

Historic Landmark Commission and Environmental Commission
CodeNEXT Draft 3 Recommendations

	Source Document	Recommendation	Additional notes	Vote	General or Specific	Section Number	Broad Topic	Staff Response
HLC	HLC Recommendation 20180423-4G	Opposition to CodeNEXT Draft 3 and recommendations for priority changes			General			Watershed: Draft 3 incorporates strong proposals that will further the Imagine Austin goals of reducing flood risk, enhancing resiliency to climate change, and integrating nature into the city.
HLC	HLC Recommendation 20180423-4G	Encourage ADUs as a tool to retain older, historic-age residential buildings (50+ years) while increasing density. (a) Allow larger ADUs in the rear of older houses by right, with the condition of retaining and rehabilitating the historic-age house; or allow existing houses equal to or less than 1,375 square feet (25% of allowable ADU square footage) to be classified as ADUs while remaining at the front of the lot. The maximum allowable area for new construction should be within a set square footage or percentage of the lot size of existing house's area. (b) Allow rear additions to eistng houses on cottage lots to be classified as ADUs as long as they maintain the roofline and width of the existing house. (c) Waive parking requirements for ADUs if the existing house is retained and rehabilitated.	The incentives proposed by the Commission to incentivize preservation of older buildings and neighborhoods under Priority Change 1 have been applied citywide, thereby eliminating their effectiveness as tools for preservation.	6-5. For: Koch, Hibbs, Myers, Papavasiliou, Reed, Tollett. Against: None. Abstain: None. Absent: Brown, Galindo, Hudson, Peyton, Valensuela.	Specific	23-4D	ADUs	Not Opposed PAZ: Not opposed. Draft 3 already has a bonus program for ADUs to encourage preservation of the primary structure. DSD: Context-dependent ADU regulations make administration very difficult and complex. Will lead to increased review times.
HLC	HLC Recommendation 20180423-4G	Maintain the historic street pattern. (a) Require new buildings to be set back at the median setback of the block, instead of the average of the adjacent neighboring buildings, as proposed in Draft 2. (b) Ensure that sidewalks, driveways, parking pads, and landscaping are compatible with historic development patterns.	The Commission's recommendations under Priority Changes 2-4 appear to have been ignored.	6-5. For: Koch, Hibbs, Myers, Papavasiliou, Reed, Tollett. Against: None. Abstain: None. Absent: Brown, Galindo, Hudson, Peyton, Valensuela.	Specific	23-4D	Street pattern; site development requirements	Staff response pending
HLC	HLC Recommendation 20180423-4G	Preserve the built form of low-rise residential neighborhoods and commerial corridors via context-sensitive form-based zoning. (a) Limit height of front façade to the prevailing height of the neighborhood, with additional stories set back at least 15' from the front of the façade. (b) Require upper-story setbacks of 15' or 1/3 of the building length (whichever is greater) for new buildings and additions to existing buildings in older neighborhoods [could also be only for existing buildings 40+ years old]	The Commission's recommendations under Priority Changes 2-4 appear to have been ignored.	6-5. For: Koch, Hibbs, Myers, Papavasiliou, Reed, Tollett. Against: None. Abstain: None. Absent: Brown, Galindo, Hudson, Peyton, Valensuela.	Specific	23-4D	Height, setbacks	Opposed DSD: Increase in permit expense as this will require a height survey of neighborhood with each new home construction. NHCD: Opposed, as it may negatively impact the production of affordable units. Increased height is a bonus lever proposed in many residential and mixed-use zones as a way to achieve more affordable housing units. This recommendation could result in fewer affordable housing units being created through the bonus program.
