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Although racism is less explicit today than it was just 50 years ago, Austin remains a racially and economically segregated city with an uneven distribution of environmental risks and benefits. While the city of Austin has heralded its high quality of residential life and environmental resources, these benefits have not been equally available to Austin's African American and Mexican American residents. The environmental justice problems facing East Austin today are the direct legacy of the racist policy decisions of city leaders in the early 1900's and are closely interwoven with other contemporary social and economic justice issues. Over the past fifteen years, PODER and other East Austin activists have emerged victorious in some important environmental justice battles and have expanded "environmental justice" to include social and economic justice concerns such as affordable housing and educational opportunity.

Segregation and the 1928 Master Plan: Foundations of Environmental Racism

Although Travis County voted against secession from the Union in 1861¹, slavery was central to Austin's antebellum economy and explicit racism pervaded until the mid-20th century.² Immediately following the Civil War, African Americans experienced a tremendous period of achievement during which they organized churches, led schools, established businesses, resided throughout the city, and actively participated in city politics and governance.³ Unfortunately, by the 1890's segregation of public schools was already state policy and soon local Jim Crow policies barred African Americans from many public

¹ Humphrey 1997: 13

² Orum 1987: 16-19, Humphrey 1997:35-46

³ Humphrey 1997:16-18

spaces and facilities.⁴ The Mexican American population, which began to grow rapidly in the early 1900s, experienced similar – though often less blatant – discrimination.⁵ Neighborhoods such as Hyde Park were advertised as “Exclusively for White People” and restrictive covenants gave legal standing to discrimination in housing by the 1920s and gradually relegated African and Mexican Americans into East

Figure 1. Residential segregation in Austin, 1927



Austin (see Figure 1).⁶ While blatant racism became institutionalized by city leaders, vibrant African American and Mexican American communities took root and flourished in East Austin [see [short video clip of Austin in the early 1900's](#)].

In 1928 – after two years of discussions amongst city leaders about how to impose residential segregation officially – the city council enacted its first comprehensive “City Plan” that aimed to establish East Austin as a “negro district” while at the same time greatly improving the quality of residential life in other parts of the city through expansion

⁴ Humphrey 1997: 35-36

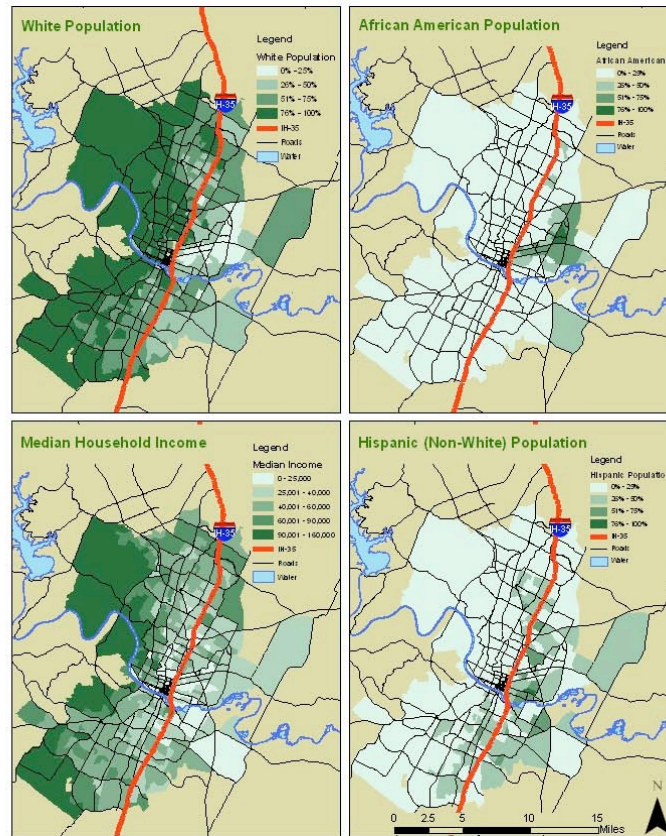
⁵ Humphrey 1997: 42-43

⁶ Humphrey 1997: 36.

