

Most Hyde Park Property Owners are not against Historic Zoning

Hyde Park Property Owners **ARE AGAINST THIS PLAN**

Who are we?

- Leadership Austin Alumni
- Past Hyde Park Neighborhood Association President
- Austin Under 40 Award Winner
- 40 Year+ Residents of Hyde Park
- Architect / Attorney / Engineer

Who supports us?

- The Neighborhood and Property Owners
- In just 5 days, gathered over 160 written protests opposing this rezoning plan
  - This is **more than 25%** of the property owners in the proposed Historic District
  - ~70% of property owners that were home signed the written protest
  - Includes 80 -100 property owners withdrawing their support, that had previously signed a HPNA 'Statement of Support'

**WE are the Neighborhood**

# The HPNA is not the HD Neighborhood Property Owners

HD Neighborhood Property Owners are:

1. 640 properties and property owners
2. Between 270 and 480 'contributing properties' depending on definition

HPNA is:

1. Only ~90 members
2. Only ~25 members that attend meetings
3. Only ~10 principals
  - Some HPNA members live outside Hyde Park
  - Some HPNA members don't own property in Hyde Park
  - Some HPNA members don't own 'Contributing Structures' for purpose of HD

## Planning Commission (October 12)

Asked HPNA if property owners would have an opportunity to review and approve HPNA revised plan before the November 18 City Council Meeting

### HPNA

"Yes, at the November 1<sup>st</sup> HPNA meeting."

# The HPNA is not the HD Neighborhood Property Owners

## HPNA November 1<sup>st</sup> Meeting:

1. Revised plan & notice of vote posted on site only 5 days before meeting (Oct 26)
  - Vote was a Violation of HPNA's own bylaws requiring 7 day notice for votes
2. Pecan Press announcement of revised plan and intent to vote delivered Nov 3-5
  - Notice had incorrect location for meeting & arrived after meeting occurred
3. Vote by only HPNA ~25 members favoring revised plan
4. Property owners who attended were not allowed to vote
5. Property owners asked HPNA to allow more time for the Neighborhood to review revised plan - HPNA refused

## The plan that sits before you today:

1. Was approved by only ~25 people and is opposed by over 160 property owners
2. The people that approved it, include people that will not be subject to it;
  - People that own non-contributing structures
  - People that do not own property in the neighborhood
  - People that don't even live in Hyde Park

# To **INITIATE** Historic District Rezoning requires 51% support of Property Owners in the District

**The plan before you is legally compromised.**

- 51% support of property area was required to initiate rezoning
- The rezoning process was initiated on July 26<sup>th</sup> with a HLC hearing
- As of July 26<sup>th</sup> 51% support had not been verified by the City

The Historic Preservation Office (HPO) **REFUSED** to provide certified documentation that 51% support was obtained **prior to the July 26** HLC meeting

1. Original initial information request submitted to HPO on July 23<sup>rd</sup>
2. Official public information request submitted to City of Austin on October 12<sup>th</sup>
  - Apparent violation of Section 25-2-242 of the City Code
  - Apparent violation of Texas Government Code Chapter 552

*November 15, 2010 (via email)*

*Mr. Bequin,*

*At the time the nominating committee submitted the information (map and petitions), **staff accepted that support for the district exceeded 51%.** Since that time, the percentage has been verified.*

*Planning and Development Review Department*


## To **INITIATE** Historic District Rezoning requires 51% support of Property Owners in the District

On November 8, 2010 the City 'verified' that the plan had the 51% support required to INITIATE rezoning at the time the HD rezoning was initiated (July 26).

- The 'verified' level of support is only 51.01%
- 3% support was obtained from Hyde Park Baptist Church on November 1, 2010 in an apparent quid pro quo of rezoning support in return for development rights

I, the undersigned authorized representative of Hyde Park Baptist Church, owner of certain property included within the proposed Hyde Park Local Historic District as identified below, support the formation of the Hyde Park Local Historic District with specific future development rights related to the block lying between Avenue D to Speedway and 39th Street to 40th Street.

These development rights as agreed by HPNA and HPBC will be respected that provide for permitting a multi-story parking facility or facilities on all or a portion of such block that may equal but not exceed the height of the parking facility that is currently located outside of the boundaries of the proposed Hyde Park Local Historic District on the eastern half of Tract 2 (the "Existing Parking Facility").



Robert J. Liverman, Chairman  
Strategic Futures Group Implementation Committee  
Hyde Park Baptist Church

11.01.2010  
Date

§ 25-2-242 INITIATION OF ZONING OR REZONING: Zoning or rezoning of property may be initiated by the:

- (5) For a proposed historic area (HD) combining district, petition of the owners of at least 51 percent of the land in the proposed district.

