

Date: 21 March 2022

To: City of Austin Planning Commissioners

From: Nathalie Frensley, Chair, Allandale Neighborhood Association Zoning/Planning/Land Use Committee

Re: Request postponing Agenda Item C20-2021-006 Vertical Mixed Use Affordability Requirements to May 10, 2022.

Dear Commissioners—

First, I would like to thank the VMU subcommittee for holding a listening session about C20-2021-006. As an Austin neighbor and resident, I appreciated the extra time this subcommittee took to have a courtesy listening session for the public. **Several neighborhood association members were at the listening session, and we all came away with the realization this is a very complex and complicated issue that requires time for thoughtful public study and deliberation.**

With utmost respect, I strongly encourage you to postpone C20-2021-006 for until May 10 so that the public can learn about and analyze the implications of this very important matter. **Postponing until May 10, 2022 would allow VMU2 resolution stakeholders from the city speak to the Austin Neighborhood Council at its April 27th meeting and reach and inform many neighborhood associations in one forum.**

Postponing hearing C20-2021-006 to give the public time to learn more about the totality of what it addresses would be more equitable for neighborhoods and supportive of municipal civic participation with no downside to the City.

- It was only on Friday, March 18th, during spring break week, that the final draft resolution was posted to the Planning Commission's agenda for its March 22nd meeting.
- During the listening session, a commissioner and City staff discussed the urgency of sending this resolution to City Council, with several references to urgency. However, **C20-2021-006 is profound and getting it right with public deliberation and input is more important than speed.**
- **Asking for this postponement is a justified and fair request, considering extensions for public input into the Austin Strategic Mobility Plan amendments (ASMP).** ASMP amendments and the proposed ordinance change for VMU Affordability Requirements will both have profound impacts on neighborhoods and property owners and are interrelated in several respects. The public comment period was extended twice because of the complexity of the issue and its implications for neighborhoods and landowners. We are thankful for the Planning Commission holding a listening session but ask for an extension by postponement so that the public can have the time we need to consider VMU2, as we had for ASMP.

For these reasons and the fact that the Planning Commission could post the final draft resolution only on Friday, March 18th, please postpone action on C20-2021-006 so the public can fully understand this complex matter and have the reasonable opportunity to consider and plan potential negotiation points.

Thank you very much for your consideration.

Sincerely,

Nathalie Frensley

Testimony 3/22 Case C20-2021-006

Commissioners, I'm Joe Reynolds. I live on 49th St. I oppose the VMU Revision.

I have three areas of concern which I'll address.

First; The VMU Subcommittee is proposing to remove Height and other Compatibility requirements for adjacent residential housing. Compatibility was an original requirement of VMU. It must remain going forward.

You should recognize the effect and breadth of the recent Appeals Court support of the CodeNext Lawsuit. You have personal interest in being compatible with the finding. You can be sued individually.

Neighbors impacted by changes in Compatibility will likely be motivated to recover damages on their property.

Second; The VMU Subcommittee proposed putting new VMU on Non-Principal streets, "in the walkshed". The original VMU was an Opt-In process. That needs to remain in effect. See my previous discussion of the recent Appeals Court Judgment.

Besides, this is both a bad Business idea, and a bad Civic idea. Off of Principal Streets the necessary resources are not in place to handle even simple business processes, like Dumpsters, Deliveries, and the KIPs loading of the pavement from trucks. Utility lines are often too low.

Third; Removal of on-site parking is a Bad Idea. It doesn't lead to fewer residential cars; it leads to residential cars parked on the street. Experience for places like San Jose California shows the damage done. To have the cars safely parked, the SafeWay grocery parking lot became the de facto nighttime place. Safeway began booting tires and charging sizeable fees for parking. On street cars are already at risk in Austin. BOV is now very common, with broken windows and cars stripped. Don't make Austin less safe.

Thank You for your attention.

