

# Atlas 14 – Commercial Redevelopment Exception

# Floodplain Regulations Update

What floodplain rules did we update?

What floodplain rules do we recommend updating now?

# What floodplain rules did we update?

Most significant update to our floodplain rules in their 36-year history

Goal of updated rules: Protect our residents from flooding based on a better understanding of flood risk with new rainfall information

Updated four basic elements of rules

- Floodplain definitions
- Residential redevelopment exception
- Colorado River exception
- Freeboard

## Residential Redevelopment Exception

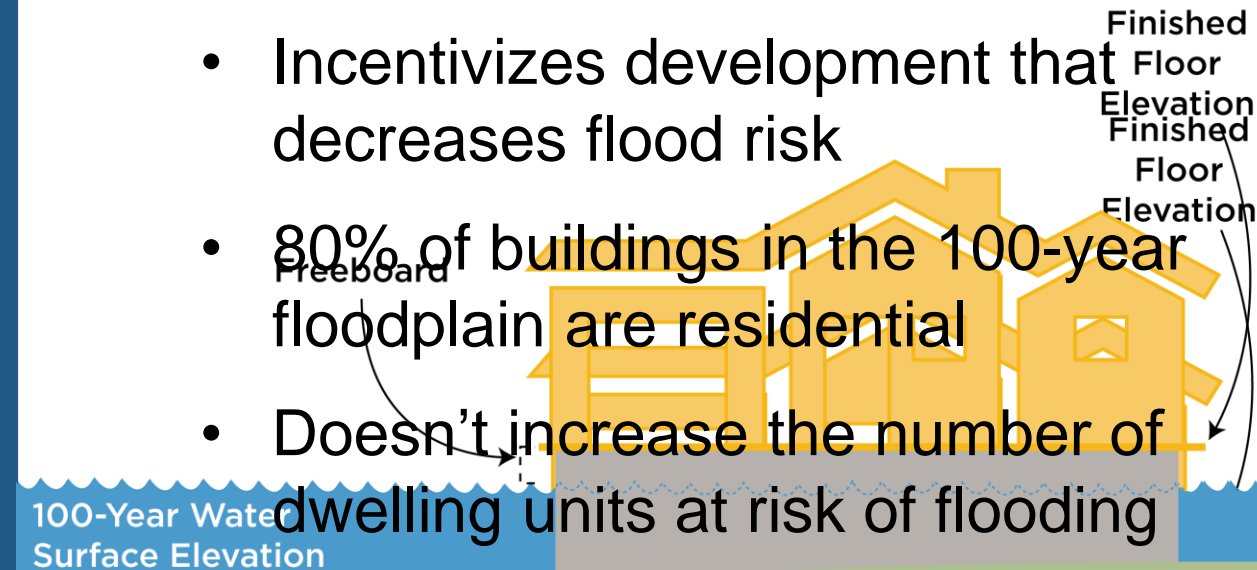
Administrative approval process floodplain if:

1. Replacement or modification of an existing residential building
2. Does not increase number of dwelling units
3. Finished floor elevation is at least 2 feet above the 100-year floodplain
4. No adverse flooding impact

If these 4 conditions are met, the safe access requirement is waived

### Purpose

- Incentivizes development that decreases flood risk
- 80% of buildings in the 100-year floodplain are residential
- Doesn't increase the number of dwelling units at risk of flooding
- Opens up opportunity for grant funding Re-developed condition



# Result of Collaborative Code Revision Process

Contacted more than 2,700 people at 110 different meetings

City Council approved the new rules on November 14, 2019

Staff pledged to develop draft rules regarding commercial redevelopment

# What floodplain rules do we recommend updating now?

## Commercial Redevelopment Exception

# Commercial Redevelopment exception

**Goal:** Create an administrative approval process for commercial redevelopment that decreases flood risk compared to the existing conditions

