

Date	Name	Comment
10/04/2024	Angela B Garza	Where can we see a visual of how these changes will look ahead of schedule.  Do we have a proposed completed visual drawn out?
10/08/2024	Grayson Cox	Please provide the Department of Aviation an opportunity to review these development entitlement changes since many of the eligible properties surround AUS. Ensure these entitlements do not supersede the Airport Overlays in any way.
10/08/2024	Grayson Cox	Please proactively engage active East Austin community organizations to ensure they are aware of these proposed changes, know where to find the proposed text and map, and staff are available to answer questions prior to this going to Council.
10/17/2024	Jody Zemel	Is there any city-owned land that is Commercial Highway or Industrial zoning? Will this new code allow city-owned properties that with these zonings to be designated for residential development?
10/20/2024	Nicolas Webster	I support these changes! I am glad to see the city continuing to make efforts to lift restrictions to where and how housing can be built.
10/28/2024	Christian Tschoepe	PDA2 makes a lot of sense, but DB240 is incredibly mistaken. It makes no sense that land close to highways get up to a 240ft height while transit gets 120ft max. This is contrary to the city's mode shift goals, Imagine Austin Comprehensive Plan, etc

October 22, 2024

Dear Commissioners,

I am writing to express my concern about the proposal to add residential uses to areas zoned for Commercial Highways, and for a variety of high intensity industrial uses. A recent report published by the American Planning Association summarizes a decade of research conducted by the EPA detailing the connections between ambient pollutants coming from highways and industrial facilities and health outcomes including cancers, fertility disorders, kidney diseases, stroke, lung cancers or diseases, lower life expectancy, thyroid disorders, depression, autoimmune conditions, and the leading cause of death in the United States: cardio-vascular disease (Quattro 2024, pg 28).

For the past two years I have been working with an interdisciplinary team at UT on a study of the relationship between neighborhood air quality and asthma, under a grant funded by the National Institutes of Health. The team is led by Elizabeth Matsui, MD, at the Dell Medical School and includes experts in air pollution/air quality and in health conditions resulting from exposure to pollutants, including asthma. The team has been studying the relationship between neighborhood air quality and trips to the emergency room for acute asthma. The study was motivated by a desire to explain the disparately high levels of asthma experienced by people of color in Travis County. In 2017, 8 times as many black children, and 2.5 times as many Latinx children were hospitalized for asthma, compared to rates for white children. And people coming to the emergency room for treatment for asthma were concentrated in a subset of Austin neighborhoods. Highways and industrial facilities are key sources of the pollutants linked to asthma.

My colleague, Dr. Alex Karner, has published a review of the existing literature on the connection between exposure to pollutants from highways and health. I include his letter giving you the key points from his review.

There is widespread agreement that placing residential uses or uses for sensitive populations next to highways is a bad idea. While there are strategies for mitigating the impacts of exposure, they are second best options. The first best is not to place these uses alongside highways. [A recent study from the Urban Institute](#) documents the disproportionate siting of MF housing close to highways in Los Angeles and makes recommendations aimed at preventing co-location of housing and highways, and for reducing dependence on driving.

I will focus my remarks on my concerns regarding adding residential uses to zones currently allowing industrial uses.

My role in our NIH project has been to study the role of planning in facilitating (or preventing) the adjacency of hazardous facilities and residential areas. Toward this end, I have been studying the original siting and change in neighborhood characteristics over time for 14 facilities with the highest levels of emissions of PM2.5, Sulfur Dioxide, or Volatile Organic Compounds, according to the Texas Commission on Environmental Quality in 2020. All three are known to be hazardous to breathe and are linked to health problems. These facilities include semiconductor fabrication plants, landfills, fuel storage facilities, and energy production plants. One of my key findings is that while most of these facilities were sited in areas with little population initially, there has been considerable population growth within a 1 mile buffer around each site in the years since each was opened. And all have experienced a sharp decline in the share of the (non-Hispanic) white population in these buffer areas since the facility was opened.

