

President's Report December 2007

by Bill Bednar

First, a report on our lawsuit against the City involving 306 West 34th. On Thursday, October 25, NUNA went to District Judge Lora Livingston for a temporary restraining order against the building permit issued by the City for the new duplex at 306 West 34th. We were superbly represented, but we lost. Judge Livingston agreed with NUNA that the project looked more like new construction than a remodel, and she was very critical of the City's permitting process. She was especially troubled by the lack of notice to neighborhoods and the fact that the "rule of thumb" was not written down or published anywhere. But at the end of the day, she was reluctant to overrule the City because the rule had been in place so long, because the developer had relied on the granting of the permit, and because the construction was so far along. This was a disappointment to us, but it is not the end of the story.

The final legal bill from Mark Perlmutter came to \$2,500.00, which leaves \$1345 left over from the generous donations we received from neighbors to mount this effort. At its meeting in November, your Executive Committee decided to contact all donors and offer to return the pro rata share of the residue to each. We also intend to ask each of you who donated for permission to retain your share in the NUNA Defense Fund against future contingencies. We are moving ahead full speed on an amendment to our NCCD ordinance that will prevent the "remodel" problem in the future, but it may be a few months before we can get it in place. It would be good to have some funds on hand in case the problem comes up again before then. Please give this your best consideration when you get the call. I have already informed the Executive Committee that my own contribution is to remain in the fund.

For sure, we have taken Judge Livingston's most fundamental point to heart: if the City staff's "remodel" rule is not within the meaning and the spirit of the NCCD Ordinance, then the City Council needs to amend the Ordinance to define "remodel" in a reasonable way that will preserve the character of our neighborhood. There is a good chance this will become a citywide effort, because several neighborhoods have experienced the same problem. In mid-November, the NPT met with representatives from CANPAC to discuss possible wording that might gain consensus, and we continue to work on what our own NCCD ordinance should provide in regard to "remodels."

On the Adams/Hemphill Park front, great congratulations and thanks are due to Mark Feist, Roger Binkley and the over sixty adults and kids who showed up

NOTICE: Next Neighborhood Meeting

Monday, December 3, 2007
7 p.m.

First English Lutheran Church at
30th and Whitis Streets

Program:

A presentation from APD:
Officer Rodriguez, Sergeant Lee,
Commander Singletary, Detective Bartle

Agenda:

Old and New Business
Committee Reports

for our second Park Cleanup Day on November 10th. It was a spectacular success. Breakfast tacos from Trudy's! Hordes of volunteers with orange plastic picker-uppers, gloves, and plastic trash bags supplied by the City! Truckloads of trash and debris hauled out of the south side of Adams Park! No more hiding places for the Rho Chi Upsilon Omegas (Residentially Challenged Urban Outdoors men)! I can think of no better example of what a neighborhood with its mind made up to take back its parks can do. Thanks again and again to all of you who came and worked!

Our next general membership meeting is Monday, December 3, at 7:00 PM at the First English Lutheran Church. We will have an opportunity to meet our new Austin Police Area Commander and staff, along with our new APD representative. Then we will have a program on graffiti-what APD is doing, what we as a neighborhood can do, and how we can put a stop to the disfiguring annoyance of "Tagging." Please come! You may contact me at 476-1135 or 587-3504. Bill Bednar 

JOIN YOUR NEIGHBORHOOD ASSOCIATION TODAY

Join today! It is the time to renew or establish your membership with NUNA. We need your support in the form of a check for \$10 per individual or \$20 per family. This money helps pay for the newsletter, for the annual usage fees of the church and AGE building, and for other memberships and expenses our organization encounters. Join today! Please send your dues to Charles Hibbetts, 110 W 33rd Street, Austin, 78705.