**Considerations:** Building use; square footage; occupant load; parking flood risk; building height

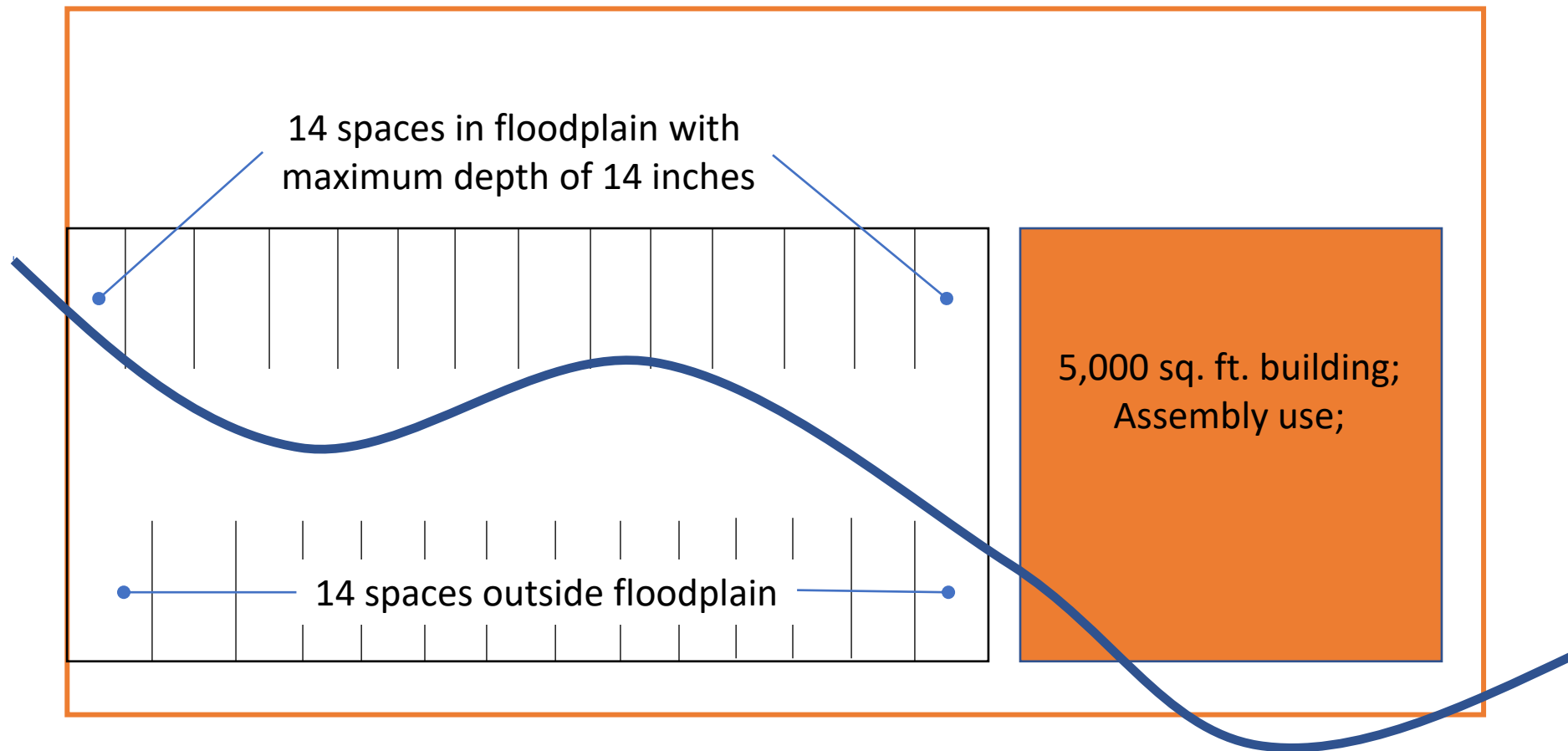
## Proposed commercial redevelopment exception

Administrative approval process for a commercial building in the floodplain if:

