

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-01-0046.02 – The Baker School

DISTRICT AREA: 9

OWNER/APPLICANT: Austin Independent School District

AGENT: Weiss Architecture, Inc. (Richard Weiss)

REQUEST:

Conduct a public hearing and approve second and third readings of an ordinance amending City Code Title 25 by zoning property locally known as 3908 Avenue B (Waller Creek Watershed), from Unzoned (UNZ) district to community commercial – historic district - neighborhood conservation - neighborhood plan (GR-HD-NCCD-NP) combining district zoning.

The applicant's phased plan is to 1) occupy existing historic structure with an Administrative and Business Office use, and 2) construct a separate structure to the west and rear of the historic building, to contain ground floor parking and three stories of residential. The applicant is uncertain when or if the second phase will be built. The proposed rezoning includes changes to the Hyde Park NCCD specifically for this property, including development standards and allowed uses (See Summary Staff Recommendation).

ISSUES:

The applicant has met with neighborhood associations - Hyde Park Neighborhood Association (HPNA), the Hyde Park Neighborhood Contact Team, and Friends of Hyde Park. The first two organizations currently support the proposal; Friends of Hyde Park currently opposes it. (See Exhibit F).

Prior to First Reading, staff reviewed the agreement with the Hyde Park Neighborhood Contact Team (See Exhibit F) and have no objection to including the following items as part of the NCCD – these were listed in the initial staff report or read into the record at First Reading:

- Prohibit Drive Thru-Services
- Set maximum height to 50 feet on the western 100 feet of the property, and 30 feet for the remainder of the property
- Limit restaurant uses to a maximum of 5,000 square feet overall
- Allow only residential uses above the first floor for any new building
- Establish a front setback (for all structures) of 70 feet from the eastern property line

Questions from Council have centered on affordable residential units planned for Phase 2.

FIRST READING/VOTE: March 22, 2018

Vote 8 - 1, Council Member Flannigan voted nay, Council Members Pool and Troxclair off the dais.

On First reading, Council approved GR-HD-NCCD-NP combining district zoning, with staff recommendations for the NCCD.

CITY COUNCIL DATE: May 24, 2018

CASE MANAGER: Scott Grantham

PHONE: 512-974-3574

EMAIL: scott.grantham@austintexas.gov

ZONING CHANGE REVIEW SHEET

H.L.C. DATE: February 26, 2018

P.C. DATE: February 27, 2018
March 13, 2018

CASE: C14-01-0046.02 (originally filed as C14-2017-0153) – The Baker School

ADDRESS: 3908 Avenue B, Austin, TX, 78751

DISTRICT AREA: 9

OWNER/APPLICANT: Austin Independent School District

AGENT: Weiss Architecture, Inc. (Richard Weiss)

ZONING FROM: UNZ (Unzoned) **TO:** GR-HD-NCCD-NP, as amended (see Exhibit K)

TOTAL AREA: 4.361 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends community commercial-historic district-neighborhood conservation combining district-neighborhood plan (GR-HD-NCCD-NP) combining district zoning. Staff recommends that the property become part of the Hyde Park Neighborhood Conservation Combining District (NCCD) in the Residential subdistrict. Specifically for this property, staff recommends changes to the NCCD development standards as follows: increasing the allowable height from 30 feet to 50 feet, and increasing the allowable FAR from 0.5:1 to 1.5:1. The staff also recommends that development on the property be limited to less than 2,000 vehicle trips per day. Further, staff recommends the addition of permitted uses:

- Art Gallery
- Condominium Residential
- Financial Services
- Food Sales (5000 sq. ft. limit)
- General retail sales (convenience) (5,000 sq. ft. limit)
- Indoor entertainment (5000 sq. ft. limit)
- Multifamily Residential
- Restaurant (limited) (5000 sq. ft. limit)
- Restaurant (general) (5000 sq. ft. limit)
- Software Development
- Theater (5000 sq. ft. limit)

After the Planning Commission hearing, the staff reviewed the terms of agreement between the applicant and the Hyde Park Neighborhood Association and the Hyde Park Neighborhood Plan Contact Team and we have no objection to adding the

following conditions for this property to the NCCD overlay: to prohibit Drive-Thru Services; to restrict the maximum height to 50 feet on the western 100 feet of the property as measured from the western property line, and to maintain the maximum height at 30 feet for the remainder of the property; to limit restaurant uses to a maximum of 5,000 sq. ft. overall on the property; to allow only residential uses above the first floor in any new building; and to include a front setback (for all structures) of 70 feet as measured from the eastern property line.

HISTORIC LANDMARK COMMISSION RECOMMENDATION:

February 26, 2018 *Approved Historic District (-HD) designation, Vote: 8 – 0.*

PLANNING COMMISSION RECOMMENDATION:

February 27, 2018 *Postponed to March 13, 2018 at the Request of the Commission, Vote: 10 – 2, Commissioners Kazi and Schissler - nay*

March 13, 2018 *Motion to approve the staff's recommendation of community commercial-historic district-neighborhood conservation-neighborhood plan (GR-HD-NCCD-NP) combining district zoning (Vote: 7-1, Commissioner C. Kenny-No. Commissioners T. Nuckols, A. De Hoyos Hart, J. Shieh, J. Thompson and T. Shaw-absent); Commissioner K. McGraw-1st, Commissioner G. Anderson-2nd.*

ISSUES:

The applicant has spoken to and met with surrounding neighborhood associations - Hyde Park Neighborhood Association (HPNA), and Friends of Hyde Park - and negotiated for the development of the site (See Exhibit E). HPNA and the Hyde Park Neighborhood Plan Contact Team (HPNPCT) initially supported the rezoning, and Friends of Hyde Park did not support it.

At Planning Commission on February 27, 2018, questions arose regarding agreements with the neighborhoods, and the relative certainty of a second phase – a building to the west of the historic school. The item was postponed and the applicant agreed to meet with both neighborhood associations, and the meetings were subsequently held. As of March 5, 2018, an agreement has been reached with Hyde Park Neighborhood Association (HPNA) and the Hyde Park Neighborhood Plan Contact Team (See Exhibit F). An updated letter from Reid Long, the President of the Hyde Park Neighborhood Association, was added to the backup material online for this case on March 8, 2018.

Friends of Hyde Park has informed the applicant that they do not support the rezoning. Friends of Hyde Park submitted an updated letter to the Planning Commission last Thursday evening. This letter was uploaded with the backup material online on March 9, 2018.

DEPARTMENT COMMENTS:

The subject property is the location of the historic Baker Elementary School building, which has been used for many years as an administration building for the Austin Independent School District (AISD). Like many historic school sites, the property has never been zoned. It is located in the western part of the Hyde Park neighborhood, a block from Guadalupe Street to the west. Vehicular access is currently available to West 39th and West 40th Streets, and Avenue B. There is also an alley to the west of the site that extends the length of the block.

The applicant has a phased plan for the development of the site. The first phase is to occupy the existing historic structure with an Administrative and Business Office use. The second phase would involve the construction of a separate structure to the west and rear of the historic building. This structure would be approximately 50 feet tall, have ground floor parking with three floors of residential. The applicant is uncertain when or if the second phase will be built. The applicant's plan shows no changes to current vehicular access (See Exhibit G).

The applicant is requesting zoning which would allow for both phases of this plan. For the first phase, zoning is required to obtain a Certificate of Occupancy for the building. For the second phase, changes would be required to the NCCD in order to accommodate a building of the size proposed, and to allow residential uses. Other permitted uses are requested in case these could be added to either the historic or proposed structure in the future.

