be discussed at the current meeting, but will be offered for initiation, discussion, and/or possible recommendation to the full Planning Commission at a FUTURE meeting.*

## **ADJOURNMENT**

Commissioner Chimenti adjourned the meeting without objection at 7:45 p.m.

The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 4 days before the meeting date. Please call Greg Dutton at Planning and

Development Review Department, at 512-974-3509, for additional information; TTY users route through Relay Texas at 711.

For more information on the Planning Commission Codes and Ordinances Subcommittee, please contact Greg Dutton at (512) 974-3509 or at [greg.dutton@austintexas.gov](mailto:greg.dutton@austintexas.gov)