

**LETTER OF NO CONFIDENCE**  
For the Austin Oaks Charrette  
Of January 25-29, 2016

We the undersigned Working Group members hereby state **No Confidence** in the results of the Austin Oaks Redevelopment Charrette held January 25-29, 2016.

First and foremost, we state this position based on the following material **Objectives, Strategies, and Measures (OSM's)**, developed in good faith collaboration with the property owner, their agent and the Austin Oaks Charrette Working Group, that were not met over the course of the Charrette:

1. **Building heights were not adequately limited.** Charrette designers and the Charrette facilitator(s) did not creatively work to design concepts in the progression of non-code compliant concept plans to keep building heights to 5 stories. In addition, an effort to place height in the low areas of the site as specifically stated as a strategy in the OSM's was not demonstrated. (OSM, Design/Aesthetics, Objective 1, Strategies)
2. **Traffic impact was not mitigated and minimized.** *Current* trips per day were portrayed in the materials shown to the public as 5,000 trips per day; actual trips today are 4,118. Unverified trip counts (no TIA) in the resulting "Developer's Plan" of the Charrette are estimated to be 17,000+ trips per day. **This is a 313% increase over the current traffic count.** Additional entrances/exits/turnarounds from MoPac to mitigate traffic impacts and bring safety due to significant traffic increases were not incorporated or attempted in the designs. The requirement to fund a pro rata share of traffic mitigation investment (by the Developer) was recognized and glossed over by the facilitator(s), but not enumerated. (OSM, Transportation, Objective 1 & 3)
3. **Mass transit was not integrated or considered with any scalability.** A *single* bus stop was incorporated into several designs. The prospective Lone Star Rail station was not incorporated in the plan designs at all. The one bus stop will not significantly reduce trips or accommodate the increase in additional office workers commuting to and from this development. Mass transit was largely ignored as a requirement to the design. (OSM, Transportation, Objective 4)
4. **Heritage and Protected Trees to be preserved were not identified.** There was no effort to disclose the impact to Protected Trees on all of the plans, despite the fact that architects and designer on the Charrette team had this key information at their disposal. The stated goal of 100% of Heritage Trees preserved in the creek gully and fronting of public roadways was not met. The "Developer's Plan" from the Charrette impacts 19 of the 71 Heritage Trees and 23 of the Protected Trees. This compares to 9 Heritage Trees impacted in the last PUD Land Use Plan submitted in the fall of 2015. (OSM, Environment, Objective 1)
5. **Inaccurate portrayal of "Open Space" in the "Code Compliant Plan" option.** During the Charrette, there was persistent confusion by the Charrette Facilitator in the representation of "Dedicated Parkland" as opposed to "Open Space." The Watershed "Open Space" is known to be over 3 acres and was considered as "Open Space" in all of the alternative plans, but reflected as "0 acres" in the "Open Space" summary for the Code Compliant Plan. This fostered a biased comparison to the public that did not recognize the benefit of "Open Space" in a *code compliant* plan having **no added amenity cost**. (OSM, Environment, Objective 4)
6. **Heavy traffic and parking impacts were not disclosed** with regard to certain entertainment and mixed uses, restaurants trips, and amphitheater parking. Handling of traffic and parking for these uses and *amenities* were not adequately disclosed, visualized in the designs presented, or taken into account by the designers and facilitator. (OSM, Economic, Objective 2)

7. **Code Compliant current zoning was not given equal treatment in the Charrette.** All “Code Compliant” plans presented were in fact **not** code compliant. During the course of the Charrette, design elements that would require a *variance, waiver, or rezoning* were **not** identified to the participants, as requested and agreed to by the Working Group and the Developer and the Developer’s Agent(s) as stated in the OSM’s. **Outside of the watershed, during the course of the Charrette, there was no meaningful effort made to consider and design “code compliant current zoning” with variances, and/or overlays, in order to maintain or maximize current zoning as a real option.** (OSM, Regulatory, Objective 1)
8. **Amenities as Trade-Offs.** Its worth noting that the Charrette facilitator(s) and design architects kept the focus of their presentations and any discussion on the mix of *land uses, heights and* placement of *amenities* as “upgrades for trade-offs” to bring about new entitlements and rezoning versus maximizing designs that leveraged *code compliant* current zoning, and *existing* entitlements. The *amenities* presented throughout the Charrette design week, in all options presented by the Developer and their agents, as either the “Recommended” or “Preferred Plan,” might prompt a zoning change from the current zoning. (OSM, Regulatory, Objective 1)

### **Integrity Problems with the Charrette Process**

There are over 10,000 households between Allandale, BCA, NSCNA, NWAN and NWACA communities surrounding Austin Oaks. Given that the “Developer’s Plan” generated as the outcome of the Charrette week is seriously deficient in meeting the key OSM’s agreed to by the Working Group participants, this is **not a consensus plan**.

