



*Planning and Neighborhoods Committee*  
**MEETING**  
**MINUTES**

**REGULAR**

*21, September, 2015*

**The Planning and Neighborhoods Committee convened in a regular meeting on 21, September, 2015 at 301 W. Second Street in Austin, Texas.**

**Chair Gregorio Casar called the Board Meeting to order at 2:15 p.m.**

**Board Members in Attendance:**

**Chair, Gregorio Casar**

**Vice Chair, Sabino “Pio” Renteria**

**Council Member Sheri Gallo**

**Mayor Pro Tem Kathie Tovo**

**Staff in Attendance:**

**1. APPROVAL OF MINUTES**

The minutes were approved on this the 19<sup>th</sup> day of October 2015 on Council Member Gallo’s motion, Council Member Casar second on a 4-0 vote.

**2. CITIZEN COMMUNICATION: GENERAL**

Eric Goff: thanked Council Member Renteria for the proposal to have on-line notification and other mechanism’s to have standard by-laws for neighborhood contact teams and know what to expect.

David King: spoke on the rules and laws of the contact teams as well as his concerns about how that will impact neighborhood associations. Neighborhood Associations are the front line of neighborhoods and have been here for decades. Main concerns if we are going to expand the boundaries of these contact teams to encompass other neighborhoods that have traditionally haven’t worked together or have different characteristics or issues within their own neighborhoods. I hope this helps us with planning process and doesn’t create conflict between neighborhood groups that have been around for decades.

Joan Bartz: spoke against the proposal and concerned about the enlarging mainly because the way it is set up now we are familiar with the area and know what the people within the area are expecting. If you decide to enlarge the area you will be bringing in people who may have legitimate concerns, but will not be of use to those within a particular area.

Wayne Shapley: spoke against the item and have been going through the neighborhood contact team plan for the past 9 months. None of the contact teams especially within his area were notified. Please table this item until everyone can gain a fair shot at discussing the problems.

Susana Almanza: Chair of the Montopolis Plan Contact Team spoke against the item. The contact team was not notified of this resolution coming up and that is very important. If Council are going to look at neighborhood contact teams you should let the contact teams know as a courtesy and out of respect. This resolution is moving too fast and should be tabled until the contact teams have been notified.

Chip Harris: requested you do not put the cart before the horse. There are many issues involving contact teams that may warrant a review. Please take a step back and involve the community. Please consider in tabling this action and engaging the community to assess where we are now, where we want to go and the best route to take us there.

Daniel Llanes: asked that this item of the contact teams be tabled, it is premature and actually very misleading, misinformed and flat out just wrong. The handout provided regarding the history of contact teams is completely wrong up to the year of 2008.

Julie Montgomery: thanked Council Member Renteria for beginning this process of the contact teams, it is much needed and this is just a matter of good governance.

Eric Goff: passed to speak on the Code Advisory Group nominee.

David King: urged the Committee to reappoint Jeff Jack, Jim Duncan and Nuria Zaragoza. They have the experience from the beginning regarding the Code Advisory Group and from a neighborhood perspective they understand their neighborhood concerns and issues.

Roger Cauvin: serve on the board of the Downtown Neighborhood Association and previously served on the Imagine Austin Task Force for the Comprehensive Plan and the current President of the Friends of Austin Neighborhoods. Spoke on what appears on every single agenda of the Neighborhood Advisory Group and urged the Committee to support Dave Sullivan.

Eric Goff: is for this item asked if Council would allow ADUs on a lot that are 5,750 sq. ft., make sure that all neighborhoods have that same level of equity so that people can choose to build on the same size lots across the city. Also, supporting the recommendation from staff for parking, but make sure that within a half mile of Imagine Austin activity corridor or within a TOD that we don't have any parking requirements.

David King: spoke on the importance of whatever recommendations are passed for ADUs they are based on the characteristics of the neighborhood to which they would be applied. The one size fits all rule will create a problem.

Rick Hennessy: spoke on ADUs and the fact that there is already enough on-street parking to accommodate additional neighbors within the Hyde Park area. Mr. Hennessy performed a parking count to see just how many spots were being used and found that 99% of the blocks had at least some parking availability and over 90% of the blocks were more than half empty. Mr. Hennessy thinks it makes sense that we require no additional parking for ADUs less than or equal to 800 square feet and one spot for ADUs larger than 800 square feet and also facilitate transit use.

Roger Cauvin: spoke on ADUs on behalf of Friends of Austin Neighborhoods, briefly providing the four key points that are relevant: the membership's resolution including urging Council to remove on-site parking requirements entirely, remove the minimum lot size requirement and that the building separation requirements should be lowered or removed.

Heidi Gerbracht: spoke on the importance of reasonable regulations for granny flats. The Real Estate Council of Austin has joined with other groups to urge Council to make backyard cottages an ADU on any lot throughout the city. Having ADUs scale with the size of the lot and remove any unnecessary set back requirements that make ADUs impossible on many lots and okay with the staff recommendation for one parking space. Please consider our unified voice in support of these reasonable recommendations.

Gerald Kinney: is in support of ADUs and agree with several concerns brought forward today. One being the size should be proportional to lot size. A little lot shouldn't be able to have as large of a secondary dwelling as a big lot. Also, parking in the city for all residential, whether it's multi-family, condos, single family, duplexes, secondary dwellings, there really should be a minimum of

one parking space for every dwelling unit.

Andre Lubomudrov: spoke on the concept of ADUs being affordable or not and they will generally fall within the range of 81 to 120% of MFI. Asked that Council really look into this concept.

Kim Gray: spoke in favor of ADUs and allowing them on any lot or any lot bigger than 5750 square feet and increase parking of ADUs by one parking spot.

