

From: Dave [REDACTED]

Sent: Thursday, April 4, 2024 5:25 PM

To: Gavin Massingill <gmassingill@rollingwoodtx.gov>; Brook Brown <bbrown@rollingwoodtx.gov>; Kevin Glasheen <kglasheen@rollingwoodtx.gov>; Sara Hutson <shutson@rollingwoodtx.gov>; Phil McDuffee <pmcduffee@rollingwoodtx.gov>; Alec Robinson <arobinson@rollingwoodtx.gov>

Cc: Ashley Wayman <awayman@rollingwoodtx.gov>; Desiree Adair <dadair@rollingwoodtx.gov>

Subject: CRCRC Residential Building Height Recommendations

Dear Mayor and City Council Members,

Last evening, Planning and Zoning discussed and approved by a vote of 5 to 1 the attached CRCRC residential building height recommendations for City Council consideration. Based on survey results, we in CRCRC believe that these recommendations will have strong public support. Further, we believe that had these recommendations already been part of the Residential Code, they would have had significant mitigating impact on recently built houses that many now perceive overwhelm the lots on which they sit. I wanted to give you some advance notice of these recommendations so that you can think about and perhaps ask questions about them prior to your 4-17-24 meeting. If one or several of you thought it beneficial, we could arrange a short workshop to review the recommendations and the specific impacts that they would have had on existing structures. Please let Ashley Wayman or Desiree Adair know of your interest.

Also attached, find the summaries of CRCRC survey questions having to do with building height. Summaries for most survey questions can be found on the City's website in the Survey Question Summaries folder of the CRCRC Document Center.

Thank you for your continued interest in and support for the CRCRC.

Respectfully,

Dave Bench

From: Tony Broglio [REDACTED]
Sent: Tuesday, April 16, 2024 9:42 PM
To: Desiree Adair <dadair@rollingwoodtx.gov>
Cc: jeff [REDACTED]; dcbench [REDACTED]; Alex Robinette
[REDACTED]
Subject: CRCRC Recommendation to City Council

Hi Desiree,

Please share my feedback with council members in advance of Wednesday's meeting. I've copied a few of the CRCRC members on this email, but feel free to forward this to other members of CRCRC as well.

Hi All,

First, thank you to everyone who serves our city on committees and in elected positions. I realize it is a largely thankless job that opens you up to criticism from all sides. Someone has to do it, and I appreciate those that take their valuable time to try to improve things for our small community.

I'm on a business trip, so I can't attend in person, but I wanted to provide some feedback on the building height changes being recommended by CRCRC and P&Z. I've tried to digest all of the attachments provided on the agenda and in the survey results, but I apologize if my comments overlook a detail in the materials. One overarching comment on the process - the current proposed ordinance on building height seems like a one-off change. Is this the only change the CRCRC is going to be recommending or is it the first recommended change in a series of recommendations to come? If the latter, I think that is a really bad approach to this process. If multiple changes are forthcoming, I think they should all be put on the table at once, and the community should be given ample notice to review and provide input before a council vote is scheduled. I know the building height change has been discussed at a CRCRC meeting and a P&Z meeting over the last month, but I don't think providing 3 days notice of such a meaningful change before a city council vote is appropriate, especially if it is going to be followed by additional proposed changes in the coming months. Kevin Glasheen's email update from January said " Nothing will happen immediately – and there will be no surprises. The process requires notice and hearings." A Sunday posting of such a critical decision for a Wednesday meeting doesn't honor this promise in my opinion.

The survey results say 26% of people think 35' is too high for a max building height, and the remaining 74% of respondents think 35' is about right or too low. I acknowledge that some of the comments in the 66% of people that said 35' was 'about right' qualified their response with caveats about where the 35' is measured from. Further, 66% of respondents said we should look at alternate ways to measure height. That said, I don't think the CRCRC recommended change is appropriate as drafted, and I don't think 26% of respondents in opposition to the current rules is sufficient to warrant any change at all.

