



ENVIRONMENTAL COMMISSION MOTION 20171115 007b

Date: November 15, 2017

Subject: CodeNEXT Draft 2

Motion by: Marisa Perales

Seconded by: Peggy Maceo

RATIONALE:

WHEREAS, on November 1, 2017, the Environmental Commission passed a resolution recommending that the proposed timeline for consideration and adoption of the draft code be delayed to allow the City staff, the Equity Office, the Environmental Commission and members of the public to fully analyze, consider the impacts, and engage with the community regarding the proposed code changes; and

WHEREAS, the Environmental Commission continues to support that November 1, 2017 resolution; and

WHEREAS, the Environmental Commissioners have not had relevant and essential draft code language, and the analysis associated with the proposed language, for a sufficient length of time to properly evaluate it and present informed substantive recommendations on the proposed language; and

WHEREAS, the Environmental Commission still has not received all the modeling and analyses that it deems necessary to evaluate the drainage and other impacts resulting from the proposed code changes, including a comparison of existing impervious cover (as it exists on the ground now) versus proposed impervious cover entitlements under CodeNEXT and localized drainage and flooding impacts; and

WHEREAS, the affected community also has not had sufficient time to review the proposed language and analysis to evaluate it and present their concerns to the Environmental Commission; and

WHEREAS, based on the conceptual information that has been presented to the Environmental Commission, the Commission provides the following recommendations, but continues to urge that the timeline be extended to allow for continued engagement with the community and analysis of potential impacts of proposed draft code revisions;

THEREFORE, the Environmental Commission makes the following recommendations regarding certain environmental aspects of CodeNEXT:

Drainage Requirements for Commercial & Multi-Family Redevelopment

1. Based on what has been presented thus far, the Environmental Commission generally supports the proposal to require that redevelopment reduce the post-development peak flow rate of discharge to

match the peak flow rate of discharge for undeveloped conditions, as this proposal is consistent with recommendations made by the Flood Mitigation Task Force;

2. In addition to analyzing and mitigating increases in peak flow rates, site plans should also evaluate and mitigate for increases in run-off volume and erosion impacts, and the Environmental Commission recommends that this requirement be added to the draft code;
3. The Environmental Commission recommends that staff evaluate whether additional safeguards are needed, particularly in certain flood-prone areas, including whether a decrease in impervious cover entitlements are warranted;
4. The Environmental Commission recommends that staff draft the criteria (including watershed maps, where appropriate) that will be used for determining whether payment-in-lieu may be used for stormwater mitigation, and that the draft criteria be considered in conjunction with proposed CodeNEXT draft language;

Requirements for “Missing Middle” or “Residential Heavy” (3-6 units) housing

5. Based on the limited conceptual information provided thus far, the Environmental Commission needs more information regarding proposed environmental and drainage regulations for “residential heavy” development;
6. The Environmental Commission recommends that staff further evaluate the impacts of requiring only a drainage assessment and provide additional options for assuring cumulative effects by proposed developments are addressed;
7. The Environmental Commission recommends that staff evaluate whether water quality and erosion controls and mitigation should also be required for “residential heavy” development, considering that this new zoning category is intended to increase the development of certain types of housing, which is likely to result in increases to existing impervious cover and increases in intensity of use of properties formerly zoned single-family and for which no drainage, water quality, or erosion impacts analysis was required.
8. The Environmental Commission recommends that staff evaluate whether beneficial stormwater re-use or rainwater harvesting be included as a condition for “residential heavy” developments.
9. The Environmental Commission recommends that a full site plan with full water quality controls be required for 7-9 unit residential housing, as proposed by staff.

Requirements for Single-Family Residential

10. The Environmental Commission cannot recommend eliminating the drainage and environmental requirements for single-family residential housing;
11. The Environmental Commission recommends that the existing drainage and environmental requirements for single-family residential developments (which are not currently being enforced) be evaluated to determine whether and how they should be revised to better address issues related to single-family development and the permitting process for such developments;

General Recommendations

- 12. The Environmental Commission recommends that City staff, and this Commission, collaborate with the Water Forward Task Force to ensure that the proposed code revisions are consistent with and reflect recommendations by the Task Force.
- 13. While the Environmental Commission strongly supports enhancing and improving the environmental protections in our current code, the Commission recommends that an analysis be conducted to determine whether an increase in staff resources will be necessary and whether current fees are sufficient to cover the cost of services by the City.
- 14. The Environmental Commission recommends that staff work with the City’s Equity Office to project the environmental impacts associated with economic displacement of existing communities.
- 15. The Environmental Commission recommends that provisions for outdoor lighting, for example, 23-2F-2040, comply with principles to minimize light pollution to protect night skies.
- 16. The Environmental Commission supports further evaluation of front setbacks, rear setbacks, and compatibility setbacks, street yard trees with regard to green infrastructure, urban forest replenishment, and open space goals.

VOTE 8-2

For: Perales, Thompson, Istvan, Maceo, Guerrero, Gordon, Creel, Neely
Against: H. Smith, Kitchin
Abstain: None
Recuse: None
Absent: B. Smith

Approved By:



Marisa Perales, Environmental Commission Chair