

Responses to Question Regarding Neighborhood Planning – 11.12.06

response from Dave Sullivan, Chair COA Planning Commission

Kay

After City Council officially designates that the NP process is underway, zoning, subdivisions, and conditional use permit cases are heard at the Planning Commission.

The advantages of developing a NP include getting a few rezonings carried out in the short term, and having an additional tool in your arsenal to oppose land development projects years from now that are not in the plan and not to the residents' liking. During public hearings on the plan, you can bring the area's needs to the attention of the City planning staff, public works staff, PC, and CC.

Furthermore, many of us are trying to get the City to make greater use of the goals stated in plans in developing the rolling 5-year capital improvement plans for roads, sidewalks, trails, parks, libraries, public safety, etc.

The primary benefit, in my humble opinion, is getting neighbors together over broader geographic and demographic ranges to talk about their visions and values. The downside is that conflicts can emerge, but that is something you probably already see in a neighborhood association.

Good luck!

Dave

response from Laura Morrison President of ANC (Austin Neighborhoods Council)

Hi Kay,

That's great that you all are doing some investigation of other experiences in Austin. One resource I want to point you to right off is <http://www.neighboraustin.com/> which is a website that documents the workshop that ANC was part sponsor of last April at City Hall, to evaluate, review and ruminate over the past 10 years of neighborhood planning and Austin and think about what needs to be done in the future. This was done in conjunction with a planning class at UT. One student did a paper on the planning experience in my neighborhood, Old West Austin. You can find it at <http://www.neighboraustin.com/Planning.html> along with several other specific neighborhood planning stories. I know for OWA, the student interviewed a range of stakeholders so it should be a good rounded look at it.

I actually moved into the neighborhood only at the end of the process, just when the plan draft was sent to neighbors for evaluation. Of course I found something to comment on and the planning team said 'great, come on and join us'. I have been involved since then in OWA as well as ANC. The interesting thing to me about the OWA plan, and what makes it a great plan, is that it has stood the test of time. It was drafted in 1999-1998, was adopted and approved by council in 2000. And only this summer was the first time that it needed to be amended to adjust something in it. So my hat's off to the originators of the plan which was a great group and varied group, and the city staffer was terrific too.

So the very upside of having our plan is that to a large degree, it really does set out a vision for the future that was a consensus plan, and it is used to guide many decisions that the not just the residents but also the businesses, property owners, are good with. Of course times have changed since then and there are many folks whose experience is much different. So, I would suggest perhaps reading the stories on the website and seeing if you can capture some guidelines to set, and to explain to the city what exactly your planning process would need to look like, up front.

What I wish our plan had was stronger weight in areas where goals and objectives are laid out – many times we have issues (often zoning, sometimes not) that conflict with those goals and objectives, but there is no legal requirement to enforce them.

One other thing – last summer the city was trying to work out some systemic changes to the planning process because it was clear that some things were not working right. They studied the output of the workshop and in conjunction with the professor that was led the class that worked on the workshop, came up with a new concept in the planning department, to create a 'resource' team to support n'hood planning. This 5 person team that was actually funded in the budget, will be filling 3 roles – first, an advance team, to help set up a broad stakeholder group before planning starts; second, a facilitator team to act as facilitators in the planning meetings since it was startlingly clear to many that the staffers were now coming to the table with an agenda and while they may be fine planners, they didn't necessarily have facilitator skills and certainly couldn't be facilitating and be at the table essentially as a stakeholder at the same time; and lastly a follow up team to work on the implementation of the items that are in the approved plan.

It will be interesting to see if this helps the process. Some in the past few years have had some not so great experiences. I know you will be getting details from them too...

Thanks,

Laura

response from Danette Chimenti Residential Regs Task Force member

I've seen it work both ways – some good stuff coming out of this process and some bad but I'd have to say that unfortunately it seems like the neighborhoods that have undergone the NP process recently (unlike some neighborhoods that had positive results early on) have ended up losing more than gaining. There's a new person who has been hired to work for Greg Guernsey in charge of neighborhood planning so perhaps things will be better but I don't know.

I've been involved with one fairly recent NP – GSRC (am chair of the NP team for that) and then peripherally involved with another – East Riverside/Oltorf Combined Plan (EROC) that just recently went to Council. GSRC was very smooth compared to EROC. For EROC what was adopted was far worse than if no NP had been done - in the neighborhoods minds at least (commercial land owners and developers won big time with increased entitlements and upzonings). I'd say that with GSRC we stayed pretty much the same but a few positive things like prohibiting an industrial use with hazardous waste adjacent to SF!