The Hyde Park NCCD ordinance created a handful of special subdistricts. The subject property is classed as Residential subdistrict, which is a specified area distinguished by predominantly single-family housing (See Exhibit H & Amendment to the NCCD, Exhibit I). The Baker School property is located at the end of Avenue A, between W. 39th Street and W. 40th Street. The development along Avenue A, to the north, is characterized by one-story single family housing with a three story apartment complex, located at the northeast intersection of W. 40th Street and Avenue A. To the east, across Avenue B, there is a religious assembly use (Hyde Park Presbyterian Church) and one-story single family homes. The properties to the south along W. 39th Street are developed with two multifamily complexes, a single family residence and an office use. To the west, adjacent to Guadalupe Street, there is a food sales use (Natural Grocers), a service station (Valero) and a general retail sales-convenience use (Game Republik).

The applicant is proposing changes to the NCCD, which would apply only to this property. Starting from a baseline of requirements in the Residential subdistrict, the following development standards are proposed to change: increasing the allowable height from 30 feet to 50 feet, and increasing the allowable FAR from 0.5:1 to 1.5:1. Regarding land uses, the applicant is proposing a set of allowed uses beyond those currently allowed in a commercial base zone within the Residential subdistrict of the NCCD. (For the full proposed list, see the letter from the applicant, Exhibit E).

The applicant originally requested a base zoning of general commercial services (CS), and amended their request to align with the staff recommendation for a base zoning of community commercial (GR) (See Exhibit K, email to be replaced with formal letter when it is received). Because the property is located within existing Hyde Park overlays, the request includes Neighborhood Conservation Combining District (-NCCD), Historic District (-HD), and Neighborhood Plan (-NP). Ultimately, the applicant is interested in a Historic Landmark (-H) designation, but is not making that request at this time.

Staff recommends the base zoning of community commercial (GR), which is defined as “office or other commercial use that serves neighborhood and community needs.” Further, staff recommends granting the applicant’s request to change development standards - increasing the allowable height from 30 feet to 50 feet, and increasing the allowable FAR from 0.5:1 to 1.5:1 - which will accommodate both phases of the applicant’s plan.

Finally, staff recommends adding permitted uses (See Summary Staff Recommendation), finding these uses to be compatible with the surrounding neighborhood. A few changes to the original list of requested uses are recommended: General retail sales should be clarified to “General Retail Sales (Convenience)” and limited to 5,000 square feet. Indoor Entertainment should be limited to 5,000 square feet.

Beyond these items, any other agreements between the applicant and the neighborhoods may be made in the form of a private restrictive covenant, which the City of Austin will not be a party to, nor have the ability to enforce.

The Hyde Park Neighborhood Plan adopted by City Council in April, 2000 refers to the Baker School property and recommends that the historic school building be preserved, and that the property be returned to a community use that serves children (See Comprehensive Planning, below). The applicant’s plans include preservation of the historic building, with the possibility of some educational uses. Although this plan would not dedicate a large portion of the building or grounds for children, it accomplishes part of the original goal.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	UNZ (Unzoned)	AISD Administration (Office)
<i>North</i>	W 40 th Street, then LR-MU-V-HD-NCCD-NP; LR-MU-HD-NCCD-NP; CS-HD-NCCD-NP; SF-3-HD-NCCD-NP	W 40 th Street, then Single Family, Duplex, Multifamily
<i>South</i>	W 39 th Street, then MF-4-NCCD-NP	W 39 th Street, then Single Family, Duplex, Multifamily

	ZONING	LAND USES
<i>East</i>	Avenue B, then SF-3-HD-NCCD-NP	Avenue B, then Church, Single Family
<i>West</i>	CS-V-NCCD-NP, then Guadalupe Street	Commercial, then Guadalupe Street

NEIGHBORHOOD PLANNING AREA: Hyde Park

TIA: Waived

WATERSHED: Waller Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

<i>Community Registry Name</i>	<i>ID</i>
45th St Concerned Citizens	1194
Austin Independent School District	742
Austin Neighborhoods Council	511
Bike Austin	1528
Central Austin Community Development Corporation	1391
Friends Of Austin Neighborhoods	1530
Friends Of Hyde Park	1503
Homeless Neighborhood Association	1550
Hyde Park Neighborhood Assn	34
Hyde Park Neighborhood Plan Contact Team	1254
North Austin Neighborhood Alliance	283
Preservation Austin	1424
Seltexas	1363
Shoal Creek Conservancy	1497
Sierra Club Austin Regional Group	1228

SCHOOLS: Lee Elementary School, Kealing Middle School, McCallum High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2016-0072 39 th Street Apartments 405 W 39 th Street	SF-3 to MF-4	10-11-16- Approved MF-4-NCCD-NP as Staff recommended	11-10-16- Approved MF-4-NCCD-NP as PC rec, on all 3 rdgs.
C14-2016-0065 Pioneer Bank on W. 38 th 623 W. 38 th Street	GR-CO-NP, Remove CO to remove prohibition of drive- in services	01-24-17- Denied GR-CO-NP	03-02-17- Case withdrawn by Applicant; no action taken
C14-2007-0263 Hyde Park Neighborhood Planning Area Vertical Mixed Use Building Rezoning	Vertical Mixed Use (VMU)	01-15-08 - Approved staff rec by consent	05-22-08- Approved Ord. 20080522-044 for V (Tracts 1-12)
C14-2007-0263.001 Hyde Park Neighborhood Planning Area Vertical Mixed Use Building (V) Opt- In/Opt- 4000 Avenue B	LR-MU-V-NCCD	04-22-08 - Approved LR-MU-V-NCCD for Tr 100 (4000 Avenue B) w/ conditions	05-22-08 - Approved Ord. 20080522-061 for VMU for Tr 100
C14-2007-0210 The Kocurek Building 511 W 41 st Street	SF-3 to NO-H- NCCD	02-12-08- Approved staff rec of NO-H- NCCD	06-05-08- Approved Ord. 20080605-062 for NO-H-NCCD
C14H-2007-0018 Plumb House 4100 Avenue D	SF-3 to SF-3H	Never heard by Commission - Postponed indefinitely	N/A

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14H-2007-0019 John & Lela Gay House 4108 Avenue D	SF-3-NCCD to SF-3-H-NCCD	10-23-07- Approved staff rec of SF-3-H-NCCD	11-29-07- Approved Ord. 20071129-075 for SF-3-H-NCCD
C14H-2007-0024 Hume-Rowe House 4002 Avenue C	SF-3-NCCD to SF-3-H-NCCD	11-13-07- Approved staff rec of SF-3-H-NCCD	12-06-07- Approved Ord. 20071206-081 for SF-3-H-NCCD

RELATED CASES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14H-2010-0019 Hyde Park Historic District	Historic District (HD)	10-12-10- Approved staff's rec for HD	12-16-10- Ordinance No. 20101216-093 for historic area combining district zoning approved with the Hyde Park Preservation Plan and Design Standards
C14-01-0046 Hyde Park NCCD	Neighborhood Conservation Combining District	05-22-01- Approved staff rec with conditions	01-31-02- Approved ordinance 020131-20
C14-01-0046.01 Hyde Park NCCD Amendment #1	Modify the NCCD	12-13-11- Approved amendment to the Hyde Park NCCD with a maximum of .4 FAR	01-12-12- Approved Ordinance No. 20120112-086

SUBDIVISION:

4.361 acres of land designated as a portion of Austin Rapid Transit Co. Park by Hyde Park Addition No. 2, a subdivision of record in Volume 1, Page 75, of the Plat Records of Travis County Texas.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Avenue B	80'	49'	Collector	Y	Y	Route 50, 990, 801, 1
40 th St	80'	43'	Collector	Y	Y	Route 50, 990, 801, 1
39 th St	60	37	Local	Y	Y	Route 50, 990, 801, 1

CITY COUNCIL DATE:

March 22, 2018

ACTION: Approved on First Reading. Vote: 8-1, Council Member Flannigan voted nay, Council Members Pool and Troxclair off the dais.

