

ZONING CHANGE REVIEW SHEET

CASE NUMBER: C14H-2011-0002

HLC DATE:

August 22, 2011
September 24, 2011
October 24, 2011
November 14, 2011
September 22, 2014

PC DATE:

October 28, 2014

APPLICANT: City of Austin Historic Landmark Commission

HISTORIC NAME: Routon-Alvarez-Lopez House

WATERSHED: Waller Creek

ADDRESS OF PROPOSED ZONING CHANGE: 809 E. 9th Street

ZONING FROM: SF-3-NCCD-NP to SF-3-H-NCCD-NP

SUMMARY STAFF RECOMMENDATION: Staff recommends the proposed zoning change from family residence, neighborhood conservation, neighborhood plan (SF-3-NCCD-NP) combining district to family residence, neighborhood conservation, neighborhood plan – Historic Landmark (SF-3-H-NCCD-NP) combining district zoning.

QUALIFICATIONS FOR LANDMARK DESIGNATION:

The ca. 1914 house is an excellent (although fire-damaged) example of early 20th century residential architecture with a wing-and-gable configuration and canted front gable, and is associated with East Austin Hispanic families, primarily the family of Jose and Carlotta Alvarez and the family of Sabas and Elena Lopez, who operated the most successful Hispanic-owned drug store in Austin for over 20 years.

HISTORIC LANDMARK COMMISSION ACTION: **August 22, 2011:** Initiated a historic zoning case upon staff's recommendation. **September 24, 2011:** Postponed to October 24, 2011 at staff's request. **October 24, 2011:** Postponed to November 14, 2011 at staff's request. **November 14, 2012:** Recommended the proposed zoning change from SF-3-NCCD-NP to SF-3-H-NCCD-NP. **September 22, 2014:** Recommended the proposed zoning change from SF-3-NCCD-NP to SF-3-H-NCCD-NP for the property's significance in the areas of architecture and historical significance. Vote: 5-0 (Limbacher and Wolfenden-Guidry ill).

PLANNING COMMISSION ACTION: Recommended the proposed zoning change from SF-3-NCCD-NP to SF-3-H-NCCD-NP. Vote: 8-0 (Roark absent).

DEPARTMENT COMMENTS: The house is listed in the East Austin Survey (1980)

CITY COUNCIL DATE: December 11, 2014

ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Steve Sadowsky

PHONE: 974-6454

NEIGHBORHOOD ORGANIZATION: Organization of Central East Austin Neighborhoods

BASIS FOR RECOMMENDATION:

Architecture:

One-story hipped-roof wing-and-clipped front gable frame house with a partial-width shed-roofed independent porch on turned wood posts; stick-style wood ornamentation at the canted bays of the projecting front gable; wood-framed 3-light casement windows. The house has a partially-enclosed rectangular-plan rear porch on the southwest corner. There is significant fire damage to the enclosed portion of the rear porch, and possibly to the rear of the house.

Historical Associations:

The address first appears in the 1918 city directory, but the house is listed as vacant. Deed records reflect that the property was purchased in 1914 by Ben Walker, a freight transfer agent, from Sarah Robertson, who with her husband had purchased a large section of what is now referred to as Robertson Hill, east of I-35. The house was built in the summer of 1914, according to the mechanic's lien executed by Ben Walker to O.L. Albright and the Becker Lumber Company in May, 1914. The lien was released in August, 1914. Ben Walker never lived in this house; he and his family lived at 505 San Jacinto Street in downtown Austin. The first known occupants of the house were renters: John P. Routon, a young bicycle repairman, and his extended family, in the early 1920s. Ben Walker sold the property in 1923 to Benjamin Gonzales, a waiter at the Bon Ton Café on Congress Avenue, and his wife Hermelinda; they are listed in the 1924 city directory. Ben Gonzales sold the house back to Ben Walker in May, 1927, and Walker sold the property in June, 1927 to Jose (Joe) L. Alvarez and his wife Carlotta (Charlotte), who lived here with their 5 daughters for 20 years. Joe Alvarez was a Mexican-born truck driver for Cabaniss Furniture Company; after he passed away in 1951, Charlotte lived here for another few years. Sabas and Helen Lopez purchased the house from Mrs. Alvarez in 1954, and were the last owners and occupants.

