

MEETING SUMMARY

**City Planning Commission
Codes and Ordinances Committee
Tuesday September 18, 2007
301 West 2nd Street
City Hall Conference Room 2016
Austin, Texas**

Call to Order – Commenced 6:00PM, Adjourned 9:00PM

Codes and Ordinances Committee Members Present:

Jay Reddy - Chair	Dave Sullivan	Saundra Kirk
	Mandy Dealey	Tracy Atkins

Contact information for Planning Commission members available at:
<http://www.ci.austin.tx.us/boards/results.cfm>

OTHERS PRESENT:

<i>Name</i>	<i>Affiliation</i>	<i>Name</i>	<i>Affiliation</i>
<i>Sonya Lopez</i>	<i>C & O staff liaison</i>	<i>Leo Enriquez</i>	<i>APD</i>
<i>Jeff Jack</i>	<i>ZNA</i>	<i>Colin Clark</i>	<i>SOS</i>
<i>Cory Walton</i>	<i>BCNA</i>	<i>Jack Kirfman</i>	<i>Stop Domain Subsidies</i>
<i>Scott Trainer</i>	<i>Noise Ordinance Working Group</i>	<i>Dave Wright</i>	<i>Resident</i>
<i>Holly Noelke</i>	<i>Law Dept.</i>	<i>Teresa Ferguson</i>	<i>Music Commission</i>
<i>Susan Bright</i>	<i>Save Barton Creek Association</i>	<i>Roy Waley</i>	<i>Austin Sierra Club</i>
<i>Ron Thrower</i>	<i>Thrower Design</i>	<i>Steve Barney</i>	<i>NHCD</i>
<i>Randy Stonerod</i>	<i>Law Dept.</i>	<i>Rolando Fernandez</i>	<i>CMO</i>
<i>Gail Armstrong</i>	<i>BCNA</i>	<i>Erin Wood</i>	<i>WPDR</i>
<i>Gina Copic</i>	<i>NHCD</i>		

A. Meeting Called to Order

1. Introduce members of the Committee and Staff
2. Inform audience of procedure

B. Regular Agenda

Discussion and Action

1. Consider an ordinance amending Chapter 25-8 of the City Code to add a new section 25-8-27 relating to redevelopment in the Barton Springs Zone.

Staff: Matt Hollon, WPDR, 974-2212, matt.hollon@ci.austin.tx.us

Nancy McClintock from WPDR gave some background on current impervious cover limits in various zones. And outlined the goal and strategies identified in the draft ordinance. The goal is to achieve better environmental controls and enhanced water quality by providing an opportunity for high-quality redevelopment. The strategies include retrofit water quality structural controls where no or poor controls existed before and offset highly impervious sites with off site land mitigation.

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- Mitigation fee would increase each year
- The mitigation land idea proposed in the ordinance is focused indirectly at nitrogen removal because it's a dissolved pollutant that's difficult to get rid of.
- This presents an opportunity to buy land in between when bond funds are available.
- Concerns were raised by the Save Barton Creek Association, SOS, the Sierra Club, and the ANC including: pollution from construction is a big concern and this remains an unanswered question in the draft; there is a density issue that is not addressed (e.g. what if new redevelopment attracts more motorists or encourages new nearby developments); what about grandfathering concerns if ordinance doesn't work as intended; there is no supermajority of Council members required when a case does go to Council; overall, no demonstration of the benefit so groups are not in support.
- Comm. Sullivan expressed that the schedule is a bit aggressive and he will be interested in hearing what the Environmental Board has to say.

Motion: Advance draft ordinance on to the full Commission [TA – 1st; SK – 2nd; with a unanimous vote in favor].

2. Consider ideas to promote Independent Business Investment Zones, expand Business Retention and Enhancement (BRE) Program districts, and better understand accountability and oversight of economic development projects.

Jack Kirfman of Stop Domain Subsidies was present and began with some comments on the Chapter 380 agreement for The Domain. The group he represents wants the City to stop paying for Domain-like subsidies and they will be encouraging policies and ordinances that create accountability for future deals; some business subsidies may still be appropriate, especially with respect to large companies that will generate a lot of employment. He is advocating for an ordinance that has quantifiable measures to account for whether or not the beneficiary is in compliance with the terms of the agreement or perhaps policy changes that could better govern these types of agreements.