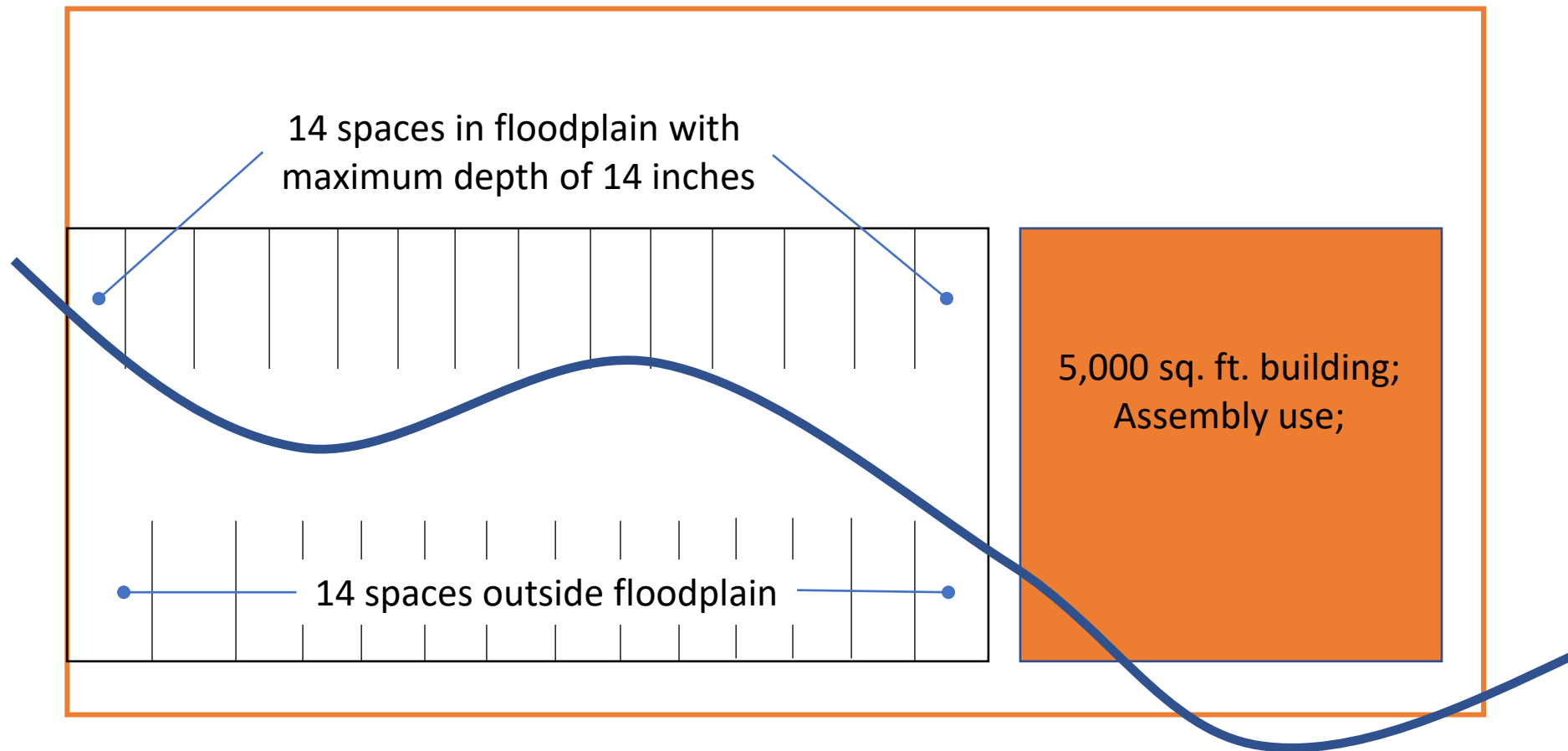
1. Replaces or modifies an existing commercial building
2. Finished floor elevation is at least 2 feet above the 100-year floodplain
3. Does not increase the building square footage on the property
4. Does not include the following uses: E (Educational); F (Factory); H (High Hazard); or I (Institutional)
5. Does not increase the number or flood level of parking spaces within the floodplain on the property unless otherwise required; and
6. No adverse flooding impact

