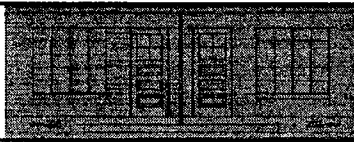


**PRESERVE
ROSEWOOD
COURTS**



**AMERICA'S
OLDEST
BLACK
PUBLIC
HOUSING**

Date: September 3, 2015

From: Fred L. McGhee, Ph.D.

To: Greg Guernsey, City of Austin Director of Planning and Zoning

Subj: Appeal of a vote by the City of Austin Historic Landmark Commission to deny historic zoning for the Rosewood Courts property in East Austin

Dear Mr. Guernsey,

This notice of appeal is filed in accordance with Austin city code Article 9, Division 1, regarding a case heard by the Historic Landmark Commission at its August 24, 2015 meeting. The case in question was C14H-2015-0008, the Rosewood Courts property located at 2001 Rosewood Avenue.

My contact information is as follows:

2316 Thrasher Lane
Austin, TX 78741
(512) 275-6027
flmcghee@gmail.com

Standing:

As the author of the National Register nomination for the property, which contains the historical information furnished to and considered by the Historic Landmark Commission, I am an interested party. The agenda for the August 24, 2015 meeting also lists me as the co-applicant for the zoning case. As the applicant, I have standing to file this appeal.

Reasons for appeal:

There were several irregularities with this case, most of them having to do with mistakes on the part of Steve Sadowsky, the city Historic Preservation Officer. For some time now, Mr. Sadowsky's administration of the Historic Landmark Commission has exhibited a disconcerting pattern of self-serving mismanagement, whose outcome has been to reinforce persistent inequities in what officially counts as historic in our city and why.

In short, instead of impartially administering our city's historic preservation program in a fair and balanced manner Mr. Sadowsky has instead been responsible for defending and bolstering discriminatory perspectives and policies in our city with a long history of racial inequity of their own. The Rosewood Courts historic zoning case throws these concerns into sharp focus, perhaps more so than any case in recent Austin history. Controversial zoning cases necessitate maximum consensus and strict adherence to protocol. Sadly, Mr. Sadowsky pursued neither.

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It is at this point clear that Mr. Sadowsky has grown accustomed to making up or changing the rules as he goes along. The consequences of this have grown too problematic to ignore: based upon what took place at the August 24th meeting, the new commissioners do not know their job, because they have not been properly trained. Moreover, the commission's bylaws have still not been updated, and are therefore only partially useful for commissioners and the public. The gaps created by these self-created ambiguities are where Mr. Sadowsky largely plows his trade, to the detriment of the citizens and taxpayers of Austin.

While he has publicly stated that he sees himself as an "advocate" for historic preservation in our city, the truth is that he exercises a double standard when confronted with zoning cases involving matters of historical importance for actual living, breathing African-Americans. This is particularly true in East Austin.

The vote regarding the landmarking of Rosewood Courts was obviously stage managed to produce a result, and I request that it be overturned and re-heard. Please consider the following:

1. As currently constituted, this board has an over-reliance on Mr. Sadowsky's pronouncements and responses to commission questions at meetings. For several months now, commissioners have been in the position of having to ask basic procedural questions as well elementary queries about their institutional purpose. There are several reasons for this, but two of the most important are the following:
 - a. Several boardmembers have not yet been trained or have been inadequately trained, not just by the city clerk's office but by the city staff about their responsibilities as members of this commission.
 - b. In the wake of 10-1, this commission now has eleven instead of seven members. Yet the bylaws of the commission have *still* not been updated.
2. The new commission chair did not publicly announce the final vote for any case at the August 24th, meeting. This not only created confusion, it is a violation of basic parliamentary procedure as well as the commission's bylaws. Roberts Rules of Order were not being followed; at the meeting Mr. Sadowsky sat there and did nothing.
3. Mr. Sadowsky announced the case as an initiation of historic zoning case, but this was not correct. The commission initiated historic zoning for the property at its previous meeting in July, 2015. While the agenda correctly notes the commission as the co-applicant, Mr. Sadowsky's mistake was not caught by any of the sitting commissioners.

