

Z NEWS

Newsletter of the
Zilker Neighborhood
Association

JULY 2013

Austin, Texas
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Taco PUD Does Not Make the Grade

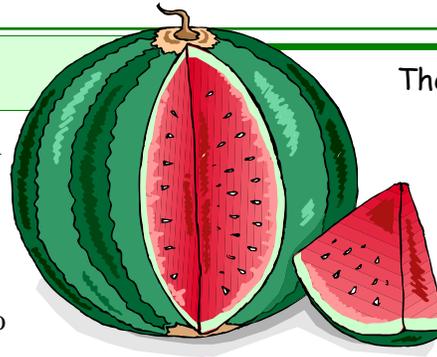
ON AUGUST 8, the Austin City Council will consider the planned unit development (PUD) proposed for the Taco Cabana site at 211 South Lamar (the Taco PUD). This is the massive, 96-foot-high condo project that the ZNA general membership voted to oppose at our February meeting.

At the time, we were voting mainly to support the Waterfront Overlay's protections of the views and public open space along the river. This block of condos would be 36 feet taller than the maximum height allowed in its current zoning and only 35 feet from the south end of the Lamar Bridge and the Pfluger pedestrian bridge, a hulking example of what the Waterfront Overlay was created to prevent. But perhaps the most troubling failure of this PUD proposal is its disregard for the community's affordable housing standards (see page 4).

Since February, the city's Environmental Board and the Waterfront Planning Advisory Board have voted against the PUD, and ZNA's zoning committee has analyzed all aspects of the proposal, concluding that it is even worse than it seemed at first. In addition to ZNA, the Bouldin Creek Neighborhood Association, Save Town Lake, the Zach Scott Theater board, and the adjacent Bridges on the Park homeowners association have opposed the PUD.

Besides violating the Waterfront Overlay, this project undermines ZNA's 30-year effort to improve the development standards that are applied on the South Shore and all along South Lamar, directing new development away from car-dependent projects and toward human-oriented, mixed use, sustainable growth. Those efforts have been codified in the Waterfront Overlay, Vertical Mixed Use ordinance, and current commercial design standards. This PUD, however, will result in a project that is inferior even to nearby projects built before those standards were written into City Code.

From ZNA's perspective, the primary question facing the City Council on August 8 should be: Will the increased entitlements being asked (*Continued on page 6*)



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Traditionally, the only item on the ZNA agenda
in July is fun. Neighbors meet and mingle and
catch up on the latest news in the 'hood,
while we all cool off with watermelon.

This year, let's also start a conversation about
how we can improve and maintain
all of Austin's parks

(See page 8 for more membership info.)



Newcomers, homeowners, renters,
business neighbors

❖ ❖ All Welcome ❖ ❖

Inside this issue:

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WaBuCy scouts out crosswalks and HAWKS
by Eileen Nehme

WABUCY ZILKER is neighbors working to make it safer, easier, and more fun to walk, bus, or bike for transportation. These updates on current projects are all related to safer street crossings.

HAWKs on South Lamar

Thanks to everyone who responded to our recent crosswalk survey, which asked neighbors to rank three locations on South Lamar: (1) mid-block at the Post South Lamar apartments, (2) Goodrich, and (3) La Casa, in terms of the need for a pedestrian-hybrid beacon crosswalk (nick-named HAWK), like ones installed on Barton Springs Road, South Congress, and Guadalupe. The most popular choice of the 177 responses was at Post South Lamar, followed by Goodrich.

Many of you suggested other locations and provided additional comments. The top two winners were Evergreen/Collier (as an alternative to the Post South Lamar location) and between Panther Trail and Manchaca (near the Broken Spoke). Pretty much every intersection received some comments, including those with existing crosswalks. Comments about Bluebonnet included: "Lamar/Bluebonnet intersection is very dangerous. Have almost been hit by cars three times when walking, with white 'walk' signal" and "With a bus stop at that corner pedestrian traffic is high and kids cross over that intersection a lot."