May 10, 2018

ACTION: Approved Postponement to May 24, 2018 at the request of the applicant. Vote 10-1, Council Member Troxclair off the dais.

May 24, 2018

ACTION:

ORDINANCE READINGS: 1st March 22, 2018 **2nd** **3rd**

ORDINANCE NUMBER:

CASE MANAGER: Scott Grantham

PHONE: 512-974-3574

EMAIL: scott.grantham@austintexas.gov

BASIS FOR RECOMMENDATION

1. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*

From Guadalupe Street to the west, the height entitlement would step down to the rest of the Hyde Park neighborhood to the east. 60 feet of height is allowed on Guadalupe, the request is for an entitlement of 50 feet, which would apply to the western portion of the site. The historic school building furthest west will be maintained at 40 feet in height.

2. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

The adopted Hyde Park Neighborhood Plan includes goals for the Baker property – preservation of the historic building, and return of the property to a use which serves children. The applicant proposes to preserve the building, and there is potential for some child-serving educational uses as well.

3. *Zoning should allow for reasonable use of the property.*

The property is currently unzoned, and zoning should allow for uses beyond the existing Administrative and Business use of the property, expanding entitlements to allow for residential uses.

EXISTING CONDITIONS

Site Characteristics

The historic Baker School building is located on the site, and is currently occupied by an office use. There are parking lots to the north and south of the building, with driveway access from W. 40th Street and W. 39th Street. There is also vehicular access from Avenue B, and from an alleyway to the west of the site that runs the length of the block. There are several heritage trees to the north, south, and east of the building. There is a large open field to the west of the building. The site is relatively flat, and is not located within a flood plain.

Impervious Cover

The site is located in an Urban Watershed and therefore the zoning district will determine the impervious cover limits. The Residential District within the Hyde Park NCCD allows up to 70% impervious cover.

Comprehensive Planning – Kathleen Fox – 512-974-7877

The subject property is located within the boundaries of the Hyde Park Neighborhood Planning Area. The proposed use is mixed use for a new corporate headquarters. There is a possibility of affordable housing units and space for creative industry non-profits to be located on the property in the future.

Connectivity

Public sidewalks are available on the eastern and southern borders of the property, but not to the north. A Capital Metro transit stop is located within walking distance to this site. The Walkscore for this site is 83/100, Very Walkable, meaning most errands can be accomplished on foot.

Hyde Park Neighborhood Plan

The HPNP *does not* have a Future Land Use Map. The following goals, objectives and text are relevant to this case:

Residential District: Purpose: To maintain Hyde Park's traditional single family character and encourage compatible redevelopment of apartment uses. To maintain civic uses in scale and use to be compatible with the predominant single family character. (p. 11)

5. Consider for Historic Landmark status buildings and structures that are eligible, (including): p. 17
 - **Baker School**

Goal 6: Foster a genuine community of neighbors of every age and background. (p. 45)

59. Preserve Baker School and encourage its return to use for public academic purposes and community uses. Neighborhood Action Item: NPT, AISD (p. 47)
61. The Yarbrough Library serves the Hyde Park area. Future joint reuse of Baker School or other civic buildings should be investigated for a public reading room and/or library book drop-off bin. Neighborhood Action Item: NPT, Library Dept., AISD
63. Additional park facilities should be provided as following: C) Austin Independent School District (AISD) should improve and maintain the facilities at Baker School, including the Baker School fields. (p. 48)

Beyond day care, there is an intense interest among residents for community-based education. Baker School was Hyde Park's original 1st through 8th grade school. It was converted from Community College use to office facilities for AISD in 1998. HPNA opposed this change and requested that the school be returned to service as a school. During the recent past, while the school has served needs other than those of neighborhood school, the facility has not provided for community use beyond as a voting location. (p. 48)

Return Baker School to uses for children. It is the wish of the neighborhood that the school return to use as both a school for area children and as a focus of community

activity including after school care and other child care and community activities such as Parks & Recreation's summer teen program (in the summer of 1997 and 1998 this programs utilized the gym and grounds), community meetings, and access to the gym for recreation. Planning Principle: NPT

The HPNP appears to support uses which are compatible and in scale with the predominant single family character in the Residential District. In addition, the Neighborhood Plan supports the preservation and historic designation of the Baker School, but desires the school to be converted back to a community use.

Imagine Austin

The property is located less than 100 ft. away from a designated Activity Corridor on Guadalupe Street. Activity Corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses the promotion of different types of housing throughout Austin:

- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **HN P10.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based upon this project being adjacent to an Activity Corridor, and the Imagine Austin policies referenced above that supports mixed use and a variety of housing types, this project appears to be supported by the Imagine Austin Comprehensive Plan, and partially supported by the HPNP.

Site Plan – Amelia Watts – 512-974-3103

- SP 1. Site plans will be required for any new development other than single-family or duplex residential.
- SP 2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
- SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Compatibility Standards

- SP 4. The site is subject to compatibility standards. Along the North, East, and South property lines, the following standards apply:
- No structure may be built within 25 feet of the property line.

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

Additional design regulations will be enforced at the time a site plan is submitted.

FYI. Additional comments may occur in the Site Plan review stages, as this falls near a "National Register of Historic Districts.

Environmental - Mike Mcdougal - 512-974-6380

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 sq. ft. cumulative is exceeded, and on site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Transportation – Mark Kere – 512-974-2964

- TR1. Additional right-of-way may be required at the time of subdivision and/or site plan.
- TR2. A Traffic Impact Analysis (TIA) is required but has not been received. A zoning application is not complete until the required TIA has been received. This delay in the submittal of the TIA may result in a delay in the scheduling of this zoning change request on a Land Use Commission agenda. The TIA must be submitted at least 26 calendar days (18 working days) prior to consideration of this case by the Commission. Please contact Scott James at Scott.James@austintexas.gov. [LDC 25-6-113]*

*In an e-mail dated March 8, 2018, the DSD Transportation Review division has stated that they would like to waive the TIA requirement and to a condition to limit development on the site to 2,000 vehicle trips per day.

