<div align="center">**ENVIRONMENTAL COMMISSION MOTION 20170517 007c**</div>

Date: May 17, 2017

Subject: CodeNEXT initial Environmental Commission Recommendations as of May 17, 2017

Motion by: Hank Smith **Seconded by:** Mary Ann Neely

RATIONALE:

Whereas, there is a deadline of June 7, 2017 for submitting comments on the first draft of the code text; and

Whereas, the Environmental Commission has been directed to provide comments periodically during the review and implementation of CodeNEXT.

Therefore, the Environmental Commission recommends the following:

- More time is needed to fully review, comprehend and evaluate the environmental aspects of the CodeNEXT document particularly since: Watershed Capacity Modeling will not be completed until sometime between June 30, 2017 and the end of the Summer; the density bonus program cannot be fully evaluated at this time, the envision tomorrow model has not been fully completed and an equity analysis has not been completed. However, the following comments are provided based on the limited review time and incomplete status of the code;

    The impervious cover analyses for Draft 1 and 2 are complete—results show that there is no increase in impervious cover entitlements at the watershed level. Modeling of the benefits of the proposed new drainage requirements and impacts of residential infill on floodplains and localized storm drain systems will be complete by the end of October. WPD will share any additional information regarding these efforts as soon as it is available, including an updated short report for the impervious cover analysis.

- The Environmental Commission recommends that fully developed comments from this Commission should be completed and made available to the Land Use Commissions prior to their formal review and final recommendation;

    Council Resolution 20170615-071 specified to "include the Environmental Commission as a review Board and Commission to provide recommendations to Council as it relates to aspects of the code with environmental impact."

- We formally request that draft 2 of the proposed code be released in a "redline or legislative" format in order to better track changes;

    Draft 2 has indicated changes and additions with a green text color. A legislative format is unworkable for this type of wholesale reorganization of the code.

- More robust efforts for community engagement including multi-language to overcome language barriers to Austin citizens;

  The East Austin, Northeast Austin, and Southeast Austin (Dove Springs Recreation Center) open houses have Spanish language services. The Northeast Austin open house also has language services for Arabic, Chinese, and Vietnamese. Basic informational materials are available in Arabic, Chinese (Simplified), Chinese (Traditional), Spanish, and Vietnamese. Office hours are also available in each district for community members to meet one-on-one with CodeNEXT staff; Spanish language services are available by request at office hours.

- Special efforts in those areas that have been affected by historic flooding and buyouts to educate those residents on the CodeNEXT initiatives;

  The Crockett High School (Williamson Creek watershed) and Dove Springs Recreation Center (near confluence of Williamson and Onion Creeks) open houses are intended to educate residents in these areas. WPD staff will be present to answer questions at all Draft 2 open houses. Residents in these areas can also sign up of office hours for one-on-one discussions with staff about CodeNEXT.

With Regard to Draft 1 we offer the Following:

- Section 23-10E-3010(A)(5)(f) The requirement that redevelopment, like new development, mitigate for its contribution to downstream flood impacts should be included and how this is accomplished to achieve successful redevelopment should be further evaluated;

  This requirement is included in Draft 2. Modeling of the benefits of the proposed new requirements on floodplains and localized storm drain systems will be complete by the end of October.

- Section 23-3D-6030(C) the requirement that subdivision and site plans retain a portion of the storm water onsite for beneficial use is supported and strongly encouraged;

  This requirement is included in Draft 2.

- Section 23-3C-1030 We support the new class of regulated trees;

  Keystone Trees are included in Draft 2.

- 23-3D-2060 Land Use variance – The LUC may grant a variance from a standard of section 23-3D-4040 – the Environmental Commission needs to review and comment on these variances;

  The Environmental Commission will continue to provide a recommendation to the LUC, which makes the final decision. Table 23-2A-1030(A) (Overview of Legislative, Quasi-judicial, and Administrative Approvals) specifies that the Environmental Commission shall be the advisory body to the Land Use Commission for environmental variances.

- 23-3C-2010 Development Application Requirements – If a regulated tree is permitted for removal, the City shall require mitigation. Mitigation is a requirement unless certain conditions are met;

  Discussed at Urban Forest subcommittee meeting on Friday, October 13th.

- 23-3C-3030 Heritage Trees – Restore 3. May not be issued until the applicant has satisfied the mitigation conditions required under the subsection B (2) or posted fiscal security adequate to ensure performance of the mitigation conditions not later than one year after issuance of the variance;

  Discussed at Urban Forest subcommittee meeting on Friday, October 13th.

- 23-3C-3070 Action on Application – 1) not later than the 15th working day after the complete application is filed. List special circumstances for more time, such as lack of staff or challenging decisions. 2) If associated with development activities that have prescribed timelines then deference is given to those timelines—this item is unclear on meaning;

  Discussed at Urban Forest subcommittee meeting on Friday, October 13th.

- 23-4D-4060 and 4150 – landscaping is not required in parking lots and between buildings and street and lots less than 75'. This needs to be evaluated and could lead to heat island problems. The Environmental Commission suggests consideration of moving landscape requirements to 23-3;

  The provision for lots less than 75' has been removed for Draft 2. Landscaping is required in parking lots and between buildings and street for lots less than 75'. The location of the landscape requirements within the new code is still under discussion between staff and the consultants. In current code, the landscape requirements are located in the Zoning Chapter.

- 23-4D-6131 PUDs – the new code should eliminate the need for this kind of zoning;

  The draft code does not eliminate existing PUDs. PUDs existing at the time of adoption will continue to remain in effect, and PUDs will remain as an option in the new code.

- Sections 23-3D-4040(A), 23-3D-4050(C), 23-3D-2070(D)(3) – the improvements for critical water quality zones with a presumption that design requirements for crossings have better development standards are supported;

  This requirement is included in Draft 2.

- Sections 23-3D-5010(C)(2), 23-3D-5030(C)(6-7) includes better protections for special features and critical environmental features are supported;

  This requirement is included in Draft 2.

- The Environmental Commission supports decompaction requirements for disturbed areas with particular regard to beneficial reuse areas and believe these requirements need further evaluation in these rules;

This requirement is included in Draft 2. The standards for decompaction are found in the Standard Specifications Manual.

- In general, the Environmental Commission supports further evaluation of front setbacks, rear setbacks, compatibility setbacks, street yard trees with regard to green infrastructure, landscape and open space goals;

WPD proposes to allow green stormwater infrastructure in setbacks, open space, and landscaped areas, provided that the areas meet the conditions for all requirements. In addition, Stormwater Amenity was added as a civic space typology in 23-4C-2080. This criteria will be included in the ECM. PAZ CodeNEXT staff continue to evaluate all comments on the proposed Code, including those that relate to these items.