Sabas Lopez operated Lopez Drug Store at 1008 E. 6th Street, a business founded by his father, Guillermo (Willie) Lopez, in the mid-1940s. The Lopez family had owned the ca. 1898 stone building on E. 6th Street (which still stands, although highly modified) since the mid-1930s, when Willie and Margarita Lopez operated a Mexican curio store in their home there. Around 1945, Willie Lopez changed his business from Mexican curios to a pharmacy. He was the third (and longest-running) Mexican-owned drug store in Austin. Prior to the establishment of the Lopez Drug Store in E. 6th Street, there were two other Mexican-owned drug stores in Austin. The first was operated by Juan G. Perales, who in 1920, was a clerk for T.E. Odiorne, who operated Brown & Odiorne, a drug store on Congress Avenue. Juan and Basilica Perales lived at 121½ Congress Avenue, where they opened a drug store by 1922. By 1924, Perales had moved his business to 1302 E. 6th Street, and by 1927, his daughter, Juanita Perales, had the Sonora Drug Store at the same address. By 1929, the Sonora Drug Store was no longer in business; 1302 E. 6th Street is listed as the home of Basilica and Juanita Perales, but they had no business listing. The second Mexican-owned drug store in Austin was operated by Ignacio Gamboa, who had a drug store at 1003 E. 6th Street in 1937. Gamboa is not listed in the 1935 city directory. By 1939, Gamboa had moved his home and business to 2300 E. 7th Street, but he was not listed in the 1940 directory, and the building at 2300 E. 7th Street was the home of Hal L. Ramsey, who operated a laundry in the building. There were no other Mexican-owned drug stores in Austin until Guillermo Lopez opened the Lopez Drug Store at 1008 E. 6th Street around 1945. Sabas Lopez initially worked as a clerk in his father Guillermo's drug store, then inherited the business, which he ran until 1968, when he retired. The extended Lopez family lived on the drug store premises until Sabas and Helen Lopez moved into this house around 1955. Sabas Lopez passed away in 1976; Helen and her daughter Maryhelen continued to live on the property.

PARCEL NO.: 02060503080000

LEGAL DESCRIPTION: The East 23 feet of Lot 16 and the West 34 feet of Lot 17, Outlot 1, Division B, South part of the S & L.M. Robertson Subdivision.

ESTIMATED ANNUAL TAX ABATEMENT: \$581 (owner-occupied); city portion: \$288.

APPRAISED VALUE: \$105,413

PRESENT USE: Vacant

CONDITION: Fair

PRESENT OWNERS:

Elena Lopez, Mary Helen Lopez, and Carmen Castro
c/o Mary Helen Lopez
1012 Catalpa Street
Austin, Texas 78702

DATE BUILT: ca. 1914

ALTERATIONS/ADDITIONS: The house has been damaged by a fire to the back porch. The front of the house appears to be undamaged.

ORIGINAL OWNER(S): Ben Walker (1914)

OTHER HISTORICAL DESIGNATIONS: None.

STAFF NOTE:

This case was recommended by the Historic Landmark Commission in 2011; the owner was pursuing work on the house, and the case was put on hold to allow for the work to be done. The owner has not been able to complete the proposed work on the house, and the Guadalupe Neighborhood Development Corporation has been authorized by the owner to continue the historic zoning case and to complete the work to make the house inhabitable once again.