If these conditions are met, the safe access requirement is waived

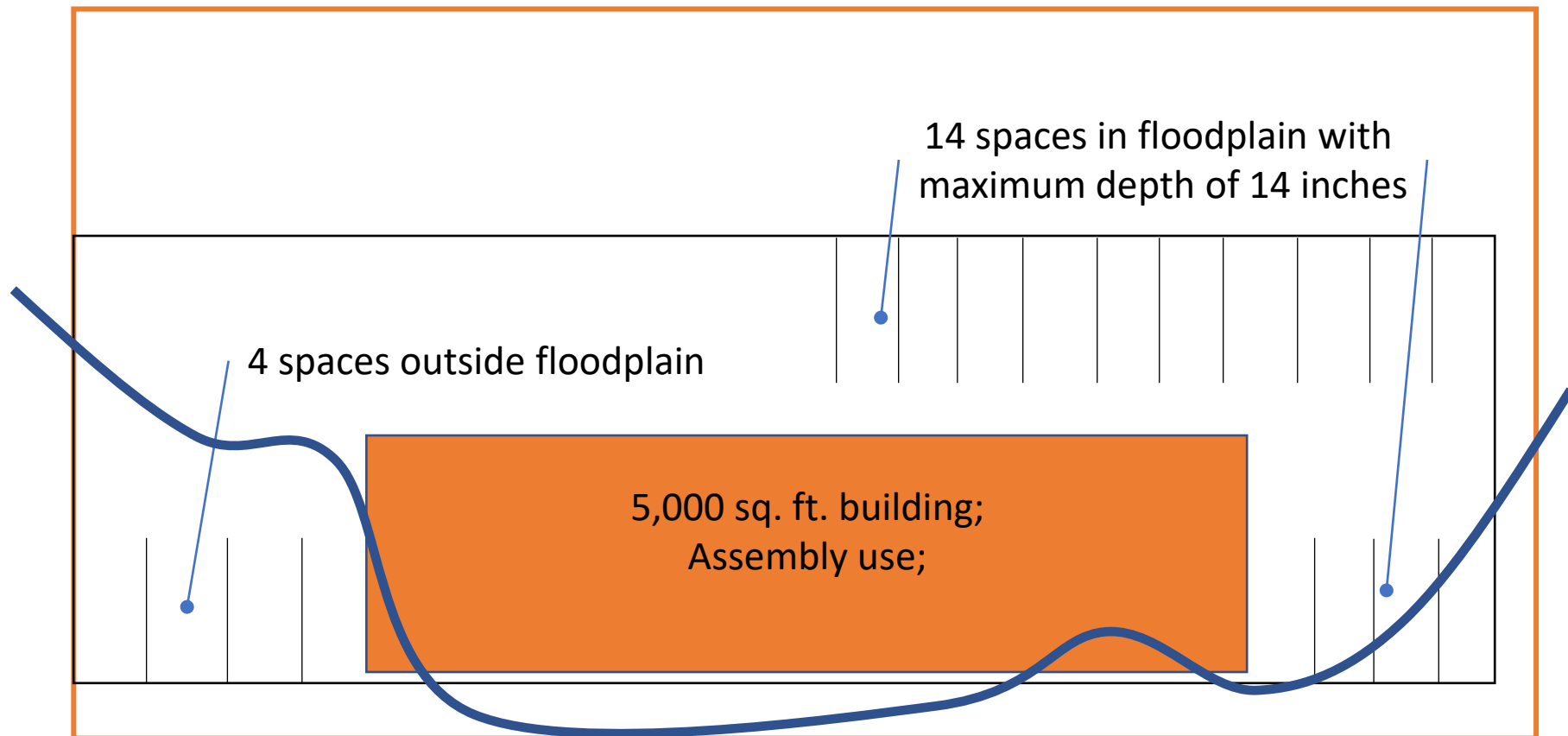
## Proposed commercial redevelopment exception example: Existing conditions



## Proposed commercial redevelopment exception example: Option 1: same configuration



## Proposed commercial redevelopment exception example: Option 2: reconfiguration



## Process to approval

- Codes and Ordinances Joint Committee
  - Planning Commission
  - Environmental Commission
  - Building and Fire Code Board of Appeals
- Codes and Ordinances Joint Committee
  - Zoning and Platting Commission
  - Planning Commission
  - City Council

# Atlas 14 – Commercial Redevelopment Exception

## Floodplain Definitions

Regulatory 100-yr  
floodplain = Current FEMA 500-yr  
floodplain

Regulatory 25-yr  
floodplain = Old COA 100-yr  
floodplain

- Maintain the City's level of flood protection
- Limit construction of new buildings in areas with known flood risk during re-mapping process
- Interim definitions until floodplains are re-mapped in 2 - 3 years

