

Dear Commissioners,

I write to address the City's proposal for development in flood-prone areas. **Specifically, I urge you to oppose any CodeNext provision, map designation or another plan that would allow "residential heavy" density (3 to 6 units) in Localized Flood Identified Problem Areas.**

As explained to me by our helpful, professional staff in Watershed Protection:

“Austin, like most major US cities, has an extensive network of drainage infrastructure in the urban core that is undersized and deteriorating with age.”

“Localized flooding is a term used when flooding occurs away from creeks due to problems with the secondary drainage system. The secondary drainage system is composed of pipes, curb inlets, manholes, minor channels, roadside ditches, and culverts. This system is intended to convey storm water runoff to the primary drainage system, the creeks. Localized flooding occurs when rainfall events overwhelm these drainage systems.”

As you know, the City has investigated, documented and mapped Localized Flood Identified Problem Areas:

<http://austin.maps.arcgis.com/apps/MapJournal/index.html?appid=d45481abb0804c95a8e6b033188982b9> .

You will note from the map that many Localized Flood Identified Problems Areas exist on top of or within areas the City designates as “Water Quality Problem Areas - High to Very High Problem.”

The City should not be entitling or incentivizing additional density on residential lots in flood problem areas. This approach will compound the current flooding and drainage problems. Even though under CodeNext the impervious cover standards may remain at 45%, the actual impervious cover on the ground will increase from what exists today - estimated by Staff to be between 35% - 40% in residential areas. The premise of rezoning single-family homes under CodeNext is that unused impervious cover

capacity on single-family residential lots can be used to add additional structures or new larger multi-unit structures or both. In other words, the impervious cover on lots with additional structure(s) will come closer to the allowed impervious cover limits on those residential lots than it does today without those other structures. Again, one of the objectives of CodeNext (in Staff's view) is to add up to 6 residential units on lots in single-family neighborhoods and facilitate ADUs behind homes and duplexes – points acknowledged in City presentations. Additionally, localized flooding problems may be created or aggravated even without adding impervious cover. As Staff has explained, "In many cases, the driver of localized flooding in single-family areas is site modifications that change drainage patterns—even if the change in impervious cover is minimal."

Entitling and incentivizing the construction of residential heavy units which add impervious cover, increase runoff and necessarily alter drainage patterns in Local Flood Identified Problem Areas - especially those in areas with "High to Very High Water Quality Problems" - is the antithesis of proper planning. It will worsen an existing problem. It is also wholly unnecessary.

There will not be a single staff member, commission member or public official who will say that we can only meet the goals of Imagine Austin if we allow more density in documented existing flood problem areas. No one believes that and no one would say that because such an assertion would have no basis in fact.

In a valiant effort to accommodate the directive to densify neighborhoods, Watershed Protection Staff seeks to regulate-around the recognized flooding risks caused by residential heavy density in Localized Flood Problem Areas through a "simplified drainage review" intended "to address lot-to-lot drainage impacts from the redevelopment of existing residential lots." As explained by Staff, the applicant's engineer "would certify that the project discharges its stormwater offsite in such a way as to not negatively impact adjacent properties. It is not intended to be a no adverse impact analysis or to certify that there are no changes in drainage patterns, only that any changes do not produce negative impacts to other properties."

But, to my knowledge, City Staff has not yet committed to generally requiring the engineer to do the type of study necessary both to form the basis for an actual engineering opinion and to create a record capable of being reviewed by the City and adjoining landowners. Specifically, to my knowledge, Staff has not committed to requiring the engineer to produce a pre-building-permit survey with topographical site elevation data. This data is necessary to understand and predict drainage patterns. Further, to my knowledge, Staff has not created a mechanism to determine (as a prerequisite for an occupancy permit) whether or not the applicant implemented engineer's recommendations and that the post-construction drainage patterns are appropriate. I am confident that Staff will make those commitments – if they have not already – because otherwise the “simplified drainage review” would function merely as a fig leaf, that is, to provide cover. Even so, we know from long experience with both water-quality and transportation studies and reports, that reports – even detailed ones - submitted by consultants retained by applicants cannot be accepted at face-value and require heightened scrutiny by City Staff and interested parties. The hired-consultant review process creates added costs for the City and creates unnecessary risks to the public that sufficient review won't be possible given Development Services heavy workload. And, importantly, it does not address the adverse impact of increased runoff into a deficient secondary drainage system.

There are complicated planning decisions wrapped up in CodeNext. Whether to add density to flood prone areas is not one of them. The City has gone to significant efforts to document and map the areas of the City with the most significant flooding problems. To now authorize, facilitate and incentivize residential heavy density with its corresponding increase in impervious cover in Local Flood Identified Problem areas – many of which are in areas designated “Water Quality Problem Areas - High to Very High Problem” - makes a mockery of that effort. This is doubly true given that densification of those zones is entirely unnecessary to meet the goals of Imagine Austin. It is imprudent to encourage increased structure density and the resulting increased runoff volumes without improvements to the secondary drainage system, and a determination that the areas are no longer flood problem areas.

I want to thank the Staff of Watershed Protection for their professionalism, for providing valuable information on this issue, and for actively encouraging citizens to make their voices heard on this topic.

Please make the commonsense recommendation against any CodeNext provisions or mapping decisions which would rezone single-family residential properties in Local Flood Identified Problem Areas to allow residential heavy density.

Please do not hesitate to contact me if I can be of assistance.

Thank you for your service,

Michael Curry