The total Charrette process, including the information sessions, Vision & Values Workshops, and the Charrette design week itself, had 251 unique participants. On the fourth night of the Charrette when the unannounced vote took place between the “Developer’s Plan” and the “Code Compliant Plan,” there were only 86 attendees voting on the matter, with 6 attendees abstaining. Fifty-five (55) individuals voted in favor of the Developers “Recommended Plan” after a marketing presentation highlighting the benefits of the Developer’s Recommended Plan” and stressing the deficiencies of the “Code Compliant” plan. Discussion of the “Code Compliant” plan was not allowed, despite requests. Notably, of the Thursday evening attendees, 35 had not attended **any** previous sessions.

Further shortcomings that took place during the Charrette included the following:

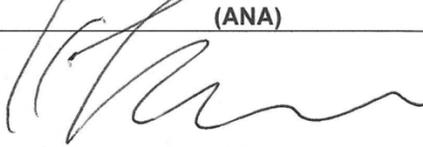
- No open negotiation with the developer throughout the design process of the Charrette itself was allowed on total square footage.
- Participants were only able to vote on developer vetted proposals.
- It had been agreed to beforehand, by all members of the Working Group (including Spire), that the Design Team would meet each evening *with* the Working Group to review the day’s input from participants. There was not any attempt to make these meetings happen. Reasons cited were tiredness and the facility being off limits. These end of day review sessions would have been important to maintaining integrity of the Charrette progress.
- From a process standpoint, from Monday through Wednesday, it was problematic for the Charrette facilitator and project managers to dismiss, *across the board*, the “unacceptable” votes in the feedback received from the Plans A, B, & C, expressly disclosed on Wednesday. It was also unacceptable for these facilitators to have dismissed on Thursday the votes that took place on Wednesday, particularly the vote on Residential uses.
- Inconsistencies were a theme. On Wednesday, facilitators communicated the proposed plans to be shown on Thursday would incorporate a significant amount of *additional office* square-footage, required by the owner to “pay for” *upgrades and amenities* designed into the options

by the architects. Participants requested the ability to vote on each *amenity* and its impacts on the additional square footage, once it was shown the next day. Specifically, it was asked that on Thursday a vote take place on each amenity. This was agreed; expectations were clear.

- Thursday, Charrette attendees were presented with a “Developer’s Plan,” which included an unidentified, but significant amount of additional height and square footage as office space, in order to “pay for” the amenities. When asked about the detailed costs and vote on each amenity, promised on Wednesday, to specify the terms of the additional associated square footage and height for the amenities, attendees were told that the facilitator(s) had “changed his/their mind.” No details for each amenity were ever provided to the public. Instead a marketing presentation about “placemaking” ensued, and a vote was forced after vigorous public input.

**54% of the participants in the entire process attended only a single meeting.** Most significantly, there was no advance notice to the general public that a deciding vote would be taken on the fourth night of the Charrette. On the fifth day of the Charrette there was no facilitator present; only a repeat delivery of the marketing presentation.

Signed in agreement of **No CONFIDENCE** by the Austin Oaks Charrette Working Group members of the following affected neighborhood associations:

<p><b>BALCONES CIVIC ASSOCIATION (BCA)</b></p>	<p><b>ALLANDALE NEIGHBORHOOD ASSOCIATION (ANA)</b></p>
	
<p><b>WILLIAMSBURG-CHARLESTON PLACE HOA (WFOA)</b></p>	<p><b>NORTH SHOAL CREEK NEIGHBORHOOD ASSOCIATION (NSCNA)</b></p>
	
<p><b>NORTH WEST AUSTIN NEIGHBORS (NWAN)</b></p>	<p><b>NORTH WEST AUSTIN CIVIC ASSOCIATION (NWACA)</b></p>
	