## Option for Minor Improvements to Residential Buildings

Administrative approval process for an addition to a residential building in the floodplain if:

1. Finished floor elevation of the addition is at least 2 feet above the 100-year floodplain
2. Not a substantial improvement
3. No adverse flooding impact

If these 3 conditions are met, the safe access requirement is waived



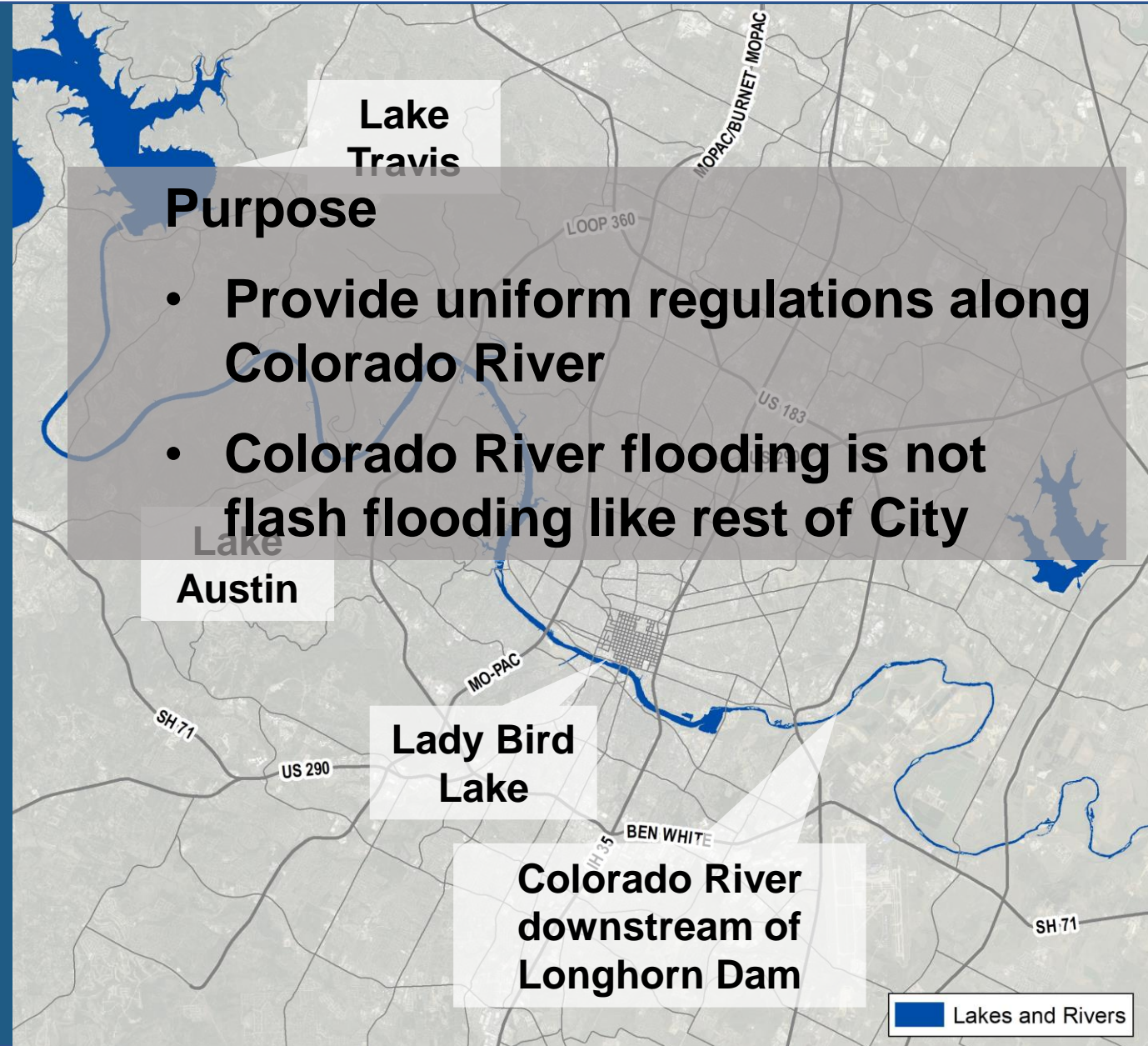
## Colorado River Exception

The previous exception allowed for a building to encroach in the 100-year floodplain if it was:

