

Staff Response to Planning Commission Questions

Code Amendment: C20-2023-020 Zoning Application Processes and Deadlines

Date Received: August 22, 2023

1. What is the duration of time required for training new case managers to the point of facilitating applications through the public hearing process?

New zoning case managers undergo approximately three months of comprehensive training to prepare them for reviewing and presenting zoning cases before Land Use Commissions. This training covers various aspects, including:

- Zoning case and map analysis
- Incorporating feedback from City departments
- Public notification procedures
- Staff report preparation
- Managing zoning ordinance requests
- Agenda postings for Land Use Commission and Council
- Effective stakeholder communication

This training ensures that zoning case managers are well-prepared to handle zoning cases proficiently and engage with stakeholders and decision-making bodies.

2. Elaborate on the number of “high volume of complex zoning applications” and how the applications compare to the last 5 years, both in terms of volume and complexity.

Today, the majority of zoning cases present greater complexity compared to those filed in previous years. This increased complexity arises from various factors, including modifications to specific regulating plans such as the East Riverside Corridor (ERC) and Transit-Oriented Developments (TODs), changes in review processes, amendments to the City Code, and shifts in Council priorities. Here are several examples of challenging zoning cases currently in progress:

1. Zoning cases within the East Riverside Corridor, which may involve displacement issues and necessitate meetings prior to Planning Commission meetings hosted by zoning staff.
2. Amendments to properties located within TODs, requiring extensive research and coordination with the Urban Design division.
3. Zoning cases involving restrictive covenant amendments within the Oak Hill neighborhood planning area, necessitating prior review by the Environmental Commission before Planning Commission consideration.
4. Cases with an extensive development permit history, demanding thorough research and potential collaboration with other City departments.
5. Cases subject to multiple constraints, such as environmental concerns, hazardous pipelines, and access issues, significantly impacting the developable area.
6. Amendments to Planned Unit Developments (PUDs) originally approved before recent Code amendments, requiring a careful determination of how current City regulations apply.
7. An increasing number of complex Planned Unit Development (PUD) and Planned Development Area (PDA) applications being filed.

These examples underscore the evolving and intricate nature of zoning cases today, necessitating thorough analysis, interdisciplinary coordination, and careful consideration of various factors in the decision-making process.

3. How does 2023 compare to the number of submitted zoning applications from January to August of each of the last 5 years?

The table below displays the total number of zoning and rezoning cases over the past five fiscal years.

Year	Cases for Fiscal Year
FY 2018-2019	159
FY 2019-2020	139
FY 2020-2021	189
FY 2021-2022	179
FY 2022-2023	156*

*In FY 2022-2023, there was a decrease in the number of submissions. However, due to temporary staff shortages during this period, each case manager had to handle a significantly larger caseload than usual.

4. What if any recent changes have been made or will be implemented to expedite the facilitation of applications?

In the FY 2024 Budget, one (1) new Full-Time-Equivalent (FTE) position has been approved to bolster support for the Zoning group within the Planning Department. With this additional staffing capacity, the division will be fully staffed with a Zoning Officer, an Interim Division Manager, three (3) Principal Planners, two (2) Planner III's, and one (1) Senior Planner, who will be hired within the first quarter of FY 2024.

Furthermore, the division is currently in the process of reviewing solicitation responses for the Planning Consultant Services Request for Proposals (RFP). The engagement of consultants may provide further assistance in supporting the Zoning division's operations and provide staff support.

5. How many applications are currently backlogged?

According to City Code Title 25-2-283, the Land Use Commission is required to conduct a public hearing for a zoning or rezoning application within 60 days from the date the application is filed. Currently, there are approximately 23 cases pending notification for the Commission meeting that are near or will exceed the 60-day window. In addition to the existing workload of our staff, several common factors often lead to postponements, including waiting on additional information from the applicant, the mandatory Neighborhood Plan Amendment community meeting, and the need for coordination among staff, applicants, and stakeholders.

6. What is the current staffing level of the zoning division; how does it compare to the staffing levels, by quarter, over the last five years?

As of early August 2023, our zoning team comprises of three Principal Planners, two Planner III's, and a Zoning Officer. An acting Division Manager has been in place as of mid-August. Notably, two of the three Principal Planners are new to zoning case management; both Planner III's are recent additions to the City of Austin.

In 2022, our team consisted of three experienced case managers, a Division Manager, and a Zoning Officer. In 2020 and throughout most of 2021, we operated with five zoning case managers, four of whom were experienced, along with a Division Manager and a Zoning Officer.

During the first quarter of this year, our staff was temporarily reduced to an Interim Zoning Officer and one Senior Planner. To address the resulting shortages, staff were borrowed from other divisions and departments. The staff shortages contributed to a backlog of cases. Presently, we are back to full staffing, though with a newer team, and we are actively engaged in their ongoing training and development.

