



**PLANNING COMMISSION  
CODES AND ORDINANCES SUBCOMMITTEE MINUTES**

**REGULAR MEETING  
Tuesday, October 20, 2015**

**The Planning Commission Codes and Ordinances Subcommittee convened in a regular meeting on Tuesday, October 20, 2015, at 301 W. 2<sup>nd</sup> Street, City Hall, Room #1027, in Austin, Texas.**

Commissioner Zaragoza called the meeting to order at 6:07 p.m.

**Subcommittee Members in Attendance:**

Fayez Kazi  
Jean Stevens  
Trinity White

Patricia Seeger  
Nuria Zaragoza

**City Staff in Attendance:**

Greg Dutton, Planning and Zoning  
Carol Gibbs, Planning and Zoning  
Marcus Elliott, Code  
Paul Tomasovic, Code  
Patricia Link, Law

**Others in Attendance:**

David King  
Stuart Hersh  
Mike Hebert  
Rosemary Merriam  
Carol Torgrimson  
Sandeep Nanda  
Chereen Fisher  
Trey Salinas  
Gregg Kestranek  
Mary Owen  
Jay Reynolds

Susan Moffat  
Kristen Hotopp  
Bob Glover  
Tracy Smith  
Stephanie Morris  
Kalinda Howl  
Justin Mathers  
Pete Gilcrease  
JoAnn Estrada  
Reid Long

**1. CITIZEN COMMUNICATION: GENERAL**

- a. Stuart Hersh asked that an affordability period be required for Rainey St. subdistrict of the downtown density bonus program.

No action was taken.

**2. APPROVAL OF MINUTES**

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

A motion was made to approve the minutes by Commissioner Stevens, seconded by Commissioner Kazi. Vote: 4-0-1 (Commissioner White abstaining; Commissioner Schissler absent).

**b. Approval of the September 15, 2015 minutes.**

A motion was made to approve the minutes by Commissioner Stevens, seconded by Commissioner Kazi. Vote: 4-0-1 (Commissioner Seeger abstaining; Commissioner Schissler absent).

**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. 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. Short-Term Rentals Type 2 License Suspension** – Consider an amendment to Title 25 of the City Code to suspend the issuance of new short-term rental Type 2 licenses. City Staff: Trish Link, Law, 974-2173, [Patricia.Link@austintexas.gov](mailto:Patricia.Link@austintexas.gov); Marcus Elliott, Code Department, 974-1951, [Marcus.Elliott@austintexas.gov](mailto:Marcus.Elliott@austintexas.gov); (Discussion and/or Possible Action).

Patricia link explained a proposed amendment that would suspend the issuance of Type 2 STR licenses for residentially-zoned property. The proposed amendment would not impact existing Type 2 licenses, and those with existing licenses could re-apply to renew existing licenses. The license suspension item is being considered separately from the suite of other STR changes because Council asked staff to fast track the item and have it back to them ahead of the other changes.

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

- b. Short-Term Rentals** – Consider amendments to Title 25 of the City Code related to short-term rentals. City Staff: Trish Link, Law, 974-2173, [Patricia.Link@austintexas.gov](mailto:Patricia.Link@austintexas.gov); Marcus Elliott, Code Department, 974-1951, [Marcus.Elliott@austintexas.gov](mailto:Marcus.Elliott@austintexas.gov); Greg Dutton, Planning and Zoning Department, 974-3509, [Greg.Dutton@austintexas.gov](mailto:Greg.Dutton@austintexas.gov) (Discussion and/or Possible Action).

Trish Link went over a proposed code amendment that would make a suite of changes to the short-term rental regulations. Over the course of several Council meetings, the Council initiated

a series of changes to the regulations for short-term rentals. Those changes include, but are not limited to:

- A 1000 ft. spacing requirement for Type 2 STRs
- A certification by the property owner regarding past code violations, if any, on the property
- A certificate of occupancy for the property issued no more than ten years from the date the STR application is submitted (for Type 2 and Type 3 applications)
- Compliance with septic system requirements
- Additional director discretion to deny, suspend, or revoke an STR license
- Additional operating requirements, including restrictions on noise and gatherings
- Changed occupancy requirements
- New provisions for repeat offenders and non-compliance fees
- New provisions for prima facie evidence of a violation

Commissioners discussed whether the occupancy limits should include related or unrelated individuals, and if current limits (4 or 6, depending on location), should apply. Code explained that disproving relatedness was very difficult. Mrs. Link further explained that additional provisions for how to phase out all existing Type 2 STRs would be forthcoming, as well as a possible process to allow Type 2s in residential areas in the future.

A motion was made to table the item to the next subcommittee meeting by Commissioner Kazi, seconded by Commissioner Seeger, with direction to staff to add noise violations to the list of possible repeat offenses; bring back a waiver or CUP process for future Type 2s; look into different occupancy levels and how they compare with current code; and determine if past code violations for a property can be grounds for denial of an initial application. Vote: 5-0 (Commissioner Schissler 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.*

## ADJOURNMENT

Commissioner Zaragoza adjourned the meeting without objection at 9:10 p.m.

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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)

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