- Downstream of Longhorn Dam
- Along Lady Bird Lake

New rule expands this exception to include:

- Lake Austin
- Lake Travis (within COA jurisdiction)

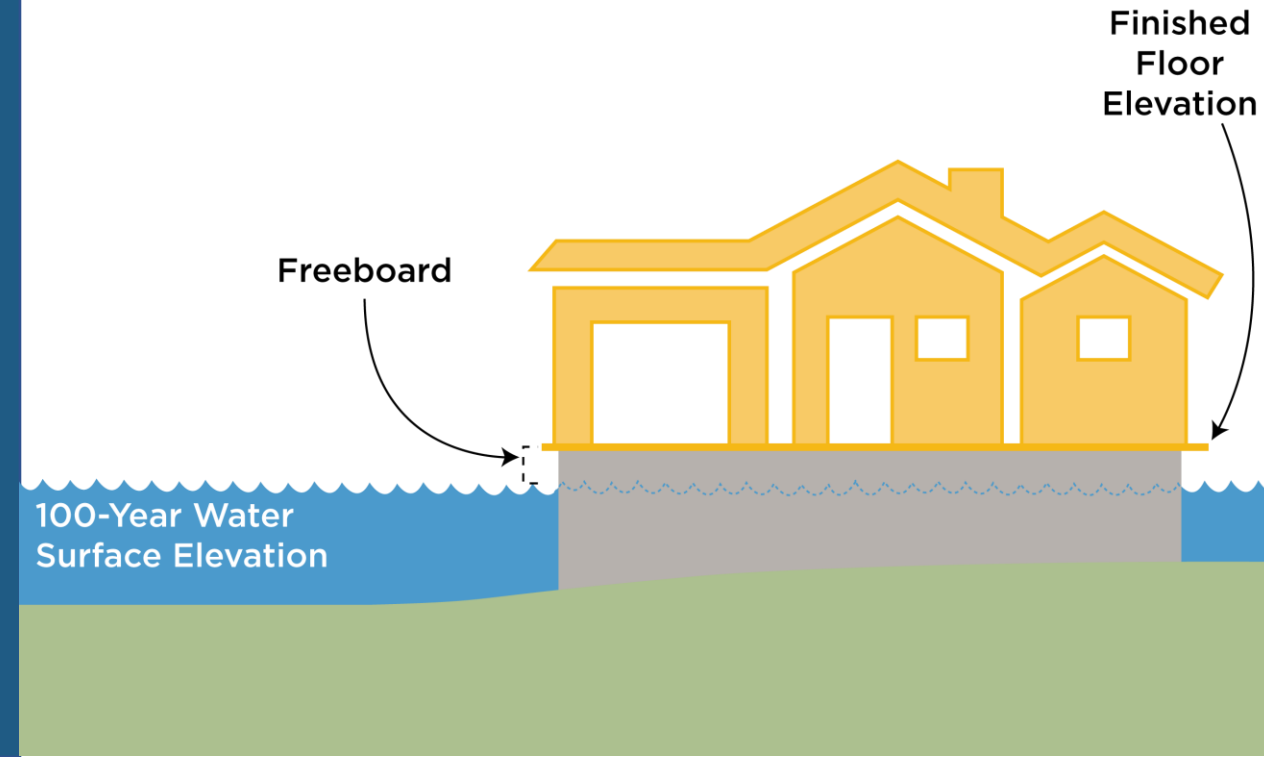


## Freeboard

Increase the minimum height between a building's finished floor and the 100-year floodplain from 1 ft to 2 ft

## Intent

- Freeboard is the single-most effective means for reducing flood risk to a building in the floodplain
- Reduces flood insurance premiums





AFFORDABILITY IMPACT STATEMENT  
 NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT  
 AMENDMENTS TO LDC SECTIONS 25-7-93 & 25-7-96 TO INCLUDE A COMMERCIAL  
 RE-DEVELOPMENT EXCEPTION