Adams/Hemphill Cleanup Update

By Mark Feist and Roger Binkley

The cleanup on November 3 was a major success for the neighborhood, specifically, and the city, in general. With assistance from Code Enforcement, the Parks Department, and a hard working volunteer force, we were able to accomplish 95% of our stated objectives:

1. Clear the perimeter of Adams Park of litter, rocks, and any other obstructions, so that mowers can get as close as possible to the edge for ongoing maintenance.
2. Clear Waller Creek of any litter or grass from 33rd Street to Speedway (the south end of the Seminary).
3. Clear the smaller area next to Trudy's (technically...between East and West Drives).

We removed rocks, litter, needles, alcohol bottles and cans, sleeping bags, duffels, brush, and tree trunks. All was enough to fill a drop-off dumpster, two flatbed trailers, two dump trucks and numerous pickups. It was definitely a "gloved hands affair." The remaining 5% of our objectives includes the removal of stumps and standing dead trees that will clear the way for easy mowing to the perimeters of the park. With that, we will have clear visibility, and the consistent maintenance throughout the park. Hats off to all involved!



We still have work to do. In the process of clearing the park, we uncovered a fetid, septic area that requires immediate attention. Its location is at the southwestern edge of Adams Park, to the left of the cordoned off sink hole behind Scottish Rite Dorm parking lot and near the border with Austin Seminary. We request that either Watershed or Waste Water examine it as soon as possible and get back with a remediation plan. Now we are left with the following **To Do list**. We are depending on the different City Service Departments with next steps and timetables, so that all will be up to date on Task Force activities.

The To Do List:

1. Removal of stumps and standing dead wood.
2. Remediation of the Adams Park septic field and sink hole.
3. Remediation of the sink hole behind Scottish Rite Dorm parking lot.
4. Installation of "night watchman" lights in Adams Park.
5. Reworking of the west side of the creek wall in Hemphill Park, between 30th and Wheeler Streets, to allow flood waters to cascade into the creek rather than erode the backside of the wall.

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6. Connecting the upper and lower sections of culvert pipe, between East and West Drives (Trudy's triangle), to eliminate the open stagnant water and allow for covering the expanse with soil and sod.

7. Reconstruction of the bridge wing walls at 33rd, 32nd, and Wheeler Streets to fight erosion and save the bridges from caving.

8. Reconstruction of the eroded sidewalks on 32nd Street.

9. Installation of city approved trash containers.

10. Rebuilding the foot bridge next to the fire station.

We know that this is a long and determined effort to restore a park that has been neglected for many years. It requires time and patience, but we have a plan and the support of many people and the support of many city departments. We appreciate all the neighborhood involvement in this lengthy project of cleaning up Adams/Hemphill Park.



CANPAC Group Continues Working

By Mary Gay Maxwell

The Central Austin Neighborhoods Planning Advisory Committee continues to work to improve the new neighborhood plan that was adopted in August 2004, which includes the NCCD for NUNA. It is vital that the group continue because, even though there is a new plan in place that covers zoning and land use categories, there is much more to the plan in terms of its overall impact on our neighborhoods. There has been no attention given by the City of Austin to the implications for the general quality of life of the area resulting from the plan to add 5000-7000 more residents to the campus area.

It became very clear shortly after the plan was completed that there needed to be additional work done to provide a more adequate infrastructure for the area than is currently in place. The term "Infrastructure" refers to and includes more police presence in the area, development of some form of education by the University of Texas for their student body about being good neighbors while living in the surrounding neighborhoods, and better understanding in the City of Austin of the requirements for building inspections and code enforcement in the area, since it is being redeveloped at a very rapid pace.

NUNA members who are part of CANPAC are: Mary Ingle, Rick Iverson, and Mary Gay Maxwell. The neighborhoods that are included in CANPAC are: NUNA, Heritage, Shoal Crest, West University, Hancock, Eastwoods, and University Area Partners. The boundaries of the area represented are: MLK on the South, Lamar on the West, 38th St. to Duval, Duval to 45th St. to I 35 on the North, and I 35 to Dean Keeton, Dean Keeton to Guadalupe to MLK on the East. The blocks east of Guadalupe to University Blvd. between 21st St. and MLK are also in the plan area except for the new UT hotel that is under construction at MLK.



