

STAFF BRIEFING ON HELI-FACILITIES

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Item: Staff briefing on heli-facilities

Description: Proposed recommendations for changes to chapters 13 and 25 of the City Code, as related to heli-facilities.

Proposed Recommendations: See attached draft language and presentation.

Background: Initiated by City Council on November 8, 2012 (Resolution 20121108-052)

In response to abundant helicopter traffic associated with the Formula One Circuit of the Americas race that occurred in November 2012, and various concerns from neighborhoods and businesses about said helicopter traffic, the City Council issued Resolution 20121108-052. This Resolution directed staff to work with stakeholders to develop recommendations for changes to Chapters 13-1 and 25-2 of the City Code, related to definitions, criteria, transparency, compatibility, and discretion, as related to heli-facilities.

Council Resolution 20121108-052 also requested that proposed recommendations be presented Planning Commission (as well as the Zoning and Platting Commission, and the Austin Airport Advisory Commission) for feedback.

Board and Commission Actions

Planning Commission – Feedback and input on proposed recommendations will be solicited at the March 12, 2013 meeting. No formal action is being requested.

Council Action

City Council – A public hearing has not yet been set.

Ordinance Number: NA

City Staff: Greg Dutton

Phone: 974-3509

Email: greg.dutton@austintexas.gov

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RESOLUTION NO. 20121108-052

WHEREAS, helicopter operations and related facilities, both permanent and temporary, are addressed in the City Code Chapter 13-1 (Aviation Services) as well as Chapter 25-2 (Zoning);

WHEREAS, temporary heli-facility operations in the past have had minimal negative impacts on surrounding residents or businesses;

WHEREAS, permits for temporary heli-facilities have historically authorized 10 or fewer helicopter operations;

WHEREAS, the potential exists, under certain interpretations of the City Code, for the authorization of temporary heli-facilities servicing helicopter operations that extend well beyond the historic operation levels and that would thus cause significant disruption and noise to nearby residents and businesses;

WHEREAS, the community would be well-served by clarifying and enhancing the City Code related to temporary helicopter facilities and addressing, among other elements, appropriate allowable purposes, limits on individual and collective permits, advance notice to and feedback from the

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public and nearby property owners on applications under consideration, criteria for discretion in authorizing permits, requirements for compliance with Federal Aviation Advisory Circular 150/5020-1 (Noise Control and Compatibility Planning for Airports), conditional and/or temporary use permitting requirements, and applicability of general heli-facility requirements;

WHEREAS, interested parties on heli-facility issues include, but are not limited to residents of Austin as well as adjacent municipalities, helicopter operations providers, large event producers, and property owners and managers of facilities that potentially may be used as temporary helistops or located in close proximity to one; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager is directed to engage stakeholder representatives to develop recommendations for modifications to the City Code Chapters 13-1 and 25-2 that clarify definitions, Code requirements, and enhance criteria, transparency, compatibility, and discretion in the authorization process for temporary and permanent heli-facilities;

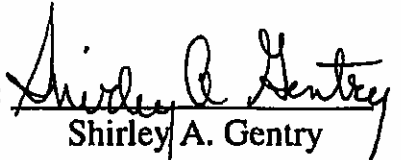
Be it further resolved, that the City Manager is directed to present recommendations to the Planning Commission, Zoning and Platting

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Commission, and the Austin Airport Advisory Commission for feedback and to report on the recommendations to the City Council by March 31, 2013.

ADOPTED: November 8, 2012

ATTEST:


Shirley A. Gentry
City Clerk

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PROPOSED CHANGES TO CHAPTER 25

§ 25-2-861 FACILITIES FOR HELICOPTERS AND OTHER NONFIXED WING AIRCRAFT.

