

First and foremost, thanks and acknowledgement must first be given to the City of Corpus Christi, City Council, City Staff, Goody Clancy, Kailo Communications Studios, and all the community partners and citizens that gave input and insight to bring Plan CC 2035 to this point. Too often, we as a community play armchair quarterback and forget that there are real, actual humans beings who blessed our City with their intellectual property to deliver a plan—- and we cannot begin a conversation without first saying thank you for giving us your brain, your subject matter expertise and your time. To everyone that participated, I thank you.

Over the many months of public comment, discussion with neighbors, associates and outright strangers in the community, it's been interesting to have the opportunity to talk about Plan CC.

From the beginning up to this point, this has been an overriding theme of my conversations: "Oh, here goes the city dumping money in a plan again. People will fight. And the powers that be will make sure that nothing changes in the plan. Nothing will ever change in Corpus."

Maybe nothing changes in Corpus. My official rebuttal is this: I live in **Corpus Christi**. I live in a city where transformation is possible. I live in a city that can plan for its future growth patterns and economic development and address its existing challenges through innovation and smart strategic planning without squelching new ideas and new development. I believe this City can do so based on sound, fiscally responsible policies.

Plan CC is - at its core - symbiotic in nature. Each Element in the plan is tied and supported with another Element. The success of one Element is correlated and integrated with the success of another Element. In this citizen's estimation, this is nothing short of brilliant. Having circled this Earth 41 full times, I know that nothing motivates cooperation more than self-interest. So, for no other reason than that there's something in each Element for everyone to benefit and profit on, I simply say YES!

For example, the entirety of Element 2 (Second Draft) focuses on Parks and Recreation and green spaces. But within that Element, there exists a subtle acknowledgement of the challenges that the City faces when dealing with the rapid pace of deep Southside development - and the goals and strategies of Element 2 is supported through components of Elements 3, 7, and 8 (Second Draft). Let's just take ONE component of what Element 2 addresses: the protection of our natural resources and green spaces. As many are aware, it is a fiscal challenge for the City to meet the sewage system needs of these new (and sometimes older) neighborhoods. The demands of this housing market dictates a solution, but that solution (septic systems rather than infrastructure to address these neighborhoods' waste needs) can potentially damage the delicate balance that must exist between urban spaces and the protected natural resources adjacent to them. Parks and green spaces like Oso Bay, Oso Creek and the Laguna Madre not only strength and support the quality of life in Corpus Christi (a core mission of Plan CC), but supports the City's second biggest industry - Tourism - which is a component of Element 5 (Second Draft). These ecosystems and natural resources are a tremendous asset and unique economic driver in Corpus Christi as it relates to the big business of Nature Tourism. Therefore, by simply having goals and strategies supported by actions to protect our natural resources in Element 2, Plan CC simultaneously addresses strategies in Elements 3, 5, 7 and 8 (Second Draft).

As another example of this symbiosis, Plan CC addresses diversifying the economy and strengthening our workforce in Element 5 (Second Draft). The implementation of Element 5 would be critical for the success of Elements 4, 6, 7 and more. Once again, let's take ONE strategic component of Element 5 - a diversified economy of well-paying jobs that promotes the expansion and emergence of new industries. Through the strategic implementation of Element 5, Corpus Christi can not only maintain and support existing industry, but will also attract new businesses that bring in a workforce of professionals (sometimes referred to as the creative class) that want to experience the City through its diverse and varied lifestyle options. Successful implementation of Plan CC and Element 5 creates the opportunity for the City to compete against Austin or San Antonio in a promising way. Demographically, these types of professionals cannot be put in a box, as some public commenters suggest when they say "These people will only want to live on the Southside." In fact, some of these professionals - like my neighbors and friends who live in the more centralized areas of town - will ALSO seek housing and a lifestyle addressed and outlined in the in-fill portions of Plan CC strategies. Regardless of where they want to live, the types of professionals Element 5 will bring to our community will help create a market of ALL neighborhoods in our community. Additionally, they will help grow our city in a way that will have less negative effect on Corpus Christi's current budgetary constraints. In a city where over 1,000 miles of streets need to be repaired (and over half of those miles do not have a plan for repair), where storm and drainage systems are failing in some neighborhoods and not functioning to their fullest capacity in others, its notable that Plan CC encourages in-fill development so that the tax base is not burdened with the creation of new infrastructure without a plan to support its existing infrastructure. Similarly, from a public safety issue, in-fill development helps CCPD and CCFD control the pace of expansion where their services are unfairly stretched to meet.

Clearly, I believe in this plan. I think it's smart. I think it's progressive. It gives me hope for this city that I love.

My main concern is the stripped down nature of the second draft of Plan CC as compared to the first draft that was submitted in May 2015. The first draft has action items tied to the goals, strategies and policies - as a comprehensive strategic plan should. The second draft of Plan CC without the goals is less a plan and more a guide. And - as referenced in the beginning of my comments - the City of Corpus Christi has had many guides to follow with middling results. I understand that there is reasoning behind taking out the goals. But I feel compelled to use my voice as a Planning Commissioner to urge City Staff to package the goals and the policies with the associated actions.

Based on this, my comments would be to find some of the actions from the first draft that are attainable in the short term and include them in an addendum to the Implementation Strategy in Element 9 (Second Draft). For example, in relation to Element 5, Goal 1, the City of Corpus Christi and the Regional Economic Development Corporation can partner with existing leaders in our community like the fantastic Chambers of Commerce, Texas A&M University-Corpus Christi and Young Business Professionals to begin the process marketing Corpus Christi to start-ups and emerging technology industries. Once some traction is gained in these efforts, perhaps the REDC can justify hiring staff members to support this effort. This is just one simple way to include actions in this strategic plan. There are many. I hope that City Staff and the teams that have worked so hard thus far can keep the strategy in this comprehensive strategic plan.

My parting thought focuses on the displacement of the Hillcrest neighborhood as it is identified as a transitional neighborhood. If nothing can truly be accomplished to strategical enhance this neighborhood, it is the responsibility of our City to ensure that PlanCC includes a way that the residents from this historic and treasured area be treated with dignity. This neighborhood is more than a group of houses in an area of town. It has a deep and abiding historical significance to our community and to the generations of families and business owners that built it.

Heidi Hovda

Andy Taubman
xandytaubmanx@gmail.com
June 15, 2015

Members of the City Council and PlanCC2035 Working Group,

I am a big fan of planning. Planning allows everyone in the market to have good information so that tasks can be completed efficiently, costs can be lowered, insurmountable roadblocks can be avoided, everyone can work toward the same goals, and so that open discussion can result in an optimal strategy for all involved.

I have just finished reading the Eleven Elements of PlanCC2035 and wanted to provide my feedback within the context of written public comment.

I expected detailed engineering and budgets related to the following:

1. Road easements and transportation rights of way. Over time, two lane roads will need to expand into four lane roads. High capacity roads will necessarily ring the city will require high capacity interconnection. For example, is there specific planning related to the Southside Mobility Corridor?
2. Drainage easements. As raw land is developed, drainage pattern often change both with respect to path and volume of runoff. Is there a written master plan and maps for drainage especially in areas in or proximate to the 100 year flood plain?
3. Utility easements and facility capacity expansion. Waste flows downhill, as they say. Has the City evaluated the relative elevations of the areas for new development such that lifting stations, new plants, or plant consolidations account for probable growth with detailed maps, plans, and budget? This is important from a site acquisition perspective and for strategic decisions (such as plant consolidation), as well as a budgetary impact. Is there a coordinated plan with AEP for large-scale service to new green-field areas?

However, these key elements seem to be missing from PlanCC2035. A development master plan for new areas would have maps, elevations, and proposed routes with budgetary estimates for these infrastructure costs. The plan for existing areas would focus on details of infrastructure expansion or replacement with related costs. PlanCC2035 does not.

In a twenty year plan, there is one and only one strategic imperative – to secure the necessary land, easement, property rights, and budgeted funding to allow growth to occur in an orderly manner.

Failure to secure these property rights today will cause traffic, urban sprawl, delayed development, and increased cost of all development. It will never, ever be cheaper than today, when much of the land is raw. In fact, failure to properly plan and piecemeal development will permanently impair orderly development if natural traffic or water pathways have even a few houses blocking the least-cost corridors.

If such a master plan existed, it would be actionable (e.g. demonstrate what property must be acquired) and would provide a budgetary framework to provide a financial growth plan. The financial growth plan would provide the discussion inputs to allow policy choices to be debated in a public forum to be decided by elected leaders or popular vote. PlanCC2035 does not provide this information.

Thus, PlanCC2035 is neither actionable nor elucidating. It is merely a political document framed within boiler plate, artificial assumptions imposed by urban-planning, social engineers whose primary tool is centralized government command and control. The conclusion was pre-ordained by the constraints which force prioritization of downtown over larger-scale tract development in outlying areas but still within the City.

