



**PLANNING COMMISSION  
CODES AND ORDINANCES SUBCOMMITTEE MINUTES**

**REGULAR MEETING  
Tuesday, September 15, 2015**

**The Planning Commission Codes and Ordinances Subcommittee convened in a regular meeting on Tuesday, September 15, 2015, at 301 W. 2<sup>nd</sup> Street, City Hall, Room #1027, in Austin, Texas.**

Greg Dutton called the meeting to order at 6:10 p.m.

**Subcommittee Members in Attendance:**

Fayez Kazi  
Jean Stevens  
Trinity White

James Schissler  
Nuria Zaragoza

**City Staff in Attendance:**

Greg Dutton, Planning and Zoning  
Tonya Swartzendruber, Planning and Zoning  
Jessi Koch, Neighborhood Housing and Community Development  
Andy Linseisen, Development Services  
Scott Gross, Austin Transportation  
Cassidy Ellis, Austin Energy  
Kurt Stogdill, Austin Energy  
Woody Raine, Austin Resource Recovery  
Gena McKinley, Austin Resource Recovery

**Others in Attendance:**

David King  
Gavino Fernandez  
Daniel Llanes  
Adam Gregory

Ryan Hobbs  
Ross Rathpeber  
Stuart Hersh  
Girard Kinney

**1. CITIZEN COMMUNICATION: GENERAL**

- a. David King asked that the subcommittee or Planning Commission look at the existing code for how to determine a baseline for PUD zoning and to consider clarifying the requirements for how to make that determination. He also voiced concern over how hazardous materials are handled when buildings are demolished, and asked that the notification requirements for demolition permits be revisited so that neighbors have adequate notification.

No action was taken.

- b. Gavino Fernandez asked that a corridor study be undertaken for the Cesar Chavez corridor; because of the increased development along the corridor some feel that the new uses are too entertainment-focused and are out of step with the existing East Cesar Chavez and Holly neighborhood plans.

No action was taken.

- c. Daniel Llanes echoed Mr. Fernandez with a request that certain types of development along Cesar Chavez be halted so that the corridor doesn't develop like the Rainey Street area.

No action was taken.

## 2. APPROVAL OF MINUTES

- a. Approval of the August 18, 2015 meeting minutes.

The meeting minutes were not available but will be provided at the next meeting. No action was taken.

## 3. NEW BUSINESS

- a. None

## 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. **Complete Streets** - Discuss and consider initiation of amendments to Chapter 25-6 of the Land Development Code related to requirements for roadway construction to comply with the City's complete streets policies. City Staff: Andy Linseisen, Development Services Department, 974-2239, [Andy.Linseisen@austintexas.gov](mailto:Andy.Linseisen@austintexas.gov); Scott Gross, Austin Transportation Department, 974-5621, [Scott.Gross@austintexas.gov](mailto:Scott.Gross@austintexas.gov); (Discussion and/or Possible Action).

Andy Linseisen went over a proposed code amendment that would codify Council's direction (via resolution and policy adoption) that complete streets requirements be incorporated into relevant projects.

Recommended to the full Planning Commission for initiation by Commissioner Stevens, seconded by Commissioner Kazi. Vote: 5-0 (Commissioner Seeger absent).

- b. **Traffic Mitigation** – Discuss and consider initiation of amendments to Chapter 25-6 related to requirements for providing traffic mitigation as a condition to development approval. City Staff: Andy Linseisen, Development Services Department, 974-2239, [Andy.Linseisen@austintexas.gov](mailto:Andy.Linseisen@austintexas.gov); (Discussion and/or Possible Action).

Scott Gross explained a proposed code amendment that would clarify the city's ability require traffic mitigation measures for certain projects. Until now TIAs and NTAs have primarily been used for traffic mitigation, but staff would like to expand the parameters for assessing traffic impacts. Although staff feels the existing code gives the authority for staff have to have broad discretion for determining how to mitigate traffic, the idea of expanding mitigation measures is new, and staff feels it would be more transparent to start a new amendment process.