PROPOSED CODE AMENDMENT:	<ul style="list-style-type: none"> <li>• PROPOSED AMENDMENT ALLOWS FOR AN ADMINISTRATIVE PATH FOR APPROVAL OF COMMERCIAL RE-DEVELOPMENT THAT WOULD REDUCE FLOODING RISK COMPARED TO THE EXISTING DEVELOPMENT.</li> <li>• ALSO ALLOWS A SEVERELY DAMAGED COMMERCIAL BUILDING TO RE-ESTABLISH THE COMMERCIAL USE.</li> </ul>
IMPACT ON IMPLEMENTATION OF IMAGINE AUSTIN VISION, GOALS AND PRIORITIES	<input type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input checked="" type="checkbox"/> NEUTRAL
LAND USE / ZONING OPPORTUNITIES FOR AFFORDABLE HOUSING DEVELOPMENT	<input checked="" type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input type="checkbox"/> NEUTRAL THE EXCEPTION WOULD ALLOW STAFF ADMINISTRATIVE APPROVAL TO APPROVE A COMMERCIAL DEVELOPMENT WITHIN THE 25-YEAR OR 100-YEAR FLOODPLAIN PENDING MEET CERTAIN CRITERIA..
IMPACT ON COST OF DEVELOPMENT	<input checked="" type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input type="checkbox"/> NEUTRAL THE AMENDMENT WOULD ALLOW EXISTING COMMERCIAL DEVELOPMENTS TO REDEVELOP WITHOUT THE NEED OF A CITY COUNCIL VARIANCE. THIS WOULD SAVE DEVELOPMENT PROCESSING TIME AND COST.
IMPACT ON PRODUCTION OF AFFORDABLE HOUSING	<input checked="" type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input type="checkbox"/> NEUTRAL
PROPOSED CHANGES IMPACTING HOUSING AFFORDABILITY:	NONE.
ALTERNATIVE LANGUAGE TO MAXIMIZE AFFORDABLE HOUSING OPPORTUNITIES:	NONE.
OTHER HOUSING POLICY CONSIDERATIONS:	NONE.
DATE PREPARED:	04/30/2020

MANAGER'S SIGNATURE: REGINA M COPIC

**PART 1.** City Code Section 25-7-93 (*General Exceptions*) is amended to read as follows:

**§ 25-7-93 GENERAL EXCEPTIONS.**

(A) A development application with a proposed building or parking area that encroaches on the 100-year floodplain may be approved if the encroachment is:

(1) a parking area that is smaller than 5,000 square feet or an unoccupied structure that has an area of less than 1,000 square feet, and the director determines that the proposed development:

(a) will not have an adverse effect on the 100-year floodplain or surrounding properties; and

(b) otherwise complies with the requirements of this title;

(2) a new building for residential use that replaces an existing legally constructed building for residential use on the same property and that does not increase the number of legal dwelling units on the property;

(3) a new building for commercial use that replaces an existing legally constructed building for commercial use on the same property and:

(a) does not increase the building square footage on the property;

(b) does not include the following uses as they are defined in the International Building Code:

(i) E (Educational);

(ii) F (Factory);

(iii) H (High Hazard); or

(iv) I (Institutional); and

(c) does not increase the flood level of parking spaces within the 100-year floodplain unless additional parking is required by another section of this title.

(4)[(3)] a building authorized by a waterway development permit issued under Chapter 9-10 before September 25, 1983; or

(5)[(4)] a building in the 100-year floodplain of:

- (a) Lady Bird Lake;
- (b) the Colorado River downstream from Longhorn Dam;
- (c) Lake Austin; or
- (d) Lake Travis.

(B) To be approved under this section, development must:

- (1) be no lower than two feet above the 100-year floodplain, as measured from the lowest floor elevation of any proposed building;
- (2) comply with the requirements in Chapter 25-12, Article 1, Section 25-12-3 Appendix G (*Flood Resistant Construction*) and Section 1612 (*Flood Loads*);
- (3) compensate for the floodplain volume displaced by the development; and
- (4) result in no additional adverse flooding impact on other properties, as determined by the director.