HLC	HLC Recommendation 20180423-4G	Discourage demolition of older commercial and residential buildings. (a) Charge an impact fee for demolition, with increased fees for demolition of contributing buildings within local and National Register historic districts. (b) Reduce or waive parking requirements if existing bulding form is retained (e.g., with 15' setback, roof form, and compatible primary façade.) (c) Grant additional height for commercial buildings with stepped-back addition if existing building is retained, as currently proposed for residential buildings. (d) Explore additional ways to incentivize retention of existing older buildings (e.g. TIF districts or PIDs, transfers of development rights, façade easements, design option points, and more).	The Commission's recommendations under Priority Changes 2-4 appear to have been ignored.	6-5. For: Koch, Hibbs, Myers, Papavasiliou, Reed, Tollett. Against: None. Abstain: None. Absent: Brown, Galindo, Hudson, Peyton, Valensuela.	Specific	23-4D, 23-7?	Demolition, preservation	Staff response pending
HLC	HLC Recommendation 20180423-4G	Many errors and contradictions remain witin and between sections that should be corrected		6-5. For: Koch, Hibbs, Myers, Papavasiliou, Reed, Tollett. Against: None. Abstain: None. Absent: Brown, Galindo, Hudson, Peyton, Valensuela.	General	General to code	General	Watershed: Do not oppose
HLC	HLC Recommendation 20180423-4G	The term <i>preservation</i> should be defined. Commissioners recommend the definition adopted by the Secretary of the Interior.		6-5. For: Koch, Hibbs, Myers, Papavasiliou, Reed, Tollett. Against: None. Abstain: None. Absent: Brown, Galindo, Hudson, Peyton, Valensuela.	Specific	23-13	Definition	Watershed: Do not oppose
EC	Environmental Commission Motion 20180418 007a	City staff work to align and clearly demonstrate connections and synergies between the following recent or ongoing planning projects and tools to maximize the collective impact of City initiatives: the Austin Water Forward Plan, the Integrated Green Infrastructure Plan, the proposed Functional Green Program, the City's Resilience Plan, the Long Range Parks Plan, the Equity Tool, Project Connect, the Strategic Mobility Plan, and the Austin Strategic Housing Blueprint	Whereas, a number of planning processes are 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 sincerely 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.	Vote 9-0. For: B. Smith, Thompson, Istvan, Maceo, Perales, H. Smith, Neely, Coyne, Guerrero. Against: None. Abstain: None. Recuse: None. Absent: Creel, Gordon.	General	General to code	Alignment of City Initiatives with CodeNEXT for collective input	DSD: Do not oppose Watershed: Do not oppose. Staff endeavors to align these initiatives to the extent feasible within assigned timelines.
EC	Environmental Commission Motion 20180418 007a	City staff work to align and clearly demonstrate connections and synergies between the following plans and tools and the final draft of the Land Development Code: the Austin Water Forward Plan, the Integrated Green Infrastructure Plan, the proposed Functional Green Program, the City's Resilience Plan, the Long Range Parks Plan, the Equity Tool, Project Connect, the Strategic Mobility Plan, and the Austin Strategic Housing Blueprint	Whereas, a number of planning processes are 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 sincerely 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.	Vote 9-0. For: B. Smith, Thompson, Istvan, Maceo, Perales, H. Smith, Neely, Coyne, Guerrero. Against: None. Abstain: None. Recuse: None. Absent: Creel, Gordon.	General	General to code	Alignment of City Initiatives with CodeNEXT for collective input	DSD: Do not oppose Watershed: Do not oppose. Staff endeavors to align these initiatives to the extent feasible within assigned timelines.
EC	Environmental Commission Motion 20180418 007a	Incorporate into CodeNEXT the implementation of an interim regulation that redefines the 100-year storm event and floodplain		Vote 8-1. For: B. Smith, Thompson, Istvan, Maceo, Perales, Neely, Coyne, Guerrero. Against: H. Smith. Abstain: None. Recuse: None. Absent: Creel, Gordon.	General	23-3D	Changes to 100-year floodplain	WPD: WPD has initiated the process to create interim floodplain regulations to redefine the design storm events based the current data produced by the National Weather Service.

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EC	Environmental Commission Motion 20180418 007a	Staffing analysis in conjunction with CodeNEXT		Vote 9-0. For: B. Smith, Thompson, Istvan, Maceo, Perales, H. Smith, Neely, Coyne, Guerrero. Against: None. Abstain: None. Recuse: None. Absent: Creel, Gordon.	General	General to code	Staffing	DSD/ WPD: Do not oppose
EC	Environmental Commission Motion 20180418 007a	Section 23-3D-6010 (B)(3) should be revised as follows: (B) In a watershed other than a Barton Springs Zone 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 of new and redeveloped impervious cover exceeds 5,000 square feet.	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 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.	Vote 9-0. For: B. Smith, Thompson, Istvan, Maceo, Perales, H. Smith, Neely, Coyne, Guerrero. Against: None. Abstain: None. Recuse: None. Absent: Creel, Gordon.	Specific	Section 23-3D-6010 (B)(3)	Water quality and Green Stormwater Infrastructure	WPD: 5,000 square feet was the staff recommendation in the 2013 Watershed Protection Ordinance. However, Council adjusted the threshold to 8,000 square feet on the dais. Staff would support changing the threshold back to 5,000 square feet, consistent with national best practice and Austin's own site plan threshold.