The 66% of people that suggested using alternate ways to measure height doesn't give carte blanche to the CRCRC to recommend using such a restrictive approach. There are a lot of rolling hills in Rollingwood, and I don't think the proposed ordinance appropriately accommodates lot owners with meaningful topographical change. As I read it, the CRCRC recommendation excludes any depressions in the lot unless they are more than 25' wide when calculating max height. What is the significance of 25'? It seems like a very large and arbitrary width that could meaningfully limit building height for someone on a sloped lot. Side note, the language describing the 25' width exception is very confusing. Further, the tenting approach lowers the existing max height by 10' at side yard setback locations. 76% of respondents don't want a change to max height, and this is a very meaningful one. A much smaller percentage (56%) said tenting should be considered.

Additionally, the tenting concept built into the ordinance seems to apply to setbacks from all property lines, and tenting appears to unfairly target modern architecture that tends to have an un-gabled roof that peaks at one side and then slopes downward across the rest of the house. If this roof height limit is applied from a side yard setback of 10', it would meaningfully limit an owner's ability to build a 2 story modern structure on that lot. I think more thought should be given to the tenting concept, if adopted at all, especially for structures without gabled roofs.

Further, I didn't see any discussion about how existing structures would be treated if a new ordinance is passed. Any ordinance that makes existing structures non-conforming would be extremely problematic and detrimental to resident property values. Even if existing structures are exempt from the new rules, I think the changes as proposed are extremely harmful to property values of all owners with sloped lots.

If you take anything away from this email, please really consider whether 26% gives you a mandate for any change, especially one so dramatically different from the current building code.

Thanks again for everyone's efforts to improve our city and for considering my input in the process.

Best regards,
Tony
2403 Vance Ln
[REDACTED]

From: Alexandra Robinette [REDACTED]
Sent: Wednesday, April 17, 2024 10:16 AM
To: Tony Broglio [REDACTED]; Desiree Adair <dadair@rollingwoodtx.gov>
Cc: jeff [REDACTED]; dcbench [REDACTED]
Subject: Re: CRCRC Recommendation to City Council

Desiree, Kindly share with Mayor, Council, and CRCRC. -Alex

Hi Tony,

Thank you very much for taking the time to write a thoughtful, detailed email. We welcome these at any time throughout the process. I appreciate that you participated in our early conversations via email last spring.

The material posted in the Agenda packet for tonight's council meeting is the same set of documents that have been in the last two P&Z meetings (3-6-24 and 4-3-24), as well as the last four CRCRC meetings, beginning with the first draft in our Feb. 27, 2024 meeting.

We have been meeting as a committee every two weeks, with a few exceptions, for just over a year. Building height and all of its associations have been the primary point of discussion at almost every meeting. We are excited to finally be bringing something for council to discuss and consider. While I look forward to having conversations regarding your other points in a public forum, please consider that this is part of the process, and that it will take some additional time to work out the kinks.

I agree with you that having all of the options on the table at one time would be helpful. I assure you our process has not been piecemeal, but the only two remaining areas of discussion with any relationship to height are foundation exposure and the potential to have side articulation guidelines. These are largely subjective, so we opted to pull them out for a later conversation.

I also want to mention that we have some general guiding principals, which are 1) keep it simple, and 2) make very minor changes based on the community feedback. While some may view the recommendations as dramatic or highly restrictive, there may be any even higher percentage that believe it doesn't do enough.

I think of it like the recent 25mph speed limit change. I tend to drive fast because I'm often in a hurry or late, this change restricts my ability to drive an additional 5mph over the limit from what I was used to, since moving to RW 16 years ago. However, my personal needs likely had negative impacts to the safety, welfare, and overall quality of life for others.

We as a committee are not trying to restrict a particular style or size of architecture, instead we are responding to the extensive feedback (spelled out in our draft) that asked us to address inconsiderate designs that negatively impact the quality of life and property values of nearby

neighbors, and therefore the community as a whole. It remains to be seen if it's even possible, or better to just do nothing.

Best,
Alex

From: Jeff Ezell [REDACTED]
Sent: Wednesday, April 17, 2024 10:10 AM
To: Ashley Wayman <awayman@rollingwoodtx.gov>
Subject: April 17, 2024 Council Meeting

Hi Ashley,

I hope all is well. I will not be able to attend tonight's council meeting due to work travel, so can you please share my email with the council members.

