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JUNE 2023

City Land Use Proposed Changes

By Barbara McArthur, Brentwood NA Steering Committee

The city council has been busy passing resolutions that will impact many neighborhoods. These resolutions require the city manager to come back no later than December 31, 2023 with proposed ordinances for approval which include the following:

Eliminate parking requirements for cocktail lounges – Proposes to eliminate parking at bars to encourage alternative modes of transportation and increase economic activity.

Eliminate all minimum parking requirements – Proposes to give property owners the freedom to provide market demand. “The City Manager is directed to return with recommendations for developments proposing no on-site parking that allow for accessible parking spaces on-street, adjacent to or reasonably nearby the development and located on an accessible route” - i.e., handicapped parking on the street.

Eliminate all occupancy limits – Proposes that, “The City

Council initiate amendments to City Code Title 25 (Land 32 Development) to eliminate the dwelling unit occupancy limit for residential uses.”

Future land use map changes to neighborhood plans – Proposes to allow changes to be decided anytime instead of once a year.

ETOD (Equitable Transit Oriented Districts) – City Council passed this before Capital Metro announced its new route selection. It lists over 120 one-mile radius districts around bus stops that will become overlays to support bus and rail transit. These overlays would allow for increased densification, and would cover most of Crestview and Brentwood neighborhoods.

Changing public participation rules at meetings – Eliminates “time donation” to speakers and eliminates the rule that when two members of the public want to address an agenda item it comes off the consent agenda. From now on, only council members can remove items from the consent agenda.

Zilker Park Vision Plan

For the last few years, the Zilker Park Vision Plan has been a controversial one. The plan, in its many iterations, which includes new parking initiatives and structures in the park and near Barton Springs, has been decried as pandering to either a technocratic version of Austin’s future, the Live Nation/C3 music industrial complex, or both.

In the last few weeks, local groups have ratcheted up their opposition to the plan. But with new versions of the plan and with tensions mounting about the future of the park, there isn’t a consensus on what, if anything, will happen should the plan pass.

A draft plan was created near the end of 2020 following a survey from PARD. In December, a version of the plan was released to the public, which riled up groups like Rewild Zilker Park, a joint project between organizations like Save Our Springs Alliance, Barton Hills Neighborhood Association, Bouldin Creek Neighborhood Association, and the Zilker Neighborhood Association.

Around that time, organizations and individuals began posting on Instagram and other social media apps, highlighting a few main concerns of the plan. First and foremost is the relationship between C3 and its parent company Live Nation and Zilker Park, which is home to C3’s signature event, Austin

City Limits Festival. Some of the messaging from the opposition groups (and individuals) implied that Zilker Park and Barton Springs could be turned over to C3 and Live Nation.

Save Zilker Park, another organization concerned with the plan, still refers to “an unprecedented privatization of the park” on its website. “It’s not possible,” says Greg Montes, project team lead for the Zilker Park Vision plan. Still, those opposed object to an umbrella non-profit that they say has deep ties to C3 and Live Nation, which would assume operations of the park.

Here’s where it gets a bit tricky. The Zilker Park Vision Plan does recommend a “unified (or umbrella)

Zilker Park nonprofit that can serve as a main point of contact for the Austin Parks and Recreation Department, acting as liaison and coordinating body between the many active organizations and interested parties.” The reasoning given is so that PARD can “streamline operations,” and more effectively raise capital for the park. The “streamline operations” line is what seems to be making the opposition worried, though in the plan, it notes that PARD would still “maintain a strong management and planning presence in Zilker Park, including phasing and implementation of the Vision Plan, overseeing capital improvements, day-to-day operations and maintenance, reserved area reservations, and permitting and management of large events.”

See Zilker continued on page 2



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In early May, Public Policy Polling conducted a survey about the Zilker Park Vision Plan, funded by Rewild Zilker Park. Participants in every City Council district responded, a total of 634 Travis County residents. The results point to a few unpopular portions of the plan, at least among those polled.

