HLC Recommendation 20180423-4G
Opposition to CodeNEXT Draft 3 and recommendations for priority changes

 går on the building with 4ADUs as a tool to retain older historic-residential buildings (50+ years) 10 acres or more in size in the geographic area of historic significance. Thereafter, the incentives proposed by the Commission to incentivize preservation of historic buildings and neighborhoods under Priority Change 3 have been applied citywide, thereby eliminating their inequities as tools for preservation. Where the significant structure is a house’s addition or if the existing structure is a house, then those structures are included. The Commission’s recommendations under Priority Changes 2-4 appear to have been ignored.

None. Against: Koch, Hibbs, Myres, Papavasiliou, Reed, Tollett. Recommendation proposed that the Secretary of City’s Planning Department (a) Repeal Interim Planning Code, (b) Require a right-of-way dedication for new construction, and (c) Waive the right-of-way dedication for new construction. Whereas, the current Planning Code was developed decades ago and is not the right tool for today’s urban planning needs.

Staff Response 6/7/2018 1:55 PM
HLC 3D‐ADUs to support the City’s Affordable Housing Plan vaults for the existing structure (i.e., as new buildings). The Commission’s recommendations under Priority Changes 2-4 appear to have been ignored.

None. Against: Koch, Hibbs, Myres, Papavasiliou, Reed, Tollett. Recommendation proposed that the Secretary of City’s Planning Department (a) Repeal Interim Planning Code, (b) Require a right-of-way dedication for new construction, and (c) Waive the right-of-way dedication for new construction. Whereas, the current Planning Code was developed decades ago and is not the right tool for today’s urban planning needs.

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Staff Response 6/7/2018 1:55 PM
Environmental Commission Motion 20180418 007a
Incorporate into CodeNEXT the implementation of an interim regulation that redelineates the 100-year flood event and floodplain

Whereas, the number of planning processes is underway that have a direct impact on the City’s land use code and/or future fabric of our City and whereas, recent planning results have not been fully or consciously incorporated into the current draft of code and whereas, the EC supports the effective collaboration of multi-disciplinary departments especially in furtherance of sustainability, equity, and resilience goals; and whereas, the EC supports synergy of plans across City departments and views that synergy as vital to sustainability, equity, and resilience goals.

Nave Pol‐For & Smith, Thompson, Iverson, Macrae, Perakis, Ir. Smith, Neal, Coyne, Gervais Against: None. Motion: None. Resolved: None. Absent: Brown, Gribbin, Hudson, Pyleton, Vyattama.

General or specific: General General to code: General Staff Response: Do not oppose

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General or specific: General General to code: General Staff Response: Do not oppose
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<tr>
<td>EC</td>
<td>Historic Landmark Commission and Environmental Commission CodeNEXT Draft 3 Recommendations</td>
<td>Section 23-30-6010 (6)(c) should be revised as follows: (6) (c) is a watershed other than a Barton Springs Zoning watershed; water quality controls are required for a development: (1) located in the water quality transition zone; (2) Of a golf course, play field, or similar recreational use. If fertilizer, herbicide, or pesticide is applied or (3) if total row of new and redeveloped impervious cover exceeds 5,000 square feet.</td>
<td>Note 9-6: For: B. Smith, Thompson, Ivance, Macias, Peralas, H. Smith, Newby, Coyne, Guerrero: Against: None. Abstain: None.</td>
<td>Specific</td>
<td>Section 23-30-6010 (6)(c)</td>
<td>Water Quality and Green Stormwater Infrastructure</td>
<td>MPO: 5,000 square feet was the staff recommendation in the 2013 Watershed Protection Ordinance. However, Council adjusted the threshold to 5,000 square feet on this day. Staff would support changing the threshold back to 5,000 square feet, consistent with national best practice and Austin’s own site-plan threshold.</td>
</tr>
<tr>
<td>EC</td>
<td>Historic Landmark Commission and Environmental Commission CodeNEXT Draft 3 Recommendations</td>
<td>City staff drafted a provision that requires best management practices to address property where the primary use is a dog park.</td>
<td>Note 9-6: For: B. Smith, Thompson, Ivance, Macias, Peralas, H. Smith, Newby, Coyne, Guerrero: Against: None. Abstain: None.</td>
<td>General</td>
<td>Specific</td>
<td>Staffing</td>
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<tr>
<td>EC</td>
<td>Historic Landmark Commission and Environmental Commission CodeNEXT Draft 3 Recommendations</td>
<td>Staff come up with best management practices for 3-4 unit mixing middle housing that includes GSI that are visible, such as porous pavement or rainwater harvesting systems, even if the 3 to 6 unit developments are proposed for lots previously zoned for single-family residential.</td>
<td>Note 9-6: For: B. Smith, Thompson, Ivance, Macias, Peralas, H. Smith, Newby, Coyne, Guerrero: Against: None. Abstain: None.</td>
<td>General</td>
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**Historic Landmark Commission and Environmental Commission**

