



MEMORANDUM

TO: Mayor and Council Members

FROM: José G. Roig, Director, Development Services Department 

DATE: September 15, 2023

SUBJECT: **Technical Advisory Review Panel**

Per direction in [Resolution No. 20230323-057](#), this report provides an update on development of the Technical Advisory Review Panel (TARP) and changes to the administrative rules adoption process.

Background

City Council approved [Resolution No. 20230323-057](#) on March 23, 2023, directing the City Manager to establish the TARP to serve as an advisory body of City staff and development stakeholders. The purpose of the TARP is to review the City's technical criteria manuals, with the goal of identifying challenges and providing recommendations for improving the manuals and the process for adopting updates.

In April, the Development Services Department hired a new position, the Land Development Rules Administrator (LDRA), to oversee this program.

Criteria Manual Screening Standards

To establish an agreed upon standard for the content, scope, and impact of administrative rules, staff looked to Council's direction in the TARP resolution:

- "Better align criteria manuals with existing City Council policies, City housing goals, and industry best practices, as well as the needs of individual departments and the protection of public health and safety;" and
- "Documenting the costs, time, and housing capacity implications to City staff and the development community of the implementation and enforcement of new rules."

Staff condensed this guidance into seven screening standards which will be used to evaluate administrative rules and to guide the TARP's work. The standards focus on the degree to which criteria manual requirements are necessary to implement the Land Development Code or

related Council policies and the overall impact of criteria manuals on public safety, development, and particularly housing.

TARP Structure and Operations

The TARP will be composed of one representative from each of the nine City departments that administer a criteria manual or are involved in the land development process. In addition, the TARP will include housing and development industry stakeholders from professional associations along with credentialed, professionals such as engineers, architects, arborists, and others involved in design and construction. External members of the TARP, who will be appointed from a slate approved by the City Manager, must possess a level of expertise and familiarity with the criteria manuals and their technical subject matter.

The LDRA will be responsible for managing the operation of the TARP, including setting agendas, scheduling meetings, and facilitating discussions. The TARP will review proposed administrative rules before they enter the formal adoption process. The group will also re-examine rules already published in the criteria manuals. As a group, the TARP will work to find consensus and develop rules in alignment with Council direction, while also ensuring the needs of City departments are met.

The TARP will meet monthly to discuss issues related to one or more criteria manuals. The LDRA will publish quarterly reports summarizing the TARP's discussions on key topics, with an emphasis on needed improvements as well as areas of consensus. When the LDRA finds that the TARP's deliberations lead to a clear determination on whether a new rule should be adopted, or whether an existing rule should be modified, they will write a formal recommendation detailing the merits of that decision. These recommendations, along with the quarterly reports, will be publicly available.

Changes to the Rule Adoption Process

Except for non-substantive criteria manual updates, such as correcting grammatical errors or improving readability, all new proposed rules will require TARP review. To allow time for this review, the rules making cycle will be reduced from four opportunities for departments to submit new rules per year to three. There are no changes to the emergency rules adoption process in the event a department needs to enact such a rule sooner.

Next Steps

On August 30, 2023, the LDRA hosted a meeting with department executives from each of the affected City departments, along with the City Manager's Office (CMO), to explain these changes and prepare to operationalize them. Staff are selecting their representatives to serve on the TARP and the LDRA is working with CMO to appoint the stakeholder members.

Staff anticipate the first TARP meeting(s) will take place before the end of the calendar year and that the changes to the rule adoption process will be effective in January 2024.

For more information, contact the Land Development Rules Administrator, Brydan Summers at Brydan.summers@austintexas.gov or 512-974-4854.

CC: Jesús Garza, Interim City Manager
Veronica Briseño, Assistant City Manager
Susana Carbajal, Chief of Staff
Robert Goode, Interim Assistant City Manager
Bruce Mills, Interim Assistant City Manager
Lauren Middleton-Pratt, Director, Planning Department
Richard McHale, Acting Director, Austin Resource Recovery
Jorge Morales, Director, Watershed Protection Department
Joel Baker, Fire Chief, Austin Fire Department
Richard Mendoza, Director, Transportation and Public Works
Bob Kahn, General Manager, Austin Energy
Shay Roalson, Director, Austin Water
Adrienne Sturup, Director, Austin Public Health
Anne Morgan, City Attorney, Law Department