



Date: 07/30/2017

To: Honorable Mayor and City Council

**Re: Agenda Item #118 August 3rd, 2017
2/3 Vote Threshold for Historic Landmark Zoning Against Property Owner Wishes**

The Austin Infill Coalition requests that you **vote NO on agenda item 118, which deletes section 25-2-355 subsection (C)**. We support the Planning Commission recommendation to add “alternates” to the Historic Landmark Commission as low turn out does appear to work against the intent of the supermajority threshold.

The 2/3 super-majority rule currently in use by the Historic Landmark Commission is a critical component of the checks-and-balances needed to ensure a high threshold when circumventing a property owner’s wishes. The state established the ability for municipalities to offer tax incentives for voluntary historic zoning. An incentive based approach for properties that meet historic criteria is not congruent with forced historic zoning. However, the supermajority rule allows for bypassing the incentive approach to allow for imposed historic landmark zoning of those rare properties of such elevated historic importance that individual property rights are secondary to the identity and legacy of the tax paying community at large.

That allowance to step outside the incentive based nature of historic zoning ensures that critical properties of local importance are not lost, but a higher threshold in these circumstances helps to avoid abuse. HLC bylaws are due for an overhaul. The current criteria for determining historic landmark are malleable, subject to wide interpretation, and are often abused in the name of opposing development pressure, rather than true historic preservation of significant properties that future generations can enjoy.

Demolition Permits released by HLC, are subject to appeals at the City Council level as an additional check on the process.

Lowering the 2/3 supermajority threshold that respects individual property rights risks:

- Robbing owners and heirs of generational wealth stored in their largest assets, many of whom happen to be minorities.
- Slowing desperately needed housing development in urban core neighborhoods where jobs and amenities exist, and where location allows for alternate transit options.
- Increasing cost of housing by adding uncertainty to the housing and development process.
- Making it even harder for (mostly lower-income) families to make necessary additions/improvements to their private property, and incentivizing people to live in unsafe conditions.
- Incentivizing sprawl.
- Damaging our tax-base with a low threshold for pulling properties off the tax roll.
- Treating individual property rights at a threshold so low as to invite further State scrutiny.
- Abuse by third parties.

Thank you,
Austin Infill Coalition