of city services and parks.⁷ To encourage further segregation, city services such as sewer and electricity were provided to non-whites only in East Austin.⁸ By 1930, 80% of African Americans lived in a distinct cluster in East Austin and Mexican Americans established themselves nearby.⁹ Unfortunately, public service quality was inferior in East Austin, and its residents were denied access to most of the Plan’s amenities – including Barton Springs, Austin’s favorite outdoor recreational space, which was not open to African Americans until 1959.¹⁰ Even worse, the zoning plan established in 1931 relegated industrial and “unrestricted” uses to East Austin, intermixed with the residences of Austin’s minority populations.¹¹ [See maps of the 1928 master plan and zoning districts]

While the rest of the city benefited from a growing intellectual economy tied to the University and Capitol, East Austin residents receiving mostly inferior educational opportunity were limited to low-wage, low-skill jobs in industries that polluted their residential environments. These racial, ethnic, and industrial patterns of segregation were reinforced through federal public

Figure 2. Residential segregation in Austin, 2000



⁷ Humphrey 1985: 182-185

⁸ Ibid.

⁹ Humphrey 1997: 36

¹⁰ Humphrey 1985:215

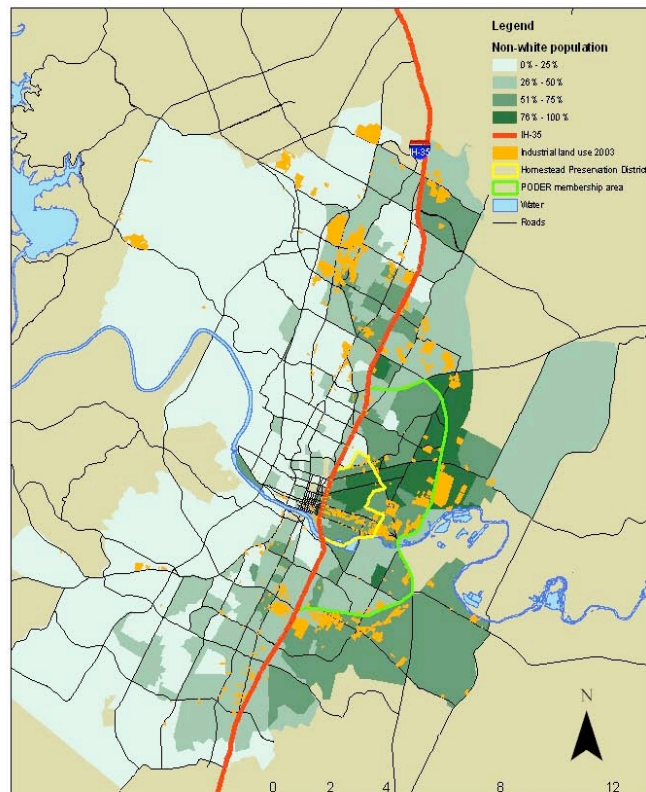
¹¹ National Academy of Public Administration 2003: 96

housing programs in 1939¹² as well as the construction of Interstate Highway 35, which created a significant physical and visual barrier between East Austin and the rest of the city. Although the Civil Rights Act of 1964 and the Fair Housing Act of 1968 made such segregationist policies unenforceable, Austin remains a largely segregated city, as can be seen in current maps of racial, ethnic, and economic distribution (see Figure 2), as well as placement of industrial and post-industrial toxic sites (see Figure 3). The U.S. Census (2000) shows that while only 16% of Austin’s population lives in East Austin, 29% of the total Hispanic population and 46% of the total African American population live there.¹³

The Campaign for Environmental Justice: LULU’s, salamanders, & gentrification

Today, industrial uses and abandoned brownfields are scattered throughout the East Austin’s residential neighborhoods, which remain the home of most of Austin’s minority and low-income residents. Neighborhood schools and playgrounds are still located close or adjacent to industrial land uses, exposing children to environmental risk [see map]. Austin’s high-tech

