

April 24, 2020

Memorandum for Planning Commission thru Andrew Rivera, Staff Liaison (andrew.rivera@austintexas.gov)

Subject: April 28, 2020 Public Comment Sign-up (Pecans Springs, East Village), Transit, and Transparency Recommendations

Disparate Impacts acknowledged by Chair/lawyer Wade Cooper January 28, 2019

"It is also undeniable that individuals may have seen, in particular areas, changes that did not help those individuals and maybe disadvantaged those individuals. . . . We hear the pain and challenge, particularly, with respect to the Eastside community."

Title VI Violation: Before and after Cap Remap, Chair Cooper refused to analyze minority routes "and then implement the least discriminatory alternative" (FTA C 4702.1B, 2012, Ch. IV-16).

Now, more Northeast Austin minorities walk on high-speed roadways exceeding 20,000 vehicles per day.

1. **Cap Remap Background:** "We begin with the local bus service. This is the fundamental glue to the entire system," transit consultant Meg Merritt told Austin City Council/Capital Metropolitan Transportation Authority (Capital Metro) Members during the October 30, 2019 Joint Project Connect Work Session.¹ Project Connect high-capacity transit (light rail, pending November 2020 referendum) is the overlay for Capital Metro's June 3, 2018 "Cap Remap" 52 bus routes changes, now providing 15-minute frequent service in South/West and Central Austin (6-7 minutes North/West to The University of Texas at Austin) while North/East Black riders in Craigwood wait 60 minutes on FM 969 for "New" Route 339-Tuscany. Before Cap Remap, the same bus was 35 minutes Peak to UPS-Tuscany. Now, the bus stops too early for second shift (2.6 mile walk to Cameron Rd). It's 45 minutes on Route 392-Braker with 30-minute transfer to The Arboretum. Before Cap Remap, minorities and low-income riders had a one-seat ride. Now, it's a 30-minute transfer to the West side—diminished quality of life. Project Connect Locally-Preferred Alternative Study (2014) noted North Austin job growth through 2035. Concealed Tradeoff: Capital Metro eliminated Northeast-west connectivity (\$0) to jobs but created Southeast-west connectivity (\$9.9M). Zoning and Platting (ZAP) Commission passed a 2018 Title VI of the Civil Rights Act of 1964 Transit Resolution noting inequities. Capital Metro Chair Wade Cooper has since acknowledged disparate impacts in 2019 but refused to improve the system for Blacks or Northeast minorities. Instead, actors transferred \$6M contingency funds to Project Connect for white choice riders. February 25, 2019 Capital Metro's Boardroom was symbolically named Rosa Parks; FY 2019-20 Budget took credit.² Seek transit equity during planning.

2. **CASE:** C14-2019-0164 Pecan Springs Residential DISTRICT: 1

- "B-02, Question #6: What is the best end result for you? And what benefits will the neighbors receive? Answer: the best result for us would be to receive the FLUM and zoning change we are requesting. Community benefits include sidewalks, better infrastructure, stormwater mediation" (p. 6 of 28). Weblink: <http://www.austintexas.gov/edims/document.cfm?id=339147>

a. Recommendation: To comply with Austin City Council's Displacement/Transit Resolution (Item 38, passed April 23, 2020), before ZAP and Planning approval, receive community benefits in writing from the developer including, but not limited to, transit and affordable home ownership options, and/or apartments (e.g., compatible with The Reserve at Springdale 60% Area Median Family Income).

b. Pending: Moving forward, please use Cap Remap [South/West/Central frequent bus network] with Project Connect Overlay to identify inequities during the planning phase. Seek developers' written commitment, especially for North/East Austin transit deserts.

3. **Public Comment Sign-up:** Request to testify in opposition to 3500 Pecan Springs, April 28, 2020 Planning Commission Meeting. In red font, the Agenda included a "NOTE: This meeting will be a consent agenda only meeting. All discussion items (cases with known opposition by individuals desiring to provide testimony) will be postponed by the Planning Commission to a future meeting date." See also CASE: C14-2019-0164 Pecan Springs Residential DISTRICT: 1 <http://www.austintexas.gov/edims/document.cfm?id=339148>

- Question: Will my opposition be stated in the April 28, 2020 Planning Commission Meeting Minutes?
- Question: Do I need to call-in on April 28, 2020 for the Chair to state for the record that a speaker on the line opposes the action?
- Process?: If members vote on Consent, procedurally what action would follow before the item goes to Council May 21, 2020?

a. April 6, 2020 Memorandum Excerpt [Jerry Rusthoven/Interim Lead Planning and Zoning Department]:

"RE: C14-2019-0164 NPA-2019-0015.02 Pecan Springs Residential District 1 Postponement Request by Staff. Staff requests a postponement of the above referenced neighborhood plan amendment (NPA) and rezoning to the May 21, 2020 agenda. The items are scheduled to be heard at [Planning Commission on the April 28, 2020.](https://www.austintexas.gov/edims/document.cfm?id=338619)" <https://www.austintexas.gov/edims/document.cfm?id=338619>

b. 3500 Pecan Springs Rd: **This is a gentrification item!** Today a Capital Metro silver shelter sits in front of a tree line, vacant lot, across from Touchstone near Pecan Springs Residential, awaiting gentrifiers. No silver shelters exist on 392-Braker. Higher density would likely reflect homes similar to "51 East" or the white newly built homes south of Dollar General on 51st St/Springdale.

