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February 9, 2015
(with minor edits and clarifications)

Subject: Case #s C14-2014-001 A and B (Ben Garza Lane Tracts) - Council's Thursday, February 12, 2015
Agenda

Dear Mayor Adler, Mayor Pro Tem Tovo, and Council Members Houston, Garza, Renteria, Casar, Kitchen, Zimmerman, Pool, Troxclair, and Gallo:

The Westcreek neighborhood is directly affected by any development on the above-referenced Garza tracts. On behalf of the Westcreek Neighborhood Association Board, we ask that you either postpone a decision about this zoning change/trip limit increase OR vote against the owner's request entirely.

We understand that this item has been long-standing and controversial and is one that the current council has inherited with certain approvals already in place and perhaps irreversible. However, we believe certain elements can and must be addressed going forward.

We are strongly opposed to:

1. The property owner's current request and staff recommendation to lift the 2000 trip per day limit, allowing substantial increases anywhere from 16,204 to other estimates ranging from 30-40,000 car trips per day, in an area where over-burdened intersections are already graded in the D, E, and F (Failing) ranges.
2. Approval of a theoretical "reduced" trip per day total of 13,906 (lowered from 16,204) based on "pass-by" and "internal capture" reductions, which seem arbitrary and speculative, considering that the current proposal is based on a "conceptual site plan".

Trip limits

- A proposed conditional overlay increasing trips above the 2000 daily limit is contradictory to the ordinance approved by the Council on May 3, 2007 when the zoning was upgraded to GR-MU-CO.
- It is inaccurate to interpret the limit as 2000 for each of three tracts (6000 car trips per day) considering the ordinance language clearly states to consider it "cumulatively."

"A site plan or building permit for the Property may not be approved, released or issued if the completed development or use of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2000 trips per day."

AND in the Zoning Change Review Sheet provided by staff, on page 6 of 7 it states:

"The trip generation under the requested zoning is estimated to be 16,795 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration for setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses of this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC,25-6-117]

Were the trip limits in the 2007 Council-approved ordinance ever intended to be revisited?

- In reviewing the 2007 Council-approved zoning change, we find no evidence in documents, transcripts or meeting videos that there was any type of placeholder or intent to revisit the 2000 daily vehicle trip limit or the potential need for a Traffic Impact Analysis.
- In 2013 when the Environmental Board, Planning Commission and City Council were asked to approve a resolution pertaining to various code amendments for development of the site, there was again no mention of traffic nor the need to lift the daily trip limit, even though the Traffic Impact Analysis (TIA) as referenced in the current council item was already completed and dated May 21, 2012, as summarized by staff in the November 8, 2014 memo provided to Council.

What are trips per day at nearby businesses?

- As a basis for comparison, the 2012 TIA provides that trips per day for Lifetime Fitness = 3,642; Lowes Home Improvement Center = 4,932; HEB = 9,972.
- Trips/day at 16,000+ is more than 300% higher than Lowe's trips per day.

What will increasing trip limits do to nearby intersections?

- Does the Traffic Impact Analysis (TIA) referred to in the November 6, 2014 staff memo adequately address all of the major intersections in the vicinity that would be significantly impacted by the proposed level of development and associated increase in vehicle trips per day?
 - We note that several critical intersections addressed are already graded D-F and will be further compromised with the development or stay at generally the same low grades for level of service, even with recommended improvements.
 - We also note that at least two intersections that will undoubtedly be impacted (290 and Mopac and Brodie and 290) were not included in the TIA.

Traffic Impact Analysis

- The May 21, 2012 TIA, completed more than two ½ years ago, is not included in the backup materials for the current agenda item.
 - It is only referenced and summarized in a November 6, 2014 memorandum from staff.
 - Are City Council members privy to the full 2012 TIA since it contains relevant information related to this item?
- Although the 2012 TIA includes recommendations for improvements to intersections, we believe these recommendations deserve closer scrutiny regarding the existence of required right-of-ways, funding, and impact. And, we are concerned that there is no evidence that the recommended improvements would significantly change the low grades (D-F) of these intersections.
 - There is no mention of scheduling or allocated funding for these improvements.
 - Inclusion of these recommendations in a Restrictive Covenant, as proposed by staff, will not adequately address the challenges brought about as a result of the significantly increased car trips that are projected, and unverified, with this level of development.

Oak Hill Area Neighborhood and Citizen Concerns

- Many neighborhood associations (including Westcreek) have not received notice of the proposed changes by either the City of Austin or via OHAN.

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- As a result of concerns recently expressed by Oak Hill residents and neighborhoods, it is our understanding that an item related to the Garza tract has been added to the OHAN agenda for this week on Wednesday, February 11. This will allow Oak Hill member neighborhoods to discuss the current proposals for trip limit increases and weigh in with any concerns.
- We understand that our District 8 representative, Ellen Troxclair, has been invited to attend the Feb. 11 OHAN meeting and we look forward to the opportunity to engage with her at this meeting and on future issues of importance to Southwest Austin and the City as a whole.

Conclusion and Solution Proposed

Given all of the above, we respectfully request that the City Council either vote to oppose or postpone this item until alternate types of developments that do not increase the already agreed upon number of car trips per day can be considered, and until current challenges and potential remedies for the all of the overburdened intersections in the vicinity can be addressed.

As most of Austin can attest, traffic congestion is a critical challenge and we are all highly interested in managing growth within reason and with citizens' protection in mind. Please consider how we can manage and come up with solutions to our overburdened infrastructure and refrain from allowing unabated development that exceeds the true capacity of our infrastructure.

We also appreciate council's time-intensive efforts to conduct a "deep-dive" or "policy forums" and address Austin's major issues such as traffic congestion, unsustainable development, flooding, and citizen disenfranchisement. We ask that Council consider the public's written comments just as strongly as you would consider in-person testimony. Most Austin citizens are very concerned about traffic and development in our city; however, the majority work and have full-time commitments which prevent them from speaking out about concerns and/or attending public input meetings.

Thank you for your time and consideration of this communication.

/s/ Jennifer Voss _____

Westcreek Neighborhood Association
Jennifer Voss, President and Karen Sperry, Member-at-Large
On behalf of the Board

/s/ Karen Sperry _____

Cc: Wendy Rhoades, Case Manager
Greg Guernsey, Director of the Planning and Development Review Department