The amphitheater, proposed to be moved to the Great Lawn was supported by just 9% of respondents. The amphitheater is dually controversial among these groups because it both represents a slippery slope in Zilker Park becoming more of a music venue — the C3 of it all — and it would appear to impede on the Great Lawn, a large, green expanse that is a park favorite. There is currently an amphitheater, Zilker Hillside Theater, located across from Barton Springs. “The city is proposing to build a 5,000-seat amphitheater, permanent amphitheater, on the Great Lawn,” said David Weinberg with Rewild Zilker Park. Weinberg says the poll showed 82% of those polled think the park should be more of a natural area for recreation. “People do not want to see permanent structures built on the Great Lawn,” said Weinberg.

Just as controversial is the planned parking garages, which would keep the amount of spaces the same at 2,450. Regardless, the idea of parking garages — and the attached \$20 million price tag — is a hard pill to swallow for the opposition. “The Zilker Vision Plan’s own research shows 13% public support for moving the amphitheater to the Great Lawn and 16% public support for more parking (which ironically, the 3 proposed parking garages do not provide),” Save Zilker Park has said. “There are some good ideas in the plan, but these major, major construction projects really don’t have any public support,” said Weinberg.

While the entire plan is controversial to some, a major point of contention between PARD and those who oppose the plan is the *why* of it all. From the perspective of Rewild Zilker Park, for example, the recent poll proves that the residents of Austin believe that Zilker Park is fine and doesn’t need any updating. It states that “people in Austin love Zilker Park the way it is,” noting that 76% of respondents “have a favorable view” of the park as it currently exists. “It seems the Zilker Vision Plan favors stakeholder input over public input which is why we wanted to give the public a voice”.

PARD has a much different perspective. “The park is struggling right now,” says Greg Montes, project team lead for the Zilker Park Vision plan. “This vision plan was meant to enhance and restore the park,” said Montes.

A vote on the Zilker Park Vision Plan by the City Council is currently scheduled for July 20.

(Editor’s note: This article includes excerpts from an article by Chris O’Connell. To read the article in its entirety, go to <https://www.mysanantonio.com/lifestyle/outdoors/article/zilker-park-vision-plan-austin-18106630.php>)

Brentwood Elementary School Registration

By Angela Morton, Brentwood Elementary PTA President

Bulldogs, don’t forget to register for the next school year ASAP! Want to help Brentwood Elementary have the resources we need to support our students? Registering your new and returning students NOW directly impacts those plans. Accurate registration numbers also prevent the dreaded leveling process in October. Leveling is a district wide policy where classrooms are added or subtracted if they are not closely enough aligned with the spring registration numbers. This means your child may have to switch classrooms and teachers just as they have started to acclimate, which is never ideal. Please register now so we don’t have to be subject to leveling in October!

To register new or returning students, log in to the AISD parent portal at <https://portal.austinisd.org> and search for the “Registration” tile. Click the tile, and fill out all requested information. Have questions? Need help? Please contact the Brentwood Elementary office at 512-414-4339.

I have been a believer in the magic of language since, at a very early age, I discovered that some words got me into trouble and others got me out.

Katherine Dunn

Thanks to words, we have been able to rise above the brutes; and thanks to words, we have often sunk to the level of the demons.

Aldous Huxley



Phase 1 of Project Connect Light Rail Plan Approved

In a joint meeting on June 6, the Austin City Council, the Capital Metro board of directors and the Austin Transit Partnership (ATP) board of directors officially adopted the first phase of Project Connect's light rail program. The first phase of light rail services will feature 9.8 miles' worth of light rail services, covering 15 stations with an anticipated average ridership upwards of 28,500 users each day. The approved plan is expected to have a sticker price between \$4.5 billion and \$4.8 billion.

Plans call for an on-street train to start at 38th Street, traveling down Guadalupe Street and turning on Third Street before crossing Lady Bird Lake at Trinity Street. Once the train crosses the lake, the line splits – one line down South Congress Avenue to Oltorf Street, and another east on Riverside Drive to Yellow Jacket Lane, stopping short of Austin-Bergstrom International Airport.

