



## MEMORANDUM

**TO:** Mayor and Council

**FROM:** Jorge L. Morales, P.E., CFM, Director  
Watershed Protection Department

**DATE:** November 12, 2019

**SUBJECT: Staff Recommended Amendments to the Atlas 14 Draft Ordinance**

After receiving input from various City boards and commissions, Council staff, and stakeholders, and engaging in conversations with our colleagues in other communities, the Watershed Protection Department recommends several amendments to the Atlas 14 draft ordinance as it appears in your materials for the November 14, 2019, Council meeting.

*City Code Section 25-7-93*

We recommend replacing the words “site plan” with the words “development application” since this section applies to all development applications and is consistent with other parts of this chapter.

*City Code Section 25-12-3 Subsection 1612.4.2*

We recommend revising the enclosed refuge space requirement to be two feet above the design flood elevation to be consistent with the freeboard recommendation of two feet.

*City Code Section 25-12-243 Subsection R322.2.5*

We recommend revising the enclosed refuge space requirement for residential buildings to be two feet above the design flood elevation to be consistent with the freeboard recommendation of two feet. In addition, we recommend revising the language in this section so that only residential buildings or structures that are substantially improved must comply with the provisions of safe refuge.

*City Code Section 25-12-243 Subsection R322.2.6*

We recommend stating that the means of egress requirements do not apply to an addition or alteration to an existing residential building or structure that does not constitute a substantial improvement. This exception would allow administrative approval of certain additions to residential buildings that do not currently satisfy the floodplain regulations.

For example, under current floodplain regulations the owner of an existing residential building cannot add conditioned area to the building if it does not satisfy the safe access requirement. In such circumstances, an addition to the conditioned area of the building would increase the

nonconformity of the building and could not be approved administratively by staff. Such an addition requires a City Council floodplain variance request.

Under the recommended amendment, staff could administratively approve an application for an addition to the building so long as the addition is not a substantial improvement to the building, satisfies the freeboard requirements, and does not adversely impact flood levels. The Federal Emergency Management Agency, and the City's floodplain regulations, define substantial improvement as improvements to an existing building that are equal to or greater than 50% of the value of the building, excluding land value.

This amendment would allow owners of residential properties to increase the conditioned area of an existing home without elevating the entire building in order to satisfy requirements of the proposed redevelopment exception. The additions themselves would have lower flood risk than the existing home.

We look forward to presenting the proposed code changes in the draft ordinance for your consideration. We will work with the Law Department to create a motion sheet for Council's consideration of these additional recommendations. If you have any questions about these recommendations, please don't hesitate to contact either me or Kevin Shunk at 974-9176 or [kevin.shunk@austintexas.gov](mailto:kevin.shunk@austintexas.gov); or Mike Personett at 974-2652 or [mike.personett@austintexas.gov](mailto:mike.personett@austintexas.gov)

cc: Spencer Cronk, City Manager  
CMO Executive Team  
Department Directors