Recommended to the full Planning Commission for initiation by Commissioner Kazi, seconded by Commissioner White. Vote: 5-0 (Commissioner Seeger absent).

- c. **Porch Encroachment** - Discuss and consider initiation of an amendment to Title 25 of the City Code regarding regulations for porch encroachment into street side yards. (Sponsor: Commissioner Stevens; Co-Sponsor: Commissioner Kazi); (Discussion and/or Possible Action).

Greg Dutton summarized a proposed code amendment that was first brought up during Citizen Communication at the August subcommittee meeting. The idea would be to allow street side yard porches to encroach into the street side setback up to 5 feet, as is currently allowed for front porches on a city-wide basis. Staff will look into whether a porch is included in setback averaging calculations.

Recommended to the full Planning Commission for initiation by Commissioner Stevens, seconded by Commissioner Kazi. Vote: 5-0 (Commissioner Seeger absent).

- d. **Sidewalk Fee-in-Lieu** - Discuss and consider initiation of an amendment to Title 25 of the City Code related to sidewalk fee-in-lieu criteria and payments. (Sponsor: Commissioner Zaragoza; Co-Sponsor: Commissioner Stevens); (Discussion and/or Possible Action).

Greg Dutton explained a potential code amendment that would look at giving more discretion to staff for making determinations of whether an applicant must install on-site sidewalks for a project or can pay fee-in-lieu (FIL) instead. Mr. Dutton further explained that the actual fee paid for the FIL is determined via a rules process that is separate and distinct from the code amendment process, and not in the purview of the Planning Commission. Commissioners expressed a desire for staff to have additional discretion when determining whether FIL should be paid for certain projects.

Recommended to the full Planning Commission for initiation by Commissioner White, seconded by Commissioner Stevens. Vote: 5-0 (Commissioner Seeger absent).

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

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

- a. **Construction and Demolition Material Diversion** – Consider an amendment to Title 25 of the City Code to require recycling of construction materials from construction and demolition sites. City Staff: Woody Raine, Austin Resource Recovery Department, 974-3460, [Woody.Raine@austintexas.gov](mailto:Woody.Raine@austintexas.gov); (Discussion and/or Possible Action).

Woody Raine presented a set of amendments to Title 15 and Title 25 that will require increasing levels of materials diversion during demolition and construction for certain projects. The proposed changes would begin in 2016 and increase diversion rates in 2020 and again in 2030. Projects over 5000 square feet would be required to comply starting in 2016, and projects over 1000 square feet would be included starting in 2020. Members of the public voiced concern that the residential requirements would be too difficult to meet.

A motion was made to recommend the item to full Planning Commission by Commissioner White, seconded by Commissioner Kazi, with an amendment to strike 25-11-39 (D), and with direction that staff consider increasing diversion rates after evaluating economic impact assessments prior to 2020. Vote: 5-0 (Commissioner Seeger absent).

- b. Planned Unit Development Fee-in-Lieu** – Consider an amendment to Title 25 of the City Code related to Planned Unit Development Density Bonuses. City Staff: Jessi Koch, Neighborhood Housing and Community Development Department, 974-3184, [Jessi.Koch@austintexas.gov](mailto:Jessi.Koch@austintexas.gov); (Discussion and/or Possible Action).

Jessi Koch explained proposed amendments to PUD fee-in-lieu (FIL) requirements that would require applicants to prove that they could not place affordable housing on-site, via a request to NHCD, and subject to Council approval. The changes also require a FIL payment for developments with no residential units, and establish a 99 year period for on-site affordable ownership units.

A motion was made to recommend the item to full Planning Commission by Commissioner White, seconded by Commissioner Kazi, with direction to staff to look at the possibility of requiring a 2/3 Council vote to approve FIL, and a desire for “infeasibility” to be further defined. Vote: 4-1 (Commissioner Schissler nay; Commissioner Seeger absent).