EROC ended up inundated with developers coming forward with zoning changes to be included in the NP because that makes it a cheaper and easier process to accomplish than a regular change in zoning. They also were hit with a huge amount of zoning changes rushing through during the time the plan was being developed (there's no real support for a hiatus on zoning changes while the plan is developed which seems like it would make more sense). Staff seemed to more often

than not agree with the property owner or potential developer rather than the majority of stakeholders involved and to change their recommendations seemingly at the whim of the developers (we experienced this to some degree with GSRC as well). Regular zoning changes allow for public hearings so neighborhoods that oppose an up-zoning have a chance to get out folks to oppose in mass and that is sometimes effective. In the NP process, the hearing is all lumped together and staff makes their recommendation for the FLUM (future land use map) and zoning changes all at once. While there is a public hearing, it's for everything at once so harder to show opposition for individual zoning cases. EROC was really hit hard with this.

Working with Neighborhood Housing and Community Development (NHCD) was problematic for both GSRC and EROC. They always come out with an affordability impact statement regarding the proposed plan. For GSRC, when the plan went to Planning Commission for the final hearing/vote, NHCD presented the affordability impact statement there without the stakeholders ever having seen it or having a chance to discuss it with them. The statement was very negative because we had not incorporated SMART housing opportunities and did not adopt small lot amnesty (even though we have a huge section 8 housing and many low-income apt complexes in an area that is pretty much 100% built out). We had only a couple of lots where small lot amnesty would be applicable to empty lots but many where it would encourage tear downs because homes were built straddling two small lots to effectively make a regular size lot and we did not want to encourage tear downs. Keep in mind that the nice pictures they show you of what can be done with the neighborhood planning tools aren't necessarily indicative of what developers will do with the increased entitlements. For EROC, they already have a huge amount of multi-family (about 85%) and were trying to not increase that even more but I don't think that sat well with NHCD folks and they lobbied Council pretty effectively to go against what the neighborhood stakeholders wanted. I'd say you need to get NHCD in the process early and demand they meet and talk with you and give you a chance to see their affordability impact statements prior to the hearings.

NP staff does have their agenda and that appears to be 1) to get rid of nonconforming uses by changing the zoning to reflect the actual use (e.g. if a bar is operating out of a property zoned CS, they will recommend upzoning to CS-1); 2) do everything possible to encourage pushing more density into the neighborhoods (neighborhood planning tools help accomplish this); 3) rezone so as to show as much Mixed Use (MU) as possible on the FLUM – again to help in achieving more density. If you have a really sophisticated neighborhood that already knows and understands the land development code and zoning then you'll be ahead and might stand a chance in dealing with staff on what you think is best for your neighborhood but it is extremely draining and a huge time sink. Ultimately, it isn't really your neighborhood plan or vision, it's the staff leading you down their garden path to accomplish the three things above. I think early on neighborhoods had more control of this but it doesn't seem to be the case any more. As much as possible, try to take control of the process back from staff and that will help.

For both plans there was a lot of effort put into writing up the text of the NP but, quite honestly, all the words in the plan have no real teeth and the only things that ultimately matter are the FLUM and the rezonings. Be real careful about the FLUM – that is very critical. Anything important needs to be reflected on the FLUM because that is ultimately what is used to decide future zoning changes, etc.

One other thing to watch out for is all the properties that staff chooses to not talk about. Staff shows you properties to talk about that they think are potential zoning changes but a real plan should look at everything. This has hit us recently with properties we didn't consider because staff never brought them up but we sure should have. I know quite a bit about zoning and the land

development code now but was really clueless at the start of the process as were most all of my neighbors.

Sorry this is so negative. Fresh in my mind is the EROC plan and that was a horrible experience for the folks involved – I really felt for them. Your neighborhood might find things less controversial and easier to get through the process but definitely some things to be wary of. It would be nice if staff was truly there to facilitate a process that ended up reflecting the vision of the majority of the stakeholders who live in the neighborhood but that just wasn't what plans I've seen lately have been like.

One good thing is that regardless of what staff tries to push, Council seems willing to allow for density to be placed on the Core Transit Corridors and leave the inner parts of the neighborhoods alone (if that is the wish of the neighbors who live there).

Hope this helps and I'd be happy to talk to you and/or your neighborhood more.

Danette

response from Carol Gibbs, South Lamar NA

Tom,

I don't know if anyone else from South Lamar NPA responded to you (would've been Bryan King, Bill Stoughton, Kevin Lewis), but I didn't because we really haven't "gone through it" -- we aren't far enough along in it for me to feel ready to 'weigh in' about the process itself. We are living such a nightmare with our "process" (we are now waiting for them to hire outside facilitators so we can proceed with all the FLUMs of the SL Combined NPAs - last meetings were in July, and there are no future meeting dates set) that anything I say will be pure disgust and dissatisfaction. Once we get "to the other side", I am hoping there will be some positives to balance out the negatives, to give a more rounded retrospective... maybe in two years?