The study completely repudiates the clear and rational trend of the last twenty years of growth to the South and West and ignores the (unfortunate but real) social and economic factors which continue to weaken the near-downtown neighborhoods.

I reject the notion that residents prefer high density environments and would walk/bike in 100% humidity / 100 degree temps. Given this reality, there is a high likelihood of mal-investment in things like redundant bike lanes for example. For the plans vision to occur, it would require a change in current preferences and behavior of residents.

I also reject the notion that developers prefer green-field development due to differences in land costs. The primary obstacles to infill development are the high cost of unnecessary regulation, the absolute low value of surrounding neighborhood houses in poorer areas.

Of course, these proposed wonders of social engineering can be achieved, but only through government subsidy to both residents and developers to incentivize behavior that is un-natural or non-economic. That's the between-the-lines summary of the PlanCC2035 action steps. If you think that new roads, sewers, and stormdrains are expensive, they are a bargain as compared with forcing changes in human behavior on a large enough scale to matter.

Because the plan does not incorporate reality as demonstrated by recent experience, nor understanding of the motivation of the market participants, the result of implementing PlanCC2035 is probably failure in terms of actual cost, opportunity cost, and sprawl. The outcome will be the exodus of population and developers to outlying cities or the other side of the Bay. Growth in new housing stock and the economic growth attendant with a vibrant population will reverse. As infrequent and limited government funding becomes available, a few demonstration projects will be completed at great expense to the taxpayer in the form of subsidies, but not on the scale necessary to make one bit of difference to the housing market or character of the city. Every now and then there will also be a spectacular failure (e.g. La Raza), because ultimately governmental entities often get the short end of the stick in public/private partnerships. Twenty years from now the failure will be attributed to "bad luck" when in fact it was a bad plan.

I believe that this report is a fig-leaf to hide behind politically to obfuscate the real issue. Here is perhaps the only question that matters: **If and when will the City take the necessary tangible steps to support large scale development on the South-west side of Oso creek or beyond 286?** Judging by the results manufactured by PlanCC2035, the answer is never.

If “never” is indeed the answer, then just say so. Land values will fall dramatically, and growth will stagnate, but at least the certainty will allow everyone involved to make better choices.

If “don’t know” or “yes” is the answer, then let’s get a plan in place to reserve easements, plan for utilities, and generate budgets. As this information is produced, then the timeline will naturally emerge. Hire a local engineering firm with knowledge of the history, geography, and politics. Most important put someone in charge who understands that plans have real deliverables.

The question is on the table.

I urge you to not adopt the proposed PlanCC2035. I urge you to minimize any additional wasted funds on this or any other strategy which depends on central planning and social engineering. I urge you to responsibly plan for large-scale, natural growth which has been demonstrated to be South and West.

Doing nothing is preferable to doing damage.

Let me be very clear on the issue of downtown and near downtown redevelopment. We have a moral obligation to provide low-cost, safe, clean housing. We have a strategic need to reverse urban blight, decay, and crime. Policies to achieve this goal are within the scope of good government.

PlanCC2035 addresses the urban problem with grants, subsidies, large-parcel dislocation /redevelopment. It is likely to fail, experience substantial delay, or be too expensive to apply on a large scale.

It also does not address the problem at the heart of the decaying neighborhoods which is the fact that hard-working people who care for their houses are brought down because the house next door to them is falling apart. The solution requires a fix at the granularity of lot-by-lot improvement in the heart of struggling areas.

I am not a green-field developer, nor do I have property interest in undeveloped land. I do have substantial investment within older neighborhoods in the City. Further, I do have a solution to the infill problem to revitalize neighborhoods, but the details of my approach are beyond the scope of this letter. In summary, my plan is exceedingly simple -- if you want to have affordable housing, then you must build affordable houses.

PlanCC2035 suffers from the conceit of having heavy-handed government at the center of all human interaction. As such, it will equally screw-up greenfield development as well as infill re-development. It is a recipe for graft and gridlock. It ignores market forces. Most important, it is out of step with Texas ethos.

I am,

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June 15, 2015

These comments on the Draft Corpus Christi Plan 2035 [“the Plan”] are submitted by Texas RioGrande Legal Aid on behalf of the Citizens Alliance for Fairness and Progress. The Alliance is an organization of citizens created to prevent further injustices against the poor, minority, and disenfranchised individuals and families living in the Hillcrest and Washington-Coles neighborhoods.¹

These comments address three main critiques of the Plan: 1) the status of the proposed route of the Harbor Bridge, 2) the Special I-37 Transition District and lack of meaningful outreach to Hillcrest residents, and 3) learning from the past and creating buffers between residential and industrial uses generally.

First, the Plan prematurely assumes that the new Harbor Bridge will be built along the Red Route. Individuals in Hillcrest and the Alliance filed a civil rights complaint related to the disparate adverse impacts of the proposed route on the Northside neighborhoods and the lack of mitigation for these neighborhoods in the final environmental impact statement, which the Federal Highway Administration’s Office of Civil Rights is now investigating. This investigation has delayed the final decision on the route of the bridge and mitigation for the impacted neighborhoods.² Resolution of these decisions is critical to any future plans for the City as a whole and in particular, the Northside neighborhoods, and thus the Plan must accurately reflect the current status of the bridge and mitigation for the neighborhoods, or should be delayed until a resolution is reached.

Second, the Plan slates the Hillcrest neighborhood as a Special I-37 Transition District that will change from residential to light industrial or buffer use *without meaningful consultation with the current residents* and *without any specific strategies or funding sources* for how this

¹ See <https://savehillcrestfromharborbridge.wordpress.com/about/> for more information about the Alliance.

² To view the complaint filed, see <https://savehillcrestfromharborbridge.wordpress.com/neighborhood-position/>; see also <https://savehillcrestfromharborbridge.wordpress.com/2015/04/09/caller-times-feds-investigate-whether-harbor-bridge-project-violates-neighborhoods-civil-rights/>.

transition would happen. Despite the unique and dramatic nature of this transition for a residential neighborhood with over 400 households, no one proactively reached out to Hillcrest residents for input on the future of their own neighborhood. Any consideration of a transition this drastic for a residential neighborhood, particularly one with such a unique history, must include meaningful outreach to the affected residents.

Furthermore, there are no specific strategies or funding sources in the Plan to ensure any transition would occur in a manner that would respect the history of the neighborhood, offer real choices for its current residents, or provide “fair compensation and assistance to residents in moving.”³ For example, the goal related to the transition district in Element 11 – “Transitions from residential enclaves to nonresidential uses have occurred in industrial and aviation special districts”⁴ – is not a future-looking goal like the other goals in the Plan, but rather a vague, passive statement about the past. This statement also ignores that over 400 households currently live in Hillcrest.

The “how” included for achieving the stated goal for the Transition Districts similarly raises more questions than answers: “work to support assistance to tenants in the Special Transition Districts who lose their housing.”⁵ How are tenants losing their housing? Who will provide assistance, and what will it be? What about homeowners, particularly those whose families have lived in the Northside for generations? What about the churches in the neighborhood?

Particularly given the unique history of segregation, nearby industrial zoning, and lack of investment over decades in the neighborhood, how can we interpret this forecast for Hillcrest as anything other than a vision that the neighborhood’s death will come through continued neglect? Instead, the Plan must meaningfully include residents’ input in the vision for the future of the neighborhood and include measurable objectives and implementation strategies to achieve the goals.

Third, the City should learn from the history of the Northside neighborhoods and include a buffer zone between all residential and heavy industrial uses throughout Corpus Christi. Moreover, as current industries expand and new industry comes to Corpus, the City must act

³ Draft Plan CC 2035 Element 10.36.

⁴ Draft Plan CC 2035 Element 11.51.

⁵ Draft Plan CC 2035 Element 11.51.

proactively to ensure they are not harming residential populations, particularly environmental justice neighborhoods that already bear the brunt of the health impacts.

As members of the Alliance have stated at several Plan CC 2035 meetings, we urge the City and planners to meet with residents of the Northside and include residents as an integral part of the planning process for the future for the neighborhoods. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Erin Gaines", positioned above a horizontal line.

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Bay Area Smart Growth Initiative is a local community-based group of public, private and citizen interests dedicated to developing and planning for sustainable quality of life in the Corpus Christi area. Members promote the principles of smart growth in the development of public policy and participate in activities and strategies to influence their attainment.

BASGI supports Plan CC 2035 as it is currently presented, with one exception.