- c. Short-Term Rentals** – Consider amendments to Title 25 of the City Code related to short-term rentals. City Staff: Marcus Elliott, Code Department, 974-1951, [Marcus.Elliott@austintexas.gov](mailto:Marcus.Elliott@austintexas.gov); (Discussion and/or Possible Action).

Postponed without objection to the 10/20/15 subcommittee meeting.

- d. East Riverside Corridor Drive-Throughs** – Consider an amendment to Title 25 of the City Code to amend the East Riverside Corridor Regulating Plan to add an address to the list of existing drive-throughs. City Staff: Tonya Swartzendruber, Planning and Zoning Department, 974-3462, [Tonya.Swartzendruber@austintexas.gov](mailto:Tonya.Swartzendruber@austintexas.gov); (Discussion and/or Possible Action).

Greg Dutton explained proposed amendment to add an existing drive-through to a list in the ERC Regulating Plan; the address existing before the plan was adopted and was inadvertently overlooked.

A motion was made to recommend the item to full Planning Commission by Commissioner Stevens, seconded by Commissioner White. Vote: 5-0 (Commissioner Seeger absent).

- e. Subchapter F: Carport and Garage Exemptions** – Consider an amendment to Title 25 of the City Code to change regulations related to Subchapter F gross floor area exemptions for garages and carports. City Staff: Greg Dutton, Planning and Zoning Department, 974-3509, [Greg.Dutton@austintexas.gov](mailto:Greg.Dutton@austintexas.gov); (Discussion and/or Possible Action).

Greg Dutton explained a code amendment that would eliminate the possibility of an enclosed carport becoming a garage and resulting in a change in gross floor area exemption. The current code has two separate exemption limits for garages and carports, and this limit can be reduced if a carport is enclosed to become a garage. The proposed code change would have fixed

exemption limits depending on where the parking structure was located, regardless of whether it was a carport or garage.

A motion was made to recommend the item to full Planning Commission by Commissioner Stevens, seconded by Commissioner Schissler. Vote: 5-0 (Commissioner Seeger absent).

- f. Subchapter F: TOD and ERC Zoning** – Consider an amendment to Title 25 of the City Code to clarify that Subchapter F does not apply to property zoned ERC or TOD. City Staff: Greg Dutton, Planning and Zoning Department, 974-3509, [Greg.Dutton@austintexas.gov](mailto:Greg.Dutton@austintexas.gov); (Discussion and/or Possible Action).

Greg Dutton explained a code amendment that would clarify that Subchapter F (McMansion) does not apply to property zoned ERC or TOD.

A motion was made to recommend the item to full Planning Commission by Commissioner Stevens, seconded by Commissioner Schissler. Vote: 5-0 (Commissioner Seeger absent).

- g. East Riverside Corridor Amendment Process** – Consider an amendment to Title 25 of the City Code to amend the East Riverside Corridor Regulating Plan to add a meeting requirement for plan amendments. City Staff: Greg Dutton, Planning and Zoning Department, 974-3509, [Greg.Dutton@austintexas.gov](mailto:Greg.Dutton@austintexas.gov); (Discussion and/or Possible Action).

Greg Dutton explained a code amendment that would create a requirement that an applicant conduct a neighborhood meeting for the purposes of obtaining input on proposed amendments to the ERC Regulating Plan.

A motion was made to recommend the item to full Planning Commission by Commissioner Stevens, seconded by Commissioner Kazi. Vote: 5-0 (Commissioner Seeger absent).

## 6. 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); (Discussion and/or Possible Action).

The item was not discussed and no action was taken.

## 7. FUTURE AGENDA ITEMS

*Discussion of potential items for future agendas. These 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 subsequent meeting.*

Commissioners asked that an item be placed on a future agenda regarding sidewalk fee-in-lieu (sponsor Commissioner Zaragoza, co-sponsor Commissioner Stevens).

Commissioners asked that an item be placed on a future agenda regarding street side yard porch encroachment (sponsor Commissioner Zaragoza, co-sponsor Commissioner Kazi).

## **ADJOURNMENT**

Commissioner Zaragoza adjourned the meeting without objection at 8:00 p.m.

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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)

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