We have been in contact with City staff, who report that several sites are being considered for a

HAWK, including the 1500 block (Post South Lamar) and 3200 block (near the Broken Spoke). They are also considering a traffic signal at Collier/Evergreen rather than the 1500 mid-block location. We will follow up with the survey results, including all of your comments. To express your opinion directly to the City, the best avenue is 311, accessible online (austintexas.gov/departments/311) as well as by phone.

Melridge/Bluebonnet/Ashby

A number of neighbors have expressed concerns about this intersection, where adults and children crossing Bluebonnet are at risk from speeding cars coming up from Melridge. One neighbor who lives right at this intersection has seen numerous accidents involving cyclists and pedestrians, and plain crazy single-car crashes. The addition of the cycle track has made this intersection even more popular as cyclists access or leave the protected area.

At a special meeting to address this area, neighbors identified four strategies: (1) the City's Local Area Traffic Management (LATM) process, whereby neighbors can apply to have traffic calming such as speed cushions installed, (2) a 3-way stop sign, (3) a crosswalk, and (4) lots of big bold signs placed in yards along Melridge. Although the deadline to apply for LATM isn't until October 1, this next round is already full. We will put in an application for the following round in April 2014. Clearly, the supply for traffic calming is not meeting demand!

Requests for stop signs or crosswalks are

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made through 311, so we are asking neighbors to submit a request for stop signs and a crosswalk at this intersection as soon as possible. We will also be advocating directly to City staff on this issue. Lastly, we are planning to create signs to catch the attention of drivers along Melridge heading towards Bluebonnet. We are looking for donations of money, materials, or time to this effort. Contact wabucy@gmail.com if you are interested in getting involved! Find us on Facebook by searching for Wabucy Zilker.

ZNA TRAFFIC WATCH:

Juliet stoplight and Blues on the Green

The developer of the Hanover apartments (under construction next to Uchi) recently asked ZNA about neighborhood support for requesting a new traffic light at South Lamar and Juliet. The ZNA executive committee has asked the developer for more information. Meanwhile, Dave Piper is gathering comments from residents in that area.

Dave is also tracking the growing number of complaints surrounding Blues on the Green, the Wednesday night concerts at Zilker Park. The City Parks department has notified ZNA that the "event sponsors EMIS and KGSR are willing to move the start and end times to 8–10 PM, if neighborhoods prefer." That would give folks an additional 30 minutes to get home from work before the event starts. It would also push the noise and traffic out 30 minutes later.

It may be that the concerts have become so popular that the promoters will have to bear more responsibility for managing traffic and parking problems, similar to other large events. The last concert in this summer's series is scheduled for August 7. Changes to request for next year's concerts are something we can talk about informally at the ZNA Watermelon Social on July 29, at Zilker Elementary.

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Protecting Our City's Inclusionary Housing Policies

by Heather K. Way, Zilker Resident and Affordable Housing Advocate

INCLUSIONARY HOUSING is a national best practice utilized by hundreds of cities across the United States that incentivizes developers to include a modest share of affordable units in market-rate developments. The Austin City Council has embraced this approach through the adoption of multiple “density bonus” ordinances. In several areas of the city, in order for a developer to obtain a zoning change with an increase in density in large developments, the developer must in return provide a small amount of affordable housing—typically 10% of the units.

One of the City’s density bonus ordinances that the Zilker neighborhood has benefited directly from is the Vertical Mixed Use (VMU) ordinance. For example, the new VMU development going up at the Lamar Square/Alamo Drafthouse site will be including 10% of its residential square footage as affordable housing for households making 60% or less of the area median family income. This means that workers in the neighborhood making less than \$31,000 a year will be able to afford renting an apartment in the new development.

In VMU developments, the affordable housing must be provided onsite—the developer is not allowed to pay a fee to the city in lieu of providing the onsite units. The City’s Planned Unit Development (PUD) ordinance contains similar requirements, but the City Council has the

discretion to allow developers to pay a fee instead of providing the affordable housing units onsite (“fee in lieu”).