The areas within the Plan of most significance to BASGI are the following:

1. Limiting urban sprawl and future unsustainable expansion by implementing wise land use planning and responsible development;
2. Increasing preservation of ecologically important systems that protect our tourism, recreation, flood prone areas, natural habitats and water quality;
3. Requiring increased hazard mitigation and/or limiting growth in areas with poor drainage and that are flood prone;
4. Supporting revitalization of the older areas of the City, through infill and mixed use development, facilitating urban and neighborhood villages as a way to stabilize and rebuild;
5. Supporting infrastructure improvements downtown, along with legal means to encourage the turnover and/or clearing of substandard vacant buildings;
6. Improvements to the City's failing infrastructure that include incentives to increase density by investing in current infrastructure, and dis-incentives that discourage sprawl;
7. The Plan identifies in its Market study the need for a diversified approach to meeting housing needs based on housing preference and family size, not just homeowners and/or buyers of \$200,000+ new homes in southside markets;
8. Fair buyout of Hillcrest residences to be based on light industrial and commercial property worth, with assistance in moving and resettlement costs;
9. Encouraging multiple mobility (transportation) options by planning and designing better connecting streets, sidewalks and pathways for pedestrian, bicycle and public transit, decreasing dependence on individual cars; and
10. Inclusion of the Chapman Ranch annexation in the Plan is not supported, and the annexation should be reversed.

Supporting comments on #1 – 10:

1. Limiting sprawl:

- Protecting our military installations through annexation of land in the ETJ next to Cabaniss Field, careful zoning of property around Waldron Field to prevent residential encroachment and the proposed buyout of land between NSCC-CCAD and SPID.

3. Hazard mitigation:

- Disincentives to develop areas that will certainly be damaged or destroyed in future storm events. This would remove large parts of land shown on North Padre and Mustang Islands as vacant and available for development. Inclusion of much of the identified vacant land as being developable is actually under the jurisdiction of the Coastal Barrier Island Resource Act. Development in those areas is not eligible for federal flood insurance and no state or federal assistance can be used for infrastructure costs.

4. Revitalization/Infill:

- City needs to work with financial institutions and insurance companies to create a structure for mixed use financing, liability and casualty coverage
- City must set a clear regulatory path and assistance with infrastructure costs
- Development of green space and mixed use buffer zones on the west side between residential and industrial/commercial uses. The Agnes-Laredo Corridor has good potential for development of workforce and affordable housing in the blocks behind its commercial frontage.
- When the City invests in older areas, it demonstrates to private investors it is a willing partner and committed to revitalization.
- New streets can increase infill and revitalization activity with a corresponding increase in tax and utility revenue over infrastructure that will have to be replaced no matter what.
- Incentivize affordable and workforce housing in older neighborhoods, as part of mixed use development.

6. Infrastructure:

- Improve residential streets and the underlying infrastructure. One of the ways to improve the revenue and value of older neighborhoods is simply fix the

residential streets. Home values are 15%-17% higher on well-maintained streets with adequate, curb, gutter and sidewalks.

7. Housing:

- Sale of City parks identified as surplus with agreements that adjust cost or infrastructure in return for building the desired types of housing that will stabilize and improve neighborhoods and introduce alternative housing styles such as townhouses, cottage districts, mixed-income rental units.
- Local home builders are currently enjoying a very hot market with an over-supply of buyers in the \$220,000 plus market, thus very few new homes are being built for the under \$200,000 market. The experienced southside home builders are traditional suburb developers, ill-equipped to compete in a more urban building environment, which employs a variety of housing plans, sizes and buyer incomes. Continuing past practices is likely to end with a bust in the high end market while increasing the crisis situation in the lack of affordable and workforce housing.
- A potential path to create affordable housing would be to encourage workforce housing development for the thousands of construction workers that will be here in the next 5-7 years in the neighborhoods surrounding the new harbor bridge access. The bridge itself and the new industries on the north shore would make their proximity highly desirable. These properties should be constructed so that they can be converted to affordable and permanent workforce housing. It would also prevent low income renters from being displaced in the interim. As the conversion occurs it would free up more substandard properties for revitalization.
- Implement the new buildings standards code. Condemn and demo abandoned and substandard housing, and if recovered through failure to pay the fees, place the property in a land bank for sale to developers with commitments to support the development with required infrastructure development. The City can recover its costs as new development spurs other new developments that pay hookup fees.
- The City should support establishing a land trust program which provides affordable housing to lower income families to own the structure, but not the land upon which it sits.
- Encourage building housing that fits the market, instead of targeting for the highest return on investment; establish incentives for non-profit builders.

8. Hillcrest:

- The new Harbor Bridge has the potential to have a huge influence on improving this area if planned correctly. Rental housing owned by unconcerned and/or absentee landlords threatens these neighborhoods, which can easily descend into blighted and substandard condition
- An equitable buy-out of home-owner occupied homes by the Port of Corpus Christi should be overseen by the City, and as individuals transition to other chosen locations.

9. Mobility/transportation:

- Parks, infrastructure ROWs (i.e. storm water drainage and retention canals), and hike and bike trails should be connected in one system
- Acquisition of abandoned railroad right-of-ways for conversion to hike and bike trails. The railway ROW along port extends from Agnes to Whataburger field and the Sea District, going through and past numerous light industrial and commercial districts. The Shoreline bike path returns along the waterfront and commercial downtown district to the railroad ROW extending from Laredo to Kinney and back down to Shoreline. The two railroad ROWs meet at Agnes which is also the identified area for a future Regional Transportation Agency (RTA) transfer station. This would produce off-road pedestrian pleasure and safe bike commutes combined with public transit for people with lower incomes from those neighborhoods to their jobs. Connecting areas that will be further divided by the new harbor bridge will serve multiple purposes.
- The RTA should restore and expand the harbor ferry service, explore buying commercial water taxis, to provide service to the north shore industries, Port Aransas, the Naval Air Station, North Padre Island and TAMU-CC. Increasing uptown and downtown trolley service and providing circulator routes in the uptown's adjoining neighborhoods should be addressed.
- Limited additional parking is proposed in the downtown area which may not accommodate increased vehicular traffic, however, the Plan proposes an increase in public transportation, bicycle and pedestrian modes of travel, thus decreasing the number of cars going into the downtown areas. RTA has park'n'ride capability which can be expanded.

10. Chapman Ranch:

- Landowners in the Chapman Ranch area are not in support of the annexation, and general public comments and market forecasts revealed in the Plan process were not considered when Council approved annexation.

- Chapman Ranch annexation should be reversed because of the changes in the Wind Farm plan. APEX (owner) voluntarily withdrew all but 6-8 wind turbines from the extreme southeast corner of the newly City-annexed territory. A second annexation clearly does not have support by the Council. As a result, the City will not receive the expected \$22.5 million in revenue to pay for the required infrastructure but instead only an estimated \$1.5 million at most. The resulting \$19 million drain on the general fund would take away a significant funding opportunity for other infrastructure needs, now expected in the annexed area.



7/16/2015

Plan CC Comprehensive Plan 2035 Comments and Changes

1. Pg 10: Under **Pursue high-quality development**, delete "and establish high quality design standards for private development"
2. Pg 13: Natural Systems – Add bullet point under **1.** – "Promote a drainage plan for the New Southside and drain it to a location other than the Oso Creek."
3. Pg 14: Open Space, Parks and Recreation – Remove first bullet point under **9.**
4. Pg 17:
 - a. Resilience – Point **1.** – what does this mean?
 - b. Point **2.** – Delete until specifics are shown
 - c. Resource Efficiency – Add a bullet point under **5.** – "...and adopt the Coastal Bend Green Built as the official Green residential program of the City of Corpus Christi."
5. Pg 19: Line 1 under "Housing and Neighborhoods" – Delete "Connected" in the sentence – "High-Quality, safe, connected and diverse..."
6. Pg 20:
 - a. Housing – Add second bullet point to **1.** – "Create a "Housing Czar" at City Hall to coordinate all the Housing-Related entities."
 - b. Housing – Bullet point under **5.** – Change the wording of the second bullet point to read – "Promote resource-efficiency in all new housing through financial, as well as non-financial incentives, such as permit streamlining."
 - c. Neighborhoods
 - i. Bullet point under **7.** – Remove "walkable"
 - ii. Add to third bullet point – "The "Housing Czar" will..." at the beginning of the sentence
 - d. Community Identity and Sense of Place
 - i. Delete the wording in **8.** – "rather than creating isolated subdivisions or apartment complexes"
 - ii. Delete first bullet point entirely
7. Pg 23: Goals
 - a. Add to first bullet point of **2.** – "Create a system to..." to the beginning of the sentence
 - b. Remove third bullet point under **3.**
8. Pg 27: Goals
 - a. Change the wording of the third bullet point under **2.** to – "Integrate transportation planning with utility infrastructure and neighborhood development planning."

- b. Second bullet point under 3. – Change the word “Consider” to “Create”
- 9. Pg 30: Natural Systems
 - a. Add third bullet point to 6. – “Sell or dispose of under-utilized structures and put underutilized land in a “ City-Run Land Bank””
 - b. Change 7. to read – “Public buildings, facilities and open spaces comply with ADA (Americans with Disabilities Act) standards.
- 10. Pg 32: Under “From the Principles”; Delete the wording – “and establish high-quality design standards for private development
- 11. Pg 33:
 - a. Goals – Under 3. remove the wording “and private” from so sentence reads “public developments demonstrate high standards of design.”