The issue arose in the first place because the Austin Housing Authority, which opposes proper historic recognition of the Rosewood Courts property, has been lobbying Mr. Sadowsky and noted that § 25-2-242 of our city's code does not allow for Austin citizens to initiate a zoning case, even for public property such as Rosewood Courts (the federal process differs and allows citizens to initiate the national register process). This led to the item being pulled at the last minute from last month's agenda. I was thus relegated to having to speak to the commission during citizens communication (which Mr. Sadowsky, hoping to wear supporters out, strategically delayed, in violation of the published agenda), after which the commission itself agreed to initiate a historic zoning case for the property.



4. Instead of acting as a fair and balanced public servant whose job is to call balls and strikes, Mr. Sadowsky has instead acted as a partisan regarding this case. While maintaining regular contact with representatives of the housing authority, he instead has never once initiated contact with me to discuss basics such as the location of the zoning case on the commission agenda, with the exception of calling to notify me the Friday before the July 2015 meeting that the Rosewood Courts historic zoning case had been taken off the agenda because of the housing authority's concerns.

When I called Mr. Sadowsky the week of August 17th to inquire about whether the Rosewood Courts zoning case would be on *this month's* agenda, he informed me that it was and that it was listed second on the agenda. Agenda positioning of course matters, because unlike the housing authority, which can afford to spend seven-figure sums on lawyers, lobbyists and staff, the Preserve Rosewood coalition is made up of community volunteers, some of whom have mobility impairments. When we arrived at the meeting on August 24th, we were dismayed to find that the Rosewood zoning item had been changed from second to fifth on the agenda. After Mr. Sadowsky's stonewalling at the meeting, the Rosewood case was the last one to be considered, shortly before midnight. *I still have not been furnished with official notification of the final vote* by Mr. Sadowsky.

None of this was necessary. But it does reflect Mr. Sadowsky's obvious bias against the cause of East Austin historic preservation. Even on public property.

5. This case has still not had a hearing on the merits. Mr. Sadowsky's staff presentation before the commission was riddled with basic errors,¹ indicating that he either had not read the materials he was furnished, or that he suffers from an unfortunate case of reading comprehension disorder. In any case, his lack of attention to detail obviously extends to matters of substance, not just politics.

Mr. Sadowsky has still not offered a historic preservation rationale for why he supports the housing authority's position in this case. None of the commissioners posed any historic preservation questions at the August 24th meeting; their observations and concerns were those one would expect, quite frankly, to hear at a Planning Commission or city council meeting.

This nomination represents a tremendous amount of intellectual and physical labor. It involved pathbreaking research across the United States, including in archives at Cornell University, the University of California at Berkeley, the National Archives in Washington, D.C., the Dolph Briscoe Center for American History at UT Austin, the Austin History Center and elsewhere. Perhaps more than any historic zoning case in recent Austin history, it reveals the true depth and breadth of the New Deal in our city, and sheds important light on the historical role public housing has played in creating the Austin in which we live today. Such historical knowledge could and should influence public policy. One would think that city officials such as Mr. Sadowsky would embrace the full scope of our city's history, but as I noted at August 24th's

¹ Rosewood Courts began construction on the same day as Santa Rita Courts: November 17, 1938. In addition, Lyndon Johnson had just been elected to the U.S. House of Representatives and was not "Senator Johnson" as Mr. Sadowsky mistakenly presented before the commission.



meeting, *seven years* after the listing of the Santa Rita Courts Historic District in the National Register of Historic Places, the property *still* does not appear as historic on the city's official website listing of national register districts, nor does it appear on the mapping tool located at the same website.

At the August 24th meeting I asked Mr. Sadowsky why this was. No answer. One does not have to speculate deeply as to why such a discourteous and disregardful oversight happened in the first place and why it continues years later.

6. This commission has had difficulty making a quorum. Only six commissioners voted on this zoning case at the August 24th meeting. That it apparently did not occur to Mr. Sadowsky that a controversial zoning case such as this really should entail a vote by the *full* commission is further evidence of his lack of judgment and bad management.

Relief Requested:

I seek to have this case re-heard before the full eleven member Historic Landmark Commission at it's next meeting on September 28, 2015, at a time certain at the beginning of the published agenda. The members of the commission should be fully trained in their responsibilities and should be working with an up-to-date version of commission bylaws that make it clear that cases brought before them should be decided on their merits, utilizing standards promulgated by the Secretary of the Interior and other competent authority.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. L. McGhee', written in a cursive style.

Fred L. McGhee Ph.D.
Rosewood Courts Applicant

cc: Austin City Manager Marc Ott
Austin City Council
City of Austin Ethics Commission
City of Austin Human Rights Commission