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OCTOBER 2020

Questions to Ask Before You Vote on Project Connect

Proposition A is on the November ballot to vote on Capital Metro's Project Connect. According to the promotional literature, under the guise of public information, Project Connect is "a transformational investment in public transportation". But like any good sales presentation, the ads and literature tend to play up the positives but fail to mention the negatives and downplay the "details". Here are some questions you might consider before you go to the polls.

What is being proposed in the plan?

According to CapMetro, in order to create more options for how people get around the entire region, the plan would include three new light rail lines, an underground tunnel downtown, a new all-electric bus fleet and expanded rapid bus service with more Park and Ride locations.

What is the cost of Project Connect?

Here is where the details become murky. The sales ads and website do not give a final cost for the project, because no one knows what the final cost will be – not anywhere close. Proposition A is a vote to consider approving a \$7.1 billion "initial investment" for the project. The website for CapMetro discusses how revenue, fees, operational savings and federal funding (which has not been committed) would also be used in addition to the sales tax revenue. Opponents of the project predict that this initial investment is just the tip of the iceberg and cite Seattle as an example. Like Seattle, cost overruns, additional operating expenses, future improvements and other unexpected costs could end up costing millions or even billions more. According to the group Voices of Austin, "Capital Metro's last major rail project, the Red Line, wound up 233 percent over budget." In the case of the aforementioned Red Line, which runs through Crestview, CapMetro never officially sought the federal money to cover the proposed \$90 million needed to get it up and running, and revealed in 2010 it had spent \$105 million on the system's construction, not \$90 million as originally suggested.

Property owners would see an immediate increase in this year's property taxes. Unlike a bond that has a payoff date, Proposition A is a tax increase, and as such, its cost will rise with yearly appraisals and will be perpetual. A home valued at \$500,000, which is becoming less common as home values rise in Crestview, would see a tax increase of \$437.50 this year (\$500,000 X .000875). And that is just for now. With a 7% annual increase in value, that amount would double in ten years to \$875. With many people currently struggling to afford to live in Austin, with other taxing entities increasing their taxes, and with the rising valuations of homes (probably exacerbated by proximity to the rail), this could make the cost unmanageable for many folks. Renters would not be spared, as landlords would foreseeably have to pass their increased costs onto them.

See *Project Connect*, continued on page 2



CodeNext Lawsuit Update and Recent Events

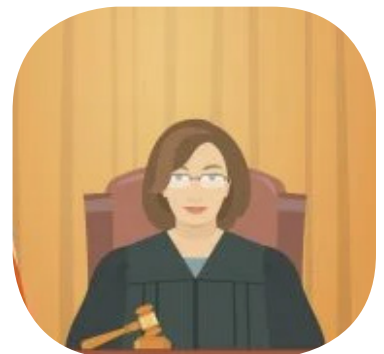
Court Upholds Our Right to Protest City's Rezoning Plan, a Victory for the Austin Community

By Community Not Commodity

On March 18th, Travis County District Judge Jan Soifer ruled in favor of the plaintiffs in *Acuña, et al. v. City of Austin, et al.*, upholding the rights of local property owners who have filed protests in response to City Hall's controversial rezoning plan. The decision is a major victory for Austin's homeowners, renters, small businesses, and the rest of our community.

The City of Austin argued both publicly and in court that local residents have no right to protest the rezoning of their properties because it intends to rezone all properties at once, rather than one at a time. Judge Soifer rejected that claim.

See *CodeNext Updates*, continued on page 4



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Project Connect, continued from page 1

Some groups feel that any cost overruns on the rail project could end up affecting other city services, like public health, public safety, and homeless services as it siphons money from other city services paid for with tax revenue.

What would the rail mean for development in the Crestview area?

The nicely rendered drawing by CapMetro shows 2 widely-spaced light rail tracks with a station in the center of the street with two lanes of traffic on each side and a partial third lane for left/right turns, and an attractively landscaped median along with a bike lane and a sidewalk on each side. However, let's look at a route closest to Crestview, the Orange Line that would run down Guadalupe/Lamar. It is estimated that it would take 9 years before this route would be operational after engineering, designing, procuring, and construction was complete. It should be obvious to anyone who travels Lamar that there would not be enough available real estate to construct a scenario like the one described above without obtaining land from the local property owners. It is also well known that construction of any project of this scale disrupts traffic, affects travel routes and interferes with businesses, especially small businesses in the area assuming they still even exist after the land acquisition. Given the current lengthy delay in getting through the intersection at Lamar and Airport, adding 2 more rail lines (the Orange and Blue), each crossing the intersection at 10 minute intervals, will greatly increase the already excruciating wait time. Land along transit corridors becomes more expensive, something that investors and real estate mavens, in conjunction with CodeNext, seem to be counting on. More expensive land means more density to make it profitable, which means more congestion and traffic in the area. Even properties not directly on the route, such as the homes in the area would become more expensive. This is of such concern in East Austin that some residents are doubtful that the \$300 million that has been included in Project Connect for "anti-displacement" will really offset the tax increase and construction boom that is expected to take place along the transit corridors where low-income families and local business are already being displaced by high-end residences and businesses.