The approved route map includes a new term: "phase one priority extensions." These are highly demanded sections that could get built immediately if there's enough money left over in the \$5 billion budget or if new cash becomes available. Extending the route north from 38th Street to the MetroRail at Crestview Station at Airport and Lamar and east from Yellow Jacket Lane to the airport are part of these priority extensions. Until the line can reach the airport, a shuttle service from Yellow Jacket Lane is expected.

The approved light-rail plan is a significant detour from the initial promise to voters. At 9.8 miles, the revised map provides less than half the distance and a starkly reduced estimated ridership compared to the 2020 vision. The new proposal trims major ambitions, including the \$2 billion downtown subway that was dangled in front of voters with

artist renderings showing underground shopping, dining and live music.

Project Connect staff will now proceed with planning and engineering efforts, as well as solidifying a draft environmental impact statement (EIS) and financing plan that await federal approval. It will be during that EIS draft process that federal transit officials will weigh in on possible funding opportunities. Project Connect staff have anticipated roughly half of the Phase 1 light rail plan's costs will be covered courtesy of federal dollars.

Neighborhood Legislative Update

By Barbara McArthur, BNA Steering Committee

The Texas Legislature had many bills in this session that could have greatly impacted life in neighborhood communities. Because of feedback from the public and city governments, **all of these bills were defeated** at various stages in the process. Proposed bills impacting land use included:

- **S.B. 1787 Bettencourt Companion H.B. 3921 Goldman** – Would have allowed a city's maximum zoned residential lot size to be no wider than 20 feet and no deeper than 60 feet, or 31 units per acre.
- **S.B. 491 Hughes Companion H.B. 2198 Hefner** – Would have removed any height limitation 50 feet from a lot line.
- **H.B. 2665 Gates** – Would have allowed Short Term Rentals everywhere with no limit on occupancy.
- **H.B. 2367 Lozano** – Would have allowed the use of any home as a "residential amenity rental".
- **S.B. 1412 Hughes Companion H.B. 2789 Holland** – Would have allowed ADU's everywhere whose size limit was 50% of the size of the main house and did not count toward impervious cover or floor-to-area ratio limits.

See Legislative Alert continued on page 5

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City Council Eliminates Parking Requirements for All Land Uses

By Community Not Commodity

On May 4, 2023, the Austin City Council adopted a policy to “eliminate minimum off-street motor vehicle parking requirements in the City.” Once implemented through a code amendment, the developer or property owner gets to decide whether or not to provide off-street parking for its employees, customers, or residential tenants or to instead shift that generated parking to the public streets. This precipitous action will create congestion and unsafe conditions for drivers and neighborhood residents and limit access to public facilities, such as schools that depend on the availability of on-street parking

You can be forgiven if you have not heard of this sudden policy change, because there was no public notice other than a posting on the Council Message Board—a site generally visited only by city hall insiders—nine days before the meeting. The council did not consult with schools, parents, neighborhoods, or others who would have welcomed a chance to provide input before the policy was adopted and the code amendments set in motion. There was no process, no hearings, and no discussion at the Council Work Session. At the council meeting, there was no staff presentation. The resolution was placed on the “consent” portion of the agenda, and there was no debate or even discussion among the members other than self-congratulatory statements. The mayor and all council members except for Council Member Alison Alter voted in favor of the new policy throwing out the existing parking rules for no rules.

It is true that requiring too much parking can have unintended adverse consequences, including the underutilization of land, added construction costs that are passed on to the consumer, and the facilitation of vehicular travel

where and when other less environmentally impactful travel modes (like available mass transit, biking or walking) are feasible and should be encouraged. But it is also true that providing too little off-street parking has unintended adverse consequences. These include increased traffic and congestion, with corresponding negative environmental implications caused by drivers cruising for parking spaces, illegal parking, and excessive curb parking on nearby neighborhood streets, creating mobility and safety problems for residents. Safety problems are especially critical on narrow neighborhood streets with no sidewalks. (According to the Austin Public Works Department, Austin is missing around 1,600 miles of sidewalks.)