In Lower Part of the Page, in the Box

- b. Housing and Neighborhoods – Third bullet point – change it to read “Promote the location of multifamily...”
 - c. Efficient Development Patterns
 - i. Remove first two bullet points
 - ii. Remove the following wording from fourth bullet point “combined with minimum lot size in zoning and”
 - d. Environment and Resilience
 - i. Second bullet point change the word “Preserve” to “Promote the preservation of land...”
 - ii. Add, to the end of the second bullet point, the wording “...by providing incentives, both financial and non-financial, to land owners and developers”
 - iii. Third bullet point – change the word “Avoid” to “Promote the avoidance of development...”
- 12. Pg 36: Residential Uses
 - a. Delete this wording from the first sentence – “three density levels for single-family housing and a separate land use category for multifamily development and for mixed-use development, which can include housing.”
 - b. Delete the entire wording of the Single-Family section
- 13. Pg 38: Under the “Key: Future Land Use Map” – Remove the 3 Single-Family Residential Land Uses
- 14. Develop historic sites in the City of Corpus Christi such as Artesian Park



MEMORANDUM

After a considerable amount of time and effort, the Corpus Christi Association of REALTORS and the Builders Association of Corpus Christi have reviewed the document labeled Plan CC 2035 in its entirety.

As vested partners in our community, we feel that we have a strong obligation to this community as a whole to participate in our local government and its processes. To that end, we offer our comments to our elected officials, appointed commissioners and city staff. We offer these comments in the spirit of cooperation, with the hope that there may be some impact to the eventually adopted plan.

Understanding the need to have a comprehensive plan is obvious. Our Associations, in general, have always maintained strategic plans. The plans are reviewed several times per year, and may be modified annually in order to maintain our relevance to our members and our consumers. Within our strategic plans we have clearly identified goals and measurable results. The leadership team is tasked with ensuring that we stay on track for our members, to whom they are accountable.

We have taken the liberty of applying these same measures of expected accountability to our city leaders, both elected as well as those who are employed and paid by the citizens of Corpus Christi.

Acknowledging that a plan must be in place, and that our city government has already spent \$1.6 million dollars to obtain the Plan CC 2035 from a third party consulting firm, then we have made the assumption that this plan in some form will be adopted. Thus, we are not expecting the plan to be shelved entirely.

That being said, the bulk of our comments are very specific to points that are identified clearly in the draft. Our comments are made with the hope that consideration will be paid to them and that the city will consider making those changes to those specific areas.

Before getting into the specifics, we believe that general and overall changes must be incorporated into this plan.

We strongly encourage the planning commission and the city council take our current state of affairs into account before making any further policy changes. Having a plan that is based entirely on a 'what if things were different' scenario is a false premise and cannot result in true change. Everyone would want to live in better circumstances. However, starting with what you have is the reality.

No city leader will need to be reminded that our streets are in total disrepair. How can this fundamental element not be identified as a near term goal, along with specific estimated costs, to address this core issue? In effect, the draft ignores one of the most obvious issues facing the city of Corpus Christi.

The expectation of the city is out of line with the expectations of the citizens. If street repairs and improvements are not part of the plan for the next 5 years in a clearly identified manner, citing costs, timelines and specific goals, how do you expect the overall plan to be accepted by your citizens?

The second area of concern that is not identified is the very expensive and necessary improvements that are looming to our sewer system. There have been rumors that the sewer system will cost 'billions of dollars' to meet EPA guidelines and that it will be due in just a couple of years. Where is this identified in the 20-year comprehensive plan? Where are the cost estimates of taking care of this critical infrastructure?

An example of this seems to happen every time we get some heavy rainstorms. It does not take too much time and understanding that the sewers are incapable of handling just a few inches of rain if you are driving your car near the intersections of SPID and Everhart Road, Everhart Road and McArdle or many areas of Alameda Street. The list could go on and on. If asked, virtually every citizen who drives a car can cite an area of town that gets flooded. Do we believe that bicycles and pedestrians can better navigate their way thru 6-8 inches of standing water in bike lanes and sidewalks?

Again, this critical area is missing from the plan. Why not add that to the first 5 years of the plan, citing costs, timelines and specific goals?

Another absolutely critical issue facing our city: our current Affordable Housing Crisis! Unless we have missed it entirely, with the exception of concentrating efforts on urban villages and infill lots, what specifically is being planned to tackle this growing issue? There are no definitive references made to improvements to city departments that are facing this issue. Does that plan reference the Corpus Christi Housing Authority as a resource? Does it cite the potential partnering with organizations like the Builders Association and the REALTORS Association to help create neighborhood CDC's that are designed to help specific neighborhoods and the very local issues that they face? It seems most of what is in the plan adds to the cost of housing instead of providing opportunities to create affordable housing by eliminating costly regulations.

We would like to specifically reference the assumptions regarding the millennial generation as well. We do not agree with the foundational argument that they are primarily renters and will be candidates for downtown and infill rental housing. The studies are confusing at best. You may reference an article located here: <http://www.forbes.com/sites/maggiemcgrath/2015/06/22/millennials-the-money-conscious-generation/> which states that they are very good at saving their money. A second study, conducted by Realtor.com (<http://www.realtor.com/news/trends/how-are-millennials-doing-in-this-housing-market/>) shows that the millennial generation is going to be responsible for the next wave of homebuyers...not home renters!

In accordance with our original positioning statement regarding partnership, we would also like to point out that with Element 8, we compliment the plan in the area regarding the *Special Aviation Transition District* comments. This, obviously, was a result of understanding our local area conditions for land uses with respect to our specific military installations.

The point being made here is that EXISTING issues facing our city have been mostly ignored in this plan. The plan is based on hope and wishful thinking that will lead us nowhere fast due to critical issues that are imminent to our survival, much less any chance of thriving as a community. Further, that many of the premises that the study and plan are based on are faulty in some areas and fail to address LOCAL issues on many levels.

Finally, before getting into some specific language discussions, many of our topics for discussion were the result of reading your first draft. While we understand that you have tried to simplify the document for our reading pleasure, please note that some of our reference points may still refer to the original draft and may not correspond with the 2nd draft that you have provided. Due to time constraints, we rushed this analysis in order to provide written comment to meet your deadlines.

Specific Points:

Several Plan CC proposals may make development more costly.

Plan CC contains several proposals that may make development and housing more costly, including the following:

Increased Focus on Tree Preservation and Planting: Goal 6 of Element 2 is to increase shade along major streets and in parks and other public spaces. Although the language of the Goal itself suggests that it is focused on trees in public areas, the policies and action items under this Goal make clear the intent to have developers contribute towards the City's yearly tree planting. It proposes policies that include promoting tree preservation and tree planting on both public and private property. Action items include amending the Unified Development Code (the "UDC") to require planting shade trees in parking lots,⁹ and having all development approvals require sufficient irrigation to establish trees and replacement of trees that die within three years.¹⁰ The policies supporting this goal also suggests that the City will adopt a tree preservation ordinance in the future, although Plan CC does not explicitly describe what such a program might look like in Corpus Christi.¹¹

Requiring planting and irrigation of trees in parking lots as a condition of development approval will likely increase the cost of developments subject to those conditions above what it would have been absent those conditions, and may also affect the feasible density of such development to the extent that the tree planting occupies space that otherwise could have been used for parking or other development. The action item proposing this requirement asserts that "changes in conventional parking lot design can provide room for more trees without affecting the number of parking spaces," but does not explicitly require that tree planting requirements be implemented in a way that does not reduce a site's development potential.¹²

Tree preservation ordinances sometimes are focused on protecting native trees species, trees with historical significance, and public trees, by requiring a permit to remove trees.¹³ But many tree preservation ordinances are far more extensive and intrusive on private property rights.

¹¹ Element 4, Goal 6, Policies ("Propose tree preservation and tree planting on public and private property.")

¹² Element 4, Goal G, Strategy B, Action 3.

¹³ International Society of Arboriculture, *Tree Ordinance Guidelines*, <http://www.isa-arbor.com/education/onlineResources/treeOrdinanceGuidelines.aspx>, last accessed July 14, 2015.

These can take a wide variety of forms, including requiring tree planting as part of overall site landscaping, requiring a detailed pre-development inventory of a site's trees, requiring replacement (at 1:1 or another ratio, and either on- or off-site,) of trees that are removed for development, restricting or preventing the development of existing wooded areas, requiring a permit to cut or remove a tree of a particular species or size, and any number of other variants of regulation. Any requirement to plant or preserve trees can add significantly to development costs. How costly a tree preservation ordinance will be depends upon the details of the ordinance and how it is implemented. Unfortunately, Plan CC raises the potential for using a tree preservation ordinance to accomplish plan goals concerning tree preservation, without providing any sense of what such an ordinance would look like or any assurances that it would not place undue costs and burdens on development.