Will Project Connect really accomplish its goals?

According to the promotions, Project Connect will provide transportation options, reduce traffic congestion, lead to cleaner air and provide jobs. However, anyone who has been around the city very long will recognize that these are promises that have been made by various projects in the past that never came to fruition. Using the Red Line again as an example, predictions were made that it too would reduce traffic, yet with an annual cost to operate the Red Line at \$14.3 million, ridership is the twenty-seventh most-ridden commuter rail system in the country out of thirty three operational commuter rail systems with only an average weekday ridership of 2,200.

In fact, ridership for most major rail systems, including Austin, seems to be in decline. This has caused some skeptics to question if such a costly investment in a fixed rail line is placing our hopes on a technology that may be obsolete before it is even completed. With more on-demand options becoming available, there may not be the reliance on rail. One of the consequences of the ongoing coronavirus pandemic could be a permanent shift towards more teleworking for many of the downtown office workers. Some citizens in the East Austin community feel that the Project Connect plan, with its emphasis on rail as the backbone of the proposal, will continue as it does now, to disproportionately serve commuters from outlying suburbs and predominately white riders without adequately improving bus service for taxpayers within the city and for low-income individuals who depend on public transportation. They would rather see an expanded bus system that could be modified to meet the needs of its patrons in a flexible, ongoing way (something they have been asking CapMetro for years to provide and are still waiting for).

This article was compiled from information from several sources including CapMetro's Project Connect website and the 2015 Origin and Destination Study, The Austin Bulldog, The Austin Business Journal, Our Mobility Our Future, Texas Public Interest Research and Voices of Austin, among others.

Howdy Neighbor!

By Mike Lavigne, CNA President

I'm so grateful to live in this neighborhood during these times. It feels built for this. I don't find myself pining for a whole lot of things I was doing on the regular before this. Sure, a loud rock show will be a welcomed escape and when finances and safety allow, I'll be the first in line for an omikase at Uchiko. But front yard hangs, socially distanced bands at the Clubhouse, riding around on the bike, lots of cooking and family and maybe a lil too much Netflix have filled in for many of the things I was doing mostly for FOMO. But while this communication has been irregular, I'm glad to say I see many of y'all out and about almost daily.

School from home is presenting all new work/life balance challenges. We are all doing the best we can and making the choices that are right for our families. I'm so impressed with how the kids are handling things though. I think this generation could be defined by their ability to successfully adapt to an increasingly dynamic world. We should probably all watch and learn from them.

I wish our City Council had some of that ability to adapt and change courses. More than anything my kiddo wanted to put together a haunted house at the clubhouse this year. But we are in the middle of a pandemic, and she realizes that it's just not realistic to pull that off this year. But here's something really spooky - City Council voted unanimously to begin the process of Convention Center Expansion and negotiate for the purchase of two blocks of land downtown. During a pandemic and a time when the convention center business will likely never recover from. They could have pressed pause and used some of the extra HUNDREDS OF MILLIONS OF DOLLARS to help our city's largest employer, independent small businesses, survive. Nope.

Council is also using this time to rezone swaths of the east side that will speed up the ever quickening pace of gentrification. In our area, there have been a few zoning cases working their way through the process. Most notably, the parcel on Burnet Road that is home to Local Post and the Kolache shop. We've been negotiating with the apartment developer for months and have a deal in hand that will cap the Burnet Road side at 75 feet high and increase setbacks and lower height along the residences in the back of the property. This is down from a potential 90 feet in the front and few requirements in the back. Yes, it is still higher than many of us would like there, but the fact is that given that the planning commission and city council are encouraging height at any cost along corridors, we feel we got as good a deal as there is to be had at the moment. There will be a small set aside for affordable units, but those are nominal at best and difficult to enforce.

If you want to find me, I'm available via email at <https://crestviewna.com/contact/> and have been doing regular "office hours" over at the Violet Crown Clubhouse over an Americano around 10 am on Wednesdays (and most days). Hang in there, Baby! And Vote!

Wildflowers at Brentwood Park

The Friends of Brentwood Park organization is submitting an application to the Austin Parks and Recreation Department requesting permission to install a pocket prairie/wildflower area in the northwest corner of the park between Yates and the gravel trail. If approved, they hope to develop the area over the next three years into an example of the Blackland Prairie on which our neighborhoods were built. Please submit questions or comments to friendsofbrentwoodpark@gmail.com.





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The court's ruling means that city officials will need approval of three-quarters of the Austin City Council (nine of 11 votes) in order to rezone any property that is the subject of a protest. Only seven council members currently support the rezoning plan.

More than 16,000 Austinites have filed official rezoning protests to date. Those who haven't are encouraged to visit [FileYourProtest.com](https://fileyourprotest.com), where they can fill out a short protest form and protect their residential and commercial property. Protests may be filed until one week before the city council takes its final vote on its code revision. That vote had been scheduled for early April, but was postponed by city officials due to the coronavirus pandemic.

