



**PLANNING COMMISSION
CODES AND ORDINANCES SUBCOMMITTEE MINUTES**

**REGULAR MEETING
Tuesday, January 21, 2014**

The Planning Commission Codes and Ordinances Subcommittee convened in a regular meeting on Tuesday, January 21, 2014, at 301 W. 2nd Street, City Hall, Room #1027, in Austin, Texas.

Commissioner Chimenti called the meeting to order at 6:04 p.m.

Subcommittee Members in Attendance:

Danette Chimenti

Jean Stevens

Jeff Jack – Ex-Officio

James Nortey

Dave Anderson

Stephen Oliver

City Staff in Attendance:

Greg Dutton, Planning and Development Review

Jerry Rusthoven, Planning and Development Review

Carol Gibbs, Planning and Development Review

Erica Leak, Planning and Development Review

Jessi Koch, Neighborhood Housing and Community Development

Others in Attendance:

Stuart Hersh

Leah Bojo, CM Riley

Robert Kleeman, Sneed Vine

Mike Hebert, Hancock NA

Michael Graham, Austin Beerworks

Andrei Lubomudrov, ABOR

Charles Cloutman, Meals on Wheels

Mary Ingle, ANC

Ben Sable, Circle Brewing

Darla Gay, Re-entry Roundtable

Julie Montgomery, AURA

Nuria Zaragoza

John Boardman

Michael McGovern, Austin Beerworks

David Whitworth

Betsy Greenberg, Heritage NA

Natalie Axe, Hancock NA

Merianne Gaston, Hancock NA

Chip McElroy, Live Oak Brewing

Frank Harren

Ron Thrower

David Yauncey, Adelberts Brewery

1. CITIZEN COMMUNICATION: GENERAL

- a. Charles Coutman requested that an item heard at a previous subcommittee meeting, related to the placement of accessible ramps in setbacks, continue forward to Planning Commission and that stakeholders and staff work together towards the approval of an amendment.

No action was taken.

2. APPROVAL OF MINUTES

- a. A motion was made to approve the November 19, 2013 minutes by Commissioner Stevens, seconded by Commissioner Nortey, with direction to amend the adjournment from Commissioner Chimenti to Commissioner Anderson. Vote: 5-0.

3. POTENTIAL CODE AMENDMENTS: Proposed for Discussion and/or Initiation

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

- a. **Amnesty Certificate of Occupancy** – Consider initiation of an amendment to Title 25 of the City Code to change requirements for obtaining an amnesty certificate of occupancy. (Sponsor: Commissioner Stevens; Co-sponsor: Commissioner Oliver). (Discussion and/or Possible Action)

Stuart Hersh explained the need for an amendment to the city's existing amnesty certificate of occupancy regulations, which currently only allow amnesty COs to be granted to properties with uses and structures existing prior to 1986.

A motion was made to table the item to the February subcommittee meeting, by Commissioner Stevens, seconded by Commissioner Oliver, with direction to staff to determine whether the proposed amendment is something staff might already be working on. Vote: 4-0-1 (Commissioner Anderson abstaining).

4. REGULAR AGENDA: Previously Initiated

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

- a. **Downtown Density Bonus and Rainey Subdistrict Amendments** – Consider an ordinance to Title 25 of the City Code to codify the of remainder of the community benefits of the Downtown Density Bonus Program, make the Rainey Street Subdistrict eligible to participate in the Downtown Density Bonus Program, and to create an affordability period and mechanism for an affordable housing land trust for affordable housing units in the Rainey Street Subdistrict. City Staff: Erica Leak, Planning and Development Review Department, 974-2856, Erica.Leak@austintexas.gov (Discussion and/or Possible Action)

Erica Leak gave an outline of several code amendments that are currently in-process, all of which are related to the Downtown Density Bonus Program (DDBP) and Rainey St; these amendments will all be treated as a package. In summary the three amendments are: a codification of the full set of DDBP community benefits; a code change that allows the Rainey subdistrict of the waterfront overlay to participate in the DDBP, and a changed affordability period for the Rainey subdistrict.

Discussion centered on what the best types of community benefits might be, and how the magnitude of particular benefits is determined. Commissioners wondered whether the density bonus program would make a dent in the need for affordable housing, and made clear the need to strike a balance that encourages density downtown and also achieves community benefits.

A motion was made to recommend the item to the full Planning Commission, by Commissioner Stevens, seconded by Commissioner Anderson. Vote: 5-0.

- b. Occupancy** – Consider an ordinance to amend Title 25 of the City Code to change the occupancy limit for the number of unrelated individuals who reside in certain types of residential uses. City Staff: Jerry Rusthoven, Planning and Development Review Department, 974-3207, Jerry.Rusthoven@austintexas.gov (Discussion and/or Possible Action)

Jerry Rusthoven explained the proposed change to occupancy for unrelated individuals residing in single-family zoned structures. The change would allow up to four individuals to reside, as opposed to the six allowed under current code. Discussion centered on the issues that neighborhoods have had with perceived stealth dorms (trash, noise, excessive parking) and those who felt that a reduction in occupancy would negatively impact affordability. Commissioner Stevens pointed out that the stealth dorm working group is still meeting to discuss stealth dorms generally, and that that group would have additional recommendations to Council in the spring regarding other aspects of stealth dorms.

A motion was made to recommend to full Planning Commission a change in occupancy of unrelated individuals from six to four for all single-family zoned property, per the Council resolution, by Commissioner Chimenti, seconded by Commissioner Stevens, with direction to staff to address impacts to affordability. Vote: 5-0.

- c. Breweries** – Consider an ordinance to amend Title 25 of the City Code to allow breweries to sell alcohol that is produced on-site for on-site consumption. City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, Greg.Dutton@austintexas.gov (Discussion and/or Possible Action)

Jerry Rusthoven went over a proposed amendment that would allow breweries in Austin to sell alcohol on-site that it produced on-site. This change is in response to a Texas state law that was recently passed, and permits the sale on-site of beer/ale that the brewery has produced. Discussion was primarily on the proposed floor area restriction for where the alcohol could be sold and consumed.

A motion by Commissioner Anderson and seconded by Commissioner Stevens to table the item to the February subcommittee meeting failed on a 3-0-1 vote (Commissioner Oliver abstaining), but staff indicated that they would continue discussions with the brewers and would likely have the item back at the February subcommittee meeting.

5. OTHER BUSINESS

- a. Stealth Dorms** – Discuss ongoing working group activity and findings related to stealth dorms. Commissioner Stevens. (Discussion and/or Possible Action)

No action was taken.

- b. Policy Issues and Priorities Standing Item: Affordability** – Discuss issues around affordability in the City of Austin. (Sponsor: Commissioner Anderson; Co-Sponsor: Commissioner Oliver) (Discussion and/or Possible Action)

Affordable housing was very briefly discussed; Commissioner Jack noted that a new housing market study was underway.

Commissioner Oliver presented slides on a study that was conducted as a part of the Imagine Austin comprehensive plan analysis, to determine how many additional people certain corridors would accommodate in the future. Commissioner Oliver felt the study did not adequately address constraints to development (compatibility, heritage trees, etc), and that inflated population absorption figures for Austin's corridors caused discussion to be deflected away from other ways that future population might need to be housed (in areas other than corridors).

No action was taken.

- c. 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 (Discussion and/or Possible Action)

Greg Dutton gave a brief update on ongoing code amendments.

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 9:45 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