¹ City of Austin (2019, October 30). Austin City Council and Capital Metro Board of Directors Joint Meeting [Project Connect]. <http://austintx.swagit.com/play/11212019-1183/>

² Capital Metro (2019): Proposed FY2020 Operating & capital budget; & 5 year capital improvement plan: FY2019 Accomplishments [p. 60]. https://capmetro.org/uploadedFiles/New2016/About_Capital_Metro/Financial_Transparency/Annual_Budgets/Proposed-FY2020-Operating-and-Capital-Budget.pdf

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4. **Be transparent!** Please post virtual meeting sign-up instructions in red on Planning Commission's homepage with PDF of instructions. Recommend Commissioners streamline the process; allow the public to call the day of the meeting instead of in advance.

a. Examples: Yesterday (April 23, 2020) I called Austin City Hall 45 minutes in advance to testify, as required, on two Zoning cases (Pecan Springs; Pioneer Crossing East). After 15 minutes on hold, listening to music, the automated system apologized and disconnected me because "the host" (Myrna Rios, City Clerk's Office) never picked up. I then called back 1-2 minutes before Council resumed the meeting for Zoning cases at 2:00 PM; pressed *6 to mute; and then Mayor Steve Adler said, before/after Mr. Rusthoven briefed Council, "We have one caller on the line." Once called, I identified myself; thanked Mayor Adler and Council for permitting me to speak; and then testified. **It was simple: No advance notice**; Rios never came on the line. Travis County Commissioners Court permits speakers to address the Court in real-time, too. A Public Line number appears on-screen. A staff member answers the phone, gets the caller's name and item number, and then places the caller on hold. Judge Sarah Eckhardt then, usually, calls the speaker before the Court votes on an action item in accord with state law (HB 2840). Request Planning Commission adopt same-day sign-up methodology.

b. Audio: Please record Planning Commission virtual meetings via audio or video during the coronavirus-2019 (COVID-19) pandemic. Virtual images appear during Council Meetings. My thumbnail also appeared while listening to Capital Area Metropolitan Planning Organization's April 13, 2020 Webex presentation.

5. **State Law (HB 2840 Public Participation):** Please transparently post instructions on homepage and forward document to Council.

a. ZAP/Council Process Concern: I testified on two zoning cases yesterday (April 23, 2020), but the ZAP document below was not included in Council's Backup Materials showing the homeowner's images from cracked foundation. Though the item included a staff postponement letter, I am concerned that the Pioneer Crossing East document, for example, that I reviewed from the April 21, 2020 ZAP Meeting (below) wasn't included. Please forward ZAP and Planning documents to Council, accordingly. Otherwise, the zoning process appears futile and the decision(s) may appear predetermined in favor of the developer and FLUM, noted in Question 6 (above).

April 21, 2020

Regular Meeting of the Zoning and Platting Commission



Backup - B-10 Revised (C8-2016-0247 - Pioneer Crossing East Section 19; District 1) (4.3MB)

- <http://www.austintexas.gov/edims/document.cfm?id=338884>

b. Council's Lack of Transparency/Flawed Public Process. Council passed Item 38 (CM Kitchen's Transit/Displacement Resolution) related, in part, to Project Connect. Council Member Greg Casar tried to sell public transit equity using a demographic map, which was misleading. I quoted transit consultant Meg Merritt and recommended Council rely on the Project Connect Long-Range Vision Map approved by Capital Metro December 17, 2018 which excludes the area north of North Lamar Transit Center [TxDOT's road]. This area appears 24 to 30 years out, essentially never! In an unrelated item (#44), a letter from staff was printed April 10, 2020, stating that an April 14, 2020 Community Development Commission Public Hearing was held [though cancelled] but required for Housing and Urban Development Federal funding. Item 44 passed with no opposition though the process required Citizen Participation Plan (CPP) input; they simply checked the box. More oversight is needed. Recommend posting on the Planning Commission webpage under the meeting date an action update to assure the public that Council received all written testimony and case attachments with the forwarded date. This step would be helpful, considering my AOL emails to Council and City Clerk bounced this week though carbon copy to media went through with no problem. Despite my best efforts, none of my written testimony will be included in the public record. This was the second consecutive virtual meeting mishap (April 9, 2020 Relief in State of Emergency; April 24, 2020 Item 44 CPP process: no input).

6. **Closing:** Thanks for your time and consideration. Point of contact is the undersigned.

Very respectfully,

Zenobia C. Joseph

Copy Furnished:
David King, ZAP Commissioner