809 E. 9th Street
ca. 1917













OCCUPANCY HISTORY

809 E. 9th Street

City Directory Research, Austin History Center
By City Historic Preservation Office
May, 2011

1992	Elena Lopez, owner Retired Rear: Vacant
1985-86	Elena Lopez, owner Retired Rear: Maryhelen Lopez, renter Clerk, Brackenridge Hospital
1981	Helen Lopez, owner Retired Rear: Vacant
1977	Sabas C. and Helen E. Lopez, owners Retired Rear: Vacant
1973	Sabas C. and Helen E. Lopez, owners Retired Rear: Ester Barron, renter No occupation listed
1969	Sabas C. and Helen Lopez, owners Proprietor, Lopez Drug Store, 1008 E. 6 th Street. Rear: Frutosa Jimenez, renter No occupation listed
1965	Sabas C. and Helen Lopez, owners Proprietor, Lopez Drug Store, 1008 E. 6 th Street. Rear: Joe Ramirez, renter Helper, Calcasieu Lumber Company
1961	Sabas C. and Helen Lopez, owners Proprietor, Lopez Drug Store, 1008 E. 6 th Street. Rear: Jose E. and Natividad Tovar, renters Employed by L. East Produce Company.
1957	Sabas C. and Helen Lopez, owners Proprietor, Lopez Drug Store, 1008 E. 6 th Street.
1953	Carlotta Alvarez, owner Widow, Joe Alvarez No occupation listed NOTE: Sabas and Elena Lopez lived at 1008 E. 6 th Street, their drug store.
1949	Jose L. and Carlote Alvarez, owners Warehouseman
1947	Jose L. and Charlotte Alvarez, owners Chauffeur, Cabaniss Furniture Company, 204-06 E. 6 th Street.

- 1944-45 Jose L. and Charlotte Alvarez, owners
Chauffeur, Cabaniss Furniture Company, 204-06 E. 6th Street.
- 1942 Jose L. and Charlotte Alvarez, owners
Driver, Cabaniss Furniture Company, 204-06 E. 6th Street.
- 1939 Jose L. and Charlotte Alvarez, owners
Driver, Cabaniss Furniture Company, 204-06 E. 6th Street.
- 1937 Jose L. and Charlotte Alvarez, owners
Truck driver, Cabaniss Furniture Company, 204-06 E. 6th Street.
- 1935 Jose L. and Charlotte Alvarez (not listed as owners)
Truck driver, Cabaniss Furniture Company, 204-06 E. 6th Street.
- 1932-33 Jose L. and Charlotte Alvarez, renters
Truck driver, Cabaniss Furniture Company, 204-06 E. 6th Street.
- 1930-31 Jose L. and Charlotte Alvarez, renters
Driver, Cabaniss Furniture Company, 204-06 E. 6th Street.
- 1929 Jose L. and Charlotte Alvarez, renters
Driver, Cabaniss Furniture Company, 208-10 E. 6th Street.
- 1927 Louis and Hytnef Barsera, renters
Painter
NOTE: Jose and Charlotte Alvarez are listed as living at 804 E. 9th Street; he was a porter for Cabaniss Furniture Company, 208-10 E. 6th Street.
- 1924 Benjamin and Hermelinda Gonzales, renters
Waiter, Bon Ton Café, 609 Congress Avenue
- 1922 John P. and Stella Routon, renters
Repairman, G&M Cycle Company, bicycles, 105 W. 7th Street.
- 1920 John P. Routon, renter
Repairman, G&M Cycle Company, bicycles, 105 W. 7th Street.
- 1918 Vacant
- 1916 The address is not listed in the directory.

BIOGRAPHICAL NOTES:

John P. Routon (ca. 1920-ca. 1923)

John P. Routon appears in the 1920 U.S. Census report at this address. He was 25, a native of Texas, and unmarried. He lived in this house with his sister, Mattie Routon, and three nephews. John P. Routon is listed as a bicycle repairman.

JOHN PAUL ROUTON

John Paul Routon, 38, died at his home on the Bastrop road Friday. Mr. Routon had been a resident of Austin all his life. He is survived by two brothers, Z. P. Routon and T. B. Routon, both of Austin; three sisters, Miss Mattie Routon, Mrs. Willie Hamilton and Mrs. F. W. Crow, all of Austin; and one daughter, Ida Mae.

~~The body is being held at the~~
Thurlow Weed Funeral home pending funeral arrangements.