Jennifer Potter Miller: spoke in support of AURAs argument adding her own personal story. Ms. Miller would like to live in a community where there are people in different life stages and with different financial means, without ADUs in our Central Austin Neighborhoods. We run the risk of becoming more and more exclusive as the price of homes goes up and even rental homes are quite expensive.

David King: is supportive of the Water Utility service to secondary dwelling unit item.

Gerald Kinney: very supportive of the Water Utility service to secondary dwelling units item and thanked the department for issuing the memos.

Kimbrough Gray: spoke on the clarity regarding the upgrades taking six months and stated if you put in a duplex meter, the upgrade should be triggered based on the number of baths on the property. As the rules state now we are encouraging people to build the 5,000 square foot house because there's no tap update, but the ADU with the duplex meter, this is an upgrade.

### **3. DISCUSSION AND POSSIBLE ACTION**

**Consider and develop recommendations regarding a resolution directing the City Manager to initiate code amendments to Title 25 of the City Code to add requirements for neighborhood plan contact teams.**

Matthew Lewis, Assistant Director, Planning and Zoning Department, provided a brief overview regarding Neighborhood Contact Teams. The history beginning 1997 through 2012, a layout of existing contact teams, the role of contact teams, contact team requirements, concerns with existing structure and additional background.

Council Member Rentria, stated the only reason the combined district was added because the "Zucker Report" stated this and he wanted to have a discussion. Not that he is totally 100% behind the combined portion, but that it would be healthy for staff and stakeholders to go through the process and comment on that particular recommendation.

Council Member Rentria's concerns were to have contact teams that a variety of voices are heard and well informed decisions are made. While the city does provide some guidelines there is little that can be done when teams operate outside of those guidelines or try to exclude many people from participating. This resolution will initiate code amendment and the changes will give the City the ability to formally recognize teams, require compliance with the by-law guidelines.

Mayor Pro Team Tovo, stated she liked a lot of the provisions and putting it in the code makes good sense. We have heard concerns about the geographic boundaries and she shares in those concerns as well.

**Discussion and possible recommendation of CodeNEXT Land Development Code Advisory Group nominee.**

Council Member Casar asked the committee if a nomination should be made today or at the next Committee meeting.

Council Member Gallo stated due to the concerns of this committee not meeting until next month. This committee should attempt to make a nomination today.

Council Member Rentría stated all of these appointments are really good, but have known Dave Sullivan for a long time.

Mayor Pro Tem Tovo stated we have a lot of strong candidates to choose among and would prefer to take a little more time to review the nominees and discuss next month, but if it is the will of the group to move forward she probably will abstain from the particular motion on the floor. This is certainly not out of any lack of confidence in Dave Sullivan, serving with him on the Planning Commission. I certainly have a lot of respect for his view points. With that being said, I feel there are other strong candidates that have been introduced here today.

Council Member Casar supports the motion of Dave Sullivan. There are quite a range of opinions on the Council Advisory Group. There are all types of voices and different interpretation of Imagine Austin are warranted and when the full Council makes appointments to the various committees we will have a pretty broad variety of people, but having the Chair returned would be an important element.

### **Discussion and possible action on recommendations related to amendments to City Code regarding secondary dwellings.**

Council Member Casar provided a brief overview of this item. This code amendment was initiated in June of 2014. There were briefings and public meetings at the Planning Commission's Codes and Ordinances committee throughout the fall of 2014 into the spring of this year. This item was directed to the Planning and Neighborhoods Committee at full council during its first hearing in May. At the June Planning and Neighborhoods Committee meeting, the committee identified several critical issues related to ADUs from public comment. The committee recommended to Council that the Planning Commission's initial recommendation be approved on 1<sup>st</sup> reading and that the committee address the additional critical issues in August and September.

In August, the first of two meetings regarding ADUs was held; the committee recommended that Council direct staff to initiate an investigation of barriers to low or moderate income homeowners attempting to finance ADUs and potential solutions for financing. The committee also recommended that the Council direct staff to research and implement pre-approved design guidelines for ADUs as part of the ongoing permitting reform process.

Council Member Casar then laid out the committee's order of discussion for the item: lot size issue, parking requirements, structure size, short-term rental use, affordability requirements, opt in/opt out issues, and any new amendments that are brought up.

Mayor Pro Tem Tovo offered her general perspective: this has been an issue for an extremely long time and there have been a lot of different discussions about whether or not to take this up outside of the Land Development Code (CodeNEXT) process. There were some very strong feelings that it should be taken up as part of the CodeNEXT process. The initial resolution was directed from Council to the Planning Commission, where it was then put through a stakeholders process for a while. Mayor Pro Tem Tovo expressed that she is uncomfortable reopening each of those points.

**Discussion and possible action on recommendations related to water utility service to secondary dwelling units.**

Mr. Greg Meszaros provided a brief overview regarding the Water Utilities approach of Accessory Dwelling Units (ADU). The Austin Water Utility had a one-size fits all approach with regards to upgrading the service, the portion of the infrastructure between the main line and the street meter. Austin Water has refined the policy that if the ADU is a certain size from a water use perspective, 4 ½ bathrooms or 48 fixtures or less, AWU will allow the service to remain in place and don't require the upgrade. The other change that was made that AWU use to require all ADUs to have a second meter and that's a requirement that has been changed.

**4. FUTURE ITEMS**

**5. ADJOURN**

Chair Casar adjourned the meeting at 5:46 p.m. without objection.

The minutes were approved on this the 19<sup>th</sup> day of October 2015 on Council Member Gallo's motion, Council Member Casar second on a 4-0 vote.