Unfortunately, the developers seeking PUD zoning at 211 South Lamar have lobbied City staff and the City Council hard to avoid the City’s inclusionary housing policies. Even though they are seeking a huge increase in density, they asked the City Council to amend the PUD ordinance to gut the affordable housing provisions. Last month, the City Council (on a 5-2 vote) agreed with their request and rolled back the onsite affordable housing and fee-in-lieu standards at PUDs—even though these standards had been developed with many months of extensive stakeholder input.

With its PUD vote last month, the Austin City Council has created an enormous loophole in the City’s zoning ordinances. Developers will now have an even greater incentive to come to Council and ask for increases in density via PUD zoning, with its minimal affordable housing requirements, rather than utilizing VMU zoning and other zoning categories with stronger onsite affordable housing requirements. This is exactly what our City sought to avoid in overhauling the PUD ordinance in 2008. As the *Austin Chronicle* noted: “While PUDs are intended as a tool to create better projects on large tracts, in fact developers have been seeking PUD zoning to neatly

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avoid all restrictions on height and neighborhood compatibility, without doing superior urban planning.” (Katherine Gregor, “Developing Stories: Concord – at Last,” *Austin Chronicle*, 30 March 2007).

If the Council approves the Taco PUD and allows the developer to pay a diluted fee in lieu, the development will not be producing superior urban planning when it comes to providing inclusive housing. Given our city’s ever-growing affordable housing crisis and our city’s new comprehensive plan calling for affordable housing in all parts of town, now is the time to preserve our city’s inclusionary housing policies, not gut them.

Austin City Limits Music Festival 2013 Schedule

THE AUSTIN CITY LIMITS Music Festival goes to two weekends in October this year.

ZNA participates in planning meetings through the summer with the event promoter (C3 Presents) and the City of Austin, mainly to work on traffic and parking plans. Here's the schedule presented at those meetings.

Road and park closures

Installation (called "load in") starts October 1

The first weekend of concerts is October 4-6 (11 AM-10 PM daily)

Roads and most of the park should reopen October 7-10

Second weekend of concerts is October 11-13 (11 AM-10 PM daily)

Load out ends Friday, October 18

There should be a period of park maintenance October 21-25

Check the event Web site, ACLfestival.com, for the latest info.



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(Continued from page 1) for by this project result in a greater value to the City than the community value of protecting the scenic vistas and spatial quality of the Lady Bird Lake shore line and adjacent parkland? A quick look at the major benefits proposed by the Post Paggi PUD developers shows that they don't add up. Supporters claim that this project will:

Help to stop sprawl.

In fact, this project would provide only about 40 additional units if it gets the 96 feet of height (175 high-end condos versus 132 apartment units in a 60-foot project). This massive obstruction and violation of the waterfront would probably be counter-productive in terms of sprawl. City Council recently revised the downtown density bonuses and eliminated the old CURE ordinance that allowed developers to avoid the downtown standards. Approving this downtown-style building through a PUD on cheaper land outside downtown, with no standards, would signal that the City does not take its downtown development standards or affordability measures seriously.

Contribute to affordable housing.

Heather Way explains on page 4 how this PUD is gutting the City's affordable housing incentives. From the ZNA zoning committee's perspective, however, we are losing about 20,000 square feet of desperately needed affordable housing, enough to house about 40 neighbors.

Before the City Council's decision last month to change the PUD ordinance, the Neighborhood

Housing and Community Development department calculated the PUD's affordable housing fee at \$1.2 million. The City Council's revisions are expected to drop that fee to less than \$439,000. Under the old rules, the equivalent fee-in-lieu for a 60-foot building would be about \$780,000. In other words, the affordable housing contribution for the 96-foot PUD is likely to be less than 60% of the contribution required on a 60-foot building.

Provide community benefits that would not be required otherwise.

The Taco Cabana portion of this site is zoned CS-V, reflecting the Zilker VMU plan. To get the increased area and reduced setback that VMU allows, projects have to provide streetscape enhancements that meet the commercial design standards. If you look at all the new projects along South Lamar, every one of them is providing these amenities. ZNA and other neighborhood activists, along with development professionals, have reviewed the supposed benefits and "superior" features proposed in the PUD application and found that all of them are required under the existing code and none of them are superior to the projects already under construction on South Lamar.

