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September 22, 2009

The Honorable Lee Leffingwell
Mayor Pro Tem Martinez and Council Members
City of Austin
P.O. Box 1088
Austin, TX 78768

Re: ROMA Downtown Austin Plan Density Bonus proposal

Dear Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members:

The Heritage Society of Austin (HSA) would like to offer our comments on the density bonus proposal for the in-progress Downtown Austin Plan (DAP) submitted by ROMA. It is our understanding that this item might be postponed from the September 24 Council meeting agenda. We would not object to that delay if it would allow for public hearings to be held at the appropriate City commissions on this important item before Council takes it up for consideration. If Council does act on this item on September 24, we respectfully request ask that you consider our general concerns regarding the plan as outline below and support the proposal for the Warehouse District protections.

1. The Warehouse District should be protected:

We support ROMA's Warehouse District proposal for the Core Preservation Zone. The utilization of the TDRs as proposed would preserve the buildings, while allowing the property owners to realize the development value of their properties. However, ROMA's proposal merely restricts height and building mass. Nothing in the plan protects the important historic buildings themselves if TDR's are not utilized. In addition to offering TDRs, we urge Council to protect the key blocks of this irreplaceable Austin asset through a Local Historic District or similar mechanism. The Heritage Society will work with the Council, property owners and other stakeholders to explore the Local Historic District option.

2. The "Gatekeeper Requirements" should include:

Parcels that include designated Austin City Landmarks will not be eligible for Density Bonuses.

Density bonuses will not be awarded for the portions of parcels included within Capitol View Corridors.

These are properties that cannot use density bonuses. Making them eligible would just create a latent incentive to repeal or undermine these designations.

3. "Gatekeeper Requirements" should also:

Exclude from density bonuses any structure eligible for city landmark status. Until an historical survey can be completed, exclude from bonuses any parcel with a structure greater than 50 years old.

One of the DAP's "principles" is that "Additional density should be allowed only where appropriate and compatible." The current plan has applied this principle to some districts, but not to any individual properties, including ones where important buildings are currently unprotected.

The 50-year exclusion is a remedial, temporary measure until a downtown historical survey is completed. The Heritage Society believes the downtown plan should never have been undertaken without this key planning tool in place. The current survey of historic resources dates from 1984; the Travis County Courthouse, for example, was not yet 50 years old and was not included. Both preservation and development will benefit from clarity.

4. In addition, if all landmark-eligible properties are not protected, then the whole Warehouse District - not just the "Core Preservation Zone" - should be exempted from density bonuses.

Current zoning allows 8.0 FAR. This already creates pressures for redevelopment that work against preservation of the area. Adding bonuses would make these pressures even more intense and would negate the preservation incentives (TDRs) in ROMA's proposal.

5. All newly-designated individual landmarks downtown should be added to the "sending area" for Transferable Development Rights.

This will serve as an incentive for preserving important buildings, at no cost to the City. It is likely to be a small set of properties and therefore will not significantly water down the value of TDRs in the Warehouse District.

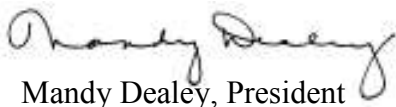
6. If the Density Bonus program is enacted in its current form, then the ROMA design guidelines for the Warehouse District need to include a much larger "stepback" than the 10 feet they propose. We recommend adjusting that to 25 or 30 feet.

7. The Boundaries requested by the Judge's Hill Neighborhood Association should be respected.

We were pleased to see special considerations for the Northwest District, Judge's Hill and the Warehouse District when determining appropriate and compatible areas for additional density. We ask that Council honor the Judge's Hill neighborhood's requested boundaries for exclusion from density bonuses.

Thank you in advance for your attention to this issue and all your ongoing work to build a great future for our city while respecting our valued heritage.

Regards,


Mandy Dealey, President