APD Reminders:

The Austin Police Department (APD) recommends that if there is a problem or an offense "in progress," call 911 and make a complaint. In order to have this complaint followed through, the caller must also request an officer come and speak with him/her. For all other calls or complaints 311 is the number for something which has already occurred and is not an emergency. APD strongly recommends that if you feel that a call to 311 is not satisfactory, by all means, call 911. Assistant City Manager over APD, Chief Michael McDonald, has requested that the word get out about the operator's response to a call; if a caller feels that the operator's response at 911 is inappropriate in any way, he/she should ask to have the operator's supervisor call back immediately. Hang up and wait for the supervisor's call.

NUNA has a new district representative from APD, Officer Armando (A.J.) Rodriguez. Officer Rodriguez may be reached at 974-4527 or armando.rodriguez@ci.austin.tx.us



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P R O P E R T I E S

NPT Report

By Mary Ingle

The NUNA Planning Team (NPT) has had a full agenda for many months; we had been working on the lawsuit- raising money and strategizing; plan amendments to the NCCD for the February cycle deadline, strategizing for potential buyers for the Phi Delt property on Duval Street, working on a welcome letter for students and others living in NUNA, checking permits on a regular basis to make sure that they have been issued in accordance with the NCCD regulations, and answering any other property owner questions about redevelopment within NUNA.

After the termination of the NUNA lawsuit, the NPT along with a CANPAC subcommittee has spearheaded the writing of a definition of the term, remodel- a gaping loophole for many years for the Land Development Code. We have received support from the City Council on this effort, but most especially, from Council Members Jennifer Kim and Lee Leffingwell who will sponsor a staff directive for change from the Dais on December 6, if all goes according to plan. Much hard work and many meetings have prompted the Council's support to eliminate yet another loophole, the lack of any definition of remodel, which has been a source of abuse for many years. The McMansion Task Force has also tried to tackle this subject recently, too.

The plan amendments for the NCCD which must be presented by the CANPAC planning team for the entire area of CANPAC- our neighborhood planning area which includes these neighborhoods: Heritage, Hancock, Eastwoods, Shoal Crest, Caswell Heights, University Area Partners, and NUNA. The plan amendments which CANPAC is considering are:

1. Inclusion of the missing map of Area 1A in the NUNA NCCD, which was omitted mistakenly at the time the NCCD was submitted for publication;
2. a definition for remodel for the City's Land Development Code and for NUNA's NCCD;
3. Prohibition of cell phone towers within 200 feet of single family in CANPAC;
4. "Stilt houses" and "stilt parking" parking prohibitions within CANPAC;
5. Overlay provision with clarification of group housing which includes group residential and club or lodge. (This one has already been covered in the NUNA's NCCD!)

Thanks to the initiative of Mary Gay Maxwell, the NPT now has a welcome letter (3 pages long) for residents/ renters. It spells out what it takes to be a good neighbor, what the rules are for garbage and noise, etc. This letter is available to be delivered upon request from the NPT. Also, thanks to Rick Iverson's ingenious idea to contact the architectural firm of Cotera & Reed for making some potential redevelopment/architectural plans for the property at 3100 Duval (the Phi Delt property). These "mock up" plans will be able to provide some interest for a potential buyer of this very important property, a cornerstone of our Residential District in the NCCD; it has the potential to set the tone for (much needed) tasteful redevelopment on 31st Street as well as on Duval Street. Finally, thanks to June Hawley for her perseverance and

well crafted words, and to Bill Bednar for his legal work towards the lawsuit and his legal argumentation for the remodel definition. With the participation of these folks, NUNA is a better place.

The NCCD document is a complicated ordinance. Since it not the easiest to read and digest, it, therefore, takes many eyes to scrutinize and evaluate the content. We need volunteers to help search permits and other tasks. Our regular NPT meetings take place the second Wednesday of each month. If you would like to participate and attend, please contact the Chair, Mary Ingle at 320-8449. 

Important phone numbers and e-mail:

Officer Vargas 974-5801
ricardovargas@ci.austin.tx.us

City of Austin Information: 974-2000 or 311

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