Motion: Expand overall development of IBIZ's to include that as part of any 380 agreement, EGRSO must look at effects on local businesses and be subject to an established public process (consider broadening BRE so that it may include areas that are losing local businesses and have a higher level of scrutiny for any project asking for subsidy); [DS- 1; MD – 2; unanimous vote in favor]

3. Briefing and action on the proposed adoption of a S.M.A.R.T. Housing Ordinance to incorporate the June 7, 2007 Council-approved S.M.A.R.T. Housing Resolution, amend section 25-9-347 of the Land Development Code ("Exemption for Certain Affordable Housing"), and add a new Article 15 to Chapter 25-1 of the Land Development Code in order to implement the recommendations of the Affordable Housing Incentives Task Force to enhance the S.M.A.R.T. Housing Policy and Fee Waiver Program.

Staff: Steve Barney, NHCD, 974-3126, steve.barney@ci.austin.tx.us

Gina Copic from NHCD presented on a series of City Council initiated housing code amendments. The Planning Commission hearing is scheduled for October 23, 2007 so there is still time to look at draft ordinance when it is available to language at next C&O meeting if desired.

Motion: Send ordinance on to the full commission with a positive recommendation [DS – 1st; MD – 2nd; unanimous vote in favor].

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4. Consider amendments to Sections 25-2-766.04, 25-2-766.12, 25-2-766.21, and 25-2-766.22 of the City Code to modify language in the Transit-Oriented Development (TOD) Ordinance.

Staff: Sonya Lopez, NPZD, 974-7694, sonya.lopez@ci.austin.tx.us

Sonya Lopez presented on staff proposed amendments to the TOD Ordinance. These amendments are sought in preparation for Station Area Plans being presented for Council action. Currently, there are certain limitations in the TOD Ordinance that need to be removed in order for the Station Area Plans to go forward.

Motion: Forward proposed amendment to the full Commission [MD – 1; TA – 2; unanimous vote in favor].

5. Discussion and Action on the Noise Solutions Work Group Report - Recommendation to amend the Noise Ordinance (Comm. Kirk).

Comm. Kirk began by introducing members of the Noise Solutions Work Group. She explained the differences in opinion among the group's members regarding the potential future amendment to the noise ordinance. She outlined their different positions, outstanding issues and potential next steps.

Officer Enriquez outlined where new sounds meters were distributed and went over recent complaints (most were in compliance with a few violations). He talked about training issues with the sound meters related to the complications of enforcing the existing ordinance. Simplifying ordinance language for the officers and providing easier to use meters has helped. They'll have more numbers at the end of the year with the increased number of sounds meters out there to evaluate what's going on.

Public commentary: some problems are related to enforcement (e.g. slow response times) and then there's also the loophole issue; loophole relates to lack of protection for houses in proximity to venues playing outdoor music.

Research from other cities was presented: other cities looked at generally have lower noise thresholds. Staff was unable to find specific information from other cities on outdoor music venues. Also, other ordinances were shorter and simpler. Cities were looked at that are known to represent best practices for planning.

Teresa Ferguson from the Music Commission expressed that changes to the existing noise ordinance should only be considered after all other measures have been explored. Enforcement issues still prevail. It is premature to think about an amendment. She presented a series of recommendations.

Comm. Kirk views the "next step" items as a package and not as an either/or situation. All things need to be done, including amending the noise ordinance. There is a gap in the current ordinance related to residential property in relationship to outdoor music venues as no proximity limits are established. The potential new ordinance language was then presented.

Comm. Atkins asked why downtown wasn't being looked at as a separate district needing special circumstances; ordinance language could be written differently for residences within this district (i.e. new condos that locate in the district). Comm. Kirk said that special language for the CBD might be a good idea and it should be explored.

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Comm. Sullivan encouraged the idea of creating an exhaustive list of ideas to address sound issues; a list not necessarily endorsed by all in the Working Group, but a list that can be shown to the City Council that has gone through a coordinated and organized public process. One of the items in the list would be the draft amendment of the noise ordinance. Council could act on one or more items and may wish to establish a task force to address one or more of the items on the list.

Comm. Kirk then asked the Committee to express their explicit support for the proposed amendments to the noise ordinance so that the full Commission could consider these along with the list of overall suggestions.

Motions:

(A) Hold a joint meeting of the Music Commission and the Planning Commission at a public hearing to come up with a list of possible ways to address sound issues to send to the City Council for consideration. [D.S. – 1st; T.A. – 2nd; unanimous vote in favor].

(B) Support draft language amending the noise ordinance with an amendment to Part D to change the name of “warehouse district or 6th St. district” to “downtown or CBD area” and consider at the Planning Commission. [S.K. – 1st; T.A. – 2nd; unanimous vote in favor].