EC	Environmental Commission Motion 20180418 007a	City staff draft a provision that requires best management practices to address property where the primary use is a dog park.	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 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.	Vote 9-0. For: B. Smith, Thompson, Istvan, Maceo, Perales, H. Smith, Neely, Coyne, Guerrero. Against: None. Abstain: None. Recuse: None. Absent: Creel, Gordon.	General	23-3D-6	Water quality and Green Stormwater Infrastructure	WPD: Do not oppose. As the development of such a provision will require public outreach, collaboration with PARD, and technical analysis, staff does not support including it with CodeNEXT.
EC	Environmental Commission Motion 20180418 007a	Staff come up with best management practices for 3-6 unit missing 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.	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 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.	Vote 9-0. For: B. Smith, Thompson, Istvan, Maceo, Perales, H. Smith, Neely, Coyne, Guerrero. Against: None. Abstain: None. Recuse: None. Absent: Creel, Gordon.	General	23-3D-6	Water quality and Green Stormwater Infrastructure	DSD: Opposed. Would require additional review staff and increase review fees. WPD: Oppose. To accomplish the Imagine Austin goal of providing a wider diversity of housing types, staff from multiple departments collaborated to develop a streamlined path for "missing middle" residential projects that maintain impervious cover and resulting environmental/drainage impacts at current levels. Under the Draft 3 proposal, a 3 - 6 unit project is eligible for this streamlined process only if it is residentially platted (e.g., the subdivision has already gone through drainage/environmental review) and does not propose more than 45% impervious cover (the same limit as a 1 - 2 unit project). Since this 3 - 6 unit product it is indistinguishable from a 1 - 2 unit product from a drainage and environmental perspective, staff feels that there is no justification to increase requirements over what is required for 1 - 2 units. The additional cost to provide GSI onsite could disincentivize 3 - 6 unit products in favor of 1 - 2 unit products. WPD plans to evaluate the use of onsite GSI for individual residential lots, but at present, workable solutions to permit, inspect, and ensure maintenance and permanent existence have not been established. NHCD: Concur with Watershed Staff Response. 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 off-set 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 green water quality controls, and potential savings from reduced water usage for landscaping.

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EC	Environmental Commission Motion 20180418 007a	Staff coordinate with the Water Forward Task Force to come up with an appropriate water quality volume for beneficial and auxiliary use.	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 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.	Vote 9-0. For: B. Smith, Thompson, Istvan, Maceo, Perales, H. Smith, Neely, Coyne, Guerrero. Against: None. Abstain: None. Recuse: None. Absent: Creel, Gordon.	General	23-3D-6	Water quality and Green Stormwater Infrastructure	<p>WPD: WPD has collaborated with Austin Water throughout CodeNEXT and will continue to do so. WPD 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 1). Water Forward 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).</p> <p>AWU: 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.</p>
EC	Environmental Commission Motion 20180418 007a	Extend 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	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	Vote 9-0. For: B. Smith, Thompson, Istvan, Maceo, Perales, H. Smith, Neely, Coyne, Guerrero. Against: None. Abstain: None. Recuse: None. Absent: Creel, Gordon.	General	23-3D-8	Construction in Urban Watersheds	<p>WPD: 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. Will need to discuss the differences between the Drinking Water Protection Zone (4 ft maximum cut and fill) and Suburban Watersheds (up to 8 ft administrative cut and fill).</p> <p>NHCD: 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 off-set 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 green water quality controls, and potential savings from reduced water usage for landscaping.</p>
EC	Environmental Commission Motion 20180418 007a	Draft Code be revised to require that requests for floodplain variances be presented to the Environmental Commission for a recommendation before being presented to City Council.	Whereas the Flood Mitigation Taskforce recommended that additional opportunities for public input be provided before floodplain variances are considered for approval; and whereas, currently, requests for floodplain variances are presented to the City Council without a recommendation from the Environmental Commission; and whereas, the Environmental Commission's bylaws contemplate oversight of policies and decisions affecting floodplains.	Vote 9-0. For: B. Smith, Thompson, Istvan, Maceo, Perales, H. Smith, Neely, Coyne, Guerrero. Against: None. Abstain: None. Recuse: None. Absent: Creel, Gordon.	General	23-3D	Floodplain Variances	<p>WPD: Staff is currently considering modifications to the floodplain variance process.</p> <p>NHCD: 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 off-set 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 green water quality controls, and potential savings from reduced water usage for landscaping.</p>
