

# PUBLIC COMMENT

Dutton, Greg

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From: Rivera, Andrew  
Sent: Tuesday, April 18, 2017 6:19 PM  
To: Dutton, Greg  
Subject: Fwd: Please deny removal of supper majority at HLC

Dutton:

Please forward to C&OJC.

T/ ar

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From: Glen Coleman [REDACTED]  
Sent: Tuesday, April 18, 2017 5:54:11 PM  
To: Rivera, Andrew  
Subject: Please deny removal of supper majority at HLC

Dear Codes & Ordinances Commissioners,

On behalf of the Home Builders Association of Greater Austin, I am writing to ask you to recommend to the full Planning Commission that the Austin Landmark Commission maintain its current supper majority requirement for owner opposed demolitions.

Austin's conduct in the matter of historic zoning has become so much a matter of thwarting infill development, and so little a matter of preservation, that the city has attracted state-wide attention and derision. Below is a link to an Austin Monitor article referencing a bill now in the Texas House of Representatives. Some points of the bill are unworkable, but some are quite valid, and both the bill's authors' and preservationists statewide are clear that Austin is the source of the offending behavior. The bill is asking among other things that the a 3/4 majority be required both at the local landmark commission AND at a city's land use board. (Planning Commission or ZAP). Not an auspicious time to lower the bar.

Please consider these points in your deliberations:

1. The current high bar only applies to owner opposed designations; it would not effect our robust historic designation program, historic districts, certificates of appropriateness, or any existing historically designated structure.
2. Super majorities are enshrined in many places in democracies where the rights of the minority are balanced against the will of the many. It is a terrible time in our history to signal current State and Federal majority holders that procedural precautions such as super majorities are valued by Austin's leaders only when it is in their interest, but abandoned when it is convenient to do so. Let's please not send that message to the Legislature this April.
3. If lack of quorum is an issue, then Council could simply appoint alternates a la the BOA, or appoint commissioners dedicated to better attendance. This would protect the high bar while allowing a fair assessment of the historicity of the site.
4. Council rarely landmarks a house against an owner's wishes, but the current system can be manipulated by third parties to generate long delays and increased expenses for home builders. Months can be added to cost of a development by the abuse of our current landmark statutes and lowering the 2/3 bar will only make the practice more frequent. The resulting cost increases widen income gaps in neighborhoods already suffering from run away gentrification.
5. We have been here before: Council raised the bar from simple majority to super majority to protect home owners and prevent capricious or political initiations of historic designations. If a site is truly historic, it should be able to achieve a 2/3 majority, and if it can not, perhaps it is best left to the home owner to decide its fate.

TIGER MCA 315007

6. Your recommendation could be handing the Planning Commission some very long nights if this measure is passed by Council. And to what end? Long bitter zoning battles that result in nothing but increased cost of homes.

Council has not requested that this be made an ordinance: they have requested that the matter be discussed and voted on, and returned to them for consideration.

Our city's history is important and our system for protecting it should have integrity and respect of the public.

Please recommend to maintain the current high bar for owner opposed historic designation.

Thank you for your service and with every best wish,

for the HBAGA

Glen Coleman

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- glen coleman

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The Austin Monitor

<https://www.austinmonitor.com/stories/2017/04/urban-affairs-committee-takes-preservation-bill/>

To: COA Codes and Ordinances Committee  
From: Charles M Mansfield, Austin resident  
May 17, 2017

This letter is to express my opposition to changing the 3/4<sup>th</sup> rule currently applied to the Austin Landmark Commission's historic zoning recommendations. Those who wish to change this rule are looking for a new tool to slow gentrification. This would constitute the misuse of Historic designation for non-historic purposes, and is harmful to Austinites for the following reasons:

1) Preventing demolition of old houses will cause financial harm to the low-income owners (or their heirs) who wish to sell them. Many of the homes being demolished in Central Austin are being sold by elderly, lower-income owners who wish to move closer to their adult children, or are being sold by the owner's heirs after their death – many of whom are also low-income. The value of their homes will be greatly diminished if potential buyers are not allowed to demolish the house. This harms the long-time, lower-income residents that you are trying to protect.