6. Status of Amendments Acted on by Committee

Amendment	Staff	Date of Action	Status/Most Recent Action
Noise ordinance	TBD	18-Sep-07	(1) Hold a joint meeting of the Music Commission and the Planning Commission at a public hearing to come up with a list of possible ways to address sound issues to send to the City Council for consideration, and (2) Support draft language amending the noise ordinance with an amendment to Part D to change the name of “warehouse district or 6th St. district” to “downtown or CBD area” and consider at the Planning Commission.
TOD ordinance amendments	Sonya Lopez, Neighborhood Planning & Zoning Department, Sonya.lopez@ci.austin.tx.us, 974-7694.	18-Sep-07	Forward on to the full Commission.
SMART Housing amendments	Gina Copic, NPZD, 974-3180, regina.copic@ci.austin.tx.us	18-Sep-07	Forward on to the full Commission with a positive recommendation.
Amend Chapter 25-8 of the City Code to add a new section relating to redevelopment in the Barton Springs Zone.	Matt Hollon, WPDR, 974-2212, matt.hollon@ci.austin.tx.us	18-Sep-07	Forward on to the full Commission (the Watershed Dept. is currently in the process of taking the draft ordinance to various groups for review and comment. Before going to the Planning Commission is will be presented to the Environmental Board).
Amendments to the tree ordinance.	Michael Embesi, WPDR, michael.embesi@ci.austin.tx.us, 974-1876	7-Aug-07	Legal is drafting draft ordinance language and then staff will take it to various boards and commissions for review and comment (8-7-07).
Create exterior residential light standards	TBD	17-Apr-07	Members of WANG will work on research and drafting of inial ideas for a potential ordinance. They will communicate back to the Committee on their progress (5-15-07).
Create a conservation development ordinance in the ETJ.	Matt Hollon, WPDR, matt.hollon@ci.austin.tx.us, 974-2212	20-Mar-07	WPDR staff is working on developing a proposal to present back to C&O (7-20-07).

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North Burnet/Gateway Neighborhood Plan Zoning Overlay and Design Standards exemption for this planning area.	Molly Scarbrough, NPZD, 974.7694, molly.scarbrough@ci.austin.tx.us	20-Feb-07	Draft plan and Phase I zoning public hearing at Council on October 18, 2007 (9-26-07).
Amendment to permit administrative approval of demolition and building permits in historic districts (only for permits that would not affect historic character) and to add clarifying language regarding the historic exemption tax cap.	Steve Sadowsky, NPZD, 974-6454, steve.sadowsky@ci.austin.tx.us	19-Sep-06	Anticipated Planning Commission date is August 28, 2007 (8-8-07).
Amendment to direct certain environmental and creek setback variances to the Environmental Board.	Pat Murphy, 974-2821, WPDR, pat.murphy@ci.austin.tx.us	18-Jul-06	Awaiting update from case manager.
Amendments to the University Neighborhood Overlay.	Mark Walters, NPZD, mark.walters@ci.austin.tx.us, 974-7695.	21-Mar-06	Building signage amendments approved by City Council on July 26, 2007. The remainder are still pending (8-9-07).
Sidewalk amendments	George Zapalac, 974-2725, WPDR, george.zapalac@ci.austin.tx.us	20-Sep-05	Forward on to the full Commission. PC public hearing date pending (9-26-07).
Amendments related to street connectivity and alignment, block length, and site development standard incentives.	George Zapalac, 974-2725, WPDR, george.zapalac@ci.austin.tx.us	20-Sep-05	Staff working on drafting revised ordinance language (5-15-07).
Amendments regarding electronically controlled changeable-copy signs and the designation of Parmer Lane between I-35 and Mopac as a Scenic Roadway (no official ordinance amendment initiated at this point)	TBD	N/A	C&O heard citizen input on 2/20/07 and requested information from C&O staff.
Independent Business Investment Zones: amendments to create "iconic preservation" incentives to prevent loss of popular destinations and institutions (no code amendment initiated).	N/A	18-Jul-06	Expand overall development of IBIZ's to include that as part of any 380 agreement, EGRSO must look at effects on local businesses and be subject to an established public process. Consider broadening BRE so that it may include areas that are losing local businesses and have a higher level of scrutiny for any project asking for subsidy.

C. Other Business

1. Comm. Sullivan will ask mayor to write a letter to thank the people who worked on the sound ordinance issue.
2. Brainstorming Ideas for code and ordinance amendments.
3. Directives to Staff

For information about proposed code amendments, go to <http://www.cityofaustin.org/development/codeamend.htm>

For more information, contact Sonya Lopez, Neighborhood Planning & Zoning Department, 974-7694.

The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call Ron Menard, Watershed Protection and Development Services Department, 974-2384 for information.