



**PLANNING COMMISSION  
CODES AND ORDINANCES SUBCOMMITTEE MINUTES**

**REGULAR MEETING  
Tuesday, September 16, 2014**

**The Planning Commission Codes and Ordinances Subcommittee convened in a regular meeting on Tuesday, September 16, 2014, at 301 W. 2<sup>nd</sup> Street, City Hall, Boards and Commissions Room, in Austin, Texas.**

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

**Subcommittee Members in Attendance:**

Danette Chimenti  
Jeff Jack – Ex-Officio  
James Nortey

Jean Stevens  
Nuria Zaragoza

**City Staff in Attendance:**

Greg Dutton, Planning and Development Review  
Jerry Rusthoven, Planning and Development Review  
George Adams, Planning and Development Review  
George Zapalac, Planning and Development Review  
Gina Copic, Neighborhood Housing and Community Development  
Carol Gibbs, Planning and Development Review  
Jessi Koch, Neighborhood Housing and Community Development  
Paul Tomasovic, Code Department

**Others in Attendance:**

Stuart Hersh  
Mary Ingle  
Greg Anderson

**1. CITIZEN COMMUNICATION: GENERAL**

a. NONE.

**2. APPROVAL OF MINUTES**

a. A motion was made to approve the August 19, 2014 minutes by Commissioner Stevens, seconded by Commissioner Chimenti, with a note to add direction to staff to look into process for vacating property via plat revision. Vote: 4-0 (Commissioner Oliver absent).

**3. UNFINISHED BUSINESS**

a. **Residential Over-Occupancy (Stealth Dorm) Working Group Recommendations** – Discuss ongoing working group activity and recommendations related to over-occupancy of residential dwellings. Commissioner Stevens. (Discussion and/or Possible Action).

The Commissioners discussed a list of recommendations generated by the Residential Over-Occupancy Working Group, continuing a discussion from last month on topics related to code compliance. Paul Tomasovic explained that Code responds to complaints by investigating the site and doing research, and that the inspector may issue a written warning. If the written warning is ignored, a citation can be made. The citation is made to the tenant or the property owner, depending on who is responsible for the violation; generally the property owner is noticed. The Buildings and Standards Commission may set the fine schedule for properties that are out of compliance, but the violated may need to be taken to court in order to force payment. For short-term rentals (STRs) and over-occupancy, the Code inspector must make observations and consider evidence before issuing warnings and/or citations. All notices of violation are sent via certified mail; right now there is no way for the public to view all notices of violation, but Code is working on how to make notices of violations available to the public.

Commissioners asked that in the future a list of violation priorities be provided – that is, an explanation of how violations are classified into nuisances, or considered something else. Commissioners also asked for a possible cost estimate of the repeat offender program.

The remaining recommendations will be taken up at future subcommittee meetings.

No action was taken.

**4. 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. NONE.**

**5. 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: Code Approach Alternatives & Annotated Outlines for CodeNEXT –** Discuss major issues related to revision of the Land Development Code. City Staff: George Zapalac, Planning & Development Review Department, 974-2725, [George.Zapalac@austintexas.gov](mailto:George.Zapalac@austintexas.gov). (Discussion and/or possible action)

George Zapalac gave a presentation on three different approaches that the CodeNEXT process is considering for how to tackle revision of Austin’s Land Development Code (LDC). The second approach, the “Deep Clean,” is recommended by the staff and consultants. This approach is a middle approach relative to the “Brisk Sweep” and “Complete Makeover.” Approach two is a hybrid of form-based, Euclidean-based, and performance-based development standards. At this stage of the process the selection of an approach helps set a framework for the revision of the LDC, but does not revise or change any existing plans or zoning.

Commissioners expressed concern that although an approach was being recommended, it wasn’t clear yet which parts of the code would be heavily or mildly revised, or which parts of

the city would get more or less form-based code. In the future the Commissioners would like to see examples of how the code has been mapped in other cities.

No action was taken.

- b. SMART Housing** – Consider an ordinance to Title 25 of the City Code related to the Transportation component of SMART housing requirements. City Staff: Jessi Koch, Neighborhood Housing and Community Development; 974-3184, [Jessi.Koch@austintexas.gov](mailto:Jessi.Koch@austintexas.gov) (Discussion and/or Possible Action).

Jessi Koch went over a proposed amendment that requires SMART housing to be within ½ mile walking distance of a transit route, but still gives NHCD director the ability to waive said requirement under certain conditions. Housing advocates explained that although transit proximity was important, Texas awards state grant money without consideration of transit, so any hard requirement might limit the ability to obtain state money. Commissioners asked that a list be provided of SMART housing projects and the types of units they are providing. Are the gaps noted in the housing market study being filled?

A motion was made to recommend the item to the full Planning Commission by Commissioner Chimenti, seconded by Commissioner Stevens, with added direction to staff to look into the possibility of requiring sidewalks that connect to transit, and to look at effectiveness of SMART housing projects. Vote: 4-0 (Commissioner Oliver absent).

- c. Temporary Staging** – Consider an ordinance amending Title 25 of the City Code to allow temporary staging of equipment, for City of Austin and utility projects, on non-City-owned property. City Staff: Andy Linseisen, Planning and Development Review Department, 974-2239, [Andy.Linseisen@austintexas.gov](mailto:Andy.Linseisen@austintexas.gov) (Discussion and/or Possible Action)

Postponed without objection to the October subcommittee meeting.

- d. Alley Fences** – Consider initiation of an amendment to Title 25 of the City Code to allow solid fencing eight feet in height along an alley that separates a residential use and a commercial or industrial use. 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 explained an amendment that would allow the construction of fencing up to 8 feet along an alley, if that alley separates residential and commercial or industrial uses. The current code requires that the uses abut each other; the proposed change allows an alley separate the uses.

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

- e. Micro Units** – Consider an ordinance to amend Title 25 of the City Code to reduce barriers that may impede the construction of micro units. 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 the micro unit proposed amendment, which would allow for small efficiency units to be built on Core Transit Corridors or Future Core Transit Corridors, and give a parking and density break in return for on-site affordability. Commissioners and the public raised concerns that the parking reduction may force cars onto adjacent streets, and questioned whether Austin's transportation network and RPP program were robust enough to address parking issues. Although the commissioners felt that the concept of micro units has some merit, there was also general discussion that the item might be better handled in the context of CodeNEXT.

A motion was made to not recommend (deny) the item to full Planning Commission by Commissioner Chimenti, seconded by Commissioner Zaragoza, with the additional note that the micro unit discussion, although with merit, requires additional study on a comprehensive approach to transportation and residential permit parking program, both of which are more appropriately discussed as a part of CodeNEXT. Vote: 4-0 (Commissioner Oliver absent).

## 6. OTHER BUSINESS

- a. **Educational Impact Statement** – Discuss potential recommendations to change the requirements for an Educational Impact Statement. (Sponsor: Commissioner Chimenti; Co-Sponsor: Commissioner Zaragoza) (Discussion and/or Possible Action).

A motion was made to move the item to the Neighborhood Planning Subcommittee for further review by Commissioner Chimenti, seconded by Commissioner Stevens, with direction to engage the AISD GIS department/staff and discuss threshold triggers and possible expansion into a community impact statement.

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

The item was not discussed and 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](mailto:Greg.Dutton@austintexas.gov); (Discussion and/or Possible Action).

Greg Dutton briefly went over current code amendments. Commissioners requested that a list be provided of ongoing code amendment at the next subcommittee meeting. No action was taken.

## 7. 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 Nortey adjourned the meeting without objection at 8:40 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)