



MEMORANDUM

TO: Mayor and Council Members

FROM: Katie Coyne, AICP, Certified Ecologist – ESA
Environmental Officer / Assistant Director
Watershed Protection Department

THROUGH: Rey Arellano, Assistant City Manager

DATE: September 29, 2022

SUBJECT: Proposed Phase 1 Environmental Code Amendment Related to Resolution #20220609-061

The purpose of this memorandum is to provide an update to the staff response related to proposed code amendments to Title 25 that were initiated by the City Council under Resolution [20220609-061](#). The approved resolution directed the City Manager to initiate a suite of code amendments related to environmental health and landscape requirements. Council approved staff's [request](#) to postpone consideration of this item to your meeting of October 13, 2022. A summary of these code amendments, which the resolution directed to be considered by September 15, 2022, is provided below:

1. **Initiated code amendment:** Establish criteria that prioritize when green stormwater methods should be required or incentivized over conventional stormwater controls.

Staff recommendation: Require green stormwater controls, such as biofiltration ponds, rain gardens, rainwater harvesting, etc., for sites with less than 90% impervious cover, except for sites meeting certain conditions. Allow an administrative variance option for constrained sites.

2. **Initiated code amendment:** Require surface parking lot stormwater to enter pervious parking lot islands, landscaped medians, and perimeter landscapes as a method of water quality and require that pavement be graded to allow runoff to enter planting areas.

Staff recommendation: Remove stormwater irrigation requirements from existing landscape requirements. Remove six-inch curb barrier requirement for parking lot islands, medians, and peninsulas. Require stormwater to flow into parking lot islands, medians, and peninsulas when feasible.

3. **Initiated code amendment:** Implement Functional Green requirements for properties with more than 80% allowable impervious cover.

Staff recommendation: Apply Functional Green landscape requirements for sites with greater than 80% allowable impervious cover within a new Subchapter (C) in Land Development Code Chapter 25-8 Environment. Staff recommends a delayed effective date of Functional Green landscape requirements until the associated rules can be vetted through the stakeholder process. Staff requests that the Council also provide direction

allowing them to amend Title 25-2 Zoning to move the remainder of the existing landscaping requirements from 25-2 Zoning into the newly created subchapter and allow staff to propose minor modifications for clarity to existing landscaping requirements.

4. **Initiated code amendment:** Allow cisterns to be sized beyond the required storm capture amount and remove requirement for stormwater release so that they can supply irrigation needs throughout the year.

Staff recommendation: Staff does not recommend code amendments specific to this directive because the LDC already allows this to occur. However, the Environmental Criteria Manual should instead be updated to clarify how applicants can meet both water quality requirements while also meeting the goals of the Water Forward Plan. Staff in Austin Water and Watershed Protection are in the process of finalizing a work plan to ensure that this effort continues in a timely and productive manner, slated for completion to align with the implementation of the Onsite Water Reuse Systems requirement in 2023

5. **Initiated code amendment:** Prohibit in-channel detention ponds, except for capital projects or private/public partnerships where no other alternative is feasible.

Staff recommendation: Update LDC 25-8-261 Critical Water Quality Zone protections to prohibit in-channel detention and wet ponds unless necessary for capital projects or public/private partnerships when no other alternative is feasible.

6. **Initiated code amendment:** Require projects to relocate replaced or upsized wastewater pipes outside of the inner half of the critical water quality zone.

Staff recommendation: Postpone this item until further interdepartmental discussions can be completed.

7. **Initiated code amendment:** Provide wetland protections and buffers equally along Lady Bird Lake to help to stabilize and prevent erosion along the shoreline.

Staff recommendation: Remove the existing exemption for wetland protections associated with Lady Bird Lake in the downtown area so that the entirety of Lady Bird Lake's wetlands are protected.

8. **Initiated code amendment:** Require utility easements to meet the same standards as utility pipes within the creeks and creek buffers.

Staff recommendation: Postpone this item until further interdepartmental discussions can be completed.

9. **Initiated code amendment:** Address current environmental code inconsistencies and other minor code revisions in Chapters 25-7 and 25-8 that staff have previously identified and reviewed as part of the Code Next and the Land Development Code revision processes.

Staff recommendation: Multiple code amendments are proposed that will clarify existing code language, reorganize existing code requirements into more applicable locations within the Land Development Code, streamline redevelopment exceptions outside of the Barton Springs Zone, clarify decompaction requirements, and other similar changes.

10. **Initiated code amendment:** The City Council directs the City Manager to evaluate the effectiveness of existing Critical Water Quality Zone and Erosion Hazard Zone buffers on the Colorado River downstream of the Longhorn Dam and to propose protections that will provide adequate protections to the river that will ensure a healthy riparian corridor to stabilize the riverbank and protect property from erosion.

Staff recommendation: Expand both the Critical Water Quality Zone and the Erosion Hazard Zone analysis buffer to 400' from the Ordinary High Water Mark (approximately the river bank) of the Colorado River downstream of the Longhorn Dam. Establish the half Critical Water Quality Zone as 200' from the Ordinary High Water Mark. Prohibit storm outfalls unless no other option is feasible.

11. **Initiated code amendment:** The initiated ordinances will ensure that, for the same environmental impact as a single-family home, the City does not disincentivize small-scale missing middle housing projects.

Staff recommendation: Clarify environmental requirements that do and do not apply to single-family residences and apply the same requirements to projects that propose up to 11 units on an existing lot that was platted for single family use, with a maximum impervious cover cap of 55% and maximum lot size of half an acre.

To support Watershed Protection Department (WPD) recommended code changes, staff have obtained recommendations from Environmental Commission and Zoning and Platting Commission with additional recommendations from both bodies. The Planning Commission has postponed taking action on the public hearing until October 11 to allow a working group to finalize their recommendations.



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