Comment: Trees provide substantial values to the environment, including shading and cooling, storm water management, air filtering, wildlife habitat, and aesthetic value. Studies have shown that trees can add considerably to a property's value.¹⁴ That does not mean, however, that tree preservation regulations themselves are beneficial to property values. At an extreme, some can be applied in a manner that makes it impossible or impractical to develop particular properties.¹⁵ Ideally, any tree planting and preservation ordinance should be non-prescriptive and flexible enough to allow developers and builders to respond to each unique site and meet other development regulations, while also advancing the environmental and aesthetic benefits trees provide.¹⁶ It should avoid costly and time-consuming procedural requirements. Plan CC should be revised to include clear language establishing that when implementing the tree preservation goal the City will be sensitive to development cost and private property rights concerns.

¹⁴ NAR, *Growth Management Fact Book* (4th ed. 2015) (hereinafter "Fact Book") at 125, citing studies from Georgia and California.

¹⁵ *Id.* at 125-126.

¹⁶ *Id.* at 124-125.

Plan CC proposes the adoption of a rental registration program and a “crime-free rental housing” program, both of which can place unfair demands on landlords and implicate constitutional and property rights issues for landlords and tenants.

Goal 4 of the Housing and Neighborhoods Element states that “All housing is in good condition and is code-compliant.” Two of the action items under the Goal 4’s strategies are to establish a registration and inspection system for rental properties and to adopt a crime free rental housing program based on a national or local model.³⁸

Rental registration ordinances typically require landlords to register properties with the local jurisdiction and sometimes require the landlord to obtain a license to lease the property, submit to periodic inspections, and pay a fee to cover the jurisdiction’s administrative and inspection costs.³⁹ The process allows the jurisdiction to hold landlords accountable for code violations and also allows the jurisdiction to ensure that rental units meet health and safety codes.⁴⁰ It also allows the jurisdiction to be pro-active about maintaining housing and neighborhoods in good condition instead of merely responding to complaints from tenants or neighbors.⁴¹

Crime free rental housing programs have several common features, including some or all of the following: licensing of landlords, requiring installation of certain safety features, participation in training, use of a “crime-free” lease addendum that specifies certain conduct (whether engaged in by tenant, guests, or others) that will be a basis for eviction, requiring eviction of a tenant if prohibited conduct is discovered or a certain number of calls from or about the tenant are received by the police, and consequences (including potential fines or revocation of rental license) for violations of the ordinance.⁴² Some jurisdictions have adopted completely voluntary programs, some are mandatory, and others take a hybrid form in which the program becomes mandatory in certain property types (i.e. multi-family housing) or after a property has been the site of a certain number or type of criminal incidents.⁴³

³⁸ Element 6, Goal 4, Strategy A, Action 2; Element 6, Goal 4, Strategy B, Action 1.

³⁹ Fact Book at 150.

⁴⁰ *Id.*

⁴¹ *Id.* at 152.

⁴² Emily Werth, *the Cost of Being “Crime Free”: Legal and Practical Consequences of Crime Free Rental Housing and Nuisance Property Ordinances*, Sargent Shriver National Center on Poverty Law (Aug. 2013) at 2-4, available at <http://povertylaw.org/sites/default/files/files/housing-justice/cost-of-being-crime-free.pdf>, last accessed July 8, 2015.

⁴³ See e.g., San Bernadino, California, *Crime Free Multi-Housing Program*, https://www.ci.san-bernardino.ca.us/cityhall/community_development/code/crime_free_multi_family_housing_program/default.asp; Sunnyside, Washington, Municipal Code, Section 5.02.040, <http://www.codepublishing.com/wa/sunnyside/html/Sunnyside05/Sunnyside0502.html#5.02.040>.

These two action steps potentially raise several issues of concern for our Associations:

First, Plan CC does not discuss code enforcement, poor housing or neighborhood conditions, or criminal activity in rental housing as particular challenges that the City faces and needs to address. Other than the fact that many other cities have these types of ordinances, Plan CC does not point to any existing conditions within the City that make these action steps necessary to maintaining or achieving the goals of housing that is in good condition and code compliant.⁴⁴

Second, these programs create additional burdens for landlords which may reduce the availability of rental housing stock and decrease affordability.⁴⁵ Not only will landlords have to pay registration fees but the costs of property maintenance and supervision will also likely increase. In a city, like Corpus Christi, with significant housing affordability concerns, initiatives that increase the cost of and decrease the supply of rental housing should be undertaken only after determining that they are necessary in that city, not just because they are approaches used elsewhere.

Third, these types of programs may infringe on the rights of landlords and their tenants. Such programs implicate the protections against unreasonable search and seizure under the Fourth Amendment to the United States Constitution. Even civil inspections are subject to Fourth Amendment protections, and require a warrant, owner or tenant consent, or an imminent health or safety threat.⁴⁶ In many instances, property owners in jurisdictions that have rental licensing programs are forced to choose between consenting to a search program (by registering and/or obtaining a license to operate as a rental) or not being permitted to legally rent their property.

These programs also infringe on the property rights of landowners. Property rights are often described as a “bundle of sticks” in which each stick is a particular right associated with property ownership: e.g. the right of possession, the right to exclude others from the land, the right to dispose of the land either permanently by selling or temporarily by leasing.⁴⁷ Although some regulations that restrict property rights are expected and accepted (e.g. environmental laws, zoning), the right to lease property is not one of the “sticks” that has traditionally been restricted.

⁴⁴ See Element 3 and Element 6.

⁴⁵ See Fact Book at 155.

⁴⁶ *Camara v. Municipal Court of City & Cty. of San Francisco*, 387 U.S. 523 (1967).

⁴⁷ See Denise R. Johnson, *Reflections on the Bundle of Rights*, 32 Vt. L. Rev. 247 (2007).

Furthermore, the crime-free programs attempt to shift policing duties to landlords. While residents of owner-occupied homes are free to use city services without fear of repercussion, landlords and tenants are subjected to an alternate policing system where there are significant repercussions for utilizing basic city services. This places an unfair cost on landlords (as well as putting landlords in potentially dangerous situations in order to preserve the right to lease their property). It also can have disastrous consequences for tenants who may forego reporting crimes against them for fear of losing their housing.⁴⁸

The proposed transition of certain areas from residential to non-residential uses to increase compatibility with nearby military, industrial and aviation uses raises potential concerns.

Military Compatibility Area Overlay District

Goal 4 of the Land Use Element calls for regulations to protect military and civilian airport uses. One action step proposed is to create a Military Compatibility Area Overlay District (the “MCA”), as recommended by a Joint Land Use Study conducted by the City and the Department of Defense in 2013 to identify certain land uses that are incompatible with the naval air station operations (the “JLUS”).⁵³ It recommended the adoption of a Military Sustainability Master Plan Element in the comprehensive plan and recommended establishing the MCA, over the areas shown on Figure 2 of the JLUS, to restrict land uses that are incompatible with various aspects of operations.⁵⁴ The MCA would permit those land uses that are generally considered compatible with the military airfields and the Corpus Christi International Airport – light industrial, commercial, agricultural, parks, and low-density residential – but would not permit other uses. The MCA would also regulate density and height of structures in order to improve compatibility with the airfield.

⁴⁸ For further discussion see Werth, *supra* n.42.

⁴⁹ Element 11, Goal 4, Strategy A, Action 1; see also Element 6, Goal 7, Strategy A, Action 1.

⁵⁰ Element 11, Goal 4, Strategy A.

⁵¹ 72 Tex. Jur. 3d *Urban Renewal* § 1 (2015).

⁵² David B. Brooks, Tex. Prac., *Municipal Law and Practice* § 19.12 (2d ed. (2014)).

⁵³ Element 10, Goal 4, Strategy A, Action 2; NAS Corpus Christi: Joint Land Use Study (“JLUS”), at 42, Table 2, available at http://www.ccjlus.com/images/documents/NASCC%20JLUS%20Final_sm.pdf, last accessed July 9, 2015.

⁵⁴ JLUS, *supra* n.53 at 27, Figure 2.

Transition Special Districts for Aviation and Industrial Areas

The Future Land Use Element calls for “transitions from residential enclaves to nonresidential uses ... in industrial and aviation special districts.” The Future Land Use Map identifies two areas — Transition Aviation Special District and Transition Special District — as areas where residential uses, deemed incompatible with industrial and aviation uses, are to be “transitioned” to nonresidential uses. The “Transition Aviation Special District” is located south of the Corpus Christi Naval Air Station on Flour Bluff.⁵⁵ The “Transition Special District,” also described as the “Special I-37 Transition District,”⁵⁶ is designated as the area north of Interstate 37 and west of the Harbor Bridge.⁵⁷ This area is adjacent to oil refinery operations and other industrial uses.⁵⁸

Concerns about MCA and Transition Districts

These proposed changes could have a significant impact on property values within those areas. This is due to the limited uses that would be permitted in those areas and, within the Transition Districts in particular, the explicit goal of “transitioning” existing residential uses elsewhere.