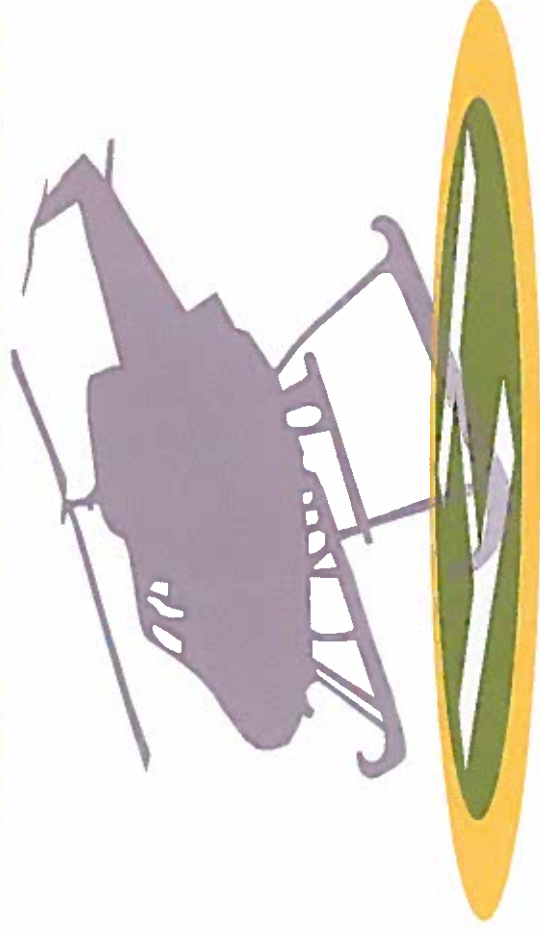
(A) The following are conditional uses in all commercial, industrial, and special purpose base districts:

(1) a heli-facility, ~~helicopter landing site~~, or heliport, as defined in Chapter 13-1, Article 4 (*Heliports and Helicopter Operations*); and

(2) except as provided in Subsection (B), a landing field for hot air balloons or nonfixed-wing aircraft.

(B) An advertising or promotional event involving the use of a hot air balloon is a permitted use in all commercial, industrial, and special purpose base districts. The approval of the building official, the director, and the director of Aviation is required for the event.

Source: Section 13-2-270; Ord. 990225-70; Ord. 031211-11.



Helicopter Recommendations To Modify City Code 13-1-Aviation Services Planning Commission

March 12, 2013, 6 p.m.

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Presentation

- Resolution
- Stakeholders
- Overview of the Helicopter Activities Overview of the 2012 F1 Event
- Noise Complaints November 16th-18th 2012
- Recommendations to Modify City Code 13-1 Article 4 Heliports and Helicopter Operations



Resolution No. 20121108-052

- Direct Staff to engage stakeholder representatives to develop recommendations for modifications to the City Code Chapter 13-1 (Aviation Services) and 25-2 (Zoning) that clarify definitions, code requirements, and enhance criteria, transparency, compatibility, and discretion in the authorization process for temporary and permanent heli-facilities



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Stakeholders

- Facilitator: Arin Gray-Concept Development & Planning LLC, and Chris Coons-RW-Armstrong
- Austin Airport Advisory Commission
- Planning Commission
- Aviation Department & Planning & Development Review
- Neighborhoods: Barton Hills, Zilker, Bouldin Creek, South River City Citizens, DANA, ANC-SE Austin
- Large Events Producers: Circuit of The America's, Austin Marathon, Austin City Limits
- Helicopter Operators: Henry Aviation, McRae Aviation, Capital Wings, Austin Helicopters, Charlie Bravo and Fins Up
- Austin Police Department Air Division
- Meeting Summaries have been forwarded to adjacent municipalities

