



March 20, 2024

Austin Environmental Commission
Via Electronic Delivery

Re: Southshore District Combining District and Density Bonus

Environmental Commissioners,

Please find the following recommendations from the Save Our Springs Alliance concerning the current draft regulating plan for the South Shore Waterfront Combining District and regulating plan. These are relatively abbreviated comments, and we intend to continue to expand upon them as the plan makes their way through the public process.

As an initial comment, we would encourage the Environmental Commission and all commissions to carefully study and review the plan. There seems to be a disconnect between the Southshore Vision Framework and much of the draft language that cannot be resolved in a single public hearing. As an advisory commission to the City Council, please take the time that you need to review and make recommendations.

SOS Recommendations:

1. **Riparian Zone Impacts.** Mandate City Council oversight and approval for any modifications of the hike-and-bike trail and for any expansion of trails within the Critical Water Quality Zone and Water Quality Transition Zone.
2. **District Overreach.** Remove properties that were not previously included within the Southshore Vision Framework.
3. **Maintain Waterfront Overlay.** Maintain the current waterfront overlay regulations, including setbacks, height limits, use restrictions, and impervious cover limits.
4. **South Shore is Not Downtown.** Scale back on the downtown-level densities within the South Shore Subdistrict of the Waterfront Overlay, which was intentionally more of a natural aesthetic compared to Downtown.
5. **Rezone All Properties.** Rezone all the properties within the Southshore District to require compliance with the regulating plan and ensure consistency with the Vision Framework. Optional/piecemeal compliance will not achieve the community benefits.
6. **Enhance Open Space Requirement.** Increase the requirements for public open space recognizing the constraints on requirements for dedicated, on-site parkland.
7. **Require On-Site Dedication / No Fee-in-Lieu.** To the maximum extent permitted under state law, require that all parkland requirements be met through on-site dedication (removing the fee-in-

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lieu). Please also enhance the density bonus program to include more emphasis on on-site parkland dedication.

8. **No Public Subsidies.** The entire district relies too much on subsidization from public tax dollars. Adding a density bonus on top of public subsidies is conceptually flawed.

Brief Explanations of Each Recommendation.

1. Limit Riparian Zone Impacts.

The Southshore Vision Framework states:

“Almost all of the SouthCentral Waterfront is paved, both riparian corridors are severely constricted, and there is very little consideration given to stormwater management. As a result the water quality and habitats around Lady Bird Lake and Bouldin Creek suffer, and the natural beauty of the district remains largely hidden”

The Vision Framework recognizes these “riparian areas are vital to the overall ecological functioning of the site and surrounding area,” referring to these green spaces as “the last line of defense for those water bodies against pollutants.”

That’s why SOS was so active in opposing the recently approved code changes that allow for the expansion of the Hike-and-Bike Trail within the Critical Water Quality Zone.

It is unclear how these proposed code amendments overlap the recently approved change. In some respect, these code provisions require more mitigation than what was just recently approved and provide more guidance on what alternative compliance should look like.

However, mitigation should not be the goal. Restoration of these areas are expressly called for in the Southshore Vision Framework.

These code amendments are problematic, because they seem to imply (1) that landowners have the ability to modify the Hike-and-Bike Trail (publicly dedicated parkland); and (2) that landowners could pave and widen the trail.

Pages 32-33 of the proposed plan would permit a landowner over which the Hike-and-Bike Trail extends to modify the location of the trail or expand it. Subsection (iii) at the top of Page 33 even expressly provides for the option paving the trail.

Permitting private landowners to pave any part of the Critical Water Quality Zone should be outright restricted. The Critical Water Quality Zone is essential for maintaining riparian habitat and providing natural filtration to protect the water quality of Lady Bird Lake and Bouldin Creek. We encourage the Environmental Commission to recommend that any modifications to the hike-and-bike trail be expressly approved by the City Council, through a site plan process.

It should be noted that the references of environmental variances for the trail construction in that section is almost rendered moot by the prior code changes. Much of that dialogue did not properly account for the serious threat of handing over the Critical Water Quality Zone to private actors, such as the landowners in this district.

2. Remove Properties Not Previously Included.

The draft regulations include properties not within the boundaries of the Vision Framework. It looks like they are the four properties along the eastern side of South Congress, south of East Bouldin Creek. Including these properties without amending the Vision Framework and the associated neighborhood plans would be inconsistent with the requirements of Chapter 211 of the Texas Local Government and the City's Comprehensive Plan.

3. Waterfront Overlay

The Waterfront Overlay was established both to protect Lady Bird Lake (Colorado River) and its tributaries and associated parkland from overdevelopment and to ensure that it remains a publicly accessible resource for the residents of Austin. The proposed regulatory plan drastically shrinks the setback and height limitations and increases the impervious cover limits of the waterfront overlay, essentially extending Downtown Austin across the river.