Encourage a change from cars to walking, biking, and transit.

The project is providing much more parking than is required by code, not less, so the developer is clearly marketing these high-end condos to residents who will not be giving up their cars.

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Under VMU, a 60-foot apartment building would be entitled to the maximum reduction in parking (to 60%), in this case, 81 parking spaces for 135 apartments. The PUD proposes more than 200 parking spaces. ZNA asked for VMU in this area to encourage the construction of more units and to reduce the cost per unit, while reducing the number of cars per unit and increasing use of transit. This developer has instead chosen to ignore the VMU incentives and attract the maximum number of cars to the corner of South Lamar and Riverside, which already has the highest traffic counts of any arterial in the city. This is the opposite of ZNA's vision for change on South Lamar.

Supporters suggest that this PUD is no worse than the other PUDs in the Waterfront Overlay. The City Council has approved three other PUDS on the South Shore of Lady Bird Lake that violate the WO height restrictions, but all three projects claimed special circumstances:

1. The South Shore Greyco PUD is more than 600 feet from the shoreline. The Taco PUD is only about 80 feet from the shoreline and will loom over the parkland directly across Riverside Drive.
2. The Pico PUD, on the south side of Barton Springs Road and not actually visible from the shoreline, is between two existing taller buildings. The Taco PUD neighbors are the 60-foot Bridges One and Cole apartments and the 75-foot ZACH fly tower. No nearby buildings are as tall as the 96 feet requested for the Taco PUD.
3. The Run Tex PUD on South First Street backs up to the Hyatt Hotel, which is 185 feet tall. Even so, that *(Continued on page 11)*

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Parking Meters in the Park

by David King, ZNA Zoning Cochair

IN THE FACE OF STRONG OPPOSITION from park users, neighborhood associations, and civic groups throughout Austin, the Austin City Council withdrew the proposed parkland-parking ordinance at its June 6 meeting. That ordinance, sponsored by Councilmember Chris Riley, would have allowed businesses to use parking lots at 93 City parks (see *ZNews* May 2013, page 4).

At the same meeting, the Council directed the City Manager to provide a report by August 8, 2013, on the costs and benefits of installing parking meters in Butler Shores Park Softball Fields parking lots (on Toomey Road) for the use of nearby businesses. Although the resolution affects only one park, it is similar to the withdrawn ordinance in that it allows businesses to use park parking lots and sets a precedent for installing parking meters in City parks. [Editor's note: For 10 years worth of background on this issue, see "City of Austin vs. Casa de Luz," by Elizabeth Pagano, in the *Austin Chronicle*, 14 June 2013.]

Members of the Parks and Recreation

Board indicated at the June 25 meeting that they have heard from neighborhoods, civic groups, and park users throughout the City that are opposed to installing parking meters in City parks.

On July 1 the ZNA Executive Committee passed a resolution opposing the installation of parking meters at the Butler Shores softball fields. ZNA has long opposed the commercialization of city parks, and converting dedicated parkland to commercial parking is just plain bad public policy. Taxpayers have already paid for the construction and maintenance of City parks parking lots. Many families cannot afford to pay for parking when they visit City parks, and charging park users for parking will discourage park use. The City should promote health and fitness and encourage more use of our wonderful City parks.

Please send an e-mail to the City Council and ask them to vote against the installation of meters in the parking lots at Butler Shores Softball Fields. Here's a link to send one e-mail to the entire Council: www.austintexas.gov/mail/all-council-members.

It's clear that we need something other than commercialization of parkland to close the widening funding gap for Austin's parks. The ZNA Watermelon Social on July 29, at Zilker Elementary and Little Zilker Neighborhood Park, will provide an opportunity to talk informally about restoring adequate levels of public funding for all of Austin's parks. Hope to see you there.

BECOME A ZNA MEMBER TODAY

Membership is open to Zilker residents (renters or homeowners) 18 years old or older.

Nonresident property owners are not eligible for membership.

Membership affords you the opportunity to vote on important issues that are addressed at our association quarterly meetings. Please note that voting privileges are activated thirty days after membership dues are received. However, if you were a paid member last year, you can renew your membership anytime this year (prior to and including the general meeting dates) and retain voting privileges.