I have been reviewing the zoning histories of the sites themselves and for adjacent areas to understand how zoning decisions were made and how it was possible to place residential areas so close to these facilities. While my study is ongoing, I find that siting decisions and associated re-zonings were made without consideration of the proximity of residential areas to air quality hazards. But the DB240 proposal before you **actually adds** residential uses to an area currently zoned for high intensity uses, including uses that spew pollutants known to endanger people living nearby into the air. And I understand that current uses would be grandfathered.

I asked my research assistant to make a map showing the location of the 14 top emitters and overlay this on the zoning categories under consideration today (based on the staff map). I have included the map here. You will see that this change would allow the addition of even more people within the buffers around these top emitters of hazardous pollutants. And there are likely other dangerous sources located in these areas. And these sites are disproportionately in areas with higher populations of non-white residents. I would strongly encourage you to reconsider this proposal.

While I am certainly in support of facilitating the addition of housing throughout the city (particularly affordable housing in areas historically off-limits to low-income residents and people of color), this must not be done in such a way that it places residents in harm's way. Before proceeding with such a change, following best practices described in the PAS report, you should consider existing uses on these sites. The 2020 review of industrial land use and zoning by the City of Austin Housing and Planning Office, which was presented to you on September 22, 2020, put forward a typology of land zoned for industrial uses that identified areas where such uses should be either protected, intensified, or where transition away from such uses was justified based on current uses and rezonings. This information should be considered carefully before changing allowed uses on all sites in these zoning categories. And since many of the areas they recommended transition away

from industrial use fall in zones under gentrification pressure, complementary policies to prevent further displacement if industrial zoning is removed in these areas should be considered, with impacted residents.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth J Mueller". The signature is written in black ink on a white background.

Elizabeth J Mueller, PhD  
Professor

**Sources cited:**

Quattro, Christine. *Environmental Justice and Zoning Reform*. Planning Advisory Service, American Planning Association. PAS report 608. 2024.

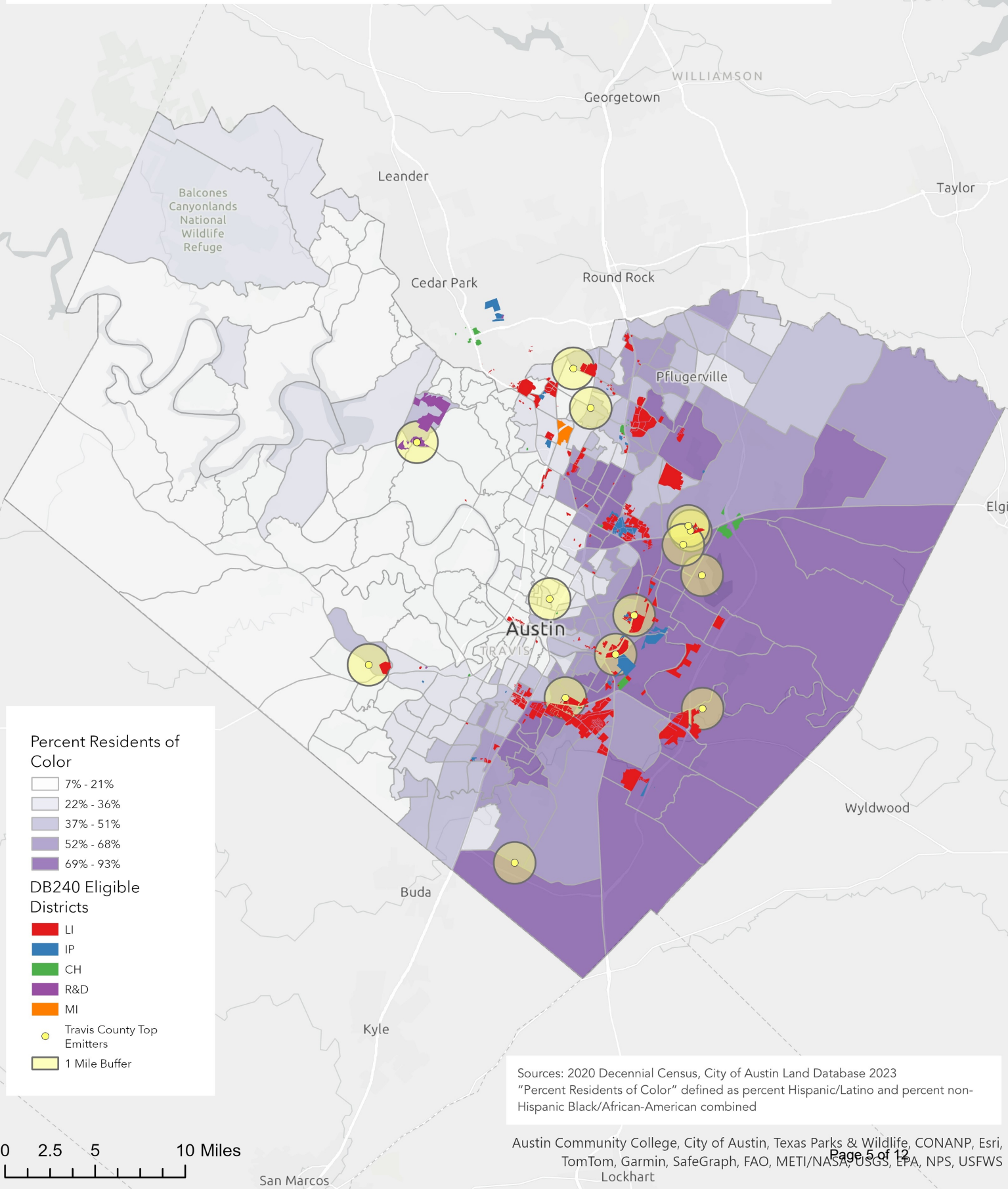
<https://www.planning.org/publications/report/9295614/>