Figure 3. Industrial land use and non-white population, 2000



¹² Humphrey 1997: 42, 1985, 198-199

¹³ National Academy of Public Administration 2003:93.

growth has increased jobs for elite, well-educated workers, but companies like Sematech, Advanced Micro Devices (AMD), and Motorola are less “clean” than originally expected and have chosen to locate in predominantly low-income, minority areas.¹⁴ Thankfully, over the past fifteen years, People Organized in Defense of Earth and her Resources (PODER, a local grassroots organization) and other East Austin activists have been holding outside companies accountable to environmental regulations and challenging city zoning policies that perpetuate incompatible uses in their neighborhoods. While Austin continues to grow rapidly, these activists fight for their right to stay in their neighborhoods in the face of gentrification, and to keep the toxic pollution of high tech industries and other locally unwanted land uses (LULUs) at bay.

Environmental Justice Victories

Drawing on the pride of their resilient communities, engaging in local politics, and collaborating with national and international environmental justice networks, these activists have won [many impressive victories](#). These include: forcing the 1993 relocation of a Tank Farm (a fuel storage facility whose toxic emissions led to chronic disease in the residential neighborhood it abutted) and later (1997) down-zoning the property; calling attention to the negative impacts of a seven-acre recycling facility and forcing its relocation (1997); establishing the East Austin Overlay Ordinance which notifies residents when an industrial facility plans to locate or expand; and saving a treasured neighborhood park from becoming the site of the industrial Green Water Treatment Plant (2006). They have

¹⁴ National Academy of Public Administration 2003: 100-101. Trower, Tara. “Neighbors live with daily fears of spills.” *Austin American Statesman*, July 20, 1997. Section A1

also led a [campaign to close down the Holly Street Power Plant](#), located in the middle of a Central East Austin residential neighborhood. Of course, this quick list of environmental justice highlights does not honor the steadfast efforts of these activists, or the challenges and obstacles they overcame to win these victories.

The role of zoning and planning decisions in environmental justice

While all of the victories highlighted above contributed greatly to the quality of life in East Austin, it is important to discuss the role local land use and zoning policies have played in creating, resolving, and reinventing environmental justice problems in East Austin. As described earlier, the 1928 Master Plan and its 1931 zoning regulations laid the foundations of environmental racism in Austin. Unfortunately, this situation became worse in 1986 when the City Council decided to switch from “cumulative zoning” (where any land use would be allowed *up to* the one zoned – with industrial being the highest) to “restrictive zoning” (where only the specific land use indicated by the zoning map is permitted). For instance, under cumulative zoning, residential homes could be built on land zoned industrial, but under restrictive zoning, only industrial facilities are allowed to be located on land zoned industrial.

On the surface this change may look harmless: it seemingly creates a more transparent zoning code. In practice, however, this meant that owners of homes in land zoned industrial could no longer secure home equity loans since banks will not lend if land use is inconsistent with zoning. In turn, this made it harder for these homeowners to repair and maintain their homes. Also, if the house of one of these residents burned down, they could

not even get the permits necessary to rebuild. Since much of the land in East Austin had been zoned industrial or unrestricted, the new restrictive zoning secured much more land for industrial and commercial use only. It also encouraged disinvestment and decline in East Austin neighborhoods.

Partly in response to this problem, in 1997 PODER and El Pueblo (another community organization) pushed Austin's first "Green" City Council to establish an East Austin Overlay district that would 1) allow land to be rezoned consistent *with its existing use*, 2) minimize incompatible uses, and 3) provide extensive notification to local residents whenever a new use is proposed that is more intense than commercial use.¹⁵ The East Austin Overlay district, along with [Austin's Neighborhood Planning process](#) that began in 1996, gave East Austin residents significantly more control in zoning decisions for their neighborhoods. Unfortunately, many industrial and commercial land-uses inconsistent with residential neighborhoods were "grandfathered in" – i.e., they were allowed to continue as nonconforming land uses because they were there before the zoning changes took effect and had "vested rights" to remain.