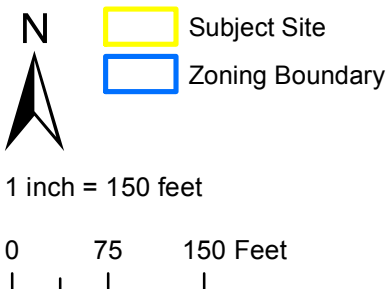
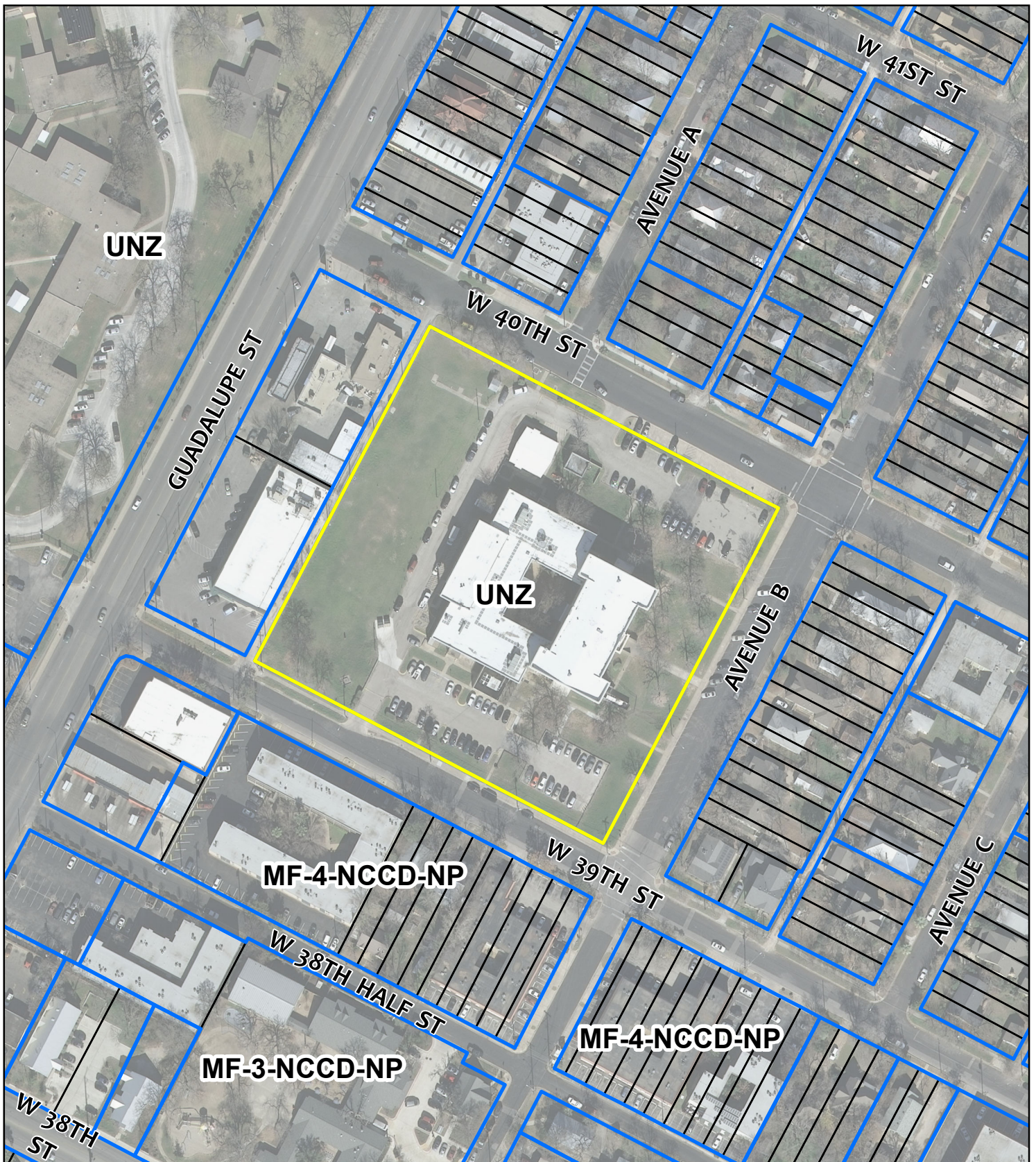
- TR3. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Avenue B	80'	49'	Collector	Y	Y	Route 50, 990, 801, 1
40 th St	80'	43'	Collector	Y	Y	Route 50, 990, 801, 1
39 th St	60	37	Local	Y	Y	Route 50, 990, 801, 1

Austin Water Utility – 512-972-0000

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. All

water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fees once the landowner makes an application for Austin Water utility tap permits.



ZONING & VICINITY

Zoning Case: C14-01-0046.02
 Address: 3908 Avenue B
 Subject Area: 4.361 Acres
 Case Manager: Scott Grantham

This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



EXHIBIT B

Date: 06/08/16	Scale (Vert.):	SL
Checked By: RLW		

PAGE 96 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS
RECORDS OF THE CITY OF AUSTIN BY INSTRUMENT NO. 8080 IN VOLUME 96B,
PAGE 154, BEING RECORDED ON THE BOARD OF TRUSTEES OF
THE PUBLIC FUND SCHOOLS OF THE CITY OF AUSTIN BY INSTRUMENT NO.
240, PAGE 154 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; AND THAT
TRACT I BEING A PARCEL OF LAND 262 FEET BY 425 FEET CONVEYED TO THE
PARK ADDITION NUMBER 2, A SUBDIVISION IN THE CITY OF AUSTIN, OF RECORD

PROFESSIONAL LAND SURVEYORS, INC.
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
TEL: 512.374.9722 FAX: 512.873.9743
FIRM REGISTRATION CERTIFICATE #10015100
scott-boseline@austlnr.com