Walters, Mark. City of Austin. Analysis of Industrial Land Use and Zoning in Austin, Texas. Planning Commission Briefing, September 22, 2020.

<http://www.austintexas.gov/edims/document.cfm?id=349847>



# DB240 Eligible Districts, Travis County Top Emitters, and Percent Residents of Color by Census Tract, 2020



October 22, 2024

Dear Commissioners,

Siting residential land uses near freeways poses significant public health concerns due to heightened exposure to near-roadway air pollution. Multiple studies that have examined the near-road environment have shown that concentrations of harmful pollutants are elevated within 300-500 meters from heavily traveled roadways (Karner, Eisinger, and Niemeier 2010; Zhu et al. 2002). These pollutants include nitrogen dioxide (NO<sub>2</sub>), carbon monoxide (CO), ultrafine particles (UFP), and black carbon, among others. Vehicle exhaust is the primary culprit, and the highest levels of exposure typically occur within the first 100-200 meters of the freeway.

Research has consistently linked such exposures to a range of negative health outcomes, particularly those affecting the respiratory and cardiovascular systems. Health risks associated with near-roadway exposures disproportionately impact vulnerable populations, including children, older adults, and individuals with preexisting health conditions including asthma or heart disease. The World Health Organization has identified traffic-related air pollution as a major contributor to respiratory diseases and this link has been validated by empirical work. For example, Gan et al. (2010) showed that proximity to major roads increases the risk of heart disease and premature death. Similarly, other work highlights the increased risk of asthma, lung cancer, and other chronic health conditions due to long-term exposure near-road air pollution (e.g., Brugge, Durant, and Rioux 2007). Planners and policymakers must carefully weigh public health implications when considering residential development near freeways. Strategies to mitigate exposure, such as vegetative barriers, enhanced building filtration systems, and zoning regulations that limit sensitive land uses near freeways, are crucial to protecting residents from adverse effects in the near-road zone.

Sincerely,

Alex Karner  
Associate Professor

#### References

Brugge, Doug, John L. Durant, and Christine Rioux. 2007. "Near-Highway Pollutants in Motor Vehicle Exhaust: A Review of Epidemiologic Evidence of Cardiac and Pulmonary Health Risks." *Environmental Health* 6 (1): 23. <https://doi.org/10.1186/1476-069X-6-23>.