From: Paul Gosselink <>
Sent: Tuesday, March 22, 2022 10:35 AM
To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Planning Commission agenda on VMU postponement

*** External Email - Exercise Caution ***

My name is Paul Gosselink. I am the Vice President of the Judges Hill Neighborhood Association (JHNA). I write to request a postponement of consideration of the amendments to the VMU ordinance. We did not become aware of this issue until late last week and have not had the opportunity to consider its effects on our neighborhood or the larger city. I expect that we could be sufficiently informed in just a few weeks time. We are not aware of any urgency in taking this action and believe the better policy and the policy the City has espoused is to better/more timely notify the citizens and give sufficient time for interaction with staff and deliberation.

We request a 2 week postponement.

Respectfully submitted

Paul Gosselink

From: LEIGH ZIEGLER <>
Sent: Tuesday, March 22, 2022 8:39 AM
To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: VMU item B-13 March 22 3022

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RE: C02-2021-006 Amending Title 25-2(E) 4.3 Vertical Mixed-Use Buildings

Andrew Rivera:

Please consider the fact that there is a need for more **residential ownership** in every aspect of the growth of our city. The continued effort to allow developers to encroach upon the livelihood of residents is an outrage. This is a pure resurrection of all that was wrong with Code Next: the elimination of parking, likely reduced requirements for drainage and sewerage, fees in lieu that do not cover the burden to existing residents, including but not limited to the impact of traffic, fire, increased heat index, inadequate roadways, increased water demand, loss of the eco-environment and loss of compatibility by elimination of FAR.

Is it not possible to limit and introduce the VMU concept to properties along Congress , 1st and S Lamar and specifically where deemed appropriate as indicated on the backup map? Thus far Council has overlooked the needed requirement for 'primary residence' tax status with unrelated to investor ownership of a significant percentage of dwellings. How is that more selective than a requirement of income at 60 -100% MFI while ownership is far more beneficial to Austin residents.

Please forward to all members of the Planning Commission as it appears some members e-mail addresses are not on the web site.

Thank you,

Leigh Ziegler
4815 Trail Crest Circle 78735
District 8

From: Heidi Gibbons <>

Sent: Tuesday, March 22, 2022 8:01 AM

To: Holly Reed <hollyreed@austin.rr.com>

Cc: Azhar, Awais - BC <BC-Awais.Azhar@austintexas.gov>; Llanes, Carmen - BC <bc-Carmen.Llanes@austintexas.gov>; Hempel, Claire - BC <BC-Claire.Hempel@austintexas.gov>; Shieh, James - BC <bc-James.Shieh@austintexas.gov>; Thompson, Jeffrey - BC <bc-Jeffrey.Thompson@austintexas.gov>; Schneider, Robert - BC <BC-Robert.Schneider@austintexas.gov>; Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>; Mushtaler, Jennifer - BC <BC-Jennifer.Mushtaler@austintexas.gov>; Howard, Patrick - BC <BC-Patrick.Howard@austintexas.gov>; Praxis, Solveij - BC <BC-Solveij.Praxis@austintexas.gov>; Cox, Grayson - BC <BC-Grayson.Cox@austintexas.gov>; Connolly, Joao - BC <BC-Joao.Connolly@austintexas.gov>; Flores, Yvette - BC <bc-Yvette.Flores@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Mary Arnold <wdmarnold@gmail.com>; Joyce Basciano <jbasciano@austin.rr.com>; Joe Bennett <JMB3arch@yahoo.com>; mike <mike@tcciplaw.com>; Sarah Cain <shawthcain@gmail.com>; George Edwards <geoa.edwards@gmail.com>; Bob Hamilton <guynabob@gmail.com>; Cathy Kyle <clk2700@gmail.com>; Craig Lill <clill1@hotmail.com>; Brady Pedneau <bradypedneau@gmail.com>; Blake Tollett <blake.tollett@earthlink.net>

Subject: Re: Item B-13 VMU Code Amendments

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Thank you for the update. And thank you for the time you put into WANG and glad you stayed on as president.