EXHIBIT C

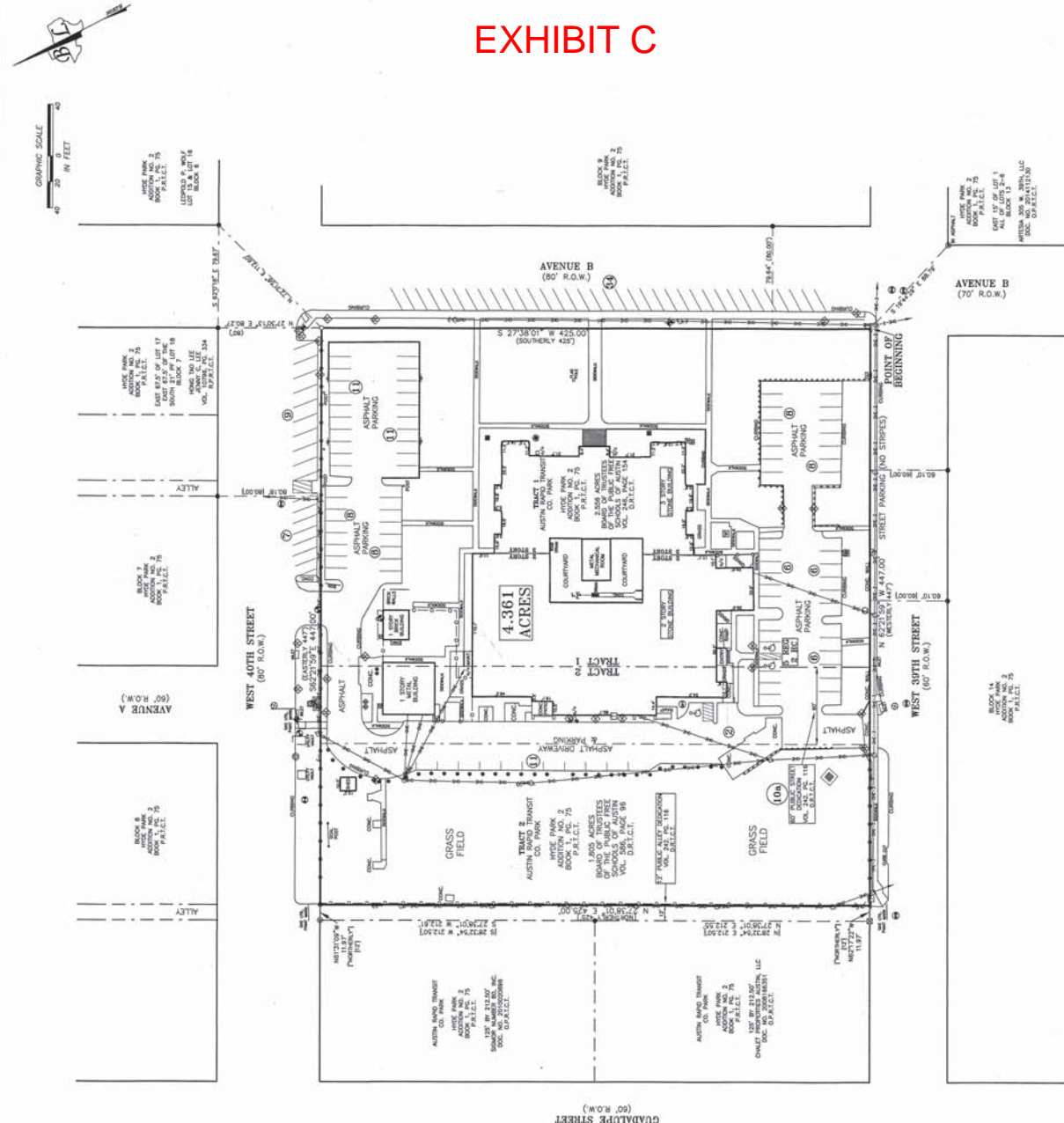


TABLE OF PARKING SPACES	
ONSITE STANDARD	90
ONSITE HANDICAP	3
ANGLED STREET PARKING	50

LEGEND

- | | | | |
|---|--------------------------|---|---------------------------------------|
| ● | 1/2" REBAR FOUND | ○ | ELECTRIC MANHOLE |
| ○ | CROWNED TYP | — | OVERHEAD ELECTRIC LINE—3 PHASE |
| ○ | W/OUT PLASTIC CAP | — | OVERHEAD ELECTRIC LINE—SINGLE PHASE |
| ○ | W/OUT REIN. TAGLINE INC* | ○ | WATER VALVE |
| ○ | CALCULATED POINT | ○ | FIRE HYDRANT |
| ○ | UTILITY POLE | ○ | WASTE WATER MANHOLE |
| ○ | LODGE | ○ | WASTE WATER ELIMINATOR |
| ○ | ○ | ○ | UNDERGROUND GAS MAINS/BURIED PIPELINE |
| ○ | ○ | ○ | WASTE WATER VALVE |
| ○ | ○ | ○ | GAS VALVE |
| ○ | ○ | ○ | GAS METER |
| ○ | ○ | ○ | WATER VALVE |
| ○ | ○ | ○ | TELEPHONE JUNCTION BOX |
| ○ | ○ | ○ | MANHOLE (UTILITY UNKNOWN) |
| ○ | ○ | ○ | BASISTENTIAL GOAL |

GENERAL NOTES:

[illegible]

SURVEYOR'S CERTIFICATION:

(i) AUSTIN INDEPENDENT SCHOOL DISTRICT, (ii)
(iii) FIRST AMERICAN TITLE INSURANCE
ANY AND (iv) HERITAGE TITLE COMPANY OF AUSTIN, INC.:

[illegible]

FOR FURTHER CIRCUMSTANCES THAT A PORTION OF THE TRACT SHOWN HEREON LIES WITHIN THE FLOOD HAZARD AREA, ZONE A AND ZONE A1, AND THE FLOOD INSURANCE RATE MAP NUMBER 4845000065, WITH AN EFFECTIVE DATE OF SEPTEMBER 26, 2008, ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AS SHOWN ON THIS SURVEY. IF THIS SITE IS NOT LOCATED IN AN UNDESIGNED SPECIAL FLOOD HAZARD AREA, THIS FLOOD STATEMENT IS NOT AN IMPLIED SPECIAL FLOOD HAZARD AREA. THIS FLOOD STATEMENT IS NOT AN IMPLIED THAT THE PROPERTY AND/OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL CREATE LIABILITY ON THE PART OF THE SURVEYOR.



SCOTT LASHWELL
OFFICE OF TEXAS REGISTRATION NUMBER 5583



EXHIBIT D
Land Surveyors, Inc.
8333 Cross Park Drive
Austin, Texas 78754
Office: 512.374.9722
Fax: 512.873-9743

METES AND BOUNDS DESCRIPTION

BEING 4.361 ACRES OF LAND DESIGNATED AS A PORTION OF AUSTIN RAPID TRANSIT CO. PARK BY HYDE PARK ADDITION NO. 2, A SUBDIVISION OF RECORD IN VOLUME 1, PAGE 75, OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS, AND BEING COMPRISED OF TWO TRACTS: TRACT 1 BEING A PARCEL OF LAND 262 FEET BY 425 FEET CONVEYED TO THE BOARD OF TRUSTEES OF THE PUBLIC FREE SCHOOLS OF THE CITY OF AUSTIN BY INSTRUMENT OF RECORD IN VOLUME 246, PAGE 154, OF THE DEED RECORDS OF TRAVIS COUNTY TEXAS; AND TRACT TWO BEING A PARCEL OF LAND 185 FEET BY 425 FEET CONVEYED TO THE BOARD OF TRUSTEES OF THE PUBLIC FREE SCHOOLS OF THE CITY OF AUSTIN BY INSTRUMENT OF RECORD IN VOLUME 586, PAGE 96, OF THE DEED RECORDS OF TRAVIS COUNTY TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point in a concrete sidewalk for the southeast corner of said "Tract 1" and being the point of intersection of the north right-of-way line of West 39th Street (60' R.O.W.) and the west right-of-way line of Avenue B (80' R.O.W.), from which an iron pipe found in asphalt for the northwest corner of a tract of land conveyed to Artesia 305 W. 39th, LLC by instrument of record in Doc. No. 2014112130 of the Official Public Records of Travis County, Texas, and being the point of intersection of the south right-of-way line of said West 39th Street and the east right-of-way line of said Avenue B bears South 19°44'29" East a distance of 88.79 feet;

THENCE North 62°21'59" West (record – "Westerly"), along the south line of "Tract1" and said "Tract 2", and the north right-of-way line of West 39th Street, a distance of 447.00 feet (record – 447 feet) to a calculated point for the southwest corner of "Tract 2" and the southeast corner of a 12 foot wide alley dedicated by instrument of record in Volume 242, Page 116 of the Deed Records of Travis County, Texas, from which an "X" cut in concrete for the southwest corner of said 12 foot wide alley, the southeast corner of a 125 foot by 212.50 foot parcel of land out of said Austin Rapid Transit Co. Park dedicated by said Hyde Park Addition No. 2, conveyed to Chalet Properties Austin, LLC by instrument of record in Doc. No. 2008166351 of the Official Public Records of Travis County, Texas, and being in the north right-of-way line of West 39th Street, bears North 62°17'22" West (record – "Westerly") a distance of 11.97 feet (record – 12 feet), and from said "X" cut in concrete a 1/2" rebar found for the northeast corner of said 125 foot by 212.50 foot parcel conveyed to Chalet Properties Austin, LLC, the southeast corner of a 125 foot by 212.50 foot parcel of land out of Austin Rapid Transit Co. Park dedicated by Hyde Park Addition No. 2, conveyed to Sigmor Number 80, Inc. by instrument of record in Doc. No. 2010020896 of the Official Public Records of Travis County, Texas, and being in the west line of the 12 foot wide alley, bears North 27°38'01" East a distance of 212.55 feet (record - North 28°32'54" East a distance of 212.50 feet);

THENCE North 27°38'01" East (record – "Northerly"), along the west line "Tract 2" and the east line of the 12 foot wide alley, a distance of 425.00' (record – 425 feet) to a 1/2" rebar

found for the northwest corner of "Tract 2", the northeast corner of the 12 foot wide alley, and being in the south right-of-way line of West 40th Street (80' R.O.W.), from which a 1/2" iron pipe found for the northwest corner of the 12 foot wide alley, the northeast corner of said 125 foot by 212.50 foot parcel conveyed to Sigmor Number 80, Inc., and being in the south right-of-way line of said West 40th Street, bears North 61°31'09" West (record – "Westerly") a distance of 11.97 feet (record – 12 feet), and from said 1/2" iron pipe found said 1/2" rebar found for the southeast corner of the 125 foot by 212.50 foot parcel conveyed to Sigmor Number 80, Inc., the northeast corner of the 125 foot by 212.50 foot parcel conveyed to Chalet Properties Austin, LLC, and being in the west line of the 12 foot wide alley, bears South 27°38'01" West a distance of 212.61 feet (record – South 28°32'54" West a distance of 212.50 feet);

