



August 2, 2017

Members of the Environmental Commission  
Members of the Planning Commission  
Members of the Zoning and Platting Commission

**RE: SOS Comments on WPD Analysis of Proposed Impervious Cover Entitlements for CodeNEXT, dated July 3, 2017.**

Dear commission members:

SOS submits these comments and questions on the recent Analysis of Proposed Impervious Cover Entitlements for CodeNEXT, published July 3, 2017 (“July IC Analysis for CodeNEXT”), in hopes that they will better inform your understanding of CodeNEXT and your decision-making.

**1. The planned additional impervious cover analyses and modeling efforts are important steps toward truly understanding the impact of CodeNEXT.**

We are very happy to hear that Watershed Protection Department (“WPD”) plans to release an additional impervious cover (“IC”) analysis with Draft 2 and Draft 3 of the CodeNEXT proposed text and maps. We are also eager to see the additional modeling WPD plans to complete that will (1) quantify potential downstream impacts of the proposed flood mitigation requirement of redevelopment; and (2) quantify potential flood impacts associated with expected residential infill. We understand that these two modeling efforts will be released this fall.

**2. Future impervious cover analysis and modeling must be made available in time for meaningful public review and to inform decision-making.**

We remain concerned that with the ambitious CodeNEXT timeline, that the Environmental, Planning, and Zoning and Platting commissions will not have adequate time to sufficiently study the results and hear input from interested community members. Furthermore, this analysis should be capable of informing our city’s decision-making, not simply justifying decisions made after the fact. While we have urged WPD to complete the analyses and modeling with this timeline in mind, we are also aware that accuracy and efficacy are of paramount importance. We continue to urge the CodeNEXT team to support a timeline based not on arbitrary deadlines, but on thorough analysis and meaningful public participation. We encourage the commissions to demand the same.

**3. Future impervious cover analysis and modeling should clarify the scope of the analysis so as to not be misinterpreted.**

The WPD should ensure that Drafts 2 and 3 of the IC Analysis clarify that this analysis only answers the question as to whether maximum IC entitlements from current code will change with the code proposed by CodeNEXT. The IC Analysis does not provide any insight into whether actual

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impervious cover on the ground today will increase or decrease with CodeNEXT, nor whether the rate at which actual IC will increase or decrease may change with CodeNEXT. This means that the IC Analysis should not be misinterpreted to draw conclusions, such as, flooding will not get worse under CodeNEXT, or flooding will get better under CodeNEXT. Without some clear language clarifying the scope, we fear this misinterpretation may occur.

**4. WPD should also examine whether a reduction in impervious cover or some other type of proposals in CodeNEXT could alleviate flooding, improve watershed health, and reduce the urban heat island effect.**

We understand that the current report is prepared only to compare the difference between current maximum IC entitlements and proposed maximum IC entitlements. This narrow scope seems to suggest that our goal under CodeNEXT should be to keep max IC entitlements the same. However, the report highlights that the difference between current, actually on-the-ground IC and maximum IC entitlements is substantial, even in those urban and suburban watersheds that are thought of as “built out.” We all know that Austin is already grappling with the implications IC has on flooding, erosion, pollution, and the urban heat island effect. Therefore, we should not presume that our goal under CodeNEXT is to simply keep max IC entitlements the same, especially in our watersheds that are already at capacity. Instead, our real watershed analysis of CodeNEXT should help us determine whether IC and other tools will help prevent the flooding we are already seeing, prevent the erosion and pollution our local waterways are experiencing, and reduce the urban heat island effect by softening our city’s surfaces. We hope that this type of analysis will be incorporated into future modeling efforts by WPD.

**5. A more robust IC modeling effort should also be performed that takes into account additional limitations on impervious cover, and how those may change under CodeNEXT either indirectly or inadvertently.**

It is somewhat useful to know whether maximum IC entitlements would change with new zoning categories and mapping in CodeNEXT; however, this information is only a very small piece of the picture and does not adequately assess the impacts CodeNEXT may have on IC. Therefore, a more robust IC analysis should be completed that takes into account other limitations on IC, and whether the goals of CodeNEXT and proposed changes may indirectly or inadvertently impact IC across the City.

The July IC Analysis admits that it does not take into account waterways, environmental features, trees, slopes, etc. that may in reality serve to limit our actual impervious cover today to something lower than today’s maximum IC entitlements. We are pleased to hear that WPD plans to provide a more accurate maximum IC limit in Draft 2 by taking into account waterway buffers. Although it’s likely not as easy to account for, we have also urged WPD to consider other site conditions that would also limit actual IC, or if that cannot be done, to clearly identify what those site conditions may be in an exhaustive list with an estimate for area controlled by each.

