

Dutton, Greg

From: Rivera, Andrew
Sent: Tuesday, April 18, 2017 6:19 PM
To: Dutton, Greg
Subject: Fwd: Please deny removal of super 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 super 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 super 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 ala 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.

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

- *glen coleman*

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The Austin Monitor

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