



ENVIRONMENTAL COMMISSION MOTION 20180418 007a

Date: April 18, 2018

Subject: Environmental regulations in CodeNEXT Draft 3

Motion by: Marisa Perales

Seconded by: Peggy Maceo

RATIONALE:

Water Quality Control and Green Stormwater Infrastructure

WHEREAS, the Environmental Commission generally supports the proposed Green Stormwater Infrastructure (GSI) requirements in the draft Code; and

WHEREAS, the Environmental Commission has heard from several members of the community regarding ways to improve on these proposed provisions; and

WHEREAS, 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 requirements.

THEREFORE, the Environmental Commission recommends the following revisions to the proposed requirements regarding GSI and water quality regulations.

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 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 the total of new and redeveloped impervious cover exceeds 5,000 square feet.

The Environmental Commission recommends that City staff draft a provision that requires best management practices to address property where the primary use is a dog park.

The Environmental Commission recommends that 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.

The Environmental Commission recommends that staff coordinate with the Water Forward Task Force to come up with an appropriate water quality volume for beneficial and auxiliary use.

Construction in Urban Watersheds [23-3D-8: Additional Standards]

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 this issue, while only impacting a small percentage of properties in the Urban watershed;

THEREFORE, the Environmental Commission recommends extending 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.

Floodplain Variances

WHEREAS, the Flood Mitigation Task Force 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;

THEREFORE, the Commission recommends that the 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.

Tree Protections

WHEREAS, staff is still reviewing and revising the portions of the draft Code that address tree protections; and

WHEREAS, the Environmental Commission has not yet had an opportunity to review the latest draft language regarding tree protections; and

WHEREAS, the tree protections in the current Code are relatively new and were drafted with input from stakeholders and a number of Boards and Commissions; 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; and

THEREFORE, the Commission recommends that the current tree protections in the Code be preserved, without change, except to add provisions that encourage preservation of young trees.

Landscape Requirements

WHEREAS, the Environmental Commission generally supports the landscaping requirements in the draft Code; and

WHEREAS, the Environmental Commission 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

WHEREAS, 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 Environmental Commission wants to replace the Draft 3 proposal with the Draft 2 buffer widths.

THEREFORE, the Commission recommends that the proposed landscaping requirements be approved, with the following revisions:

- 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 ensure 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 Task Force 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.

Open Space and Parklands

WHEREAS, the Environmental Commission generally supports open space requirements.

THEREFORE, the Environmental Commission recommends the following proposed changes:

- 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” regulations for non-residential development, including regulations that discourage or screen loading docks and service entries from being located to face 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; and
- Ensure that common or civic open space is required for all zoning categories; and
- Screening on developments next to a park must include vegetation.

Planned Unit Developments

The Environmental Commission recommends the following proposed changes to the Planned Unit Development (PUD) Zone:

- 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; and
- 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 of the native caliper inches.”

General Requirements

- The Commission recommends that 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

Approved By:

A handwritten signature in black ink that reads "Marisa Perales". The signature is written in a cursive, flowing style.

Marisa Perales, Environmental Commission Chair