**CodeNEXT Draft 3 Recommendations**

For: Thompson, Neely, Coyne, Commission

Abstain: Guerrero.

Recuse: Gordon. General

supports proposed Green Stormwater Infrastructure (GSI) requirements in the draft Code; and the City has heard from several members of the community regarding ways to improve on these proposed provisions, and the Commission agrees that the Code should include robust GSI standards, as GSI has been shown to have a variety of beneficial impacts, including water-quality impacts, water conservation, and cooling; and whereas, the City formerly required water quality controls for projects larger than 5,000 square feet in urban watersheds; 5,000 square feet is the threshold beyond which a site is required for site development; and many other states, cities, and the EPA have selected 5,000 square feet of impervious cover as a threshold for water quality improvements.

Whereas the EC generally supports the proposed Green Stormwater Infrastructure (GSI) requirements in the draft Code; and the EC has heard from several members of the community regarding ways to improve on these proposed provisions; and the Commission agrees that the Code should include robust GSI standards, as GSI has been shown to have a variety of beneficial impacts, including water-quality impacts, water conservation, and cooling; and whereas, the City formerly required water quality controls for projects larger than 5,000 square feet in urban watersheds; 5,000 square feet is the threshold beyond which a site is required for site development; and many other states, cities, and the EPA have selected 5,000 square feet of impervious cover as a threshold for water quality improvements.