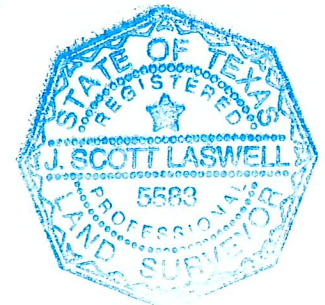
THENCE South 62°21'59" East (record – "Easterly"), along the north line of "Tract 2" and "Tract 1", and the south right-of-way line of West 40th Street, a distance of 447.00 feet (record – 447 feet) to a 1/2" rebar set with plastic cap which reads "Baseline Inc" for the northeast corner of "Tract 1" and being the point of intersection of the south right-of-way line of West 40th Street and the west right-of-way line of Avenue B, from which a 1/2" rebar found for the southeast corner of a tract of land conveyed to Hong Tao Lee and Jenny C, Lee by instrument of record in Volume 10796, Page 334 of the Real Property Records of Travis County, Texas, and being the point of intersection of the north right-of-way line of West 40th Street and the west right-of-way line of Avenue B, bears North 27°30'13" East a distance of 80.27 feet (record – 80 feet), and also from which a 1/2" rebar found for the southwest corner of a tract of land conveyed to Leopold P. Wolf by an unrecorded will, and being the point of intersection of the north right-of-way line of West 40th Street and the east right-of-way line of Avenue B, bears North 72°31'58" East a distance of 112.60 feet;

THENCE South 27°38'01" West (record – "Southerly"), along the east line "Tract 1" and the west right-of-way line of Avenue B, a distance of 425.00 feet (record - 425 feet) to the POINT OF BEGINNING.

This parcel contains 4.361 acres of land, more or less, designated as a portion of Austin Rapid Transit Co. Park by Hyde Park Addition No. 2, a subdivision of record in Volume 1, Page 75, of the Plat Records of Travis County, Texas.

Bearing Basis: Texas State Plane Coordinates, Central Zone, NAD 83\96CORS.


 J. Scott Laswell Date
 Registered Professional Land Surveyor
 State of Texas No. 5583



File: S:\Projects\AISD Baker Center\Docs\Field Notes\Title Survey M&B.doc
 Drawing: S:\Projects\AISD Baker Center\Dwg\Title Survey.dwg

Dear Planning Department,

EXHIBIT E

Please see below the term sheet agreed upon by AISD and HPNA for rezoning the Baker School Property located at 3900 (3908) Avenue B, Austin Texas

The Baker Center proposal accepted by the full HPNA (26-0) at the December 04 2017 Meeting-

The items in highlighted in bold require a change to the Hyde Park NCCD that would run in parallel with the Zoning request. The neighborhood (subcommittee) has also agreed to ask the neighborhood to write a letter of support for a variance to count the parking adjacent to the site on W.39th and W.40th St toward the on-site parking requirements for the project (to be filed after zoning complete)

Zoning request: CS-HD-NCCD (need to verify with the city that the NCCD allowing residential use on the site does not also require the MU designation)- also need to verify if H is required in order to be designated a Historic Landmark

Maximum FAR: 1.5 to 1 (requires a change to the NCCD)

Maximum Height allowed: 50' (height above what is currently allowed in the NCCD only allowed on the west portion of the site behind the original Baker School Building- the rest of the site will be restricted to the height specified in the NCCD)- (requires a change to the NCCD)

Allowable uses on the Site

Admin and Business office

Art and Craft Studio (limited and general)

Cultural Services

Condominium Residential (requires a change to the NCCD)

Day Care Services (limited and General)

Financial Services

Food Sales (5000 s.f. limit)

Art Gallery (not listed in NCCD uses)

General retail sales

Indoor entertainment

Multifamily Residential (requires a change to the NCCD)

Personal Improvement Services

Personal Services

Private Primary Educational Facilities

Private Secondary Educational Facilities

Professional Office

Public Primary Educational Facilities

Public Secondary Educational Facilities

Professional Office

Restaurant (limited and general- 5000 s.f. limit)

Software Development

Theater (5,000)

Affordable Housing Terms-

Dear Planning Department,

Please see below the term sheet agreed upon by AISD and HPNA for rezoning the Baker School Property located at 3900 (3908) Avenue B, Austin Texas

The Baker Center proposal accepted by the full HPNA (26-0) at the December 04 2017 Meeting-

Homeownership-	25% of the total units affordable to 120% MFI
Rental-	10% Affordable to 80% MFI
	15% Affordable to 100% MFI
Term-	30 years (per the AISD RFP)

In addition, Alamo Drafthouse agrees to the following:

1. Alamo Drafthouse ("Alamo") will support the neighbors along Ave B in applying for the Residential Parking Permit (RPP) program at the city of Austin
2. Alamo agrees to seek historic designation for Baker building
3. Alamo agrees to maintain and care for trees on site
4. Alamo agrees to place dumpsters in alley to west of new building or in alleyway between Baker and new building. Dumpsters will be screened

Thank You

Richard Weiss AIA

Weiss Architecture Inc.

3355 Bee Cave Road #303

Austin TX 78746

(512) 447-6806 ph

(512) 851-2005 fx

richard@weissarc.com

www.weissarc.com

EXHIBIT F

From: [Lorre Weidlich](#)
To: [Grantham, Scott](#)
Subject: RE: RE: C14-01-0046.02 The Baker School
Date: Tuesday, March 06, 2018 8:31:59 PM

Scott, here is a statement from the Hyde Park Neighborhood Plan Contact Team suitable for inclusion in the backup packet. It consolidates our original agreement with the additional points on which we agreed last night.

The Hyde Park Neighborhood Plan Contact Team supports the purchase and zoning of the Baker School property by the Alamo Drafthouse with the following conditions:

- Zoning: CS-HD-NCCD.
- Maximum FAR: 1.5 to 1.
- Allowable Uses: Administrative and Business Offices, Art and Craft Studios (limited and general), Cultural Services, Condominium Residential, Day Care Services (limited and general), Financial Services, Food Sales (5000 square foot limit), Art Gallery, General Retail Sales (convenience and general), Indoor Entertainment, Multifamily Residential, Personal Improvement Services, Personal Services, Private Primary Educational Facilities, Private Secondary Educational Facilities, Professional Office, Public Primary Educational Facilities, Public Secondary Educational Facilities, Restaurant (limited and general, 5000 square foot limit), Software Development, Theater (5,000).
- Maximum Height: 50' (Including no construction taller than 50' feet in height on the western 100' of the site).
- For any new construction on the western 100' of site, all floors above the ground floor will be residential with 25% of the units restricted to affordable housing, as specified in AISD's Request for Proposal. Affordable Housing Terms are as follows: Homeownership – 25% of the total units affordable to 120% MFI, Rental – 10% Affordable to 80% MFI and 15% Affordable to 100% MFI, Term – 30 years (as stipulated in the AISD RFP).
- No drive-through facilities.
- No construction of any building to the east of the school building.