2) Misuse of Historic designation means more residents will be living in obsolete, unsafe and energy-wasting houses, which causes harm to them and to all Austin residents. Old houses are not built to current building codes. They are less safe, less energy efficient, and require more upkeep. My son and daughter-in-law purchased a 1940's house in Crestview. They demolished it and built a modest 1-story house of an architectural style that was appropriate for the neighborhood. They now have a family. The new house uses less energy than the old house, and they were not forced to move to the suburbs to start a family, adding to road congestion. This helps all Austin residents.

3) Misusing Historic designation as a back-door means to slow gentrification infringes on owner's property rights, and will serve to justify intervention by the State Legislature. Don't give them a legitimate reason to take away more of our local control. Already, the Historic Landmark Commission and the Board of Adjustments have a history of making inconsistent and arbitrary decisions. In one case a person is allowed a variance or a demolition permit, in a nearly identical a different applicant is not given the permit. This is bad governance, and can be used to justify intervention by the legislature. The 3/4<sup>th</sup> rule helps to reduce these arbitrary and unfair decisions which, inevitably, will occur if the decision to apply Historic designation can be reached by a simple majority. Do not allow the ludicrous application of Historic designation to properties clearly do not meet the spirit of Historic Preservation. Austinites will suffer for it.

I have lived in Austin for 50 years. Economic and social changes over these decades are straining many of my friends and family members - and me as well. I own an old house that I would never think of tearing down. But I fear city commissioners who would impose Historic designation on houses that clearly do not warrant it, over the wishes of its owners.

Charley Mansfield

# PUBLIC COMMENT



AUSTIN INFILL COALITION

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Date: 05/19/2017

To: Planning Commission

Re: **Removing 2/3 vote threshold to override owner and designate historic landmark zoning**

The Austin Infill Coalition requests that you **vote NO on deleting section 25-2-355 subsection (C)**. We oppose changing the 2/3 majority rule currently in use by the Historic Landmark Commission's historical zoning recommendations as it is a crucial component of the checks-and-balances system needed by our city.

Deleting section 25-2-355 subsection (C) would only serve to:

- Slow desperately needed housing development in urban core neighborhoods, making it even harder for families and municipal workers to find good housing options when the Mayor and CodeNEXT are committed to providing MORE quality housing options and a city that is compact and connected.
- Add cost and uncertainty to an already over-onerous process.
- Rob (mostly minority) families of the generational wealth their elders worked so hard to build since this rule change WILL make their property less valuable on the open market.
- Make it even harder for (mostly lower-income) families to make necessary improvements to their private property, essentially incentivizing people to live in unsafe conditions.
- Incentivize sprawl.
- Damage our tax-base a time when City funds are sorely needed--historic tax breaks are LARGE!
- Trample on individual property rights in a very 'unTexan' way.

Our research and front-line experience shows this change would create an incredibly easy opportunity for misuse of the Historic designation for non-historic means and be harmful to Austinites in a multitude of ways.

This change will also diminish the value and integrity of things that are truly historic since scores of older but *not* truly historic structures will now be zoned 'historic.'

Realize many supporting this proposed change are not pro-preservation, they are anti-development. Historic zoning is NOT a tool to thwart development. The 2/3 majority sets an appropriate bar when attempting to override an owner's wishes concerning his or her own private real estate—do not change this.

Lastly, City councils and commissions are already overburdened—can you imagine how many additional historic appeals this change would create? The backlog and tension and distraction from more pressing issues will be costly! Additionally, cases ruled on by City Council are often decided on based by politics and election cycles, not historical merit.

A 2/3 majority provides the appropriately-balanced framework that is needed for this process. Vote no! Austin, as a whole, will pay a great price if you do not!

Thank you,  
Austin Infill Coalition

The Austin Infill Coalition is an open group that typically meets the second Monday of each month at 11:30am. The coalition strives to unite urban infill development professionals and promote broad cooperation in order to affect positive change in Austin's built environment, with particular regard to housing.

# PUBLIC COMMENT

2211 Iva Lane

Austin, TS

TX 78704

June 8, 2017

Attn: Mr. Greg Dutton

Planning & Zoning Dept.

505 Barton Springs Rd.

Austin, TX 78704

Re: C20-2017-001

Dear Mr. Dutton:

This letter is being sent to voice my opposition to the proposed change from a super majority vote by council to a simple majority when there is a proposed zoning change to historic zoning where the property owner is opposed.

Thank you,

Camille M. Perry