Also, in some locations, businesses with inadequate parking monopolize on-street parking spaces needed for public facilities, such as schools where parents and visitors need a place to park. Ironically, eliminating on-site parking allows for a bigger building, which can mean more traffic needing more parking.

Instead of a simplistic approach that throws the baby out with the bathwater, the council should have thoughtfully addressed problems of over-parking and under-parking with a comprehensive, data-driven process. Such a resolution would have directed city staff to evaluate our existing parking regulations as applied in the community to determine the conditions under which, or the uses for which, our parking requirements fail to align with the public’s parking needs. This, coupled with a thorough review of published studies and the careful cataloging and comparison of the experience of other cities that have reduced or eliminated parking, would enable the city to determine the conditions under which a reduction or planned-for elimination of on-site parking leads to a measurable decrease in site-generated trips (trip counts) or vehicle miles traveled (VTM). The goal would be to develop recommendations for an approval process that

See *Parking* continued on page 5



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produces context-sensitive parking requirements tailored to the use, the location, and the available alternative transportation options and utilizing all available on-street and off-street parking management strategies to provide the safest and most efficient use of our space and our streets. If on-site parking standards are too stringent in some circumstances, they should be reduced; if they are too lax in some cases, they should be strengthened; if they can be safely eliminated under certain conditions, in some areas, or for some projects, they should be eliminated. The solution is not to blindly throw out all minimum standards for everyone, everywhere, regardless of the consequences.

Instead of doing the hard work and instead of involving the community in developing a fact-based policy, the council abandoned its responsibility, took the easy way out, and left parking regulation to the market, reasoning that developers and businesses should have “the freedom to provide parking based on market demand.” In doing so, the mayor and those council members voting for the resolution forgot the first rule of regulation: that regulations are not designed to protect the public from responsible actors who know what they are doing, but from those who aren’t or don’t. The mayor and council members have left the public at the mercy of profiteers who cannot foresee or don’t care about the impact their failure to provide parking will have on other businesses, drivers, and residents. Even well-intentioned people will make mistakes. In recent years, the city has embraced a trend—which the council’s resolution has now taken to the extreme—and reduced parking requirements in most of the central city. The day before the council vote, an affordable housing provider—who accepted most of the city’s generous parking reductions premised on the projects’ proximity to mass transit—was quoted as saying that the parking he ended up with “was not enough,” that families in the housing project need cars for

daily living, mass transit notwithstanding, and that he supports “lowering parking minimums—but not getting rid of them entirely.” He said, “A lot of developers will be smart and think about the market. Some will not. There’s going to be some dumb mistakes made where people didn’t really anticipate that they would need parking.”

This is the type of real-world experience that the mayor and council members didn’t want to hear when they decided, almost on a whim, to be trendy and completely “eliminate minimum off-street motor vehicle parking requirements in the City.”

The no-parking minimums policy, when implemented, will leave the community to deal with developers and business owners’ “dumb mistakes,” particularly in residential neighborhoods whose narrow streets weren’t designed or intended to be commercial parking lots. It will also and not insignificantly relegate those with special needs to designated parking spaces on the curb.

(Editor’s note: Community Not Commodity is a local organization that advocates for land development that supports community values over developer profits. <https://communitynotcommodity.com/who-we-are/>)

Legislative Update continued from page 3

- **H.B. Stucky** – Remove all regulations that interfere with the production of housing.
- **H.B. 4637** – Valid petition vs. rezoning raised from 20% to 50%

It is of note that these bills were funded by very wealthy individuals and real estate interests. We will need to be on alert during the next legislative session.

(Editor’s note: It is important to note that the City Council is currently poised to begin efforts to pursue many of these same issues that failed to be passed by the legislature. It is not too early to start letting Council know your feelings on these issues.)

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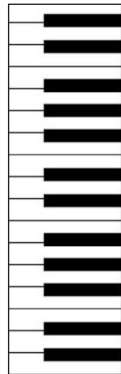
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