With respect to the intended uses in the MCA, Plan CC notes that there is little demand for additional office space⁵⁹ and has not raised a lack of available industrial sites as an issue. Insufficient demand for the permitted uses may significantly depress the values of properties that are suitable for other uses but rezoned into the MCA. Landowners whose property is already developed with a use or structure that becomes nonconforming as a result of being placed in the MCA or one of the Transition Districts could find it extremely difficult to recoup the value invested in the property, assuming that there is likely to be low demand for allowed uses and significantly reduced value for nonconforming uses.

⁵⁵ See Future Land Use Map at Exhibit 10.10 on p. 10-35.

⁵⁶ See Element 10, Goal 1, Strategy B, Action 1.

⁵⁷ See Future Land Use Map at Exhibit 10.10 on p. 10-35.

⁵⁸ *Id.*

⁵⁹ Element 6 at 6.9.

Transitioning these areas away from residential use is intended to promote economic opportunities in the City by removing incompatible uses. Plan CC notes that residents in the proposed Transition Aviation Special District and in the Special I-37 Transition District are largely low-income tenants and owners and recognizes that a fair process is needed for this transition to happen. It suggests providing incentives to residents⁶⁰ and financial support from private organizations to residents.⁶¹ It is unclear how practical these suggestions are and whether sufficiently attractive incentives could be created to encourage large numbers of residents to move to other areas of the City. As a good source of knowledge and experience concerning the commercial and residential real estate markets, the Association should request to be part of any working group organized to further these goals.

Even if the City succeeds in efforts to transition these areas away from residential use, Plan CC does not identify how “hold-outs” will be addressed. For example, does the City contemplate using a redevelopment authority to declare hold-out areas as blighted and use eminent domain to displace property owners and residents so their property can be taken and assembled into parcels for transfer to a new private owner? The Association should note its concern over the potential that the City will try to use eminent domain to achieve this the transition using eminent domain powers if the proposed action items are not successful in accomplishing a full transition.

Automatically restricting in newly annexed parts of the City may unnecessarily restrict the development of the Annexation Areas.

Element 8 calls for “orderly growth in the southern [extra-territorial jurisdiction].” The City’s authority to regulate growth in the extra-territorial jurisdiction (“ETJ”)⁶² is limited to its subdivision regulations; it cannot zone in this area.⁶³ To achieve this goal the plan proposes to amend the UDC to create a “Rural Enterprise” zone with a maximum density of one dwelling unit per twenty acres and a certain number of uses permitted by special permit; require newly annexed areas to be automatically zoned as Rural Enterprise; not permit rezoning from Rural Enterprise until water and wastewater services are provided; and not permit water lines to be extended to an area unless there is a commitment to bring wastewater lines within three years.⁶⁴ The areas proposed to be annexed by 2020 are shown as A and B on Exhibit 10.14 (the “Annexation Areas”) and are located in the southern ETJ.⁶⁵

⁶¹ Element 10, Goal 5, Strategy A.

⁶² The ETJ is the unincorporated area within five miles of the city limits. Texas Loc. Gov’t Code § 42.021.

⁶³ Element 10, C. Challenges, 4, at 10.14. See Corpus Christi, Unified Development Ordinance, § 3.8.1. It may also be possible for the City to require building permits and enforce its other construction related ordinances. See

Terrence S. Welch et al., *Municipal Regulation of the ETJ*, Brown & Hofmeister, LLP, available at <http://www.bhlaw.net/8%20MUNICIPAL%20REGULATION%20ETJ%20-%20COG%20Basics%20of%20Planning%20and%20Zoning%20-%20April%202005%20Edition.pdf>, last accessed July 10, 2015.

⁶⁴ Element 10, Goal 6, Strategy A.

⁶⁵ Element 10, Goal 6, Strategy B.

Annexing these two areas is a short-term goal to be completed by 2020.⁶⁶ Until that happens, any problems associated with a lack of zoning will continue to exist and could be compounded by additional development. In the discussion of land use challenges, Plan CC identifies issues with proper soil conditions for septic systems and the high demand for large single-family homes (due to good schools and lower land costs) which have the potential for “chaotic” development patterns which “can make providing services and infrastructure more costly than necessary” if the area is annexed.⁶⁷ Through the City’s subdivision regulations and its building regulations, however, it appears that the City should be able to require proper septic system design, proper road design and construction, sufficient access to properties for emergency services, and proper utility service be provided to all new development in the ETJ, even prior to annexation.

Automatically zoning all parcels in newly annexed areas as Rural Enterprise may unnecessarily restrict future development. Although the authors of Plan CC provided an analysis of available land for development for land within the City limits,⁶⁸ it has not provided a similar analysis for the development potential of the Annexation Areas at the proposed density. Therefore, it is unknown how much development can be accommodated at the Rural Enterprise density of 1 unit per 20 acres. Also, the plan does not detail what other zoning requirements may be imposed which could make existing legally created parcels and development nonconforming.

The provisions requiring water service plus a commitment to bring waste water service before an area can be rezoned out of Rural Enterprise to allow denser development may effectively preclude such rezoning from taking place. Water and wastewater services are not typically extended unless there is sufficient density to justify and offset the cost of the extension. Under the low density Rural Enterprise zoning, the thresholds at which extending service makes sense may not be reached, which means these areas will not be able to satisfy the preconditions to be eligible for rezoning to accommodate additional density.

The Annexation Areas are proposed for annexation precisely because they are areas already developing as residential enclaves. Plan CC includes as one of its land use principles, “locate new residential developments adjacent to and connected to existing development.”⁶⁹ The density restrictions proposed by Plan CC for the Annexation Areas appear to be contrary to this principle. The Plan CC proposal to zone annexed areas at the low Rural Enterprise density would also apparently apply to any other areas identified for future annexation. Over time, this policy may significantly reduce the potential growth and development of the City.

⁶⁶ See Element 11, Implementation Matrix for Element 10, Goal 6.

⁶⁷ Element 10, C. Challenges, 4, at 10.14.

⁶⁸ Element 10, at 10.8.

⁶⁹ Element 10 at 10.31.

In particular, Goal 3 on page 33 should probably be stricken entirely. It mentions both Public and Private developments and the policy will be to ‘adopt design standards and guidelines that result in high-quality built environments.’ At a minimum, the word PRIVATE must be removed, as the city should not be telling private homebuilders what standards and guidelines should be employed.

The “mode choice corridors” that Plan CC recommends for evaluating potential impacts on adjacent road networks and neighborhoods should be established before any “mode choice corridors” are undertaken.

To further the goal of an efficient and safe transportation network (Element 6), Plan CC calls for “mode choice corridors” to be established to evaluate any impacts on adjacent road networks or neighborhoods. The road-diet concept was previously introduced in the Mobility CC plan. Mobility CC is the transportation element of the current comprehensive plan. Plan CC calls for certain parts of Mobility CC to be revised or reconsidered but it appears that Mobility CC will continue to be implemented alongside the other goals and actions proposed in Element 8.⁷⁰

A so-called “mode choice corridor” is the redesign of a roadway (typically a four lane road) in which a travel lane is removed and the space is dedicated to other uses, such as a two-way left turn lane, bicycle lanes, pedestrian islands, transit, or parking.⁷¹ The purpose of reconfiguring the lanes is to increase safety for all roadway users, not to restrict capacity for vehicles in favor of other modes of transportation.⁷²

Mobility CC previously identified several corridors as subjects for a “mode choice corridor.” Plan CC calls for a review of this list, identification of other potential corridors that should be considered for a road-diet (in conjunction with the proposed creation of Urban and Neighborhood Villages), and proposes a quantitative analysis for determining impacts to capacity on adjacent networks and neighborhoods.⁷³ While the concept of a “mode choice corridor” is not necessarily objectionable by itself, the City should be sure that no adverse traffic impacts are caused by their implementation. To the extent that applying a “mode choice corridors” to a particular corridor leads to changed traffic patterns and increased congestion on alternate routes, it can have potential impacts on development potential and costs. Based on the recommendations in Plan CC, it appears that Mobility CC did not adequately evaluate impacts to adjacent neighborhoods and road networks.

⁷⁰ Mobility CC can be found on the City’s website at <http://www.cctexas.com/Assets/Departments/PlanningEnvironmentalServices/Files/MobilityCC.pdf>, last accessed July 13, 2015.

⁷¹ FHWA Safety Program, *Mode choice corridors Informational Guide*, U.S. Dept. of Transportation, Report No. FHWA-SA-14- 028, Nov. 2014, available at http://safety.fhwa.dot.gov/road_diets/info_guide/rdig.pdf, last accessed July 13, 2015.