7. Outline the case load per quarter for individual case managers over the past five years.

While there is a data system that tracks cases, we have found that information to not be accurate. The zoning staff did not start tracking cases per case manager until FY 2021-2022. The below data is from the past two fiscal years by case manager by quarter:

FY 2021-2022: Q1		
Case Manager	Zoning Cases	
Andrei Lubomudrov	1	
Heather Chaffin	7	
Kate Clark	6	
Sherri Sirwaitis	8	
Steve Sadowsky	3	
Wendy Rhoades	10	
Grand Total	35	

FY 2021-2022: Q2		
Case Manager	Zoning Cases	
Andrei Lubomudrov	2	
Heather Chaffin	12	
Jonathan Tomko	4	
Sherri Sirwaitis	14	
Wendy Rhoades	18	
Grand Total	50	

FY 2021-2022: Q3		
Case Manager	Zoning Cases	
Heather Chaffin	10	
Jonathan Tomko	2	
Kalan Contreas	4	
Mike Dietz	4	
Nancy Estrada	4	
Sherri Sirwaitis	6	
Wendy Rhoades	11	
Grand Total	41	

FY 2021-2022: Q4		
Case Manager	Zoning Cases	
Heather Chaffin	8	
Jonathan Tomko	11	
Kalan Contreas	3	
Mike Dietz	1	
Nancy Estrada	7	
Sherri Sirwaitis	12	
Wendy Rhoades	11	
Grand Total	53	

FY 2022-2023: Q1		
Case Manager	Zoning Cases	
Jonathan Tomko	7	
Kalan Contreras	1	
Nancy Estrada	8	
Sherri Sirwaitis	20	
Wendy Rhoades	2	
Grand Total	38	

FY 2022-2023: Q2		
Case Manager	Zoning Cases	
Cynthia Hadri	1	
Jonathan Tomko	17	
Kalan Contreras	1	
Nancy Estrada	10	
Ricky Barba - Case Closed	1	
Sherri Sirwaitis	13	
Grand Total	43	

FY 2022-2023: Q3		
Case Manager	Zoning Cases	
Cynthia Hadri	3	
Dana Moses	7	
Joi Harden	1	
Jonathan Tomko	5	
Kalan Contreras	2	
Nancy Estrada	9	
Sherri Sirwaitis	16	
Grand Total	43	

FY 2022-2023: Q4		
Case Manager	Zoning Cases	
Cynthia Hadri	4	
Jonathan Tomko	9	
Jorge Rousselin	1	
Kalan Contreras	3	
Nancy Estrada	6	
Sherri Sirwaitis	7	
Grand Total	30	

8. Which metrics will be utilized to assess the proposed six-month pilot program?

The following metrics will be utilized to assess the proposed six-month pilot program:

1. Case management will identify the following:
 - Zoning cases that require a public hearing extension.
 - Zoning cases that require an extension to mitigate an application expiration and the corresponding reason(s).
 - Zoning cases that meet the existing public hearing deadline of 40 and 60 days after the application filing date.
 - Zoning cases that complete the review process within 181 days after the application filing date.
2. Case management will conduct a feedback survey with applicants and staff towards the conclusion of the pilot program to evaluate the program's successes and failures. The survey will encompass the following:
 - a. Surveying applicants at specific trigger points (40, 60, 181 days) - "How do you feel about extending your application".
 - b. Surveying applicants who would not qualify for the extension due to the time constraints established by the pilot program.

9. Should the code amendment be approved, how many less postponements on a commission agenda will be considered a success of the pilot program?

The success of the pilot program will entail mitigating all avoidable postponements. These postponements are often requested to accommodate applicants seeking additional interdepartmental reviews or to address financing and legal logistics specific to their cases. It is essential to recognize that each application is unique, and the factors leading to postponements vary accordingly. However, what remains consistent for all postponements is their impact on community stakeholders.

10. Elaborate upon "consultant augmentation" and the responsibilities of consultants in expediting zoning applications. Provide the timeline for when the consultants will begin assisting with zoning applications.

At this time, we do not know when the consultant will be joining the zoning team. However, consultant augmentation could take the form of 'On-Call Land Use Zoning Review Services,' encompassing a range of activities to:

- Provide review services for zoning applications based on City codes and criteria.
- Coordinate with associated stakeholders, conduct comprehensive research, and perform in-depth analysis to formulate rezoning recommendations.
- Work on applications including but not limited to Planned Unit Development, Scope of Work Neighborhood & District Planning cases.
- Conduct community engagement and public communication.
- Present at City Council and Land Use Commission.
- Provide weekly communication with COA Case Manager(s).