Death notice of John P. Routon
Austin American, May 21, 1932

ROUTON—Funeral services for John Paul Routon, 38, who died at his home on the Bastrop road Friday at 6:30 p. m., will be held from the Thurlow B. Weed funeral home Saturday at 4 p. m. The Rev. W. O. Fisher will officiate and interment will be in Oakwood cemetery. Pallbearers will be the following nephews: O. S. Routon, P. M. Routon, C. M. Routon, Warren Routon and O. R. Hamilton, and Sam Nunnelle.

Mr. Routon is survived by two brothers, Z. P. Routon and T. B. Routon, both of Austin; three sisters, Miss Mattie Routon, Mrs. Willie Hamilton and Mrs. F. W. Crow, all of Austin, and one daughter, Miss Ida Mae Routon.

Funeral notice for John P. Routon
Austin Statesman, May 21, 1932

Jose and Charlotte Alvarez (ca. 1928-ca. 1955)

Jose (Joe) and Charlotte Alvarez, and their 5 daughters appear in the 1930 U.S. Census report at this address. The report states that the house was worth \$2,500, and was owned by the Alvarez family. Both Joe and Charlotte Alvarez had been born in Mexico; he was then 39, she was 37. All of their children had been born in Texas. Joe Alvarez is listed as a truck driver for a furniture company. He died in Austin in 1951; Charlotte passed away in 1981.

JOE ALVAREZ
 Joe Alvarez of 809 East Ninth Street, died at his residence early Monday. He is survived by his widow, Mrs. Charlotte Alvarez of Austin; six daughters, Miss Gloria Alvarez, Miss Cecilia Jo Alvarez, Miss Dora Alvarez, Miss Mary Alice Alvarez, Miss Beatrice Alvarez and Mrs. Zelma Gonzales, all of Austin, and a brother, Louis Alvarez of San Antonio.
 Rosary services were held Monday at the residence. Funeral services will be held Tuesday at 4 p. m. in Guadalupe Church with
 burial in Mt. Calvary Cemetery. The body will be at the residence until time for the services.

Obituary of Joe Alvarez
 Austin American, March 6, 1951

ALVAREZ, Carlotta, 87, 7507 Glenhill Road, died Tuesday. Rosary 7 p.m. today at Cook-Walden Funeral Home. Mass 10 a.m. Thursday at St. Austins Catholic Church. Burial, Mount Calvary Cemetery. Survivors: daughters, Cecilia Alvarez, Zelma Gonzales, Mary Alice Alvarez, Dora Alvarez, all of Austin; Gloria Longcrier of Fort Worth, Bea Ross of Houston; three grandchildren; one great-grandchild.

Funeral notice for Carlotta (Charlotte) Alvarez
 Austin American-Statesman, April 1, 1981

Sabas and Helen Lopez (ca. 1955-)

