



GRAY BECKER^{PC}

900 West Avenue
Austin Texas 78701

Douglas M. Becker
doug.becker@graybecker.com

P. (512) 482-0061 | F. (512) 482-0924
www.graybecker.com

June 8, 2022

Mayor Steve Adler

Steve.adler@austintexas.gov

City Council Member Natasha Harper-Madison

Natasha.madison@austintexas.gov

City Council Member Vanessa Fuentes

Vanessa.fuentes@austintexas.gov

City Council Member Sabino “Pio” Renteria

Sabino.renteria@austintexas.gov

City Council Member Mackenzie Kelly

Mackenzie.Kelly@austintexas.gov

City Council Member Leslie Pool

Leslie.Pool@austintexas.gov

City Council Member Kathie Tovo

Kathie.Tovo@austintexas.gov

City Council Member Ann Kitchen

Ann.Kitchen@austintexas.gov

City Council Member Alison Alter

Alison.Alter@austintexas.gov

City Council Member Jose “Chito” Vela

Chito.Vela@austintexas.gov

City Council Member Paige Ellis

Paige.Ellis@austintexas.gov

Re: Legal Problems Regarding Item 80 relating to Vertical Mixed Use Zoning

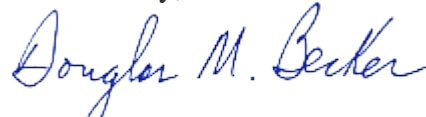
Dear Mayor and Council,

As you may know, I am the attorney who represented the Plaintiffs in the *Acuna et al. v. City of Austin* zoning litigation.

I have been advised that the Council is considering amendments to Austin's land development code regulations governing Vertical Mixed-Use (VMU) properties. I also understand that while Council Member Kitchen has proposed implementing those changes through existing rezoning processes which would provide affected property owners state-mandated written notice and an opportunity to support or protest, others have suggested that these changes and other amendment such as compatibility reductions be implemented without affording these protections.

With those understandings, I write to remind you that changes to the land use regulations on VMU properties without providing written notice and protest rights, as required by state law and the district court as affirmed by *Acuna et al. v. City of Austin*, subjects the City to further costly litigation. At that time, the City will be asked to explain why it again – this time within weeks of the Court of Appeals mandate –violated state law. As you know from the *Acuna* case, the City's failure to follow the mandatory requirements of Chapter 211 renders its actions void.

Yours truly,



Douglas M. Becker

DMB.tm

cc: City Attorney Anne Morgan
Anne.Morgan@austintexas.gov