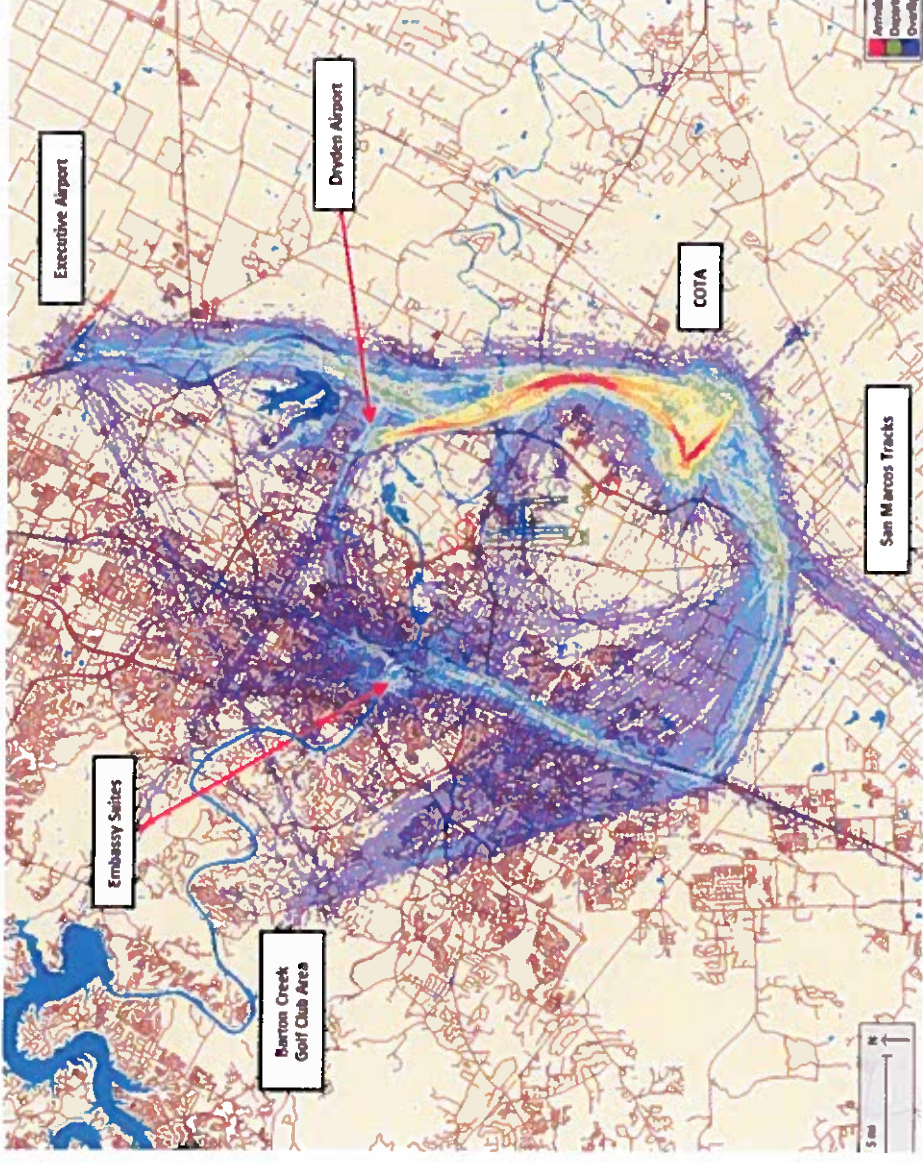


2012 F1 Helicopter Overview

- ABIA staff used ANOMS 8 to monitor activities
- Helicopter Flights
 - Normal Weekend avg. 177 operations
 - F1 event approximately 2,546 operations
- 5 Local Heliports & Helistops
 - Executive Airport, Dryden Airport, COTA, Barton Creek Golf Club Area and Embassy Suites (temporary)
 - MoPac Site (temporary) not used



Flight Track Density and Landing Sites



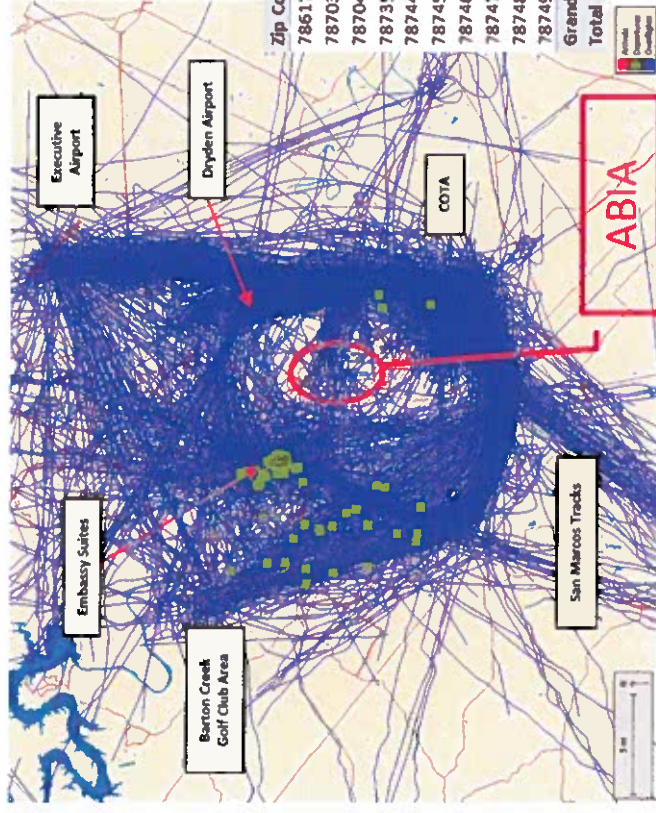
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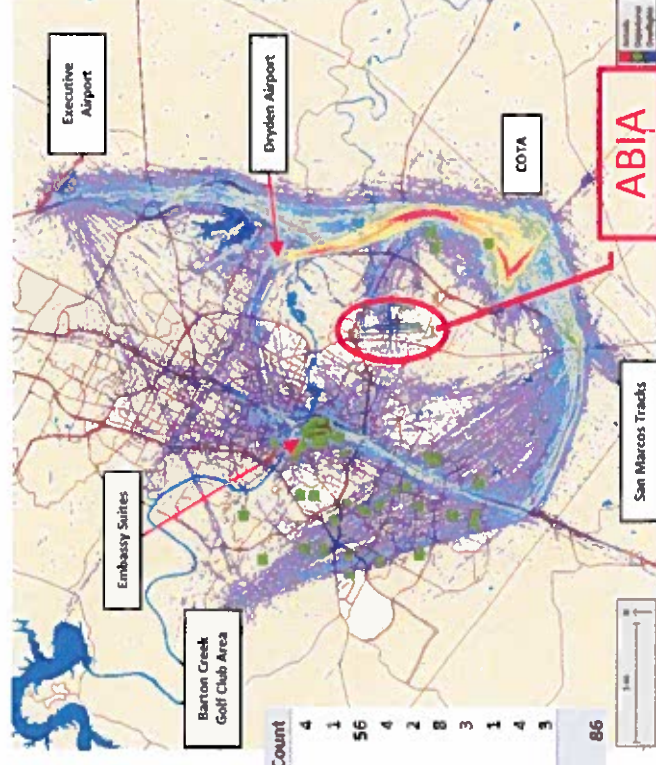
2012 F1 Event Helicopter Tracks