In addition, Alamo Drafthouse agrees to the following:

- Alamo Drafthouse will support the neighbors along Avenue B in applying for the Residential Parking Permit (RPP) program at the city of Austin.
- Alamo Drafthouse agrees to seek historic landmark designation for the Baker School building.
- Alamo Drafthouse agrees to maintain and care for the trees on the site.
- Alamo Drafthouse agrees to place dumpsters in the alley to the west of the new building or in the alleyway between the Baker School building and the new building. The dumpsters will be screened.
- Alamo Drafthouse agrees to enter into a restrictive covenant with the Hyde Park Neighborhood Association and the Hyde Park Neighborhood Plan Contact Team to enforce any parts of this agreement that cannot be put into a city ordinance. Neighbor and land use attorney Barbara Gibson has volunteered to work with Alamo representatives to draft the restrictive covenant, which will be completed before the rezoning case goes to City Council for third and final reading.

The HPNA agrees to the following:

- They will ask the neighborhood to write a letter of support for a variance to count the parking adjacent to the site on W. 39th and W. 40th Streets toward the onsite parking requirements for the project. (The application for a variance will be filed after the rezoning is complete.)

Lorre Weidlich
Hyde Park Neighborhood Plan Contact Team Chair

Hyde Park Neighborhood Association

P.O. Box 49427 • Austin, TX 78765 • www.austinhdepark.org

December 18, 2017

Jerry Rusthoven
Acting Assistant Director
Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

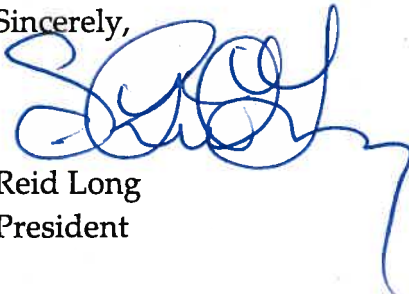
Dear Jerry:

At its December 4th general meeting, the Hyde Park Neighborhood Association voted to approve an agreement on zoning for the Baker Center property that is under an option to Alamo Drafthouse (Hereafter Alamo). The agreement was approved without opposition to support a zoning of the Baker Center to CS-NCCD-HD-H. This zoning category will be followed with an amendment from the neighborhood to change the allowable uses on this site as well as to modify the FAR to 1.5:1 and a maximum height on the field behind the building of 50'.

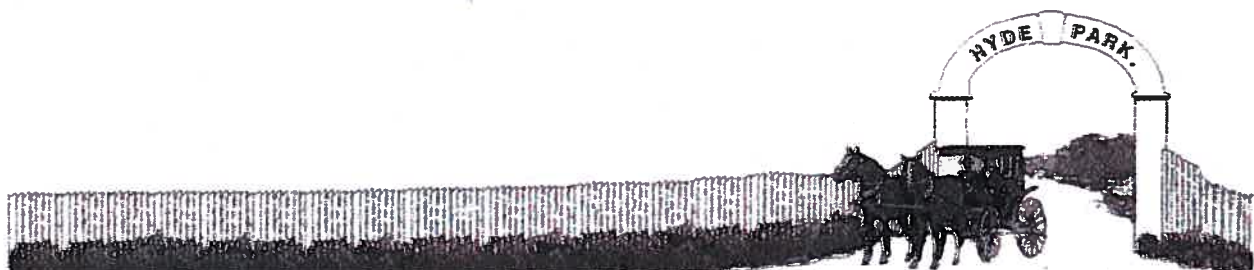
Additionally, the neighborhood also agreed to support a variance for the inclusion of the parking spaces along both 39th and 40th Streets towards the parking count for the Baker Center site.

Finally, please do not hesitate to contact me regarding this zoning matter. We look forward to working with you and Alamo Drafthouse on this particular project.

Sincerely,



Reid Long
President



Hyde Park Neighborhood Association

P.O. Box 49427 • Austin, TX 78765 • www.austinhdepark.org

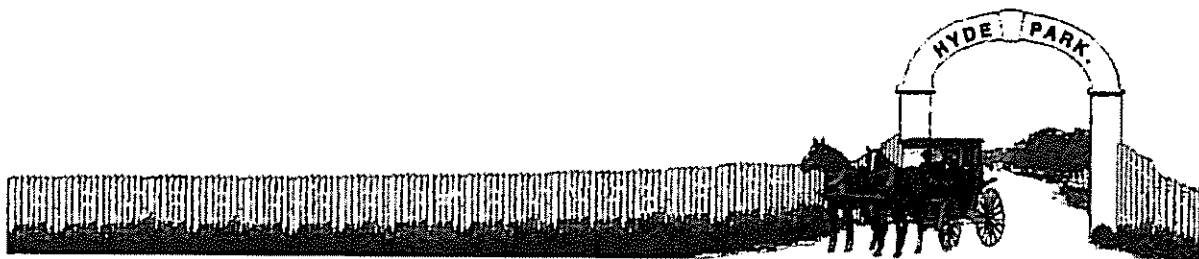
March 8, 2018

Scott Grantham
Senior Planner
Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

Dear Scott:

At its December 4th general meeting, the Hyde Park Neighborhood Association voted to approve an agreement on zoning for the Baker Center property that is under an option to Alamo Drafthouse (Hereafter Alamo). This decision was reviewed at our most recent meeting on March 5, 2018 with a few modifications as described below. The agreement was approved without opposition at both meetings to support a zoning of the Baker Center to CS-HD-NCCD-NP during our original meeting. We recognize that the staff recommendation is for GR-HD-NCCD-NP and are agreeable to this zoning provided that all parties are so agreeable. Additionally, our agreement supports amendments to the NCCD to modify the FAR to 1.5:1 and a maximum height on the field behind the building of 50' on the western 100' of the proper measured from the western property line for the Baker Center tract. A list of allowable uses was agreed to including in a letter from my colleague, Lorre Weidlich, and the HPNA concurs with that list. None of these particular uses shall include a drive-through component. Finally, no significant new construction should take place east of the School.

Additionally, Alamo has agreed to limit the upper floors of any building built on the western 100' of the property to residential use. These residential uses shall include 25% of the available units priced at an affordable rate. If these units are offered for sale, these units would be affordable at least at 120% MFI, while rental units would contain a mixture of levels of affordability. In the case of rental units, at least 10% of the units would be affordable at 80% MFI with the



Hyde Park Neighborhood Association

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remaining 15% being affordable at the 100% MFI level. These particular conditions will be handled through a private restrictive covenant.

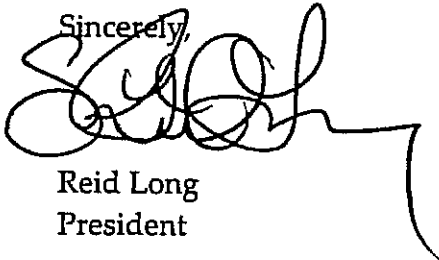
Furthermore, Alamo has agreed to place dumpsters to the back of the buildings and screen them in to prevent excess noise. Additionally, Alamo has agreed to support a request by the neighbors along Avenue B and the surround area if they desire to seek residential parking for the area. Finally, Alamo has agreed to maintain and promote the historic character of the property by seeking historic zoning of the building short after the initial zoning has been completed and maintain and care for the trees on site.

Finally, Alamo has agreed to enter into a restrictive covenant with the neighborhood for particular parts of this agreement that cannot to be written into City code. We are currently working to have such a document drafted to be ready before the zoning case is heard on 3rd reading by the City Council.