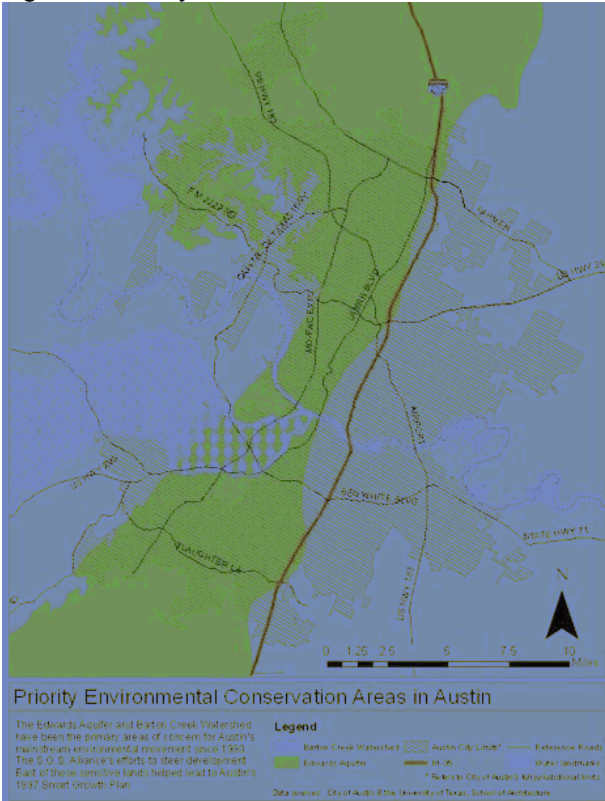
Environmental Politics, Smart Growth and Gentrification

Around the same time the "Green" City Council approved the East Austin Overlay district and began its process of Neighborhood Planning, a new set of environmentally-minded city plans triggered a new type of environmental justice problem for East Austin: gentrification. Unfortunately, as environmental activists worked to limit growth in

¹⁵ National Academy of Public Administration 2003: 96-97, 107

environmentally sensitive and recreationally revered parts of town, the City of Austin chose to make Central East Austin – conveniently located adjacent to the urban core – the “targeted development zone” where it would steer future growth. While this planning focus meant that cleaning up brownfield sites and reducing LULUs in East Austin would finally be a priority for the City,¹⁶ it also meant that rapid new development would threaten to displace families and businesses established in those neighborhoods.

Figure 4. Priority conservation areas in Austin



As Austin’s economy began to boom beginning in the 1970s, an [environmental movement](#) emerged to protect Austin’s treasured landscapes, natural resources, recreational spaces and quality of life.¹⁷ In 1990, Austin became famous for its S.O.S. (Save Our Springs) Ordinance that emerged from an all night public hearing in which 900 Austin environmental activists

¹⁶ In 1995, a committee of 22 citizens appointed by the Austin City Council created the *Citizens Planning Committee Report*, which provided 12 recommendations with implementation plans that it found necessary “to improve the livability of Austin,” a city which was then on the “wrong road.” The 7th recommendation was that “reinvestment, redevelopment, and remediation in East Austin must be encouraged and facilitated by the city’s planning and development process. Austin cannot sustain growth and will become less attractive unless the total conditions are corrected and the quality of life for East Austin communities is improved.” The 8th recommendation was “consideration needs to be given to the disproportionate impact of negative environmental facilities on low-income neighborhoods and communities of color.” Thus, at once the city recognizes environmental justice problems, but also notes the need for that area to handle the city’s future growth. National Academy of Public Administration 2003: 91-92,101.