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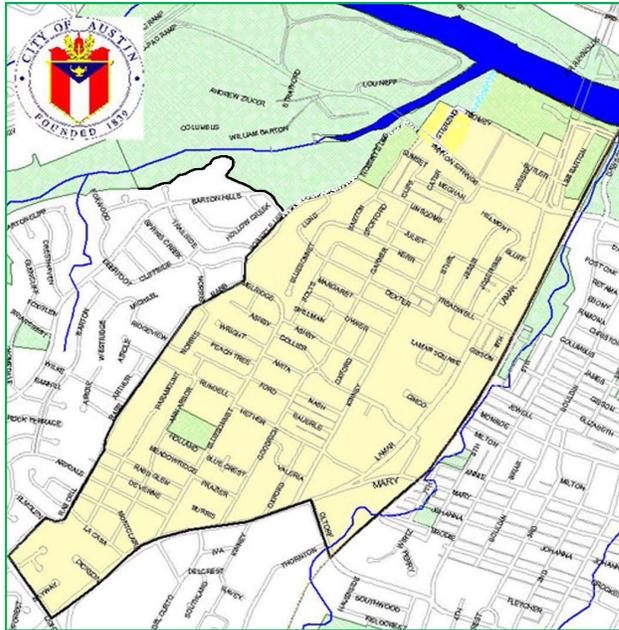
JULY TO SEPTEMBER is traditionally the time to recruit new volunteers for the Zilker Neighborhood Association. This month we are reeling from the news that Connie Temple, ZNA's membership chair, and Skip Smith, our treasurer, are moving out of the neighborhood. They have made huge contributions to the neighborhood, not just ZNA, over the last four years, and we don't know how we will function without them.

If you're looking to make a difference, ZNA needs you now. For example, this newsletter is hand-delivered by dozens of neighbors, who each volunteer to spend about an hour walking a few blocks every quarter. They are quite literally following in the footsteps of the handful of volunteers who first published and distributed the newsletter 30 years ago.

In much the same way, every sidewalk gap filled or park improvement completed in Zilker today began years ago when a few concerned neighbors got together to try and make things better. There are always meetings about sidewalks, bike routes, traffic flow, construction projects, and trees, just to name a few, and ZNA is looking for ways to bring neighbors together and get the most out of our volunteer efforts.

ZNA now needs to fill four crucial positions: treasurer, social chair, membership chair, and *ZNews* delivery coordinator.

Please think about what you would like to do to make Zilker better, and then call Richard Gravois or any of the other executive members listed on the back of this newsletter. You can also e-mail ZilkerNA@austin.rr.com, or come to the **Watermelon Social on July 29**, to volunteer.



ZNA boundaries include Zilker Park and Rabb Road on the west and extend to the railroad tracks on the east. The south boundary is Barton Skyway, and the north limit is Lady Bird Lake. Residents on both sides of boundary streets are eligible for membership.

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Say Goodbye to Billboards in the Sky *David King and Pierre Riou contributed to this report*

YOU MIGHT BE AWARE of the increasing presence of aerial billboards over Austin neighborhoods and open spaces during the ACL Fest, SXSW, F1, Capital 10K, and other large special events. During some of these events, two or three aerial billboards are towed in continuous circles directly over parks and neighborhoods starting as early as 10 AM and continuing as late as 9 PM.

Aerial billboards are towed by noisy planes at slow speeds and low altitudes for the purpose of distracting people from whatever we are doing and drawing our eyes to the advertiser's message. The City does not allow mobile billboards mounted on trucks in City-owned parks or City-controlled water recreation areas. The City Code also prohibits mobile billboards in all sign districts. Mobile billboards are prohibited pursuant to the City's police power in order to reduce aesthetic blight and visual clutter and to minimize potentially hazardous distractions to travelers on the ground. Why then, are aerial billboards not also prohibited throughout Austin?