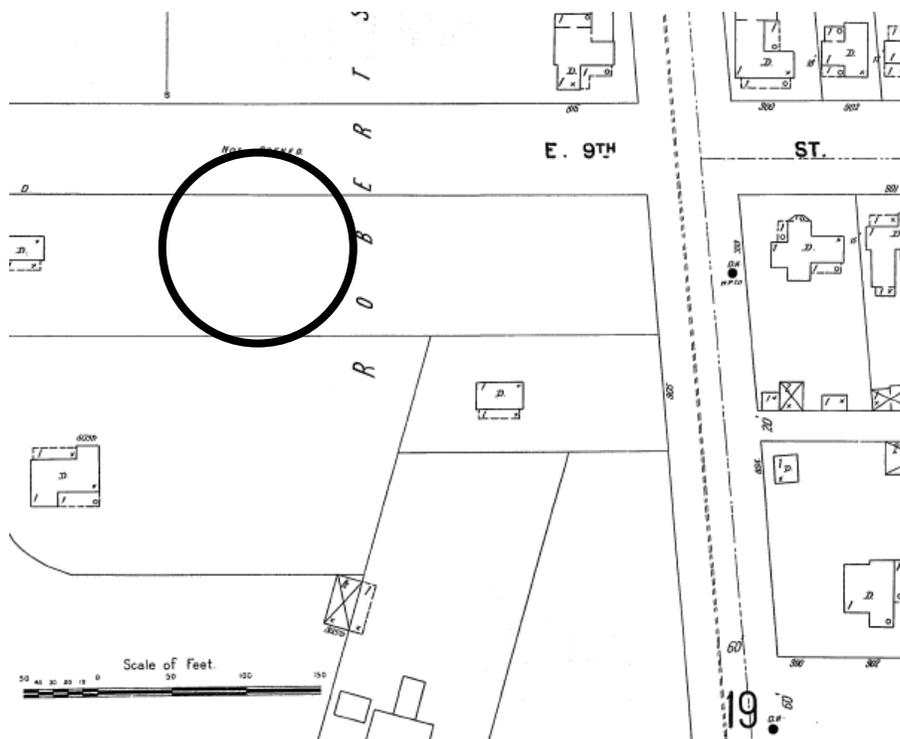
Sabas Lopez is shown in the 1920 U.S. Census as the 10-year old son of Willie and Margarita Lopez, who lived on Medina Street in Austin. Sabas Lopez was born in Texas, as had his next older sibling, 11-year old Maria Lopez. The two older Lopez children had been born in Mexico as had Willie and Margarita. Willie Lopez was a laborer; his oldest son, Pedro was a tailor, and his second-oldest son John was a grocery salesman. He is listed as Guillermo Lopez in city directories from 1935 on; he and Margarita opened a Mexican curio store at 1008 E. 6th Street, and later had a pharmacy there; Sabas inherited the business.

LOPEZ, Sabas P., 64, 809 E. 9th St. died Monday. Rosary 8 p.m. Tuesday at Cook-Walden Funeral Home. Mass 10 a.m. Wednesday at Our Lady of Guadalupe Catholic Church. Survivors: wife, Mrs. Elena Lopez of Austin; daughters, Carmen Lopez, Mary Helen Lopez, both of Austin; sester, Mrs. Maria Aleman of Austin.

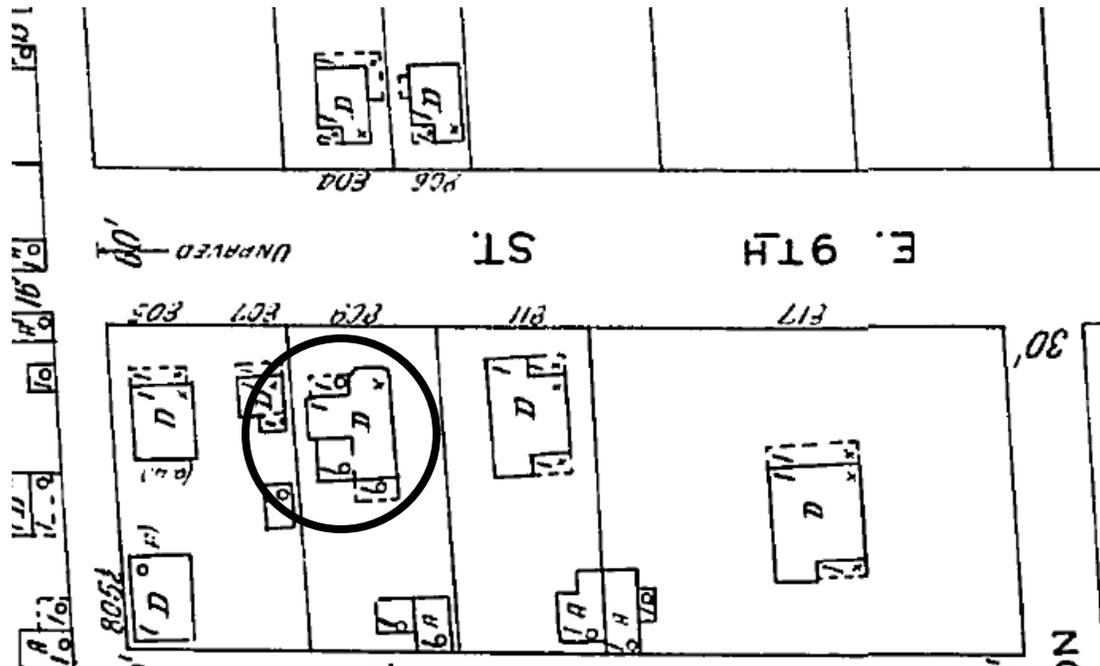
Death notice of Sabas Lopez
 Austin American-Statesman, January 6, 1976