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<tr>
<td>EC</td>
<td>Environmental Commission Motion 00184618.007a</td>
<td>Staff coordinate with the Water Forward Task Force to come up with an appropriate water quality volume for beneficial and auxiliary use.</td>
<td></td>
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<td></td>
<td></td>
<td>Whereas the EC generally supports the proposed Green Stormwater Infrastructure (GSI) requirements in the draft Code, and the EC has heard from several members of the community regarding ways to improve on these proposed provisions, and the Commission agrees that the Code should include robust GSI standards, as GSI has been shown to have a variety of beneficial impacts, including water quality impacts, water conservation, and cooling; and whereas, the City formerly required water quality controls for projects larger than 5,000 square feet in urban watersheds; 5,000 square feet he threshold beyond which a site Plan is required for site development, and many other states, cities, and the EPA have selected 5,000 square feet of impervious cover as a threshold for water quality improvements.</td>
<td>Note IX-For: B. Smith, Thompson, Inver, Hayes, Peras, H. Smith, Neely, Coyne, Guerrero Against: None. Abstain: None. Absent: Chair, Gordon.</td>
<td>General</td>
<td>00-10-6</td>
<td>Water quality and Green Stormwater Infrastructure</td>
<td></td>
</tr>
<tr>
<td>EC</td>
<td>Environmental Commission Motion 00184618.007a</td>
<td>Submit cut and fill requirements and construction on slope regulations to developments in the Urban Watershed, and directs staff to develop variance criteria to address cut and fill for foundation systems and underground parking</td>
<td></td>
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<td>Whereas the Commission has been presented with examples of construction sites in the Urban Watershed that have resulted in erosion problems; and whereas, adding cut and fill requirements and construction on slope regulations will help in addressing these issues, while only impacting a small percentage of properties in the Urban Watershed.</td>
<td>Note IX-For: B. Smith, Thompson, Inver, Hayes, Peras, H. Smith, Neely, Coyne, Guerrero Against: None. Abstain: None. Absent: Chair, Gordon.</td>
<td>General</td>
<td>23-10-8</td>
<td>Construction in Urban Watershed</td>
<td></td>
</tr>
<tr>
<td>EC</td>
<td>Environmental Commission Motion 00184618.007a</td>
<td>Draft Code be revised to require that requests for floodplain variances be presented to the Environmental Commission for a recommendation before being presented to the City Council.</td>
<td></td>
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<td>Whereas the Flood Mitigation TaskForce recommended that additional opportunities for public input be provided before floodplain variances are considered for approval; and whereas, the Environmental Commission’s input contemplate oversight of policies and decisions affecting floodplains.</td>
<td>Note IX-For: B. Smith, Thompson, Inver, Hayes, Peras, H. Smith, Neely, Coyne, Guerrero Against: None. Abstain: None. Absent: Chair, Gordon.</td>
<td>General</td>
<td>23-10-8</td>
<td>Floodplain Variances</td>
<td></td>
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<tr>
<td>EC</td>
<td>Environmental Commission Motion 00184618.007a</td>
<td>The current tree protections in the Code be preserved, without change, except to add provisions that encourage preservation of young trees.</td>
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<td>Whereas, staff is still reviewing and revising the portions of the draft Code that address tree protections; and whereas, the EC has not yet had an opportunity to review the latest draft language regarding tree protections; and whereas, the tree protections in the current Code appear to be effective; but far; and whereas, the Commission supports adding some protections or mitigation for removal of young trees; and whereas, the Commission has been presented with no public comments to support revising the current tree protections, other than to add provisions to address young trees.</td>
<td>Note IX-For: B. Smith, Thompson, Inver, Hayes, Peras, H. Smith, Neely, Coyne, Guerrero Against: None. Abstain: None. Absent: Chair, Gordon.</td>
<td>General</td>
<td>23-10-8</td>
<td>Trees</td>
<td></td>
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**Note:** WPO has collaborated with Austin Water throughout CodeNEXT and will continue to do so. WPO staff support the proposed GSI code improvements, which increase ecological and social benefits (water conservation, urban heat island mitigation, integration of stormwater controls with landscaping, etc.). Beneficial use is effectively built in to the use of GSI controls and does not require a separate beneficial use component (as originally proposed in CodeNEXT Draft 4). WPO will consider additional solutions which would likely be implemented as part of the building and/or Plumbing Codes (and not necessarily the Land Development Code).

**Note:** Staff supports extending cut and fill requirements and construction on slope regulations to urban watersheds. This would be a shift in existing policy from the Urban Watersheds Ordinance and SMART Growth policies. WPO will need to discuss the differences between the Drinking Water Protection Zone (4 ft maximum cut and fill) and Suburban Watersheds (up to 10 ft administrative cut and fill).

**Note:** The Affordability Impact Statement (AIS) on Draft 3 indicated that new environmental standards may increase housing costs by increasing development costs and decreasing buildable site area. The AIS also acknowledged that these upfront housing cost increases may be offset in the future by long-term savings associated with the preservation of life and property due to new flood mitigation standards, lower maintenance costs for water quality controls, and potential savings from reduced water usage for landscaping.

**Note:** Staff is currently considering modifications to the floodplain variance process.

**Note:** The Affordability Impact Statement (AIS) on Draft 3 indicated that new environmental standards may increase housing costs by increasing development costs and decreasing buildable site area. The AIS also acknowledged that these upfront housing cost increases may be offset in the future by long-term savings associated with the preservation of life and property due to new flood mitigation standards, lower maintenance costs for water quality controls, and potential savings from reduced water usage for landscaping.

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### Historic Landmark Commission and Environmental Commission