**PART 2.** City Code Section 25-7-96 (*Requirements in the 25-Year Floodplain*) is amended to read as follows:

**§ 25-7-96 REQUIREMENTS IN THE 25-YEAR FLOODPLAIN.**

(A) This section establishes requirements that apply to development in the 25-year floodplain.

(B) A development application with a proposed building or parking area that is located on parkland, a golf course, or other public or recreational land and that encroaches on the 25-year floodplain may be approved if:

(1) the building, if any, is:

(a) a restroom or bath facility, concession stand, tool shed, or pump house, with an area of less than 1,000 square feet; or

(b) a dock that is located in the 25-year floodplain of Lady Bird Lake, Lake Walter E. Long, or Lake Austin and constructed, or proposed to be constructed, in compliance with the regulations of this title; and

(2) the parking area, if any, is smaller than 5,000 square feet.

(C) A development application for a proposed new building for residential use that replaces an existing legally constructed building for residential use may be approved if the building is:

(1) on the same property; and

(2) not increasing the number of legal dwelling units on the property.

(D) A development application for a proposed new building for commercial use that replaces an existing legally constructed building for commercial use may be approved if the building is:

(1) on the same property;

(2) not increasing the building square footage on the property;

(3) not including the following uses as they are defined in the International Building Code:

(i) E (Educational);

(ii) F (Factory);

(iii) H (High Hazard); or

(iv) I (Institutional); and

- 1                   (4)    not increasing the flood level of parking spaces within the 25-year  
2                           floodplain unless additional parking is required by another section  
3                           of this title.

4           (E)[(D)]    To be approved under this section, development must:

- 5                   (1)    be no lower than two feet above the 100-year floodplain, as  
6                           measured from the lowest floor elevation of any proposed  
7                           building;
- 8                   (2)    comply with the requirements in Chapter 25-12, Article 1,  
9                           Section 25-12-3 Appendix G (*Flood Resistant Construction*)  
10                          and Section 1612 (*Flood Loads*);
- 11                   (3)    compensate for the floodplain volume displaced by the  
12                           development;
- 13                   (4)    result in no additional adverse flooding impact on other  
14                           properties, as determined by the director; and
- 15                   (5)    otherwise comply with the requirements of this title, as  
16                           determined by the director.



## ENVIRONMENTAL COMMISSION MOTION 20220518 003a

**Date:** May 18, 2022

**Subject:** Proposed changes to the Land Development Code § 25-7-93 and 25-7-96 to include a commercial redevelopment exception

**Motion by:** Jennifer Bristol

**Seconded by:** Kevin Ramberg

### **RATIONALE:**

**WHEREAS**, the National Oceanic and Atmospheric Administration completed a study of historical rainfall for Texas in 2018 called Atlas 14 that showed that the Austin area is experiencing heavier rainfall more frequently and that the probability of severe flooding is greater than previously realized.

**WHEREAS**, in response, the City of Austin revised its floodplain regulations and adopted interim floodplain maps until a citywide floodplain study could be completed. As part of the revised floodplain regulations, a Residential Redevelopment Exception was created, among other items, to promote redevelopment that reduces flood risk for development residential properties.

**WHEREAS**, the Environmental Commission recognizes the City staff are requesting changes to Land Development Code § 25-7-93 and § 25-7-96 to promote flood risk reduction when redeveloping commercial properties.

**THEREFORE**, the Environmental Commission recommends the proposed changes to Land Development Code § 25-7-93 and § 25-7-96 with the following Environmental Commission Conditions:

### **Environmental Commission Conditions:**

- Continue to inform the public through outreach and public comment events
- Include the high hazard maps for those outreach events.

### **VOTE: 9-2**

For: Qureshi, Schiera, Ramberg, Bristol, Barrett Bixler, Aguirre, Thompson, Bedford, and Nickells

Against: Brimer and Scott

Abstain: None

Recuse: None

Absent: None

Approved By:

A handwritten signature in black ink that reads "KEVIN RAMBERG". The letters are slightly slanted and connected in a cursive-like fashion.

Kevin Ramberg, Environmental Commission Chair