- Noise Complaint Summary
 - 114 total (86 provided location)
 - 65% from 78704

Flight Tracks with complaints



Flight Track Density with complaints



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Helicopter Noise Complaints

- Comments From Complaints
 - Frequency Too Much
 - Duration All Day
 - Low flying
 - Intensity Too Loud
- Primary Causes
 - Large Number of Trips (Operations) Per Site
 - Prolong Hovering (circling-waiting to land)
 - Multiple Helicopter Operators per site



City Code 13-1 Aviation Services

- Recommended Changes:
 - Clarify Definitions
 - Code Requirements
 - Enhance Criteria
 - Transparency
 - Compatibility
 - Discretion in the Authorization Process
 - Address Noise Complaints



Definitions 13-1-174

- CATEGORY I: means a minimally developed temporary helistop facility designed to permit boarding and discharge of passengers or cargo, not equipped with helicopter maintenance, refueling activities, repair, or storage facility that is approved for a cumulative total of 10 or fewer helicopter takeoffs and landings per day and 18 total operations over the established permit timeframe on a temporary basis.
- CATEGORY II: means a minimally developed temporary helistop facility designed to permit boarding and discharge of passengers or cargo, not equipped with helicopter maintenance, refueling activities, repair, or storage facility that is approved to be used for a specific use, during an established timeframe with a cumulative total of helicopter takeoffs and landings not to exceed eight (8) operations per hour of operation. In addition, no more than three (3) previously designated helicopters are permitted to use an approved Category II without special consent of the Director.
- CATEGORY III: means a permanent heliport facility.



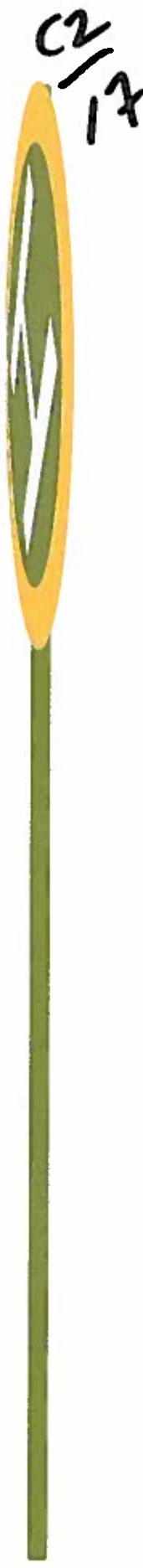
Definitions 13-1-174

- ENVIRONMENTALLY SENSITIVE AREA- as defined by the U.S. Environmental Protection Agency, areas that include important natural resources such as sensitive topographic features (i.e steep slopes (>15%)), geologic/geomorphic formations, sinkholes and karst terrain, scenic vistas/overlooks/lookouts and public and private forest and woodlands
- NOISE SENSITIVE AREA- means a school, church, hospital, nursing home, single-family residential area, wildlife refuge, park or other area identified by the City Manager.
- OPERATION- means either one helicopter landing or one helicopter takeoff
- OPERATIONAL HOURS- means the hours of the day that Category II operations can occur, 7:30 A.M (*Local*) to 8:30 P.M. (*Local*).
- SPECIAL CONSENT- means the Director has the authority to increase or decrease the amount of operations at a Category II based on time of day, number of operations and proximity to noise sensitive areas. Noise sensitivity and neighborhood compatibility would be considered. Preference will be given to adapt plans to those that are most compatible with surrounding land use.