Thank you,
-Jeff

Dear Council Members,

I am writing with regards to tonight's review of a possible change of residential ordinances, specifically as it relates to height. I'm very troubled with the proposed language as it will drastically change the make up of the neighborhood and immediately slash lot values of all those with sloped lots. In short, this should not be approved.

I would like to begin by stating that the results of the CRCRC survey do not ever support the proposal. Let me begin by noting a few key questions / results:

- Q1: Are you generally satisfied with the trend of new construction in Page 11 Rollingwood? Please mention what you do and/or don't like about building trends, be specific:
 - Yes = 51.67%
- Q3: Is Rollingwood's maximum residential building height of 35 feet...:
 - About Right = 65.92%
- Q4: Should we look at alternate ways to measure building height? If so, which of the ways listed above would you prefer? Please write in your answer under the comments and specify Scenario #1, #2, or #3.
 - 65.77% said yes, which equaled 171 votes
 - Of the 171 votes 75 people specifically noted they would favor the method in the proposed ordinance
 - Thus, if 75 people are for the proposed method that equals 28.8% of the residents are in favor of the proposal (*e.g. – in favor divided by total respondents | 75 / 260 = 28.8%*)

As clearly seen in the results, this is not supported in the slightest.

I am extremely concerned about the proposal, especially as it negatively impacts some residents and others are not impacted., which is not very neighborly. The value of our lots in

Rollingwood is directly tied to the size of the homes that we can build and aesthetic freedoms. The value of sloped lots will be decreased substantially based on the inability to efficiently build and maximize square footage on their lots. More than half of the lots in Rollingwood have topographical change, so I am very concerned that people have no clue what is about to happen, especially as the majority of people will be impacted.

As an additional point; the proposed language will result in more flat roof homes, which just means we will diminish our neighborhood's architectural diversity. This is a natural result when height limits are imposed without using measurement averages, which most cities use, including the City of Austin. I do not think the proposal is well thought through with regards to our topo, our neighbors, the unintended consequences and it's impact to our community.

Please listen to the community, review the survey results and do not pass the proposed ordinance.

Regards,
-Jeff

From: Terri McCabe [REDACTED]
Sent: Wednesday, April 17, 2024 2:15 PM
To: Ashley Wayman <awayman@rollingwoodtx.gov>; Philip Ellis [REDACTED]
Subject: Vote Tonight - RW Height restrictions

awayman@rollingwoodtx.gov - we vote to support the height restriction proposed which would remove the cushion on a sloped lot. we wish to prevent houses jetting above the trees and becoming unsavory just to get a glimpse of a view or impede on the neighbors privacy

Terri K McCabe [REDACTED]

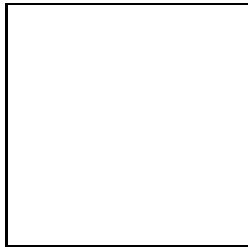
From: Jenny Walker [REDACTED]
Sent: Wednesday, April 17, 2024 2:25 PM
To: Ashley Wayman <awayman@rollingwoodtx.gov>
Subject: Rollingwood

I own 2800 rock way and I am against changing the building height rules. I won't be at the meeting tonight but wanted to give my opinion.

Thank you,
Jenny

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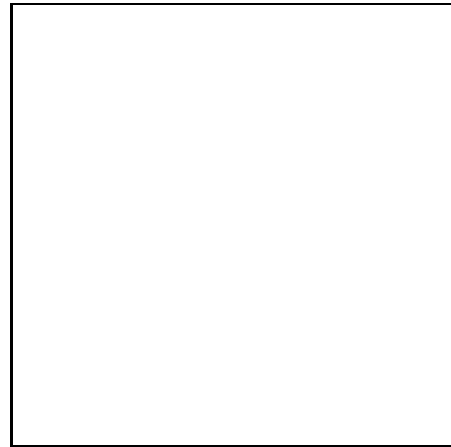


Jenny Walker

Broker Associate

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From: Virginia Bettis [REDACTED]
Sent: Wednesday, April 17, 2024 2:47 PM
To: Ashley Wayman <awayman@rollingwoodtx.gov>
Subject: Proposal tonight

Hello,
We live on a very sloped lot.