**CodeNEXT Draft 3 Recommendations**

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<tr>
<td>Electronic Commission Motion: 2018-418 007a</td>
<td>Direct staff to develop a program to apply the Functional Green Scoring system to all landscapes, regardless of impervious cover, to ensure that we are maximizing the benefits to be achieved via landscaping requirements and to achieve simplicity and consistency; review the width of landscape buffers for compatibility as follows: [a] Intermittent visual obstruction: 15 feet; [b] Semi-opaque: 15 feet; [c] Opaque: 15 feet; [d] Review details regarding plant quantities from the draft Code and move to criteria manual; Coordinate with the Water Forward Taskforce to incorporate recommendations that further incentivize beneficial reuse of non-potable water and reduce water demand, including requirements for auxiliary water use and beneficial reuse of stormwater for irrigation, with consideration for the need to use potable water during dry periods, especially to help establish new or young vegetation.</td>
<td>Wheresas, the IC generally supports the landscaping requirements in the draft Code; however, the IC has been presented with comments from a variety of stakeholders that include proposals to improve the landscaping requirements and maximize the benefits to be achieved via those requirements; and whereas, draft 3 modifications to compatibility setbacks in zoning removed the issues that were raised by landscape buffer widths in Draft 2. Landscape buffer widths were revised downward in Draft 3 in response to those issues. Since those issues are no longer relevant, the IC wants to replace the Draft 3 proposal with the Draft 2 buffer widths.</td>
<td>Vote: For: B. Smith, Thompson, lnver, Perales, lnver, Coyote; Against: None; Abstain: None.</td>
<td>General</td>
<td>34-4-E-4</td>
<td>Landscape</td>
<td>Staff supports coordination with the Water Forward Taskforce to incentivize beneficial reuse of stormwater and reduce potable water demand. Staff is neutral on non-water-related recommendations.</td>
</tr>
<tr>
<td>Environmental Commission Motion: 2018-418 007a</td>
<td>Add setbacks for parks to improve functionality and compatibility, for residential development, add a provision that encourages street frontage or open space next to existing or proposed parkland; add &quot;adjacency&quot; regulation for non-residential developments, including regulations that discourage or screen loading docks and service entries from being located next to a park zone, and specify that screening must include vegetation; for valuations, add a regulation that lots must not block access to existing or dedicated parkland; for common open space, establish an impervious cover limit of 30 percent in park deficient areas, clarify that dedication is a priority or preferred means of satisfying parkland requirements; ensure that common or civic open space is required for all zoning categories; screening on developments next to a park must include vegetation.</td>
<td>The IC generally supports open space requirements</td>
<td>Vote: For: B. Smith, Thompson, lnver, Perales, lnver, Coyote; Against: None; Abstain: None.</td>
<td>General</td>
<td>23-30</td>
<td>Open space and parkland</td>
<td>Austin Water is collaborating with other City Departments relative to City initiatives including a focus on those with integrated water resource management synergies and will continue to do so. Austin Water will continue to work cooperatively to maximize the collective impact of City initiatives.</td>
</tr>
<tr>
<td>Environmental Commission Motion: 2018-418 007a</td>
<td>In Section 23-4D-811(15), insert the existing Tier 1 requirement that all PUDs must exceed the minimum landscaping requirements of the Code. Delete Subsection 23-4D-811(5)(b), which is not superior to the GI requirements proposed in CodeNEXT; modify Subsection 23-4D-811(5)(c)(ii)(m) to remove the references to heritage and protected size trees and keep only the following language: &quot;Preserves 75 percent of all the mature urban trees.&quot;</td>
<td></td>
<td>Vote: For: B. Smith, Thompson, lnver, Perales, lnver, Coyote; Against: None; Abstain: None.</td>
<td>General</td>
<td>Specific</td>
<td>23-4D-811(5)(c) and (g)</td>
<td>Austin Water is collaborating with other City Departments relative to City initiatives including a focus on those with integrated water resource management synergies and will continue to do so. Austin Water will continue to work cooperatively to maximize the collective impact of City initiatives.</td>
</tr>
<tr>
<td>Environmental Commission Motion: 2018-418 007a</td>
<td>Staff draft provisions to address sound and light pollution and weight safety considerations</td>
<td></td>
<td>Vote: For: B. Smith, Thompson, lnver, Perales, lnver, Coyote; Against: None; Abstain: None.</td>
<td>General</td>
<td>General to code for light and sound pollution</td>
<td>Light and sound pollution</td>
<td>Staff does not oppose.</td>
</tr>
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### Historic Landmark Commission and Environmental Commission