Zoning Restrictions 13-1-176

- (A) Except as provided in Subsection (B), the Director may not issue a permit to or authorize a heli-facility in a residential base district as described in [Division 2](#) (*Residential Base Districts*), [Article 2](#) (*Zoning Districts*) of [Chapter 25-2](#) (*Zoning*).
- (B) The Director may issue a permit to a hospital heliport or authorize a Category I on a construction site in a zoning district listed in Subsection (A).



Application Requirements Category II

13-1-181

- (A) This section does not apply to an application for Category I or Category III facilities.
- (B) An application for Category II shall include:
 - (1) proof of insurance as required by Section 13-1-185 (*Insurance Required; Termination*);
 - (2) a description of the location, type, and intended specific-use of the helistop;
 - (3) a description of the size, layout, and topographical features of the location of the helistop;
 - (4) the anticipated period of time the helistop will be in use with number of daily operations and hours of operation;
 - (5) the tail numbers of the helicopters expected to use the facility, including the manufacturer, model number, and maximum gross weight;
 - (6) a Federal Aviation Administration letter of no objection to the planned approach and departure routes;



Application Requirements Category II

13-1-181

- (7) an aerial image or current map scaled at least one inch to every 400 feet, marked to indicate:
 - (a) the location of the helistop landing zone (latitude and longitude of proposed site in NAD 83 coordinate system);
 - (b) the landing zone approach and departure paths;
 - (c) each obstruction penetrating the helistop's imaginary surfaces as identified in 14 Code of Federal Regulation Part 77 (*Objects Affecting Navigable Airspace*);
 - (8) additional information required by the Director.
- (C) City staff shall compile and submit to the Director for review with the application the following:
 - (1) the location of all noise sensitive areas within a radius of 4,000 feet from the proposed site;
 - (2) the location of environmentally sensitive areas within a radius of 4,000 feet from the proposed site;
 - (4) provide comments received to the Director.



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Application Requirements Category II

13-1-181

- (D) The Director shall notify the following City of Austin Departments and non-City Agencies:
 - Aviation
 - Police
 - Fire
 - Transportation
 - Parks and Recreation
 - Planning and Development Review
 - Code & Complies
 - Star Flight
 - Austin-Travis County EMS
- (E) The Director shall coordinate with Planning and Development Review Department to notify all neighborhood associations within 500 feet of the subject property. If no associations exist then notification must be given to all property owners within 500 feet of the subject property; and share comments received from public comment period and City of Austin department review with those originally notified and post all comments online and there will be a 10 day post decision comment/appeal period.
- (F) Application review process by City staff shall take no more than forty-five (45) days from the date a completed application is submitted



Permit or Authorization Term and Renewal 13-1-184

- (A) A Category III permit is valid for three years from the date of issuance
- (E) Authorization to operate Category I or Category II is valid for the earlier of:
 - (1) the duration of the event or construction project; or
 - (2) 180 days from the date of issuance.
- (F) Category I and Category II authorizations are non-renewable



Insurance Required Termination 13-1-185 Will Be Reviewed by City Risk Management

- (A) The owner or operator of a heli-facility must maintain a commercial general liability policy with a combined single limit of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence.
- (C) Each helicopter using the approved heli-facility shall have a minimum of \$5,000,000 hull and liability and list City as an additional insured.



Restriction on Number of Category II Within A Certain Distance and Period of Time 13-1-191

- The Director shall not approve applications, including renewal applications, for the operation of more than two Category II facilities that are within 0.5 miles of each other and within a term of 180 days within 1000 feet of a noise sensitive area.



Next Steps

- Process to approve ordinance
 - Legal Department
 - Report to Council
 - Airport Commission
 - Legal & City Department Director Review
 - Code and Ordinances
 - Planning Commission
 - Airport Advisory Commission
 - Council – Recommend for Adoption



Questions

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