We are not in favor of these proposed changes. We can only imagine what the neighborhood would look like with all these slopes going up and down.

Therefore, our vote is 'No' For this proposal.
Thank you,
Jim and Virginia Bettis
4712 Timberline Dr, Rollingwood, TX 78746

-Virginia Bettis

[REDACTED]

From: Zine-Eddine Boutaghou [REDACTED]
Sent: Wednesday, April 17, 2024 3:19 PM
To: Save Rollingwood [REDACTED]; Ashley Wayman
<awayman@rollingwoodtx.gov>
Subject: Re: Big Happenings at City Hall -- Including Tonight

Hello Ryan and Ashely:

Thanks for bringing this important topic to my attention. We live on a very sloped lot (4715 Timberline Dr.) and if the current code is changed it would create a major headache to the architect to fit any reasonable structure creating a three dimensional origami which in turn would increase the cost of building. It would not be surprising to see the value of sloped lots impacted and ultimately city tax revenue decrease.

I do not support the changes to the current residential code as it will impact the value of the sloped lots and in turn impact the city revenue and the valuation of the lots across the city.

I believe that this is a bad idea for Rollingwood. In order to comply with these imaginary 3d limits it would lead to complex and bizarre structures that would increase building cost and impact resale value and ultimately will impact city revenue.

Please share my views with the city council as I am currently traveling.

Regards,
Zine

Dr. Zine-Eddine Boutaghou and Mrs. Julie M. Boutaghou
4715 Timberline Dr, Austin, TX 78746
[REDACTED]

From: Ryan Clinton [REDACTED]
Sent: Wednesday, April 17, 2024 4:23 PM
To: Ashley Wayman <awayman@rollingwoodtx.gov>
Subject: Against CRCRC Height Limit Proposal

Hello Ashley,

Would you mind please sharing the email below with the City Council?

Thank you,
Ryan Clinton

Dear Mayor and City Council,

I am writing in opposition to the residential height proposal from the CRCRC. I believe that it unfairly, unnecessarily, and severely restricts building capacity on sloped lots. It is also not supported by the results of the survey of Rollingwood residents.

To be candid, I am not a huge fan of the current height ordinance and I would support some modest changes to the current ordinance. I also do not think that Rollingwood residents should have to face the possibility of someone building a 45-foot wall next to their homes that face sloped lots. That's why I proposed a compromise solution, during my short tenure on the CRCRC, to deal with the problem of greater-than-35-foot facades or side walls on homes, which impose negative externalities on nearby residents. I'm attaching the proposal that I circulated to the CRCRC, placed in backup materials at the time, and shared with at least some Council Members. The proposal would create a 35-foot-maximum "tent" on the side, front, and back buildable lines to eliminate harsh and imposing walls on sloped lots. The purpose of that proposal was to directly address the "problem" that I most strongly perceived from community members without unnecessarily punishing sloped-lot owners.

I am against the proposal from the CRCRC. As I read it, the CRCRC proposal both (1) eliminates the 10-foot cushion in the current height-limit ordinance that currently permits owners of sloped lots the ability to build a flat-surface two-story house; and (2) reduces the current 35-foot height limits to 25-feet on a stair-stepped formula on the sides of homes. The second part is a significant reduction in buildable area for all lot owners; the first part is a very significant reduction in buildable area for sloped-lot owners. Combined, they severely and unnecessarily limit buildable volumes for sloped-lot owners. Combined, they impose a stair-stepped design worldview on sloped-lot owners. That negatively affects the ability to build a contemporary flat-and-open design scheme, and likely will lead to the building of homes on larger multi-level footprints (which will increase impervious cover and reduce trees).

The survey quite clearly showed, somewhat to my surprise, that there is no consensus in Rollingwood to significantly alter the rules for building heights. I think the survey does show some support for a "tent"-type restriction, which--if kept at 30-35 feet--would also solve the "giant facade/wall" problem. It appears that only 28% of respondents support the CRCRC's proposal to severely restrict building on sloped lots by making the 35' height parallel to natural slope at all points. I hope the City Council will reject the CRCRC's proposal.