⁷² *Id.*

⁷³ Element 8, Goal 1, Strategy 4, Action 4.

If implemented, Plan CC's recommendation to develop and apply "mode choice corridors criteria" should serve to increase the safety of the transportation network by implementing "mode choice corridors" design, while also ensuring that the capacity of the corridors remains sufficient for existing and future vehicle trips made along the corridor and that there are no unintended consequences to adjacent areas. Realtors should insist that the "mode choice corridors" program not move forward unless and until such criteria are developed and applied to evaluate the potential negative effects of imposing a "mode choice corridors" on a given corridor.

Incentives provided to facilitate preferred development are more desirable than mandates, but should be designed not to disadvantage other types of development.

Element 4, page 20, Goal 2. Plan CC recognizes that the desired types and locations of development may not be realized entirely through market forces alone. It suggests the use of incentives to overcome barriers to certain types and locations of development. For example, to support Goal 2 of the Housing Element ("Quality housing meets the diverse needs of households at all income levels and all stages of the life cycle."), Plan CC proposes that the City assist in land assembly for affordable housing, that the City engage in public-private partnerships by contributing infrastructure or streamlined zoning review for developments that meet housing goals, and that the City create a

Neighborhood Empowerment Zone to provide tax abatements for construction of workforce housing.⁷⁴ To promote Goal 5 of the Housing Element ("New and redeveloped housing is resource-efficient.") the plan calls for providing a per-unit discount for building permits for resource-efficient housing. In some places Plan CC suggests that incentives be identified in the future.

Incentives can reduce development costs which can benefit developers through cost savings, residents through lower housing prices, and the community by providing the desired type and location of development. From the perspective of property owners and developers, incentives that make desired development types attractive and more profitable are a better approach than mandates used to require that development include certain amenities or characteristics. Ideally, incentives to develop in a particular way should not penalize or divert resources from permissible development. For example, Plan CC calls for supporting resource efficient housing by providing incentives such as permit streamlining. To the extent that permit streamlining for favored development means that local resources must be diverted from traditional permitting requests, the result may be that the streamlined process for the incentivized development causes delays for other development. In this case, waiver of permit requirements rather than fast-tracking the process may provide the desired incentive to the preferred form of development without increasing the burden on other forms of development.

⁷⁴ Element 6, Goal 2, Strategy E, Actions 1, 2, and 3.

The Associations will support the use of properly designed incentives, rather than mandatory requirements, to promote the type and location of development identified in the plan.

Plan CC does not appear to satisfy all of the requirements of the City Charter.

Article V of the Corpus Christi City Charter requires the City to establish comprehensive planning in order to “guide, regulate, and manage future development and redevelopment within the corporate limits and extraterritorial jurisdiction of the city.”⁷⁵ To meet this requirement, the city council is required to adopt a comprehensive plan as the general plan.⁷⁶ The comprehensive plan is required to have:

- (1) A future land-use element
- (2) An annexation element;
- (3) A transportation element;
- (4) An economic development element;
- (5) A public services and facilities element, which shall include a capital improvement program;
- (6) A conservation and environmental resources element; and
- (7) Any other element the city council may deem necessary or desirable in order to further the [objectives of Article V of the City Charter].⁷⁷

Plan CC would replace the assortment of plans currently in place in the City. Element 9, Goal 1 acknowledges the City Charter requirements, specifically noting the required plan elements.⁷⁸ Nonetheless, Plan CC appears to omit required elements.

Plan CC does not contain an Annexation element, even though annexation is discussed in other plan elements. For example, Goal 6 of the Future Land Use Element addresses anticipated development in the Annexation Areas and Exhibit 10.14 shows the locations of two planned annexation areas (and one designated for an industrial agreement instead of annexation).⁷⁹ While these and other discussions in Plan CC address the topic in certain respects, the City Charter clearly calls for a separate annexation element.⁸⁰

⁷⁵ City of Corpus Christi City Charter, Article V, Section 1.

⁷⁶ *Id.* at Section 4.

⁷⁷ *Id.*

⁷⁸ Element 11, Goal 1 at 11.5.

⁷⁹ Element 10 at 10.51-10.53.

⁸⁰ The City has an Annexation Plan, adopted in December 1999 (*see* City of Corpus Christi, Resolution Adopting the Annexation Plan Required by Section 43.052, Local Government Code, available at <http://www.cctexas.com/Assets/Departments/PlanningEnvironmentalServices/Files/Adopted%20City%20Annexation%20Plan.pdf>, last accessed July 8, 2015) as required by Texas statute (*see* Texas Loc. Gov’t Code § 43.052 (requiring the adoption of an annexation plan in order to annex properties but excepting certain annexations from these procedural requirements)), which states that the City has no plans to annex any areas subject to the statutory requirements.

Similarly, the public facilities element of Plan CC does not contain a capital improvement program or discuss plans for developing a capital improvement program. A Capital Improvements Plan or Program (“CIP”) is used to assess capital facility needs against the plans’ goals and policies on a shorter planning horizon, typically five years.⁸¹ It is an important tool for the implementation of a comprehensive plan because it identifies, prioritizes and assigns funding to planned capital projects.⁸²

Rather than ensuring that it conforms to the requirements of the City Charter, the first proposed action step under the strategy for adopting the new long-range plan is to amend the City Charter and existing ordinances to align them with Plan CC.⁸³ Plan CC does not explain why the City Charter should be amended to exclude the missing annexation and capital improvement program elements from the City’s comprehensive planning requirements. The annexation element and CIP are important planning tools, and Plan CC also does not explain how the City intends to address these subjects adequately outside of the comprehensive plan process.

⁸¹ Vicki Elmer, *Capital Improvement Plans and Budgets*, Lincoln Institute of Land Policy, at 4, available at <https://www.lincolnlust.edu/subcenters/teaching-fiscal-dimensions-of-planning/materials/elmer-CIP.pdf>, last accessed July 8, 2015.

⁸² University of Wisconsin Stevens Point, Center for Land Use Education, *Planning Implementation Tools: Capital Improvement Plan*, Sept. 2008, available at [https://www.uwsp.edu/cnr-ap/clue/Documents/PlanImplementation/Capital Improvement Plan.pdf](https://www.uwsp.edu/cnr-ap/clue/Documents/PlanImplementation/Capital%20Improvement%20Plan.pdf), last accessed July 8, 2015.

⁸³ Element 11, Goal 1, Strategy A, Action 1.

Although not in the 2nd Draft of Plan CC, there was a proposal for the creation of a redevelopment agency that could be given eminent domain power, infringing on private property rights.

Plan CC calls for the City to consider creating a development agency “in designated areas of the city where redevelopment is desired, such as the Urban and Neighborhood Village locations.”⁴⁹ This action step further states:

Corpus Christi does not have a redevelopment agency that can act to accelerate redevelopment in desired locations by making and implementing plans that require land assembly and improvements in order to attract and leverage private investment...One approach would be to use Texas Local Government Code Chapter 374 [The Texas Urban Renewal Law].”⁵⁰

The Texas Urban Renewal Law authorizes a municipality to remove slum and blighted conditions through eminent domain.⁵¹ Although the Texas statute provides some limitations on the use of eminent domain to take properties that are not blighted, overall, it appears to permit the City to take property for redevelopment by a private entity.⁵²

The possibility that Corpus Christi will create a redevelopment agency under the Urban Renewal Law raises significant property rights concerns. While it is important that the City have the necessary tools to implement Plan CC, those tools should not be used to eliminate private property rights. A redevelopment agency could certainly be a valuable tool for promoting redevelopment of the downtown area and promoting the development of Urban and Neighborhood Villages. However, that agency should focus on acquiring and assembling property through other means and on providing guidance and assistance (in the form of public-private partnerships) to facilitate desired development.

⁴⁹ Element 11, Goal 4, Strategy A, Action 1; *see also* Element 6, Goal 7, Strategy A, Action 1.

⁵⁰ Element 11, Goal 4, Strategy A.

⁵¹ 72 Tex. Jur. 3d *Urban Renewal* § 1 (2015).

⁵² David B. Brooks, Tex. Prac., *Municipal Law and Practice* § 19.12 (2d ed. (2014)).

The implementation of Plan CC relies heavily on the reinstatement and expansion of the City's Planning Department, which may not be feasible.