On Mon, Mar 21, 2022 at 9:11 PM Holly Reed <h> wrote:
Members of the Planning Commission and Mr. Rivera,

The West Austin Neighborhood Group (WANG) respectfully submits the attached letter regarding the proposed code amendments to VMU zoning.

Additionally, we ask that you please postpone consideration of the VMU2 ordinance until the May 10, 2022 Planning Commission meeting to allow the community proper time to review this very recently released ordinance.

Sincerely,

Holly Reed

West Austin Neighborhood Group (WANG)
512-413-0188



WEST AUSTIN NEIGHBORHOOD GROUP

Organized 1973

OFFICERS

Holly Reed
President

Cathy Kyle
Past President, Secretary

George Edwards
Treasurer

Blake Tollett
Assistant Treasurer

BOARD MEMBERS

Mary Arnold
Joyce Basciano
Joe Bennett
Sarah Hawthorne Cain
Michael Cannatti
Heidi Gibbons
Bob Hamilton
Craig Lill
Brady Pedneau

City of Austin Planning Commission
301 W 2nd St.
Austin, Texas 78701

March 21, 2022

RE: 3/22/2022 Planning Commission Agenda Item B-13 C02-2021-006 Amending
Title 25-2(E) 4.3 Vertical Mixed-Use Buildings

Dear City of Austin Planning Commission,

The West Austin Neighborhood Group (WANG) respectfully asks that you oppose the proposed code amendments to VMU zoning, as currently written.

The current version of the VMU2 Ordinance was just released on Friday, March 18th, during Spring Break, giving the community NO TIME to review the proposed amendments and their impact on neighborhoods and small businesses. The City Council has promised that any future land code amendments would have community consensus, and this one does not! We need more time to study the draft ordinance.

Multiple neighborhood associations throughout the City have asked that any VMU proposal be family friendly, inclusive, with ON SITE affordable units, and compatible with surrounding neighborhoods. We are opposed to allowing tall vertical mixed use buildings to be built into neighborhoods, beyond main City corridors. Additionally, we are opposed to the elimination of compatibility standards and parking requirements for VMU. This will negatively impact existing neighborhoods and will cause displacement throughout the city.

Each zoning case should be reviewed on an individual basis, taking into consideration the impact on surrounding properties, particularly neighborhoods. The current VMU2 proposal is flawed in that it does not have community consensus, and gives no guarantee of adding affordable housing on site.

Please consider a dangerous outcome of this zoning change: It could incentivize the purchase and demolition of older commercially zoned small business locations along active corridors. Allowing 90' VMU buildings with no compatibility setbacks will destroy the character and livability of Austin's historic neighborhoods, and neighborhood commercially zoned areas.

Sincerely,

Holly Reed, President
West Austin Neighborhood Group
P.O. Box 5722
Austin, Texas 78763-5722

From: Anna Pittala <>

Sent: Monday, March 21, 2022 11:46 PM

To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Singh, Arati - BC <BC-Arati.Singh@austintexas.gov>; Azhar, Awais - BC <BC-Awais.Azhar@austintexas.gov>; Hempel, Claire - BC <BC-Claire.Hempel@austintexas.gov>; Cox, Grayson - BC <BC-Grayson.Cox@austintexas.gov>; Mushtaler, Jennifer - BC <BC-Jennifer.Mushtaler@austintexas.gov>; Cohen, Jessica - BC <BC-Jessica.Cohen@austintexas.gov>; Connolly, Joao - BC <BC-Joao.Connolly@austintexas.gov>; Howard, Patrick - BC <BC-Patrick.Howard@austintexas.gov>; Schneider, Robert - BC <BC-Robert.Schneider@austintexas.gov>; Praxis, Solveij - BC <BC-Solveij.Praxis@austintexas.gov>; Llanes, Carmen - BC <bc-Carmen.Llanes@austintexas.gov>; Shieh, James - BC <bc-James.Shieh@austintexas.gov>; Thompson, Jeffrey - BC <bc-Jeffrey.Thompson@austintexas.gov>; Flores, Yvette - BC <bc-Yvette.Flores@austintexas.gov>; Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>