EC	Environmental Commission Motion 20180418 007a	The current tree protections in the Code be preserved, without change, except to add provisions that encourage preservation of young trees	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, thus 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.	Vote 9-0. For: B. Smith, Thompson, Istvan, Maceo, Perales, H. Smith, Neely, Coyne, Guerrero. Against: None. Abstain: None. Recuse: None. Absent: Creel, Gordon.	General	23-3C	Trees	<p>NHCD: 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 off-set 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 green water quality controls, and potential savings from reduced water usage for landscaping.</p>

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EC	Environmental Commission Motion 20180418 007a	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; Revise the width of landscape buffers for compatibility setbacks as follows: (a) Intermittent visual obstruction: 15 feet, (b) Semi-opaque: 15 feet, (c) Opaque: 15 feet; Remove 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.	Whereas, the EC genearily supports the landscaping requirements in the draft code, whereas, the EC has been presented with comments from a variety of stakeholders that include proposals to improve upon the landscaping requirements and maximize the benefits to be achieved via these requirements; and wereas, 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 EC wants to replae the Draft 3 proposal with the Draft 2 buffer widths.	Vote 9-0. For: B. Smith, Thompson, Istvan, Maceo, Perales, H. Smith, Neely, Coyne, Guerrero. Against: None. Abstain: None. Recuse: None. Absent: Creel, Gordon.	General	24-4E-4	Landscape	<p>DSD: Do not oppose</p> <p>WPD: Staff supports coordination with the Water Forward Task Force to incentivize beneficial reuse of stormwater and reduce potable water demand. Staff is neutral on non-water-related recommendations.</p> <p>NHCD: 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 off-set 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 green water quality controls, and potential savings from reduced water usage for landscaping.</p> <p>AWU: 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</p>
EC	Environmental Commission Motion 20180418 007a	Add setbacks for parks to improve functionality and compatibility; for residential development, add a provision that encourages street frontage or open spaces next to existing or proposed parkland; add "adjacency" regualtions for non-residential development, 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 subdivisions, 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 land dedication is the priority or preferred manner 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.	The EC generallys upports open space requirements	Vote 9-0. For: B. Smith, Thompson, Istvan, Maceo, Perales, H. Smith, Neely, Coyne, Guerrero. Against: None. Abstain: None. Recuse: None. Absent: Creel, Gordon.	General	23-3B	Open space and parklands	<p>PARD: Specifically, PARD recommends "adjacency" regulations for lots developing next to a PR Zone. Add language in 23-4D Building Placement tables that would prevent trash, mechanical equipment and loading areas from being placed on the side adjacent to parkland (PR). Also, in order to place open space in the most optimal location, add the following to MU and MS Zones Building Placement Table (2) Additional Setback: Where Civic Space or Parkland is required, additional setback shall be provided if needed to comply with 23-4C-2030. Also, add a (D) to 23-5C-2 (Subdivision) that would require street frontage next to existing or proposed parkland so as not to block access to parkland.</p> <p>WPD: Do not oppose.</p>
EC	Environmental Commission Motion 20180418 007a	In Section 23-4D-8110(F), reinsert the existing Tier 1 requirement that all PUDs must exceed the minimum landscaping requirements of the Code; Delete Subsection 23-4D-8110(G)(2)(c), which is not superior to the GSI requirements proposed in CodeNEXT; modify Subsection 23-4D-8110(G)(2)(m) to remove the references to heritage and protected size trees and keep only the following language: "Preserves 75 percent of all the native caliper inches."		Vote 9-0. For: B. Smith, Thompson, Istvan, Maceo, Perales, H. Smith, Neely, Coyne, Guerrero. Against: None. Abstain: None. Recuse: None. Absent: Creel, Gordon.	Specific	23-4D-8110 (F) and (G)	PUD	<p>WPD: Do not oppose</p>
EC	Environmental Commission Motion 20180418 007a	Staff draft provisions to address sound and light pollution and weigh safety considerations		Vote 9-0. For: B. Smith, Thompson, Istvan, Maceo, Perales, H. Smith, Neely, Coyne, Guerrero. Against: None. Abstain: None. Recuse: None. Absent: Creel, Gordon.	General	General to code	Light and sound pollution	<p>WPD: Do not oppose</p>