Gan, Wen Qi, Lillian Tamburic, Hugh W. Davies, Paul A. Demers, Mieke Koehoorn, and Michael Brauer. 2010. "Changes in Residential Proximity to Road Traffic and the Risk of Death From Coronary Heart Disease." *Epidemiology* 21 (5): 642. <https://doi.org/10.1097/EDE.0b013e3181e89f19>.

Karner, Alex, Douglas Eisinger, and Deb Niemeier. 2010. "Near-Roadway Air Quality: Synthesizing the Findings from Real-World Data." *Environmental Science & Technology* 44 (14): 5334-44. <https://doi.org/10.1021/es100008x>.

Zhu, Y., W. C. Hinds, S. Kim, and C. Sioutas. 2002. "Concentration and Size Distribution of Ultrafine Particles near a Major Highway." *Journal of the Air & Waste Management Association* 52 (9): 1032-42.

**Colin McNamara 06:02 PM**

Chat shows as disabled in our interface

**Ian Wilson 06:06 PM**

Are you able to provide renderings, sketches, or any other visualizations of what these buildings might look like?

**Anonymous attendee 06:07 PM**

Thank You for this evening. Which organization are we partnering with for the affordable housing part of these buildings?

**Ian Wilson 06:09 PM**

RE my previous point of renderings or some other form of visualization: I think that would be very helpful for getting community input! As a complete layman, I really struggle to imagine what might be built. It could even be helpful to identify the nearest similar building for people to understand what might be built (or would be allowed to be built)!

*This question has been answered live*

**Anonymous attendee 06:11 PM**

Please define fee and lieu.

**Anonymous attendee 06:12 PM**

With all of the push for more housing and thus affordability, why would we want to disallow residential in PDA2?

*This question has been answered live*

**Elizabeth Mueller 06:12 PM**

What kinds of uses are considered incompatible with residential uses on the site in your reviews of rezoning requests currently?

**Sara Ernst 06:13 PM**

If PDA2 and DB 240 get passed, will DB 240 be the only pathway to rezone an industrial site for residential use?

**Anonymous attendee 06:13 PM**

Please clarify that historically these building's community benefits were negotiated by contact teams and neighborhood associations if a contact team exists in the area.

*This question has been answered live*

**Anonymous attendee 06:14 PM**

Why are we allowing a fee in lieu for affordable housing?



**Anonymous attendee 06:14 PM**

Please explain that restrictive covenants would now be handled by city of Austin and no longer by neighborhood associations and contact teams.

**Anonymous attendee 06:15 PM**

240 talks about the height?

**Anonymous attendee 06:15 PM**

If the choice is between PDA2 or DB240, what is the height limit on PDA2 buildings?

**Jeff Dickerson 06:16 PM**

what use is the requirement for affordable housing if the developers are allowed by the fee-in-lieu 56

described in Subdivision (2)(d) for an equal number of residential 57 units. and what is affordability if the coporate developer allows for STR's 1 and 3 vs allowing living for austin renters and owners

*This question has been answered live*

**Timothy Bray 06:16 PM**

Will restaurant use be allowed in DB240?

**Anonymous attendee 06:17 PM**

Would you define FAR for those who don't know?

**Jeff Dickerson 06:18 PM**

Is it true that there is no requirements for affordability since they can always pay in lieu

**Tracy Witte 06:19 PM**

Existing PDAs would be able to be amended and add height up to and beyond 240 feet with no requirement for community benefits. Some existing PDAs already have 200, 300, 400 feet of height. Why wouldn't the city fold existing PDA sites into reform requirements when owners/developers of those sites seek more entitlement?

*This question has been answered live*

**Tracy Witte 06:21 PM**

May an applicant seek new Limited Industrial (LI)-PDA zoning in the central city--beyond the sites already zoned LI?

*This question has been answered live*

**Anonymous attendee 06:21 PM**

What is the environmental impact on these new proposed developments?

**Anonymous attendee 06:21 PM**

Of the commercial portion can we negotiate a percentage of commercial to be affordable accessible?

*This question has been answered live*

**Jeff Dickerson 06:22 PM**

What are requirements for on site parking since since large developments increase traffic due to council rules to eliminate such parking requirements

*This question has been answered live*

**Elizabeth Mueller 06:22 PM**

what kind of environmental information will you provide for these cases?

