



**PLANNING COMMISSION  
CODES AND ORDINANCES SUBCOMMITTEE MINUTES**

**REGULAR MEETING  
Tuesday, April 15, 2014**

**The Planning Commission Codes and Ordinances Subcommittee convened in a regular meeting on Tuesday, April 15, 2014, 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  
Jean Stevens  
Jeff Jack – Ex-Officio

James Nortey  
Stephen Oliver

**City Staff in Attendance:**

Greg Dutton, Planning and Development Review  
Jerry Rusthoven, Planning and Development Review  
Carol Gibbs, Planning and Development Review  
George Adams, Planning and Development Review  
Paul Tomasovic, Code Compliance Department

**Others in Attendance:**

Stuart Hersh  
Frank Harren  
Katherine Loayza

**1. CITIZEN COMMUNICATION: GENERAL**

- a. Frank Harren expressed concern that small area plans and neighborhood plans could be in conflict with the Imagine Austin comprehensive plan, and suggested that they be treated as recommendations, but should not in any way control or supersede Imagine Austin.

No action was taken.

**2. APPROVAL OF MINUTES**

- a. A motion was made to approve the March 18, 2014 minutes by Commissioner Nortey, seconded by Commissioner Stevens. Vote: 4-0 (Commissioner Anderson absent).

**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)

Greg Dutton explained the proposal to amend the existing code provisions for certificates of occupancy, noting that the item had been discussed at the Codes and Ordinances Subcommittee several times over the last few months. The change, originally proposed by Stuart Hersh, would amend the code to allow certificates of occupancy to be obtained if a structure is non-complying or non-conforming, so long as the condition has existed at least two years, and no life/safety issues exist. The current code requires that certificates of occupancy be given only to non-complying and non-conforming structures that existed before 1986.

Stuart Hersh noted that there are many situations where certificates of occupancy do not exist for structures that were built after 1986, and that the proposed change would help many structures that need to make repairs, but whose structures do not, and have not ever, complied with current code. Paul Tomasovic with Code Compliance noted a staff concern that the proposed change would encourage construction of illegal structures, and that staff felt that the current code was sufficient to address non-conformance, non-compliance, and illegal construction.

A motion was made to deny the request to initiate by Commissioner Oliver, seconded by Commissioner Northey. Vote: 4-0 (Commissioner Anderson absent).

- b. Parking Reductions** – Consider initiation of an amendment to Title 25 of the City Code to clarify the applicability of parking reductions. City Staff: George Adams, Planning and Development Review Department, 974- 2146, [George.Adams@austintexas.gov](mailto:George.Adams@austintexas.gov) (Discussion and/or Possible Action)

George Adams explained that when Subchapter E was recently amended that all parking reduction provisions were consolidated in a single section of the LDC. This new section of the code inadvertently removed language stating that parking reductions can only be used for non-residential uses, and the proposed change would add that language back.

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

- c. TOD Boundary** – Consider initiation of an amendment to Title 25 of the City Code to amend the boundaries of the Lakeline Transit Oriented Development. 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)

Jerry Rusthoven went over a proposed change to the Lakeline TOD boundary that would include an adjacent property that is currently not within the TOD district. The proposed change would make North Lake Creek Parkway the district boundary instead of the property line.

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

#### 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: Mobile Retail** – Update on amendment to Title 25 of the City Code to allow mobile retail sales. 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)

The item was postponed with objection to the May subcommittee meeting.

No action was taken.

#### 5. **OTHER BUSINESS**

- a. **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)

Commissioner Jack discussed affordability in Austin, and how the Imagine Austin comprehensive plan can address it. Although the focus to date has been primarily on the “compact and connected” priority program, the Commissioners agreed that they would like to see all priority programs considered when looking for affordability solutions. Commissioner Nortey pointed out that many of the priority programs could be advanced if higher density is achieved, and Commissioners Stevens and Chimenti stressed that too much importance has been placed on the compact and connected priority program, at the expense of other priority programs.

No action was taken.

- b. **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) (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.*

Commissioners asked that a Code Next update be given to the Codes and Ordinances Subcommittee at some point in the future.

No action was taken.

#### **ADJOURNMENT**

Commissioner Chimenti adjourned the meeting without objection at 8:22 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)

DRAFT