

Mr. Sadowsky,

The following two objections are submitted for the public record and for posting online in opposition to the proposed Bluebonnet Hills Historic District.

### **FIRST OBJECTION: Deficient Application**

The application for the proposed Bluebonnet Hills Historic District fails to meet the mandatory application requirements, including a current survey for each property and a valid signed petition by current homeowners.

- A valid application for a local historic district requires multiple items in support of an application. See Application for LHD, City of Austin, at p. 2 (available at: [http://www.austintexas.gov/sites/default/files/files/Planning/Historic\\_Preservation/lhd\\_zoning\\_application.pdf](http://www.austintexas.gov/sites/default/files/files/Planning/Historic_Preservation/lhd_zoning_application.pdf)) (see attached). Two requirements are lacking from the application for the proposed Bluebonnet Hills H.D.
- 1. Failure to Submit Current Surveys:** The proposed Bluebonnet Hills Historic District application is not supported by current surveys for “every building,” and thus renders the application invalid.
- Under Appendix C of the LHD Application, the **survey forms “consist of four sections.” Each property’s survey form must also contain the information listed on pages 13 through 17 of the LHD Application.** Finally, among other things, each survey must include the “current owner name.”
- As of January 23, 2015, no current surveys have been posted by the city of Austin in support of this application.
- To the extent the applicant is relying on outdated surveys that formed part of its original application in 2014, those surveys were performed six years ago (in 2009), and I object to their use on the basis that 6-year old surveys are outdated and on the basis that they do not meet the substantive requirements set forth in the city’s LHD Application (see immediately above). Finally, the 2009 surveys were produced by a sitting member of the Historic Landmark Commission, Terri Meyer, who refuses to disclose that conflict of interest, and therefore her determinations in those surveys (contributing vs. noncontributing) are void for consideration by Austin’s Historic Landmark Commission and violate its bylaws.
- 2. Failure to Demonstrate Owner Support to Initiate “HD” Zoning:** The application lacks a “signed petition or written support of at least 51% of the property owners.” Indeed, none has been posted in support of the proposed Bluebonnet Hills Historic District application. The signatures in support from 51% or more of the property owners are mandatory. The required petition forms, and the required format they must include, are listed in Appendix E of the required application. See Application for LHD, City of Austin, at Appendix E (attached). The application fails for lack of proper support and signatures from current owners.

- As for January 23, 2015, no “signed petition or written support” from 51% of **current homeowners** have been posted by the city of Austin in support of this application, nor any that meet the required format for this requirement.

## **SECOND OBJECTION: Arbitrary and Invalid Boundary**

The proposed boundary for the proposed Bluebonnet Hills Historic District, contained in this application, is arbitrary and amounts to self-serving line-drawing (i.e., gerrymandering). Accordingly, its borders do not amount to a “historic district” and this application is thus deficient.

- A “local historic district” is a “*geographically or thematically-defined area, . . .*” See Application for LHD, City of Austin, at Introduction (available at: [http://www.austintexas.gov/sites/default/files/files/Planning/Historic\\_Preservation/lhd\\_zoning\\_application.pdf](http://www.austintexas.gov/sites/default/files/files/Planning/Historic_Preservation/lhd_zoning_application.pdf))(see attached).
- The applicants for the proposed Bluebonnet Hills Historic District propose a historic district with arbitrary boundaries that carve through an existing residential area, and randomly cuts off streets in the middle of blocks (e.g., Lockhart Dr. and Newning Ave), and inexplicably include only one-half of a residential street even though residences line both sides of the street (slicing it down the middle, e.g., Annie St.) (see 2<sup>nd</sup> attachment for graphic).
- The applicant points to no legal authority that allows this type of arbitrary boundary. The proposed boundary is inconsistent with the city’s own description of a “local historic district” in its application (quoted above). This amounts to invalid self-serving line drawing, and fails to support the rezoning of affected homeowners’ properties, on the basis that this boundary consists of a “historic” district.
- To the extent the applicant relies on maps of the area during its development, and the exclusion of properties that consisted of undeveloped lots at the time, this distinction must be equally applied. For example, if the applicant claims they are excluding properties from the proposed LHD on this basis, they must also exclude all undeveloped properties that are located inside the proposed boundary on the same map, since they were also undeveloped at the time. *Compare* the 1935 and 1962 Sandborn Maps contained in the proposed Bluebonnet Hills Historic District application. You cannot have it both ways.
- Finally, there is no city policy sanctioning this type of self-serving line-drawing. The city was asked via an open records request for any documents related to “reviewing proposed boundaries contained in applications for historic districts,” including anything supporting the type of self-serving line-drawing submitted by the applicant. The city provided no responsive documents. Accordingly, there is no basis in city policy whatsoever for the proposed boundary.

The proposed boundary for the Bluebonnet Hills Historic District does not support the proposed historic district, and are thus not valid for purposes of the proposed rezoning.

**Submitted:**

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