Most importantly, we have urged WPD to analyze what changes proposed by CodeNEXT may indirectly or inadvertently do to IC—changes such as an increase in public and private roads and trails to help achieve “connectivity,” an increase in administrative variances to help streamline the permitting process, and a change in setbacks or other site developments standards that may allow more IC on sites that were previously limited. This type of analysis is vital to understanding the true impact CodeNEXT could have on IC.

**6. The WPD should model predicted change in impervious cover similar to the modeling being done of units on base zoning type, and should account for whether and where modeling assumes on-site, off-site, or fee-in-lieu mitigation.**

We are aware that CodeNEXT consultants are modeling additional units predicted to be added under CodeNEXT in the next ten year, and that this modeling is capable of breaking down units by base zoning type. While we acknowledge that this modeling may be flawed and limited, something similar should be done to measure the likely IC in the next ten years under CodeNEXT. Ideally, this modeling would be combined with the WPD modeling planned to quantify the potential downstream impacts of proposed CodeNEXT provision related to flood mitigation for redevelopment. The concern being that developers will go after low-hanging fruit first, and we could rapidly increase IC faster than we could provide mitigation where it is needed or make capital drainage improvements. Additionally, we have urged WPD staff to take into account whether and where modeling assumes on-site, off-site, or fee-in-lieu for mitigation.

**7. WPD should incorporate an equity analysis in its future IC analyses and modeling efforts.**

The July IC Analysis shows a disproportionate increase in IC east of I-35. The report explains that this was likely due to several major sites that are currently zoned interim RR and are proposed for Public/Commercial Recreation under CodeNEXT. But does this still not constitute a major upzoning of these properties, and is that not significant to those watersheds? We have asked WPD to explain why this is not a concern, and to provide an analysis with and without those properties included to more accurately demonstrate the impact of IC in these watersheds. This type of oversight highlights one of the reasons why WPD and other departments should perform an equity analysis of CodeNEXT that would require analyses such as this to be viewed through an equity lens.

**8. Future IC analyses and modeling efforts should use most recent data and acknowledge any inaccuracies or limitations with the models.**

We also understand that the July IC Analysis was based on planometric data from 2012 to calculate current IC because that was all that was available at the time. Now that 2015 data has since become available, we have urged WPD to incorporate 2015 data into Drafts 2 and 3 to ensure as current of an analysis as possible. We have also urged WPD to identify any known inaccuracies or limitations with any of the models WPD is using.

**9. WPD should make presentations and provide recommendations to boards and commissions and City Council based on the results of future modeling efforts.**

We urge WPD to present each of its future analyses and modeling results to the Environmental, Planning, and Zoning and Platting Commissions, as well as to City Council, and to use results of modeling to make specific recommendations to the mapping team. We have encouraged WPD to do this to ensure that the results actually inform the decision-making and any revised text or maps are protective of our urban environment.

**10. Future modeling efforts should include areas inside and outside the City limits.**

The July IC Analysis is limited to "inside city limits." As a result, the analysis ignores the fact that IC upstream can have a significant impact on people living downstream, whether they are outside full zoning jurisdiction or not. Therefore, future modeling efforts should include all areas impacted.

**11. Future modeling efforts should take into account IC loopholes in current code and the CodeNEXT team should consider ways to close these loopholes on IC limits.**

Some Austin residents have documented examples of new homes exceeding IC limits but it appears that the city is looking the other way. For example, the city has approved building permits for houses that have no front or back porch. Of course it's only a very short time before the home buyer fixes the problem. The WPD future modeling efforts should take into account these types of loopholes, and the administrative variances that are likely to be granted to developers exploiting them. We also urge the CodeNEXT team to consider how to close this loophole on IC limits.

**12. The WPD should clarify how their analysis and modeling use to account for an "overall increase" in impervious cover of base zones.**

One of the takeaways in the July IC Analysis is that certain transect zones (e.g. T5) account for an "overall increase" in IC; however, it is not clear what the increase is based on to begin with since it really depends on what the property was mapped before and what it is mapped now. We have urged WPD to please clarify what is meant by this and adjust accordingly so it is accurate.

Thank you in advance for consideration of these concerns.

Sincerely,



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