## To **INITIATE** Historic District Rezoning requires 51% support of Property Owners in the District

The plan you are considering today is opposed in writing by owners of more than 20% of the property area affected by the rezoning

- § 25-2-284 - Requires approval of not less than 3/4 of the Council

'Statements of Support' that were obtained, were obtained under false pretense:

1. One version of the plan was presented to the neighborhood to get them to sign 'Statements of Support'
2. A substantially different plan sits before you today
3. Additions of new requirements (not just 'legal' changes)

Don't take our word for it,  
listen to the Neighborhood Property owners:

# What are Neighborhood Property Owners saying?

Nov 15, 2010 From Hyde Park Neighborhood Yahoo Group

*...I have not been involved in any of these activities, except for signing the original petition a few months ago...*

*...I am strongly against the document in its present form. The history of efforts of some very dedicated persons, described below, may be true. But why not point out the fact that many of us signed onto a plan very different than the current one?*

*I am not against some form of a plan, but the current plan is premature. Much more discussion is needed to reach a consensus. Pushing this greatly modified plan through with a 51% majority will not contribute the spirit of the neighborhood (which I think is more important than the appearance of the houses).*

XXXX

On Mon, Nov 15, 2010 at 1:06 PM, XXXX XXXX <XXXX@XXXX.XXX> wrote:

To Whom It May Concern:

*I oppose the proposed new Hyde Park Historic Zoning Laws. If I previously signed a 'statement of support' I withdraw might support. While I may appreciate the Historic nature of Hyde Park I believe the proposed new zoning laws go too far.*

Signed: XXXX XXXX

*I intend to drop the signed written statement off as well.*

# What are Neighborhood Property Owners saying?

On Tue, Nov 16, 2010 at 1:24 PM, XXXX XXXX <XXXX@XXXX.XXX> wrote:

Gentlemen,

I am a homeowner in Hyde Park (XXXX Avenue X) and want to express my opposition to the Historic district as proposed. It was with great concern and trepidation (and three women badgering me on my front porch for the third time) that I sign the petition supporting it... ..and was concerned that it would morph into something more restrictive. I now know my fears have come to fruition.

Comments left on [www.SaveHydePark.org](http://www.SaveHydePark.org)

11/12/2010 9:15:00 AM

I think the HPNA started out with a good cause, and it's gotten so twisted and edited since then that it's almost unrecognizable by those who originally signed on to support it

11/13/2010 10:18:07 AM

The original Local Historic District proposal was sold to the homeowners of Hyde Park as a way to prevent demolition of historic homes. The proposal has now metastasized into a strict code that mandates approval from the Historic Landmark Commission for something as simple as a new door. This insanity should be stopped.

11/14/2010 1:14:35 PM

The proposed guidelines for home improvements, if Hyde Park becomes a historical district, will be too burdensome leaving many homeowners with not being able to make improvements...



HPNA used different standards for classifying a structure as  
'Contributing' and for its Zoning Laws

HPNA definition of 'Contributing Structure' based on:

**APPEARANCE**

HPNA proposed Zoning Laws based on:

**MATERIALS**

## Definitions: The details are important

### **Contributing Structure** (National Register of Historic Places)

Residential Properties should retain their original exterior sheathing and porch trim and materials. The application of asbestos, vinyl, aluminum or any other synthetic siding over the original exterior walls is regarded as insensitive to a dwelling's historic character and proper maintenance, and therefore disqualifies the building for listing as a Contributing property...

### **Contributing Structure** (HPNA revised plan and City Code)

A structure that contributes to the historic character of a historic area (HD) combining district, was built during the period of significance for the district, and which retains its appearance from that time. An altered structure may be considered a contributing structure if the alterations are minor and the structure retains its historic appearance and contributes to the overall visual and historic integrity of the district.

## Just one example of how the zoning laws are poorly conceived

The very improvements made by this home owner that make their home a 'Contributing Structure' would not be allowed by the HPNA zoning laws.



Vinyl sided home listed as 'Contributing Structure' in HPNA survey

## Impact of changing definitions

An increase of only 130 structures in the Historic District area, yet an increase of 207 “Contributing Structures” according to the HPNA survey

### National Register District Survey for Hyde Park and Shadow Lawn:

Total Structures:	510
“Contributing Structures”:	273 (53.5%)

### HPNA Survey

Total Structures:	640
“Contributing Structures”:	480 (75.0%)

**Let’s look at these ‘New’ Contributing Structures...**

**Old ≠ Historic**



**Contributing Structure per HPNA Survey**

## Old ≠ Historic



Contributing Structure per HPNA Survey

# Where is the common ground?

Property Owners in Hyde Park enjoy the nature of the neighborhood.

They think the Plan before you is BAD and they do not support it.

## 1. Restrictions on Demolition

- Restrictions on demolishing homes that contribute to the historic nature of the neighborhood where repair and maintenance is economically feasible for the owner

## 2. Guidelines for New Home Construction

- For construction of new homes; requirements that they be historically appropriate stylistically for the area of the neighborhood

## 3. Leave Home Maintenance Out of it!

- 'No one' is worried about neighbors putting in energy efficient windows, changing their front door, or putting up a new porch light fixture

## 4. Additions: There appears to be no neighborhood consensus

# Recommendations

1. City Council should DENY the petition

OR

Table the item and INSTRUCT the HPNA to not come back until after it has a plan supported by the majority of the Hyde Park Neighborhood Property Owners

2. City Council should conduct and independent review of the Hyde Park HD zoning process and solicit feedback directly from the property owners.

- Individuals that are not owners of property directly affected by rezoning should have a voice, but not a vote

**You can be FOR Historic Districts and Vote Against this Plan**

**A vote against this plan is not a vote against Historic Districts**

**It is a vote for the neighborhood residents**