

## **Buckingham Square Is a Dog That Won't Quit Barking**

First, a fire, and now a firestorm between the Heritage Neighborhood Association and the City of Austin in permitting construction at the site of the old Buckingham Square Apartments. The Association believes the city has unlawfully granted building permits that ignore the city building code.

“Buckingham Square is a dog that won’t quit barking,” noted Mark Perlmutter, who lives down the street from the site. Perlmutter, a lawyer, now represents his neighborhood in the permitting melee. The structure was illegal from the start when it was permitted as an “apartment hotel”—to squeeze more people in—instead of the apartment building it actually was. Since the building’s construction, the zoning for property has been rolled back twice. “The neighborhood participated in good faith in the neighborhood planning process. Now we are told by city staff that the neighborhood plan doesn’t matter,” adds Perlmutter. “How can the city let us down again?”

Buckingham Square Apartments, located at 32<sup>nd</sup> Street and West Avenue, burned down on March 31<sup>st</sup>, 2004, in a five-alarm fire that left 80 residents homeless. After leaving the complex to street people, drug addicts, and wild animals for more than a year, the California developer, Buckingham Investments, Ltd, decided to scrape the property to the foundation and start from scratch. The original apartment building did not conform to modern code concerning density, distance from nearby residences, parking, and impervious cover. However, the City of Austin allows owners of destroyed properties to rebuild without following today’s building code requirements as long as that reconstruction starts within 12 months and the construction restores what was previously there. Not only has it been more than 24 months since the destruction of the property, but the city granted the developer permits to build a larger and denser project, all without public review. Buckingham Investments has permits to replace the original two-story, 77-bedroom complex with a three-story, 104 bedroom complex—a nearly 50 percent increase in capacity with no additional parking. “These new residents are going to be parking in the streets of an already congested neighborhood as well as generating more garbage and more noise,” said Perlmutter. Because Buckingham Investments is theoretically supposed to rebuild the original structure, there has been no opportunity for the neighborhood to protest the permit in a formal setting.

“This issue affects all Austin neighborhoods trying to hold developers—and the city—to the building code,” noted Perlmutter. “This case also shows what happens when the city fails to inform the public of what’s going on during the site development and building permitting process.”

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The Heritage Neighborhood Association represents the central Austin neighborhood between 29<sup>th</sup> and 38<sup>th</sup> Streets and Lamar and Guadalupe boulevards. [www.main.org/heritage](http://www.main.org/heritage)