The Lopez family's Mexican curio shop and later drug store were located in this ca. 1898 building at 1008 E. 6th Street. Sabas and Helen Lopez lived here before moving to the house on 9th Street around 1955.



The 1900 Sanborn map shows the site of the current house as vacant. The French Legation is shown at the bottom of the map, just to the right of the scale.



The 1935 Sanborn map shows the house with its current configuration. There are no changes shown on the 1962 map



City of Austin

Founded By Congress, Republic of Texas 1839
Code Compliance Department
P.O. Box 1088, Austin, Texas 78767 - 1088

January 18, 2011

NOTICE OF VIOLATION

Via Certified Mail # 7010 1060 0002 2997 7461

Lopez Elena S % Mary Helen Lopez
1012 Catalpa St
Austin Texas 78702 1920

RE: 809 E 9 ST 78702

Legally described as E 23FT OF LOT 16 * & W 34FT OF LOT 17 OLT 1 DIV B
ROBERTSON S & L M SOUTH PART
Zoned as SF-3-NCCD-NP
Parcel Number 0206050308

Dear Lopez Elena S % Mary Helen Lopez:

An investigation by the City of Austin's Code Compliance Department was conducted relating to the property indicated above and violations of Austin City Code were found that require your immediate attention. An investigation report is enclosed which defines the code violation(s) found with required remedies for attaining compliance with the City Code.

After receipt of this notice, you may not sell, lease, or give away this property unless you have provided the buyer, lessee, or other transferee a copy of this notice, and provided the name and address of the buyer to the Building Official. Also, it is a misdemeanor to rent this property if the code violation(s) on this property pose a danger to the health, safety and welfare of the tenants.

If you have any questions, please contact me by telephone at 974-9033 between 7:30AM - 4:00PM. You may leave a voicemail message at any time.

Si usted tiene alguna pregunta, contácteme por favor por teléfono en 974-9033 de lunes a viernes o puede dejar un mensaje de correo vocal en cualquier momento.

Ownership Information

According to the real property records of Travis County, you own the real property described in this notice. If you no longer own this property, you must execute an affidavit stating that you no longer own the property and stating the name with the last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to our office not later than the 20th day after the date you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice, even if you do not.

An affidavit form is available at our office located at 1520 Rutherford Lane. An affidavit may be mailed to:

**City of Austin
Code Compliance Department
P.O. Box 1088
Austin, Texas 78767**

Additionally, if this property has other owner(s), please provide me with this information.

Failure to Correct

If a violation is not corrected, any existing site plan, permit, or certificate of occupancy may be suspended or revoked by the City. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.

If the violation continues, the City may take further legal action to prevent the unlawful action as authorized by State law and may seek civil injunctions or penalties in State court.

For dangerous or substandard buildings, the City may also take further action to require the vacation, relocation of occupants, securing, repair, removal or demolition of a building.

If the violations are not brought into compliance within the timeframes listed in the investigation report, criminal charges may be filed against you in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.