*This question has been answered live*

**Anonymous attendee 06:22 PM**

Please communicate next steps for the community to add their considerations.

**Tracy Witte 06:24 PM**

Has staff and council considered simply reforming the PUD ordinance--as to minimum site area required--so all applicants seeking large increases in development entitlement simply have to seek PUD, no matter where they are located--north, south, east or west? If so, what shut it down? If not, why not?

**Anonymous attendee 06:24 PM**

Do you have a slide that shows PDA side by side with PDA2, heights, restrictions, used, etc.?

*This question has been answered live*

**Ian Wilson 06:25 PM**

There was some comment during the last PC meeting about how this was a community request — are you able to shed more light on what that was and how this responds to it?

*This question has been answered live*

**Elizabeth Mueller 06:25 PM**

how close is considered nearby in your review of incompatible uses?

**Elizabeth Mueller 06:28 PM**

How did you use the information from the staff review of industrially zoned land conducted in 2020 as you developed this proposal? Specifically, staff had suggested a typology of currently zoned industrial land that would suggest that some sites would not be appropriate for residential uses, since industrial uses were recommended to be expanded, while others were proposed to be transitioned away from industrial uses (and were moving that way already)?

*This question has been answered live*

**Anonymous attendee 06:29 PM**

how much are those fees?

*This question has been answered live*

**Sara Ernst 06:29 PM**

Could residential housing under DB240 be built close to top polluters in Austin, a potential health risk for those breathing that air?

*This question has been answered live*

**Elizabeth Mueller 06:31 PM**

The evidence that living near highways is dangerous to one's health is strong and compelling. The discussion at planning commission focused on the industrial sites (perhaps because the map I shared focused on that). How would proximity to the highway from the proposed site be considered in your review?

**Elizabeth Mueller 06:33 PM**

Hi Jordan--thanks for that response re uses prohibited ON the site. What about nearby? I think Paul said nearby uses would be considered. Did I mishear that? Thanks.

**Anonymous attendee 06:33 PM**

Can you define a community benefit outside of affordable housing?

*This question has been answered live*

**Jenny Grayson 06:35 PM**

Who determines what the character of the neighborhood should be? Is it governed by the adopted neighborhood plan?

**Tracy Witte 06:37 PM**

Do you have any slides that compare PDA, PDA2, DB240 next to PUD, as far as community benefit requirements?

*This question has been answered live*

**Ian Wilson 06:37 PM**

Is there a lower limit lot size for this?

**Tracy Witte 06:41 PM**

The PDA requirements proposed are minimal compared to what a PUD requires--see Austin municode for Tier1 & Tier 2 requirements. The community wanted the city to bring PDA on par with

PUD or just use PUD so all sides of town are created equally. High-quality, benefit-heavy development on sites with substantial entitlements.

*This question has been answered live*

**Elizabeth Mueller 06:42 PM**

Would Chip Fabrication plants be included under either basic industry or light manufacturing? They are major producers of VOCs.

*This question has been answered live*

**Angela B Garza 06:46 PM**

My hand is raised. Thank you.

*This question has been answered live*

**Tracy Witte 06:46 PM**

Jenny Grayson, great idea about community benefits--council asked staff to include a list of benefits beyond affordable housing. D1 was also asked to include a slot in the benefit rubric for individual, impacted communities to identify benefits specific to their context.

*This question has been answered live*

**Tracy Witte 06:47 PM**

So PDA will continue to be a cheaper option for developers than a PUD. What is the plan to track where those are approved, versus where PUDs are approved?

*This question has been answered live*

**Angela B Garza 06:52 PM**

Good to hear about STR's

*This question has been answered live*

**Tracy Witte 06:54 PM**

Existin PDAs in East Austin will be continued to be used for residential, and there are a lot of them. Thank you.

*This question has been answered live*

**Anonymous attendee 06:56 PM**

Thank you! I'm sure I'll reach out with more questions

**Colin McNamara 06:56 PM**

yes, in the how it works slide, what legislation, or board does the order of engagement get defined?

*This question has been answered live*