So while I don't feel I have anything constructive to share, I do want to at least acknowledge your effort to compile NPAs' experiences. And would certainly like to hear what others who have "gone through to the other side" have to say about it.

Thanks for the effort!

Carol Gibbs
South Lamar NA

response from Deborah Hean, Southwood NA

Hi Tom,

I am one of the newly elected officers to the Southwood NA which is bound by Ben White to the north, Manchaca to the west, Stassney to the south til the railroad tracks, then Williamson Creek to the south, to S. 1st Street on the east. It's a fairly large area for a neighborhood association but fairly succinct geographically. We have not been active as a group and have not been involved in neighborhood planning with the city yet. I think we are scheduled to go through that process in the next few years.

Anyway, I would very much like to receive any resulting information you compile from responses to your query. It might be useful to us as we begin our journey into the world of neighborhood planning & zoning.

Thanks!
Deborah Bean
Meadow Creek Drive
home: 447-9349

response from Gwen Jewiss, West Austin Neighborhood Group

Tom-
Our area is to be going thru the process in 2007 so we don't yet have responses to share. We would however, like to be copied on the responses you did receive.

Thanks!

Gwen Jewiss
West Austin Neighborhood Group

response from Susan Pascoe, Austin Neighborhood Council

Tom and Gwen,

The Austin Neighborhood Council initiated a workshop on the neighborhood planning process. If you have not reviewed the findings, you may find them interesting.

This is the address for the workshop findings - <http://www.neighboraustin.com/>

Susan Pascoe
Austin Neighborhood Council
spascoe@grandecom.net
ph/Fax: 512.708.9232

response from Jane Rivera, Rosewood

Tom,

I felt like I had absolutely no choice but to get involved, since my husband and I had just sunk everything we had into some home improvements here. We spent 5 years on the planning process, which was gruelling, and then found out the hard way that the City has come up with several other planning processes for our neighborhood that automatically "trump" our plan--the TOD and the ARA corridors plans. In my right mind, I would not do it again because it feels like a never-ending battle. But I'm not in my right mind (I'm chair of our planning team) so I'm afraid I'd do it again!

Jane Rivera,
Rosewood

response from Daniel Llanes, Govalle/Johnston Terrace Neighborhood Planning Team

Hi Tom,

Ours was the 3rd planning process through the system. We survived and are still going strong. If you would like to have a conversation about it let me know.

Daniel Llanes
389-1512
River Bluff Neighborhood Association, member
Govalle/Johnston Terrace Neighborhood Planning Team

response from Terry Franz, SRCC

Tom,

If you mean the City-initiated process, you'd better go through the process, because the City will be rezoning property. At the beginning of our process, our neighborhood invited leaders from other neighborhoods that had already gone through neighborhood planning, and they were immensely helpful in alerting us to potential problems. The City has an agenda, and it is to increase the tax base; City staff are unphased by the fact that increasing the tax base is likely to gentrify the neighborhood. They wanted to apply small lot "amnesty" in our neighborhood, which allows a structure to be built on a lot that is technically substandard. Staff didn't even analyze the lots that would get "amnesty", until nearly the end of the process and as a result of my repeated requests for information. Nearly all, including the two under my house, already had a house on them - the results would have been (1) our being taxed on the potential for having two houses instead of one on the property, which would have forced us out of the neighborhood, and (2) our house being removed and replaced by two houses, most likely out of character with the 1930s houses on my street (most are not on "small" lots). We received no formal notice of how we would be affected by this proposed change; we had to figure it out ourselves. So go to those meetings, no matter what. The neighbors need to be aware of what the City is doing.

On the positive side, it was very rewarding to work with my neighbors and get to know them better.

Terry Franz
SRCC

response from Barbara Epsteins, Eastwoods

It hasn't made that much difference to Eastwoods. Now the large developments(Condordia, St. David's) are just going to PUDS which operate outside conventional zoning and neighborhood plans. It did allow the city to push for more density, introducing MF6 unlimited density to our neighborhood. Two years later, what are we getting? Housing? NO, we're getting GameDay condos, (a hybrid condo-hotel) something we might not have gotten without a neighborhood plan cramming unlimited density down our throats. It also allowed the Episcopal seminary to demand concessions in the plan they might not have gotten in a tract by tract rezoning. But those of us in the city core where there is already a lot of mixed use have very unusual circumstances. Still, I say neighborhood planners beware--the city is not on your side, they are out for densification and a bigger tax base and do not care a fig for quality of life in your neighborhood.

Barbara Epstein