Goal 5, Element 9 states that “a new Planning Department is in place” and that it will be given “a proactive role in coordinating initiatives to implement comprehensive and other plans.”⁸⁴ Plan CC calls for the staff of the reinstated Planning Department to include a planning director, a land use planner, an urban designer, a housing planner, a transportation planner, a neighborhood/district planner and a long-range planner.⁸⁵ The implementation element lists this as a short-term goal, to be achieved between 2015 and 2020.⁸⁶

The City currently has a Development Services Department that provides support to the Planning Commission and to the public for permitting and regulatory activities.⁸⁷ The City used to have a Planning Department that was part of the Development Services Department. The Planning Department was separated from the Development Services Department in order to focus on completing this comprehensive plan update, and then was eliminated in late 2013 or early 2014 when the planning function was privatized.⁸⁸

Given the recent elimination of the department, Plan CC's goal of reinstating the City's Planning Department and hiring dedicated staff with significant expertise in various aspects of community planning may be too ambitious. The City may find it difficult to attract (and pay for) a new staff of at least seven professionals with the necessary skill sets, particularly in light of the City's fluctuating treatment of that department in recent years. It may also be politically difficult to reinstate a department that was recently eliminated in favor of outsourcing these planning duties to private consultants. The possibility that the Planning Department will not be re-established quickly or easily poses a significant potential problem for the implementation of Plan CC, because so many of the action steps are delegated to the new planning department.⁸⁹ If the planning department is not reinstated as proposed, it is not clear whether other City departments or private consultants may be able to undertake the proposed actions.

⁸⁴ Element 11, Goal 3 and Policy.

⁸⁵ Element 11, Goal 3, Strategy B, Action 2.

⁸⁶ Element 11, Implementation Matrix.

⁸⁷ See generally City of Corpus Christi, Development Services website at <http://www.cctexas.com/government/development-services/index>, last accessed July 14, 2015.

⁸⁸ See Element 11, Goal 3; see also Matt Dietrichson, *Corpus Christi may outsource more of planning department*, Houston Tomorrow (Aug. 30, 2013), available at <http://www.houstontomorrow.org/livability/story/corpus-christi-may-outsource-most-of-planning-department/>, last accessed July 8, 2015.

⁸⁹ See Element 11, Implementation Matrix.

Poorly Drafted Goals

Comprehensive plan “goals” should be drafted as general statements of desired future conditions. Some of Plan CC’s goals are written more as action steps than as goals. For example, Goal 1 of Element 6, states “Corpus Christi has a comprehensive housing policy to guide development of quality neighborhoods.” This states that the City’s goal is to develop a policy. It is more likely that the intended *goal* is for Corpus Christi to develop quality neighborhoods, and that an *action step* towards that goal is for the City to develop a comprehensive housing policy.

Similarly, Goal 6 of Element 6, states, “Corpus Christi supports and maintains established neighborhoods.” Presumably the City’s *goal* is that its established neighborhoods offer quality living environments for residents. As one *strategy* for achieving that goal, the City will “support and maintain” those neighborhoods.⁹⁰ The City should revise and clarify these and other goal statements so that they actually state goals.



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Ms. Arlene Medrano:

RE: Tufts Cove Property under the Comprehensive Development Plan

Dear Ms. Medrano:

We represent the ownership of Tufts Cove a 400 acre property on Mustang Island. Corpus Christi's new Comprehensive Development Plan has designated our property under the most recent suggestions to be designated at "Public Open Space". This is completely unacceptable to the Tufts Cove for numerous reasons.

Tufts Cove acquired this magnificent property in 1986 and is now finally ripe for development. Tuft's has spent over \$300,000 in planning and engineering over the last few years working with the US Army Corps of Engineers toward a concept development plan and grading permit.

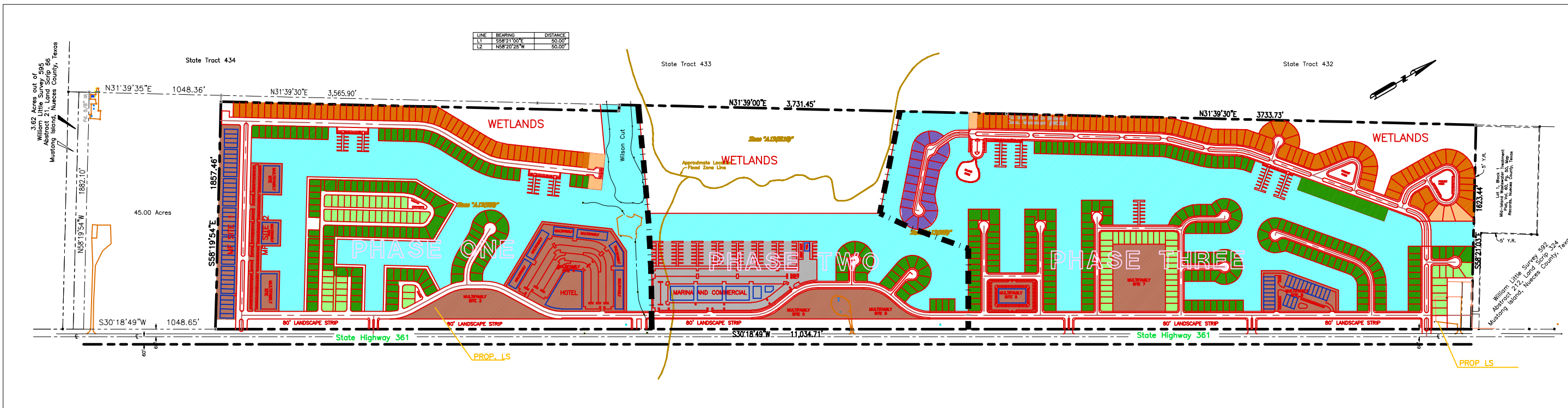
Mustang Island is a beautiful place which is attracting a great deal of attention with the declining availability of serene beach space around the southern US. That coupled with the increasing wealth resulting from oil and gas production in south Texas is now creating high demand for resort property around Mustang Island. Tuft's Cove has been preparing for this economic opportunity for some time. This will have a significant positive impact on Corpus Christi. Thousands of jobs will be created due to development on the island. Many more service sector jobs will be created to serve the discretionary spending from those home owners. This has been our vision for Mustang Island and particularly with the Tufts Cove property which comprises the Wilson Cut.

Attached is a preliminary concept plan illustrating what Tufts is planning to develop. We intend to create a very special environment conducive to elevated living, unlike anything developed on the island thus far. It will attract affluent families that will spend money in and around the Corpus Christi area as well as other people of various socioeconomic backgrounds.

We are confident that after careful consideration, the City will chose to work with us to develop the property to its glorious potential –a project the City can be very proud of. A project, which is the result of numerous discussions with the City staff over several decades.

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Asset manager for Tufts Cove Investment Corp.



P H A S E O N E			
LAND USE – SINGLE FAMILY		QUANTITY (EACH)	AREA (ACRES)
LAND LOCKED	WATER FRONT		
	50'x120' MIN.	57	7.75
	50'x120' MIN.	4	0.5
	50'x90'–100'	43	4.9
	50'x90'–100'	147	16.8
	SUB–TOTALS:	251	29.95
LAND USE – MULTIFAMILY			
	SITE 1	91*	5.7
	SITE 2	86*	5.4
	SITE 3	66*	4.1
	SITE 4	201*	12.6
	SUB–TOTALS:	444*	27.8
	CHANNELS	ALL DEPTHS	46.46
	WETLANDS		7.36
STREET R.O.W.–LANDSCAPE STRIP			27.11
TOTALS:		695*	138.68

P H A S E T W O			
LAND USE – SINGLE FAMILY		QUANTITY (EACH)	AREA (ACRES)
LAND LOCKED	WATER FRONT		
	50'x90'–100'	24	3.62
	SUB–TOTALS:	24	3.62
LAND USE – MULTIFAMILY			
	SITE 5	76*	4.8
	SUB–TOTALS:	76*	4.8
	MARINA	MIXED USE	15.3
	CHANNELS	ALL DEPTHS	17.70
	WETLANDS		37.58
STREET R.O.W.–LANDSCAPE STRIP			9.75
TOTALS:		100*	88.75

P H A S E T H R E E			
LAND USE – SINGLE FAMILY		QUANTITY (EACH)	AREA (ACRES)
LAND LOCKED	WATER FRONT		
	50'x120' MIN.	88	17.95
	50'x120' MIN.	4	1.0
	65'x100' MIN.	22	4.8
	50'x90'–100'	46	5.5
	50'x90'–100'	218	26.38
	SUB–TOTALS:	378	55.63
LAND USE – MULTIFAMILY			
	SITE 6	38*	2.4
	SITE 7	81*	5.1
	SITE 8	61*	3.8
	SUB–TOTALS:	180*	11.3
	CHANNELS	ALL DEPTHS	58.24
	WETLANDS		9.86
STREET R.O.W.–LANDSCAPE STRIP			32.74
TOTALS:		558*	167.77

— — — — — PHASE LINE

*Note: Multi–family density varies from 10 to 22 units per acre. Assumed density @ 16 units per acre.

TUFT'S COVE DEVELOPMENT PLAN

LAYOUT "A"

URBANENGINEERINGCORPUS CHRISTI, TEXAS

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Job No. 41853.00.00
JLU/crr MAY 20, 2009

1600 800 0 800 1600
GRAPHIC SCALE
1"=800'