**CodeNEXT Draft 3 Recommendations**

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<tr>
<td>Environmental Commission Motion 2018-18-007a</td>
<td>Historic Street Tree Requirements, 23-06-GD03(E)(1), as written in Draft 2, which states “The width requirements for street tree planting shall apply regardless of the available right-of-way; the street tree planting area shall extend onto private property, within a public access easement, to fulfill the width requirement when sufficient right-of-way is not available.” Furthermore, when Subchapter E transitions to CodeNEXT Draft 3, staff will provide the EC with locations of Subchapter E in the new code at an EC meeting to ensure consistency and reflect the general intent that has been captured for the new draft. The EC recommends clarifying who is responsible for installing and maintaining street trees regardless of where they are located on a property, and the EC recommends adding a cross-reference in the Landscaping Section to refer to the new width requirements in the Transportation Code.</td>
<td>Wherein, in seeking to create a compact and connected city, Imagine Austin encourages the use of sidewalks and an walkable cityscape; whereas, Austin’s hot climate makes shade beneficial, valuable, and necessary to discourage walking, whereas, Austin’s Urban Forest Plan, unanimously approved by Council, lists tree plantings and landscapes on public property, sidewalks, and transit corridors as a priority, whereas, Austin has increased the distance for planting trees in the Right of Way to 10 feet; whereas, Subchapter E has been removed from CodeNEXT Draft 1, which established site development standards for tree planting and required high quality street environments to support pedestrians (available) and provide shade and it is not clear whether all of these provisions have been replaced in other parts of Draft 3, whereas, seventeen zoning categories are listed in CodeNEXT Draft 3 and many aspects of CodeNEXT Draft 3 are unfinished and incoherent.</td>
<td>Yes</td>
<td>80</td>
<td>N/A</td>
<td>Draft CodeNEXT</td>
<td>N/A</td>
</tr>
<tr>
<td>CodeNEXT Draft 3, Section 10.3.1.4.1, Subchapter E</td>
<td>Issues related to economic development should be promulgated and addressed before or in conjunction with any passage or implementation of CodeNEXT, to reflect the expressed priorities of Austin residents, to prioritize and protect the most vulnerable and impaired residents and conversation in Austin, to provide the urgent attention that these issues merit, and to ensure that these issues are not exacerbated by a revised land development code that was drafted without considering impacts on gentrification and displacement and without an equity analysis, including an analysis of community engagement efforts.</td>
<td>Wherein, on November 3, 2017, the Environmental Commission passed a resolution in response to Draft 3 of CodeNEXT, recognizing economic displacement of existing communities as an environmental concern that must be addressed in the draft code; the impact of CodeNEXT on displacement has not yet been addressed by City staff, with data, evidence, and rigorous and transparent analysis, and in response to EC recommendations on economic displacement for the need for more robust community engagement, particularly with communities of the communities who are likely to be the most impacted by City policies related to the environment and land development; and Wherein, on November 15, 2017, the Environmental Commission passed a resolution in response to Draft 3 of CodeNEXT, recommending that City staff work with the City’s Equity Office to propose the environmental impacts associated with economic displacement of existing communities; Wherein, the City’s Equity Office is currently undertaking an equity analysis of the environmental aspects of the current CodeNEXT draft to identify and analyze, with rigorous and transparent analysis, and in response to EC recommendations on economic displacement for the need for more robust community engagement, particularly with communities of the communities who are likely to be the most impacted by City policies related to the environment and land development; and Wherein, the Planning Commission and City Staff at Meeting will highlight and identify the City’s existing policies regarding economic displacement of existing communities; and Wherein, the Environmental Commission will not have the liberty of being able to consider and conclude the results of the market analysis of CodeNEXT currently getting underway, and underscoring the importance of the next code’s environmental aspects.</td>
<td>Yes</td>
<td>23-10-E-0070</td>
<td>Street trees</td>
<td>Draft CodeNEXT</td>
<td>N/A</td>
</tr>
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</table>
**A. Support of proposed drainage certification regulations for single-family residential and existing mixed developments with recommendation that staff review and impact all engineer's certification submittals; exceptions for owner-occupied, projects < 400 sq ft, and projects attached to existing structure; fees waived for 400 sq ft providing affordable housing at 70% MFI for 10 years**

**Proposed:**

- Perales, Thompson, Ichikawa, Guerrero, Gordon, Coyne
- Against: Maceo, Smith, Neely & Smith

**Recommendation:**

- Whereas, the Watershed Protection Department has proposed changes for drainage regulations that apply to commercial and multifamily redevelopment to require that post-development peak flow rates of discharge match the peak flow rates of discharge for undeveloped conditions; and
- Whereas, this proposed revision to the drainage regulations is consistent with recommendations made by the Flood Mitigation Task Force; and
- Whereas, the Watershed Protection Department has provided the Environmental Commission with data that demonstrates that this proposed new requirement is expected to produce beneficial reductions in flood risk, even if those benefits will not be immediately realized.