Subject: Item B-13 Vertical Mixed Use Affordability Requirements Postponement Request

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Dear Mr. Rivera and Planning Commissioners,

I would like to respectfully request that Item B-13 Vertical Mixed Use Affordability Requirements be postponed to one of your meetings in May. The neighborhoods and citizens need more time to study and discuss the changes that you proposed four days ago on Friday, March 18th during Spring Break. The majority of the citizens of Austin are not even aware of these proposed changes. The citizens have not been given ample time to review this information and much less opportunity for honoring their protest rights and rights to notification. The citizens need to be appropriately informed of their loss of the compatibility standards and have the right to protest if they see fit. If this item goes through on the March 22nd agenda, then the rights of the citizens of Austin will be dishonored. Thank you for your consideration in this matter.

Sincerely,

Anna Pittala

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Stay safe & informed,

Anna Pittala 🌻

Southwood Neighborhood Association President

ANC Co-Secretary

Tellington TTouch Practitioner for Companion Animals

Travis County Voter Registrar

Independent Ordained Minister for All Nondenominational Marriages

Band Liaison

Nextdoor Welcome Team Member

From: Ana Aguirre <

Sent: Monday, March 21, 2022 10:38 PM

To: solveij.praxis@austintexas.gov; jeffrey.thompson@austintexas.gov; grayson.coz@austintexas.gov; Joao Paulo Connolly <joaopaulo@austinjustice.org>; jennifer.mushtaler@austintexas.gov; Llanes, Carmen - BC <bc-Carmen.Llanes@austintexas.gov>; Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>;

robert.schneider@austintexas.gov; claire.hempel@austintexas.gov; patrick.howard@austintexas.gov;
Shieh, James - BC <bc-James.Shieh@austintexas.gov>; awais.azhar@austintexas.gov;
yvette.flores@austintexas.gov; Rivera, Andrew <Andrew.Rivera@austintexas.gov>

Cc: ANA AGUIRRE <>; Jason Lucio <

Subject: Respectfully Ask for Postponement on Item B13 - VMU

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Dear Honorable Chair Shaw and Commissioners,

The Southeast Combined Neighborhood Plan Contact (SCNPCT) was scheduled to meet this evening but we had to cancel our meeting due to the severe storms. Please note that once I became aware that the VMU topic was going to be an Agenda Item on the Planning Commission's 3-22-2022 meeting, I added it to our SCNPCT meeting agenda. Unfortunately, due to the severe weather, we did not have an opportunity to meet and discuss this issue.

I am respectfully requesting a postponement on Item B13. I am respectfully requesting a postponement to your early May 2022 Meeting. Our Contact Team meets on a monthly basis. I don't know if we can schedule a meeting earlier to make up for today's meeting. It would be critically important to us to have the opportunity to understand how what is being proposed in this VMU policy will have a direct impact in our neighborhoods, specifically in the Dove Springs (78744) area, whether that happens quickly or if the proposed policy will set a precedent and subsequently impact us. I hope we are given an opportunity to be able to provide our community's input. At this point, all I have is the presentation information that was shared by Commissioner Azhar during the workgroup meeting I attended last week. I am sure our membership will have additional questions, plus we don't know what amendments are being proposed.

Our Contact Team is the furthest one in SE Austin. We are part of the Eastern Crescent and have historically been marginalized. We are very concerned about displacement and our area is very vulnerable to gentrification. We are seeing gentrification already starting to happen. How will your decision impact communities of color? The working class? Has the Equity Office been consulted on what is being proposed by the Planning Commission?