¹⁷ Orum 1987: 304-310.

challenged a large development project slated for the Barton Springs Watershed.¹⁸ The S.O.S. Ordinance ultimately failed to prevent much development over the sensitive watershed since Texas law easily “grandfathered in” development. However, its passage was a watershed moment in Austin’s planning history, with developers and environmentalists fighting over private and public property rights. The environmental activists devoted themselves to preventing development in West Austin, home of several vulnerable species of amphibians and birds (including the endangered Barton Springs Salamander), as well as the Edwards Aquifer, an important water source [See Map].¹⁹ From these conflicts, in 1997 a new “Smart Growth” policy emerged, designed to acknowledge the desirability of growth while directing its path to meet other public needs. This policy – which established Central East Austin as the targeted development zone described above – was developed behind closed doors, in a meeting with environmentalists, developers, and city staff. Members of East Austin communities were notably missing.²⁰

Although increased private and public investments in East Austin have brought some benefits, they have also rapidly increased property values in the area, which in turn have increased residential property taxes. According to a research team of the LBJ School of Public Policy at the University of Texas, the median sales price of homes in Central East Austin (zipcodes 78702 and 78741) increased from \$58,000 to more than \$119,000 (more

¹⁸ Moore 2007:40

¹⁹ For an interesting history of this battle between Austin’s environmental activists and developers, see chapter two, “The Springs of Austin” in Steven A. Moore’s *Alternative Routes to the Sustainable City: Austin, Curitiba, and Frankfurt* (Lexington Books, Lanham, MD, 2007)

²⁰ Moore 2007:42-43.

than 100 percent in value) between 1999 and 2005 – a rate more than double the citywide 30 percent median price increase.²¹ In 1998, single family homes in the East Cesar Chavez neighborhood (just East of IH-35 and just north of Town Lake) were paying an average of \$706 annually in property taxes, but in 2004 this average rose to \$1,614, a 123% increase.²² Elderly residents – usually on a fixed, low income – paid an average of \$323 in 1998 and \$735 in 2004, a 128% increase.²³ Unfortunately, property taxes have increased more than many long time East Austin residents’ ability to pay. The LBJ study found that East Austin accounts for only 15% of Austin’s housing stock, but has 47% of the city’s tax delinquent properties and 72% of its foreclosures (Table 1 below).²⁴ Unfortunately, the clean up of industrial hazards and toxins from East Austin will not be enjoyed by its residents if they are priced out of their own communities.

Table 1. Disproportionate foreclosure and tax delinquency rates in East Austin

Signs of East Austin Distress	
2006	<i>East Austin as % of Austin</i>
Total Housing Units	15%
Tax Delinquent Properties	47%
Foreclosures	72%

Source: LBJ School of Public Policy and PeopleFund, 2006

²¹ LBJ P.53

²² Deng, Eden et al. “Gentrification in the East Cesar Chavez Neighborhood: A Policy Proposal for a Property Tax Loan Program.” Report conducted for UT CRP 385C and PeopleFund. Spring 2006. p i.

²³ Deng, Eden et al. “Gentrification in the East Cesar Chavez Neighborhood: A Policy Proposal for a Property Tax Loan Program.” Report conducted for UT CRP 385C and PeopleFund. Spring 2006. p. i .

²⁴ P.57 The LBJ report sites these statistics as follows: Source: Tax Delinquent Property data: City of Austin, Neighborhood Housing & Community Development. 2006 Single Family Residential Tax Delinquent Parcels by Geographic Concentration and Neighborhood Planning Area. Foreclosure data: Travis County Tax Assessor’s Office. Online. Available: http://www.co.travis.tx.us/tax_assessor/foreclosure/tax_sales.asp . Accessed: October 2006.

Recognizing the importance of “affordability” and economic justice in “environmental justice,” PODER’s leaders also work for expansion of affordable housing, opportunities in education, and other aspects of social and economic justice in East Austin. New economic growth in the area will not benefit East Austin residents unless its children receive the education they need to be able to secure jobs in these new “clean” companies. Revitalized brownfields and beautiful new parks will not be enjoyed by residents if they can’t afford to live there. In East Austin, like other cities around the country, environmental justice activists must at once fight to eliminate toxic land uses and promote solutions to their neighborhoods’ increasing affordability problems. It is from within this historic context that this environmental justice partnership between the University of Texas, PODER and Zavala Elementary School began.

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