Thank you,
Ryan Clinton
4714 Timberline Dr.
[REDACTED]

From: catherine horne [REDACTED]
Sent: Wednesday, April 17, 2024 4:54 PM
To: Ashley Wayman <awayman@rollingwoodtx.gov>
Subject: Code

I fully support the building height changes proposed. Right now we have sloped lots with 3 to 4 story homes and 45 ft- not acceptable.

Thank you.

Catherine Horne
Sent from my iPhone

From: Chelle Cerceo [REDACTED]
Sent: Wednesday, April 17, 2024 5:30 PM
To: Ashley Wayman <awayman@rollingwoodtx.gov>
Cc: Jeff Dergurahian [REDACTED]
Subject: Proposal for Vote Tonight

Hi Ashley, we just caught the notice regarding tonight's vote, and being unable to make it were directed to send you a message with our stance, which is that we oppose this change. Please let me know if we need to weigh in another way or if this is sufficient, thank you!

Chelle Cerceo
Jeff DerGurahian
4813 Timberline Dr

[REDACTED]
Sent: Wednesday, April 17, 2024 6:32 PM

To: Ashley Wayman <awayman@rollingwoodtx.gov>

Subject: Opposition To Proposed Building Height Changes

Hi Ashley, I'd like to provide a comment in regards to tonight's meeting and the proposed building height changes. I'd prefer not to be named, but if I need to be that's okay.

For transparency, these changes will not directly affect me. However, I feel they unfairly and negatively impact people who may not have purchased sloped lots had the proposed ordinance been in place. I think about community members who have waited years to get plans back, on the cusp of building, who could now have projects derailed. It will make it extremely difficult financially and aesthetically to build a home under these parameters on certain lots. I know why the changes are being looked at, but I don't think it's right to punish the many for the actions of a few. Admittedly, this is a very complex issue and no solution will make everyone happy, but I don't think this is the correct course of action for our city. It also goes against what the majority of the community wants based on the survey's findings. Sending out a survey lead us all to believe community input would weigh heavily, but it feels as though it is being ignored.

Thank you for your time.

Warmly,

[REDACTED]

Sent from my iPhone

From: Jaime Silver [REDACTED]
Sent: Wednesday, April 17, 2024 10:43 PM
To: Ashley Wayman <awayman@rollingwoodtx.gov>
Subject: Support for building height proposal

Hello,

I am writing to request that you forward my email to the city council notifying them that we are supportive of the revised building height proposal brought forth by the committee. We do understand that there are folks who purchased sloped lots in anticipation of being able to build under the current guidelines, and so we would be supportive of a very limited “grandfathering in” timeframe but for the most part, we think the building height restriction is a good idea and it does not diminish in any way an owner’s ability to build a large and beautiful home. We feel strongly that some of the structures that have been built recently are actually diminishing the quality of life and privacy of neighbors and thereby lowering the value of some smaller homes. It’s not complicated. It’s simply just not neighborly.

Jaime Silver
2401 Hatley Dr

04-22-2024 Email attachment from Thom Farrell to the CRCRC members:

April 2024

Applicability

The regulations contained in this section are applicable to outdoor lighting fixtures installed on structures within all residential zoning districts of the City.

1 All outdoor lighting fixtures existing and legally installed and operating before the effective date of this section, or installed pursuant to a permit approved prior to the effective date of this Section, shall be brought into conformance with this Section upon the earlier of: (1) an application for a site plan or building permit for construction of a new building or modification of 50% or more of an existing structure, or (2) replacement or modification of an existing non-conforming fixture.

2. This section does not apply to interior lighting; however, overly bright lighting emitted from inside a structure will be subject to this section if it is determined by the City Administrator or his/her designee that it creates a nuisance or a potential safety hazard or in an attempt to circumvent the regulations of this section.