Will the Zoning and Platting Commission (ZAP), which is also one of the Land Use Commissions, also be providing any recommendations on VMUs? Will your decision have an impact on the areas outside the planned areas or will that be deferred to ZAP? Our Contact Team participates in both Planning Commission and Zoning and Platting Commission meetings, depending on the location of the property being considered by the Land Use Commission. If areas outside the "planned areas" will be impacted by your decision, it will be critical for us to be provided additional time to alert those communities. Your consideration would be greatly appreciated. Thank you for your time and service to our community.

Respectfully submitted,
Ana Aguirre
SCNPCT

Ana Aguirre

I find the great thing in this world is not so much where we stand as in what direction we are moving. Oliver Wendell Holmes

From: Elaine Robbins <>

Sent: Monday, March 21, 2022 5:58 PM

To: Ramirez, Nadia - BC <BC-Nadia.Ramirez@austintexas.gov>; Smith, Hank - BC <bc-Hank.Smith@austintexas.gov>; Kiobassa, Jolene - BC <bc-Jolene.Kiobassa@austintexas.gov>; King, David - BC <BC-David.King@austintexas.gov>; Lonny.Stern@austintexas.gov; Greenberg, Betsy - BC <bc-Betsy.Greenberg@austintexas.gov>; Denkler, Ann - BC <bc-Ann.Denkler@austintexas.gov>; Acosta,

Cesar - BC <BC-Cesar.Acosta@austintexas.gov>; Woody, Roy - BC <BC-Roy.Woody@austintexas.gov>; Thompson, Carrie - BC <BC-Carrie.Thompson@austintexas.gov>; Boone, Scott - BC <BC-Scott.Boone@austintexas.gov>; Brummett, Elizabeth <Elizabeth.Brummett@austintexas.gov>
Subject: 30 ft height change

*** External Email - Exercise Caution ***

Dear Planning Commission:

I was shocked to learn that the mayor and city is considering increasing height to 30 feet in neighborhoods. As a neighbor who is one block off Burnet, I ask that you give us more time to study this change. Any VMU should remain agreed upon and compatible with surrounding neighborhoods.

Thank you.

Elaine Robbins
2505 Addison Ave.
Austin, TX

From: noreply@coadigital.onbehalfof.austintexas.gov <noreply@coadigital.onbehalfof.austintexas.gov>
Sent: Monday, March 21, 2022 9:56 AM
To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: VMU - 2 ordinance

This message is from Jo Sue Howard. []

My home is potentially affected by this revision of the VMU ordinance. I request that this hearing be postponed until all stakeholders have had the opportunity to explore its ramifications.

Jo Sue Howard
1801 West Av
512-477-5517

From: noreply@coadigital.onbehalfof.austintexas.gov <noreply@coadigital.onbehalfof.austintexas.gov>
Sent: Sunday, March 20, 2022 1:10 PM
To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: INCREASED HEIGHT OF RESIDENTIAL VMU STRUCTURES -- AS PROPOSED BY THE AUSTIN PLANNING COMMISSION

This message is from LEE SLOAN. []

THE RECKLESS ACTIONS OF INCREASING ALREADY TALL AND UNSIGHTLY VMU PROJECTS BY ANOTHER 30 FEET IS AN AFFRONT TO ALL THAT LIVE IN AND CHERISH AUSTIN. AND TO PUSH THESE MONSTROSITIES INTO RESIDENTIAL NIEGHBORHOODS IS A TOTAL ABANDONMENT OF THE CONCEPT OF COMPATABILITY AND QUALITY OF LIFE. ALL THIS DESTRUCTION JUST TO CRAM IN A FEW ADDITIONAL HOUSING UNITS.

EVEN ACTIVISTS IN THIS SE AUSTIN AREA ARE ALARMED AND OUTRAGED AT THE DENSITY OF UGLY AFFORDABLE HOUSING UNITS CRAMMED INTO OUR NEIGHBORHOODS.

THIS MADNESS MUST STOP! NOW!!

M. L. SLOAN
PRESIDENT, KENSINGTON PARK HOMEOWNERS ASSOCIATION
and member of SCNPCT