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EC	Environmental Commission Motion 20180418 007a	Reinstate Street Tree Requiremetns, 23-9E-5050(B)(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 the requirement when sufficient right-of-way is not available" Furthermore, when Subchapter E transtions to CodeNEXT Draft 3, staff will provide the EC with locations of Subchapter E in the new code at an EC meeting to ensure consistence and reflect the general intent that has been captured int he 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 stret tree requirements in the Transportation code.	Whereas, in seeking to create a compact and connected city, Imagine Austin encourages the use of sidewalks and an walkable city; whereas, Austin's hot climate makes shade beneficial, valuable, and necessary to encourage walking; whereas, Austin's Urban Forest Plan, unanimously approved by Council, lists tree plantings and landscape on public property, sidewalks, and transit corridors as a priority; whereas, utilities have increased the distance for planting trees in the Right of Way to 10 feet; whereas, Subchapter E has been removed from CodeNEXT draft 3, which established site development standards for tree planting and ensures high quality street environmoents to support pedestrians (walkable) 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 incomplete.	Vote 9-0: For: B. Smith, Thompson, Istvan, Maceo, Perales, H. Smith, Neely, Coyne, Guerrero. Against: None. Abstain: None. Recuse: None. Absent: Creel, Gordon.	Specific	23-9E-5050	Street trees	WPD: Do not oppose PWD: Do not oppose. Also, DSD staff is currently working on the document that identifies where Subchapter E sections are included in Draft 3.
EC	20180404 007a	Issues related to economic displacement be prioritized 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 impacted residents and communities in Austin, to provide the urgent attention that these issues warrant, 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.	WHEREAS, on November 1, 2017, the Environmental Commission passed a resolution in response to Draft 2 of CodeNEXT, recognizing economic displacement of existing communities as an environmental concern that must be addressed but to date, the impact of CodeNEXT on displacement has not yet been addressed by City staff with data, evidence and rigorous and complete analysis; and WHEREAS, the Environmental Commission has commented on several occasions on the need for more robust community engagement, particularly with members of the community who are likely to be the most impacted by City policies related to the environment and land development; and WHEREAS, on November 15, 2017, the Environmental Commission passed a resolution in response to Draft 2 of CodeNEXT, recommending that City staff work with the City's Equity Office to project the environmental impacts associated with economic displacement of existing communities; and WHEREAS, the City's Equity Office is currently undertaking an equity analysis of CodeNEXT, which applies to the entire City of Austin, in conjunction with a third-party consultant; and WHEREAS, the Planning Commission and the Zoning and Platting Commission will hold their first public hearing regarding Draft 3 of CodeNEXT on April 28, 2018, and the Environmental Commission is diligently working on trying to get recommendations regarding the environmental aspects of CodeNEXT to the land use commissions before their first public hearing; and WHEREAS, the Environmental Commission will not have the benefit of being able to review and consider the results of the equity analysis of CodeNEXT before getting their recommendations to the land use commissions in time for the first public hearing on April 28, 2018; and WHEREAS, two common concerns expressed by residents regarding CodeNEXT are impacts of the proposed Code changes on drainage and flooding and economic displacement of existing communities WHEREAS, it is well-documented that the City of Austin is experiencing a lack of "affordable" housing; and WHEREAS, Draft 3 of CodeNEXT can provide the capacity for, at most, 6,000 new units over the next 10 years, affordable at 60% and 80% median family income (MFI), and no analysis on the anticipated preservation rate of market-rate "affordable" housing under Draft 3 of CodeNEXT has been published to date; and WHEREAS, development of market-rate housing alone will not reduce sprawl if the City does not intentionally prioritize maintaining existing affordable housing and creating new affordable housing for working class and low-income families; and WHEREAS, many of the environmental benefits that are typically associated with densely developed communities—i.e., less reliance on individual motor vehicles and improved air quality—are diminished if working class and low-income residents are compelled to move farther from the urban core or outside of Austin because of a lack of affordable housing; and WHEREAS, all residents, including working class and low-income residents, are entitled to environmental protections, including drainage, floodplain, and watershed protections; tree preservation; erosion controls; access to parks, green space, and safe recreational areas; and other protections that ensure a safe and healthy community environment, and these protections should not be bargained away for a promise of a greater supply of housing; and WHEREAS, the City of Austin has implemented floodplain and drainage protections for properties within the City's jurisdiction, but those protections do not apply in areas outside of the City's jurisdiction; and WHEREAS, working class and low-income residents who have moved away or are likely to		General		Displacement	