3. Exemptions. The following are exempt from the provisions of this section:

A publicly maintained traffic control device;

B. street lights installed prior to the effective date of this section;

C temporary emergency lighting (fire, police, repair crews);

D lighting fixtures and illumination requirements imposed by TxDOT within TxDOT rights of way (ROW);

E. moving vehicle lights;

F. navigation lights (aircraft warning beacons on water towers and wireless transmission facilities) required by State or Federal law;

G. signs and associated lighting that conform to the city's sign regulations in Chapter 24;

H. seasonal decorations with lights in place and illuminated no longer than sixty (60) days per calendar year; and

I. underwater swimming pools and underwater spars light fixture as required by safety code's adopted by the City of Rollingwood;

J. other temporary uses approved by the City Council (festivals, carnivals, fairs, night-time Construction.

4. General Standards. The following standards shall apply to all outdoor lighting installed after the effective date of this section:

A. Lighting must be shielded and aimed downward so as to ensure that the illumination is only pointing downward onto the ground surface or into the building. No outdoor lighting fixture shall permit light to shine off the property on which it is installed.

B The source of the light (the light bulb, light emitting diode, or any other light emitting device), a refractive or non-refractive lens cover, or reflector shall not be visible in a direct line of sight from any other property or public right of way. Indirect light that may cross other properties cannot exceed .25 candlepower and indirect light that cross into the public right of way cannot exceed 5.0 candlepower.

C Lighting must have a color temperature of no more than 3000 Kelvins (K).

D. Any lighting fixture installed to illuminate parking, buildings or other structures shall not exceed the height of such buildings or structures, if attached thereto. All lighting shall be installed in a manner which directs or shields the light away from nearby dwellings and public right of ways

E. Outdoor lighting shall be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not create or cause excessive glare onto adjacent properties or public street rights of way.

F. Outdoor up-lighting is prohibited except in cases where the fixture is shielded by a roof overhang or similar structural shield and a licensed architect or engineer has stamped a prepared lighting plan that ensures that the light fixtures will not cause light to extend beyond the structural shield. For spotlights and floodlights mounted overhead on poles and used for area lighting, the axis of illumination shall be adjusted to an angle not more than 20 degrees from the vertical line between the fixture and the ground. For spotlights and floodlights mounted at or near ground level and used to light a building, or other structure, the axis of illumination shall be adjusted to minimize the amount of light escaping above, below, and to the sides of the illuminated object.

G. For any location or structure not specified in paragraphs (1) through (8) above, the building Official shall set acceptable levels of illuminance upon request based on guidelines established by the Illuminating Engineering Society of North America (IESNA).

H. No light or illumination that flashes, moves, scrolls rotate, scintillates, blinks, flickers, varies in intensity or color, or uses intermittent electrical pulsations is permitted.

5. Submittals.

Applications for all building permits for new construction or redevelopment, including the installation of outdoor lighting fixtures, shall provide proof of compliance with this section. The submittal shall contain the following information as part of the permit application:

- A. plans indicating the location, type, and height of lighting fixtures including both building mounted and ground mounted fixtures;
- B. a description of the lighting fixtures, including lamps, poles or other supports and shielding devices, which may be provided as catalog illustrations from the manufacturer;
- C. photometric data, which may be furnished by the manufacturer, showing the angle of light Emission;
- D. detailed site lighting plan illustrating the footcandle power measured throughout the site;
- E. a certification by an engineer registered in the state as conforming to applicable requirements of this code, and
- F. additional information as may be required by the Building Official in order to determine compliance with this section.

6. Enforcement. The city shall have the power to administer and enforce the provisions of this Section, as provided in [Division, Article, Section XX] of this Code. Any violation of this Section is hereby declared to be a nuisance. A civil penalty of up to \$2,000 for each day a violation occurs may be assessed when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice failed to take action necessary for compliance with this article.

Definition of "Shielded" means installed in such a manner that all light emitted by the fixture, either directly from the bulb or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane immediately beneath the fixtures lowest light-emitting part. From proposed Commercial Lighting Code. Definitions need to be consistent between commercial and residential codes.

Note/Question/Comment?

Enforcement on individual fixture replacement should be on an educational basis with regulatory action only after complaint and only as last resource. (Replacement or addition of fixtures for existing homes)

Should submittals be required for new homes- another option would require both the builder and owner to acknowledge the lighting requirements in writing and have regulatory action only after complaint or clear violation. I would be OK with this and I think that it might be of help to our staff and residents.

Possibly some conflicts between legal definitions and technical definitions that are used. This is something that we should include in our transfer to the City's attorney to review and consult with lighting engineer.

The color of the lights Section 4C might be something we might want to delete.