Complaints

To register a complaint regarding a Code Compliance Department investigator, you may submit your complaint in writing no later than 3 days after receipt of this letter to:

**City of Austin
Code Compliance Department Manager
P.O. Box 1088
Austin, Texas 78767**

Sincerely,



Mike Carter, Code Enforcement Inspector
Code Compliance Department
Case CV-2011-003976

INVESTIGATION REPORT

Investigator: Mike Carter

Case: CV-2011-003976

Address: 809 E 9 ST 78702

Zoned as SF-3-NCCD-NP

The item(s) listed below are in violation of the Austin City Code. A required remedy may be specified after a violation and may include a time period for compliance. If no required remedy is specified for a violation, the **Required Remedy Summary** will be in effect. For questions concerning residential property, please contact the Zoning Review Division at (512) 974-2380. For questions concerning commercial property, please contact the Development Assistance Center (DAC) at (512) 974-6370.

STRUCTURE MAINTENANCE

The Uniform Housing Code adopted by reference in Sections 25-12-211 and 25-12-213 of the Austin City Code:

The Uniform Code for the Abatement of Dangerous Buildings adopted by reference in Sections 25-12-231 and 25-12-233 of the Austin City Code:

The International Property Maintenance Code, adopted by reference in Chapter 25-12, Article 9 of the Austin City Code:

Code Section: Dangerous structure or premises (§108.1.5.8)

Description of Violation: Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

Date Observed: 01/18/2011

Status: Not Cleared

Required Remedy:

Code Section: Structural Members (§304.4)

Description of Violation: All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

Date Observed: 01/18/2011

Status: Not Cleared

Required Remedy:

Code Section: Foundation Walls (§304.5)

Description of Violation: All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

Date Observed: 01/18/2011

Status: Not Cleared

Required Remedy:

Code Section: Exterior Walls (§304.6)

Description of Violation: All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Date Observed: 01/18/2011

Status: Not Cleared

Required Remedy:

Code Section: Roofs and Drainage (§304.7)

Description of Violation: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

Roof water shall not be discharged in a manner that creates a public nuisance.
Date Observed: 01/18/2011 Status: Not Cleared
Required Remedy:

Code Section: Overhang Extensions (§304.9)
Description of Violation: All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
Date Observed: 01/18/2011 Status: Not Cleared
Required Remedy:

Code Section: Wood (§306.1.1.6)
Description of Violation: Wood that has been subjected to any of the following conditions: Fire damage.
Date Observed: 01/18/2011 Status: Not Cleared
Required Remedy:

Required Remedy Summary

Electrical Permit Required
Plumbing Permit Required
Building Permit Required

Repair Noted Violations in 30 days

NOTE: The time period(s) indicated in this summary reflect the total time allowed for compliance. A time period indicated in an individual violation's required remedy is the actual time allowed for compliance of that individual violation. If no time period is indicated in an individual violation's required remedy, the summary time period associated with the required remedy will be the time allowed for compliance.

If the Required Remedy Summary requires a permit, the Development Assistance Center located at 505 Barton Springs Road can assist you with any questions. **When the required remedy is demolition**, you are strongly encouraged to go to the Development Assistance Center for more information concerning current ordinances which may limit or restrict future development of your property after the demolition.

Appeal

Any structure maintenance issue indicated in this report may be appealed to the Building and Standards Commission. The appeal must be filed not later than 20 days after the date of this notice and contain the following information:

- A brief statement as to why the violation is being appealed;
- Any facts that support the appeal;
- A description of the relief sought; and
- The reasons why the appealed notice or action should be reversed, changed, or set aside.

An appeal may be delivered in person to our office located at 1520 Rutherford Lane or mailed to:

**Building and Standards Commission
C/o Code Compliance Department
P.O. Box 1088
Austin, Texas 78767**

July 8, 2014

City of Austin
c/o Steve Sadowski
P.O. Box 1088
Austin, TX

Dear Mr. Sadowski,

I Am Writing you today to please Acknowledge and Record Mark Rogers as my Representative in working with the process for historical zoning for 809 East 9th Street.

I appreciate your assistance in all that you do to guide us through this process.

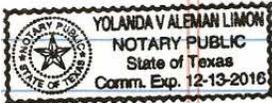
Sincerely,



MARY Helen Lopez
1012 Catalpa St.
Austin, TX 78702

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 8th day
of July, 2014, by Mary Helen Lopez.




NOTARY PUBLIC, State of Texas