EC	20180404 007a	Among the tools that should be considered before or in conjunction with the passage or implementation of CodeNEXT are the following examples: TIFs, identification of City-owned property and development of plans to create affordable housing on those properties; reduction in entitlements that encourage development in areas that have been identified as at risk of imminent gentrification and displacement by UT's mapping project; identification of opportunities and funding for land banking and land trusts; identification of opportunities for historic preservation and neighborhood conservation combined districts (NCCD); exploration of partnerships with CapMetro and other entities to create affordable housing, especially near transportation hubs; implementation of inclusionary zoning for rental housing; maximization of opportunities in homestead preservation districts; creation of a right-to-stay fund;1 and other creative measures that have already been proposed and presented to the City by the various task forces that have addressed these issues.		For: Perales, Thompson, Istvan, Maceo, H. Smith, Guerrero, Creel, Coyne Against: None Abstain: None Recuse: None Absent: B. Smith, Neely, Gordon	General			

Historic Landmark Commission and Environmental Commission
CodeNEXT Draft 3 Recommendations

	Source Document	Recommendation	Additional notes	Vote	General or Specific	Section Number	Broad Topic	Staff Response
	20180404 007a	Any reduction in environmental risk or improvement in environmental factors must go hand-in-hand with projections for vulnerable individuals, families, and communities in order to ensure an equitable and resilient future for all Austin residents.	move outside of Austin because of economic pressures may not have the benefit of the same floodplain and drainage protections that Austin provides; and WHEREAS, although two concerns often expressed by the community are drainage/flooding issues and economic displacement, the CodeNEXT maps do not appear to consider vulnerable communities that are already experiencing or are on the cusp of experiencing displacement of working class and low-income residents; and WHEREAS, the City has convened several task forces to evaluate issues related to gentrification and displacement, over the last several decades, including the Mayor's Task Force on Institutional Racism and the current Anti-Displacement Task Force, resulting in a number of reports and recommendations, but few recommendations, including many that are outside of the Land Development Code, have been implemented thus far; and WHEREAS, an anti-displacement task force was recently created and is currently working on a report that will address gentrification and displacement issues; and WHEREAS, the University of Texas is currently mapping areas of the City that are experiencing signs of gentrification and displacement and is preparing a list of tools that the City may implement to address the imminent signs of displacement and gentrification; and WHEREAS, CodeNEXT does not, and is not intended to, serve as a tool to stem gentrification and displacement; and WHEREAS, the community and the Environmental Commission have been afforded about one year to engage in the CodeNEXT process and even less time to review the proposed draft language; indeed, some sections of the Code are being revised and will continue to be revised, and the community and the Commission have yet to review and evaluate those portions of the Code; and WHEREAS, the City is currently reviewing the 100-year floodplain data (NOAA Atlas 14) and considering its accuracy and is likely to revise the floodplains and drainage design criteria; and WHEREAS, in contrast to the expedited schedule imposed for community outreach and engagement, boards and commissions review, and Council consideration of CodeNEXT, policies and tools outside of the Land Development Code that may address gentrification and displacement have not been considered or implemented with the same urgency.		General		Environment	
EC	20180404 007a	Support of proposed drainage certification regulations for single-family residential and missing middle developments with recommendation that staff review and inspect all engineer's certification submittals; exceptions for owner-occupied, projects < 400 ft2, and projects attached to existing structure; fees waived for ADUs providing affordable housing at 70% MFI for 10 years	http://www.austintexas.gov/edims/document.cfm?id=296849	For: Perales, Thompson, Istvan, Guerrero, Gordon, Coyne Against: H. Smith, Creel Abstain: Maceo Recuse: None Absent: B. Smith and Neely	Specific	23-2A-3	Drainage	WPD: Oppose. Staff is concerned that the EC proposal to review and inspect drainage plans on all 1 and 2 family and Missing Middle projects will create an administrative and financial burden on these projects disproportionate to the benefits derived. However, staff is open to exploring other potential approaches to help prevent and correct negative drainage impacts to adjacent properties from residential Building Permit-related construction. DSD: Opposed. Concur with WPD comments.
EC	20180404 007a	Support for proposed regulations requiring re-development projects reduce the peak runoff (flood) flows to match the peak runoff from an undeveloped site	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.	For: Perales, Thompson, Istvan, Guerrero, Maceo, Gordon, Coyne Against: H. Smith Abstain: Creel Recuse: None Absent: B. Smith and Neely	Specific	23-10E-3010	Flood	