**Staff Response:**

- General

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**B. Support for proposed regulations requiring re-development projects reduce the peak runoff (flood) flows to match the peak runoff from an undeveloped site**

**Proposed:**

- Perales, Thompson, Ichikawa, Guerrero, Gordon, Coyne
- Against: Maceo, Smith, Neely & Smith

**Recommendation:**

- Whereas, the Watershed Protection Department has proposed changes for drainage regulations that apply to commercial and multifamily redevelopment to require that post-development peak flow rates of discharge match the peak flow rates of discharge for undeveloped conditions; and
- Whereas, this proposed revision to the drainage regulations is consistent with recommendations made by the Flood Mitigation Task Force; and
- Whereas, the Watershed Protection Department has provided the Environmental Commission with data that demonstrates that this proposed new requirement is expected to produce beneficial reductions in flood risk, even if those benefits will not be immediately realized.

**Staff Response:**

- General

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**C. Support for proposed drainage certification regulations for single-family residential and existing mixed developments with recommendation that staff review and impact all engineer's certification submittals; exceptions for owner-occupied, projects < 400 sq ft, and projects attached to existing structure; fees waived for 400 sq ft providing affordable housing at 70% MFI for 10 years**

**Proposed:**

- Perales, Thompson, Ichikawa, Guerrero, Gordon, Coyne
- Against: Maceo, Smith, Neely & Smith

**Recommendation:**

- Whereas, the Watershed Protection Department has proposed changes for drainage regulations that apply to commercial and multifamily redevelopment to require that post-development peak flow rates of discharge match the peak flow rates of discharge for undeveloped conditions; and
- Whereas, this proposed revision to the drainage regulations is consistent with recommendations made by the Flood Mitigation Task Force; and
- Whereas, the Watershed Protection Department has provided the Environmental Commission with data that demonstrates that this proposed new requirement is expected to produce beneficial reductions in flood risk, even if those benefits will not be immediately realized.

**Staff Response:**

- General

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**D. Support for proposed regulations requiring re-development projects reduce the peak runoff (flood) flows to match the peak runoff from an undeveloped site**

**Proposed:**

- Perales, Thompson, Ichikawa, Guerrero, Gordon, Coyne
- Against: Maceo, Smith, Neely & Smith

**Recommendation:**

- Whereas, the Watershed Protection Department has proposed changes for drainage regulations that apply to commercial and multifamily redevelopment to require that post-development peak flow rates of discharge match the peak flow rates of discharge for undeveloped conditions; and
- Whereas, this proposed revision to the drainage regulations is consistent with recommendations made by the Flood Mitigation Task Force; and
- Whereas, the Watershed Protection Department has provided the Environmental Commission with data that demonstrates that this proposed new requirement is expected to produce beneficial reductions in flood risk, even if those benefits will not be immediately realized.

**Staff Response:**

- General

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**E. Support for proposed drainage certification regulations for single-family residential and existing mixed developments with recommendation that staff review and impact all engineer's certification submittals; exceptions for owner-occupied, projects < 400 sq ft, and projects attached to existing structure; fees waived for 400 sq ft providing affordable housing at 70% MFI for 10 years**

**Proposed:**

- Perales, Thompson, Ichikawa, Guerrero, Gordon, Coyne
- Against: Maceo, Smith, Neely & Smith

**Recommendation:**

- Whereas, the Watershed Protection Department has proposed changes for drainage regulations that apply to commercial and multifamily redevelopment to require that post-development peak flow rates of discharge match the peak flow rates of discharge for undeveloped conditions; and
- Whereas, this proposed revision to the drainage regulations is consistent with recommendations made by the Flood Mitigation Task Force; and
- Whereas, the Watershed Protection Department has provided the Environmental Commission with data that demonstrates that this proposed new requirement is expected to produce beneficial reductions in flood risk, even if those benefits will not be immediately realized.

**Staff Response:**

- General