The South Shore District of the Waterfront Overlay was intended to retain a more natural aesthetic, focusing on parks and recreational uses, so that the public could continue to enjoy the urban oasis that has defined Austin for decades. Modification of the Waterfront Overlay is being taken too lightly, privatizing space that was intended to be protected, and reducing the natural buffer zones that the Waterfront Overlay was intended to protect so that the water quality and ecological systems of Lady Bird Lake would remain.

4. Scale back on Downtown Level Densities

24:1 FAR would put some of the largest towers in Austin along the South Shore (now characterized by trees). For comparison, DMU (Downtown Mixed Use) a long-standing zoning category for areas of Downtown Austin had an FAR of 8:1. Subdistrict 5, which is the predominant subdistrict within the proposed plan would triple that downtown level density.

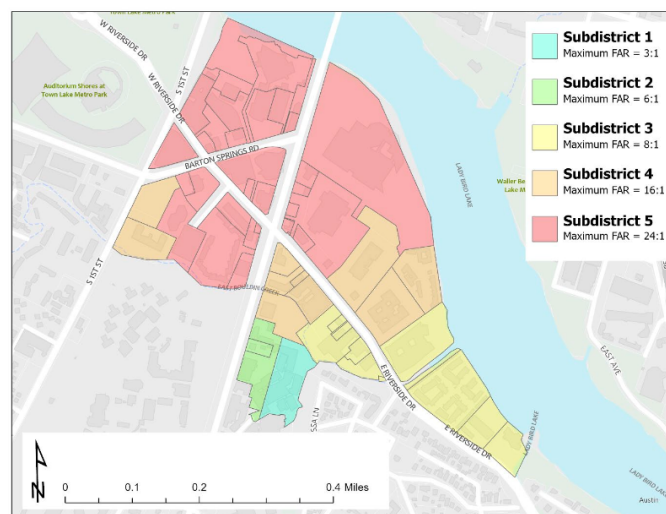


Figure 3.2: SCW Subdistrict and Floor-to-Area Ratio Map

5. Rezone for Mandatory Compliance. Optional Zoning Doesn't Work.

Optional density bonuses won't produce the intended community benefits. The Statesman PUD has already preempted this process, despite being listed specifically in the Vision Framework as a "catalyst" property. To achieve the articulated vision, all the properties need to be on the same page. It is within the authority of the City of Austin to rezone all the properties, including those that are zoned PUD. The City of Austin should do this.

Similar efforts have failed, which is why the Downtown Density Bonus Program is mandatory. The "CURE" ordinance which preceded the Downtown Density Bonus failed to produce income-restricted housing or other significant community benefits. That's why it was deleted.

6. Enhance Open Space Requirement.

The proposed public open space requirements are far too weak to achieve and reflect the active space goals envisioned by the Vision Framework. Considering the recent changes to parkland dedication, open space becomes more critical. It should be noted that open space requirements do not mean that this space cannot be used for economic use, it merely means that these spaces would be dedicated towards active uses.

The Vision Framework expressly calls for adding 20 acres of new public open space. Without substantial requirements for public open space (coupled with on-site parkland dedication, "public access to the waterfront will continue to be constrained to a narrow trail and be difficult to access from Congress Avenue and Riverside Drive." Vision Framework, p. 29.

7. Require On-Site Parkland.

If it has already been determined that it is financially unfeasible for a private developer to dedicate on-site parkland to meet the parkland dedication requirement, it is even more unfeasible that fee-in-lieu would be set at any level that would allow the City of Austin to purchase land within the area to offset the gap. The proposed entitlements pour millions of dollars of entitlements onto the properties located within this district. The idea that the City of Austin would ever be able to purchase alternative land is ludicrous. Remove all fee-in-lieu, to the maximum extent permitted by state law.

8. Recommend Elimination of Public Subsidies.

Much of the district's infrastructure will be funded by tax subsidies through a tax reinvestment zone. To rely on an optional density bonus program to potentially achieve the goals of the Vision Framework adds insult to injury to the Austin taxpayer. Much of the benefits of the district should be rolled into requirements, relying less on density bonuses and more on urban design and environmental protection that would ensure the achievement of the Vision Plan Framework. The Visions Plan Framework already conducted economic analysis that demonstrates that these goals can be achieved without the level of public subsidies provided. If the desire is to use a density program to achieve these benefits, eliminate the tax subsidies.

Thank you for your consideration. I am available by phone and email should you decide to carry this item over to you next meeting.

Many thanks,

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