Judge Soifer also ruled that the city council's votes on first and second reading of the code revision are void because City Hall failed to provide the state-required notice to property owners and the public. If local officials intend to proceed with their plan, they must provide our community with legal notice, and the city must hold its hearings and votes again.

In April, the mayor and six council members decided to file a costly appeal, rather than pursue a consensus, collaborative approach with the community. (Council Members Pool, Kitchen, Tovo, and Alter voted against the appeal and support protest rights).

In July, unwilling to wait for the court of appeals' decision, the city decided to try to evade Judge Soifer's injunction. The city's motion to clarify basically asked the court to give the city permission to use several ploys to rezone without having to provide state-mandated notice and protest rights. Not surprisingly, in late July, Judge Soifer ruled again against the city and rejected the city's motion for lack of jurisdiction. (As noted on the plaintiffs' response in opposition, there are few rules of procedural law as fundamental as the rule that a trial court loses jurisdiction when a case goes on appeal.)

In the motion, one of the city's proposed tricks would be to

keep the same single-family zoning classification (SF-3) but change the regulations to allow more density. The city stated that it wanted to be able to rezone to allow two additional units on every SF-3 zoned lot (the most common single-family zoning classification in Austin). The city contends it can avoid notice and protest rights by simply keeping the same classification terminology (SF-3), even though it would be changing the zoning regulations to allow more density. State law, however, requires cities to recognize protest rights whenever there is "a change in a zoning regulation," which the city clearly is attempting with this scheme. All the city's legal sleight-of-hand and word games can't change that.

Community Not Commodity (CNC) is a coalition of concerned citizens committed to the promotion of land development policies that benefit all of the city's residents. CNC supports a community-led, consensus-driven land development code that will accommodate growth and provide for true affordability.
<https://communitynotcommodity.com>





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Crestview Zoning Cases

7113 Burnet Road

The front portion of this 4.38-acre property along Burnet Road is currently zoned commercial (with a height limitation of 60 feet) while the back portion, closest to the adjoining single-family homes, is zoned for office use and is capped at 40 feet. The zoning change requested is for both portions to be rezoned to the highest level of multi-family, MF-6, with an allowed height of 90 feet and no maximum on the number of units allowed. City staff, after carefully reviewing every aspect of the case, has recommended that the most appropriate zoning of this property, given traffic and other considerations, would be MF-4, which would limit the height to 60 feet and cap the number of units at 236. While the current city code's compatibility standards aim to protect adjoining single-family homes by limiting the allowable height adjacent to them and establishing minimum distance setbacks, those protections may disappear if CodeNext is adopted. Working to accommodate some of the neighborhood's concerns, the developer is willing to agree to a restrictive covenant that limits the height to 75 feet and maintains the height restrictions and setback requirements in the current code. This zoning change has been approved by the City Council on 1st reading only while the 2nd and 3rd readings have not yet been scheduled.

902 & 904 Morrow

Currently zoned single-family (SF-3), the owner is requesting an upzoning to multi-family (MF-1). This case involves two properties, 902 Morrow, currently a vacant, tree covered lot that is roughly ½ acre in size, and 904 Morrow, a quarter-acre lot with an existing single-family house. Some of the issues involved in this case include following the neighborhood plan, increased traffic on Morrow (a narrow, 30 foot wide street with predominately single-family homes) and environmental and flooding issues resulting from increasing

the allowable impervious cover from 45% under SF-3 to 55% under MF-1. Crestview's neighborhood plan approved by the city council states that existing single-family residential areas should retain SF-3 zoning. Flooding concerns increase as upzoning from SF-3 to MF-1 with 55% impervious cover means that we will lose an additional 2,178 square feet of land that will be covered with concrete that would not have been under SF-3. This property, like many on nearby streets like Taulbee, Stobaugh, Gault and Watson, could be profitably developed under the existing SF-3 zoning without a change to the neighborhood plan and remain compatible with the surrounding properties. This case is currently scheduled to be heard by the planning commission on October 13 and will then move on to council.

901 Stobaugh

The owner of this SF-3 property is requesting that the Crestview Contact Team allow an "out-of-cycle" exemption to the rule that limits zoning change requests to be filed annually during the month of February. They have verbally agreed to limit the upzoning request to SF-6 and place a restrictive covenant on the property limiting the number of units to eight. Due to the pandemic, the Contact Team has not been able to hold a traditional in-person meeting to consider the out-of-cycle request but is working on alternative options that will preserve community engagement.

Crestview Contact Team News

In an effort to better communicate with Crestview Neighborhood Plan Contact Team (CNPCT) members, a website has been set up: <https://cnpct1.wordpress.com/>. With increased development activity occurring in the neighborhood, there's quite a bit to keep up with and to share with the community. Hopefully, a website will assist in that endeavor. Please visit the website to keep up with the latest news from the Contact Team.

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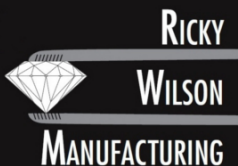
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