

Laci M. Ehlers

Subject: C14H-1982-0001, 916 Congress Avenue
Attachments: C14H-1982-0001 - 916 Congress.pdf; 2013 July 22 Minutes.pdf; 2013 July 22 Staff Backup.pdf

Sent: Monday, May 22, 2017 3:39 PM

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Cc: Jeff Howard; 'Janis Daemmrch'; Bob Daemmrch

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Commissioners:

I am writing you regarding C14H-1982-0001, 916 Congress Avenue, to be considered this evening. **We would like to make you aware that the staff recommendation in the backup is wholly incorrect.** Approval of the item this evening requires much more than submittal of a mitigation plan and we encourage denial for the following reasons:

1. The 2013 approval was partial and conditional. According to the minutes from the July 22, 2013 HLC meeting, the Developer was required to consider alternatives to demolition the building and to return for a Certificate as it pertains to demolition. The staff recommendation specifically states that staff could not recommend approval of the demolition. Section 25-11-212 requires a certificate for demolition and that certificate was NOT issued in 2013. **There is nothing in the 2013 staff recommendation, 2013 COA approval or city code that limits future consideration of the demolition certificate to only submission of a mitigation plan – staff is flat wrong.** The Developer has not investigated alternatives as required and, more importantly, has not sufficiently addressed the standards outlined in Section 25-11-244 to be considered by the Commission in approval of the demolition certificate. **Those standards for approval require more than the courtesy submittal of a mitigation plan.** Without meeting those standards, the Certificate as it pertains to demolition should be denied.
2. Pursuant to Section 25-11-248, any changes to the building plan approved in 2013 must be considered by the Commission as if it were the initial Certificate. Therefore, **the 2013 Certificate does not pertain to the changes in the building plans** currently being considered. In other words, you get an entirely fresh consideration of the Certificate per 25-11-248 because the plans have changed substantially (including the historic façade and materials) as confirmed by Larry Irsik, architect.
3. **Neither the changes nor the original building plans satisfy the standards found in the Federal Regulations** which are required to be considered by the Commission in its approval of the Certificate under Section 25-11-243 and are required to be considered for the changes. The previous approval may have unintentionally been issued in error and approval of the current Certificate would be inappropriate.

Please find attached a more detailed explanation of our legal position for your consideration, as well as the minutes and staff recommendation from 2013.

Thank you,

Laci Ehlers

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