The usual answer is that only the Federal Aviation Administration (FAA) can regulate aviation. It is seldom mentioned, however, that federal regulations actually prohibit aerial towing. The FAA may grant waivers, but the FAA Handbook states that the "operator is responsible for knowing state and local ordinances that may prohibit or restrict banner tow operations."

The ZNA Executive Committee believes that

the City does indeed have the authority to prohibit aerial advertising, as some local governments have in Hawaii, Pennsylvania, and Ohio. Honolulu's ordinance was twice tested, and upheld, by the U.S. Court of Appeals for the Ninth Circuit. The committee supports the creation of such an ordinance here in Austin.

As a first step, on June 27, 2013, the Austin City Council directed the City Manager to determine if any local, state, or federal barriers would prevent Austin from enacting an ordinance restricting aerial advertising and, in the absence of legal barriers, to draft an ordinance for consideration by the City Council by August 29, 2013. Let's hope the City Council can put an ordinance in place before the start of this year's Austin City Limits Music Festival, on October 4.

If not, here's the information that the City's Office of Special Events has distributed in connection with aircraft over the ACL Festival:

FAA low-flying aircraft information

The San Antonio Flight Standards District Office (FSDO) at (800) 292-2023 takes complaints about safety violations, but the FAA does not handle nuisance complaints.

Nuisance/aircraft noise complaints should go to Stephen Dick of the City's Aviation Department, at Stephen.dick@austintexas.gov or (512) 530-5541.

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(Continued from page 7) PUD requested an increase of only 15 feet, from 60 to 75 feet. The Taco PUD has no similar special circumstances that would warrant its enormous increase in height and mass.

As usual, the Post Paggi developers have argued that the project will not happen unless they get these increased entitlements. What evidence do we have that they cannot make this work? Well, none. Unlike the RunTex PUD, they have refused to disclose the Taco PUD's development costs. They have clearly demonstrated that they can do a 60-foot project with at least 132 apartments. Built to current design standards, compatible with Bridges One next door, those apartments would be a welcome addition to South Lamar, and it is likely that they would have market rents more affordable to the area workforce, as opposed to the higher costs associated with the proposed condo units. The 40 additional high-end condos proposed for the PUD are certainly not worth the loss of our scenic lakefront.

The simple and fundamental reason for the Waterfront Overlay Ordinance was to prevent intrusive buildings from creating an urban canyon surrounding what is now Lady Bird Lake. The Waterfront Overlay ordinance was carefully crafted to provide for reasonable development, but at the heart of the ordinance is the intent to leave for generations to come that special feeling of beauty and grace that the open green space and vistas around Lady Bird Lake provide.

Please, contact the City Council and urge them to deny this PUD.

Jeff Jack, David King, Lorraine Atherton, and many others contributed to this report

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Advertisers: ZNA reserves this newsletter's limited advertising space for businesses based within the boundaries of the neighborhood association.

2013 Executive Committee of ZNA

President: Gardner Sumner, 468-6200
1st VP: Richard Gravois, 441-3430
2nd VP: Andy Elder, 428-9180
Secretary: Jacob Scheick
Treasurer: Open,
treasurer@zilkerneighborhood.org
Social Chair: Open
ANC Delegate: Tony Giustino, 925-4821
ZNews Editor: Lorraine Atherton, 447-7681

About the Zilker Neighborhood Association

ZNA holds quarterly meetings, usually the last Monday of February, April, July, and October, at Faith United Methodist Church, 2701 South Lamar. The Executive Committee meets at 7 PM the first Monday of each month. Watch the Web site for updates.

Our Purpose: To improve the quality of life in the neighborhood in matters of land use, environmental protection, public services, consumer protection, preservation of the historic and unique character of the community; to provide support in other matters of neighborhood concern; and to promote and participate in the civic life of the city.

Committee Chairs:

Holiday Families Program: Barbara Cossie, 447-4437
Membership: Open, membership@zilkerneighborhood.org
Parks and Environment: Gardner Sumner, 468-6200
Sound: Bill Neale, bneale15@yahoo.com
Voter Outreach: Elizabeth Yevich
ZNews Advertising: Dave Piper, 916-9636
Zoning: David King, 415-6016, and Bill Neale



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www.faithumc.me

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