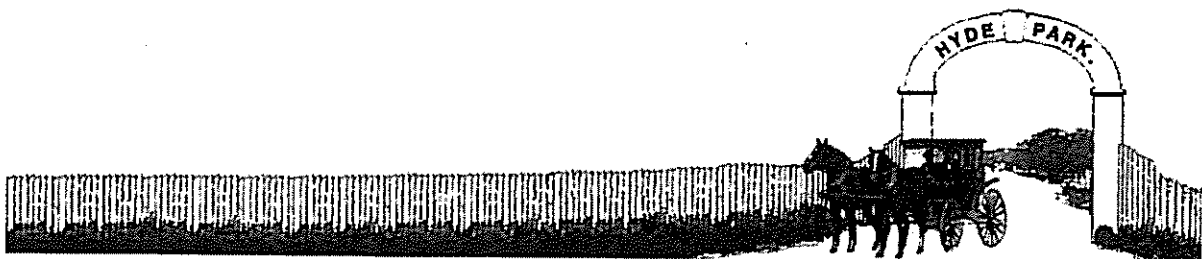
In consideration for the agreed upon zoning, the neighborhood also agreed to support a variance for the inclusion of the parking spaces along both 39th and 40th Streets towards the parking count for the Baker Center site.

Finally, please do not hesitate to contact me regarding this zoning matter. We look forward to working with both you and the team at the City of Austin as well as Alamo on this particular project.

Sincerely,



Reid Long
President



Friends of Hyde Park Requests Planning Commission Change Baker Center Rezoning

Posted on *February 22, 2018* by *Friends of Hyde Park*

Planning Commission,

Friends of Hyde Park requests that the rezoning for the property located at 3908 Avenue B as CS-HD-NCCD-NP be denied. **Instead, we request the zoning of the property be approved as CS-HD-NP** with the same requested entitlements or that this rezoning case be delayed until after the adoption of CodeNEXT. The only difference would be the removal of the NCCD designation.

When CodeNEXT is adopted, in a matter of a few months, no new properties will be allowed to be zoned NCCD and NCCDs will no longer be an available zoning tool. CodeNEXT will also start the process of phasing out all existing properties currently zoned NCCD. CodeNEXT Draft 3 in section “23-4D-8080 Former Title 25 (F25) Zone” states the intent is to “rezone properties” in order to “gradually eliminate” ... “Neighborhood Conservation Combining District (NCCDs).”

There are examples of other properties in Hyde Park that do not have NCCD zoning, so that designation is not required. 310 W 43rd St is currently zoned SF-3-HD in the interior of the Hyde Park neighborhood and is proposed to be rezoned to R2C-HD in the latest draft map of CodeNEXT. 408 W 45th St is currently zoned General Office (GO) and is proposed to be rezoned MU2B-A – Mixed-Use 2B under CodeNEXT.

We should not be zoning any more properties into NCCD zoning with the adoption of CodeNEXT coming within a few months, especially a property that’s currently unzoned. If the NCCD designation is left off of the zoning, then this property will be rezoned into a more flexible zoning category automatically upon the adoption of CodeNEXT. However, if this property is zoned into an NCCD now, then it may take years, if not decades, for it to come into compliance with CodeNEXT and be allowed to provide the flexibility of uses and housing that can provide the most benefits to our neighborhood.

Please consider zoning this property without the NCCD designation.

Board of Directors of Friends of Hyde Park

Pete Gilcrease
Teresa Griffin
Thomas Ates
Matt Desloge
Tom Clear
Adam Luikart
Robert Prentiss

Planning Commission Meeting: March 13
Case Number: C14-01-0046.02
Project Location: 3908 Avenue B

Planning Commission,

Friends of Hyde Park is concerned that Alamo may have no intention of ever building any housing on the property, which is a requirement for them in order to qualify for the purchase of the property from AISD. We are concerned that Alamo is only including the designs for housing in their proposal as a way to purchase the property under market value from AISD so Alamo can use the property solely for their headquarters. Our concerns are based on two limited meetings with the architect for the project. This proposal may also be millions of dollars lower than what AISD could have otherwise received from another buyer, which deprives our schools, teachers, and children of much needed revenue.

Even if housing is built on the site in the future, Friends of Hyde Park is very concerned with the amount of complex zoning restrictions that will be placed on the Baker Center land if the zoning request is approved as requested. These extreme zoning restrictions place a large burden on the amount of housing and affordable housing that could be built on site. If affordable housing is something that our city values, then this project will be rejected or significantly altered.

Alamo negotiated exclusively with a select few people from the Hyde Park Neighborhood Association and the Hyde Park Contact Team with no outreach to other Hyde Park stakeholders to participate in the negotiations until the negotiations were completed. These negotiations do not reflect what the Hyde Park community wants for this property. After the negotiations with that group were completed no other changes were made that the community at large requested. By limiting the amount of housing that can be placed on this site, which Alamo may not even intend on adding, Alamo gains the support of a small number of people that would rather see less affordable housing than if someone else purchased this property. A small group of a few people that don't reflect the demographics of the neighborhood should not be able to make these types of important decisions for the majority of the neighborhood as a way to limit the amount of affordable housing and amenities that the site can offer to our neighborhood.

The Hyde Park Contact Team only had 9 people participate in their [vote](#) on the Baker Center.

The Hyde Park Neighborhood Association only had 28 people participate in their [vote](#) on the Baker Center.

Friends of Hyde Park [voted on the Baker Center](#). **101 members voted and 86% of those that voted approved** of the "site to be developed to allow the maximum amount of housing and/or walkable neighborhood amenities that would benefit the neighborhood. If residential use is included, options should include affordable housing units." The majority view on what should be allowed on this site is not being taken into account with the proposed zoning.

Friends of Hyde Park Recommends The Following Changes:

If the below changes are not incorporated, then Friends of Hyde Park requests that the Planning Commission reject the rezoning of this property, which will lead to AISD picking another offer, which will most likely result in more housing and thus more affordable housing along with more amenities directly next to an Imagine Austin Activity Center where future growth should go. Otherwise, we request that rezoning be delayed until after CodeNEXT is adopted and these complicated and burdensome zoning restrictions will no longer be available.

- 1) The zoning of the property be CS-HD-NP and should not zone the property into antiquated NCCD zoning. Refer to Friends of Hyde Park's [previous statement on the Baker Center](#) rezoning for why opposing any new NCCD zoning is important to our neighborhood and the city.
- 2) The proposed 50' feet height limit on the western 100' of the site should not be included. The height limit in place will limit the amount of affordable housing that can go on the one portion of the site that's not impacted by compatibility restrictions because it is not near single family housing. All other sides of the property are severely restricted in height because of compatibility restrictions so this section of the property is the only realistic opportunity for the most housing.
- 3) Include during rezoning a requirement or agreement with Alamo and the City or Friends of Hyde Park that they will not enter into any restrictive covenants during the rezoning process or after without approval from Friends of Hyde Park. The Hyde Park Neighborhood Association wants to enter into a restrictive covenant for any zoning restrictions that they requested that can not be included into zoning itself, which would make these requirements impossible to change in the future to allow more market rate and affordable housing, even if sold to a new owner that's open to providing the much needed housing, including affordable housing, that our neighborhood wants.

Information About Friends of Hyde Park

In one of the largest stakeholder processes in Hyde Park's history, Hyde Park residents [voted overwhelmingly](#) to support a new land development code to replace the existing land development code in Hyde Park. 91 Hyde Park residents out of our 403 members at the time voted. [78% of the members that voted supported the resolution.](#)

Our neighborhood association, [Friends of Hyde Park](#), is the largest neighborhood association in Hyde Park with 415 current members (approximately 50% renters and approximately 50% homestead homeowners) and has more participation of residents in our votes and stakeholder processes out of any other neighborhood association in the area.

Board of Directors of Friends of Hyde Park

Pete Gilcrease
Teresa Griffin
Thomas Ates
Matt Desloge
Tom Clear
Adam Luikart
Robert Prentiss

This statement can be found on Friends of Hyde Park's website here:

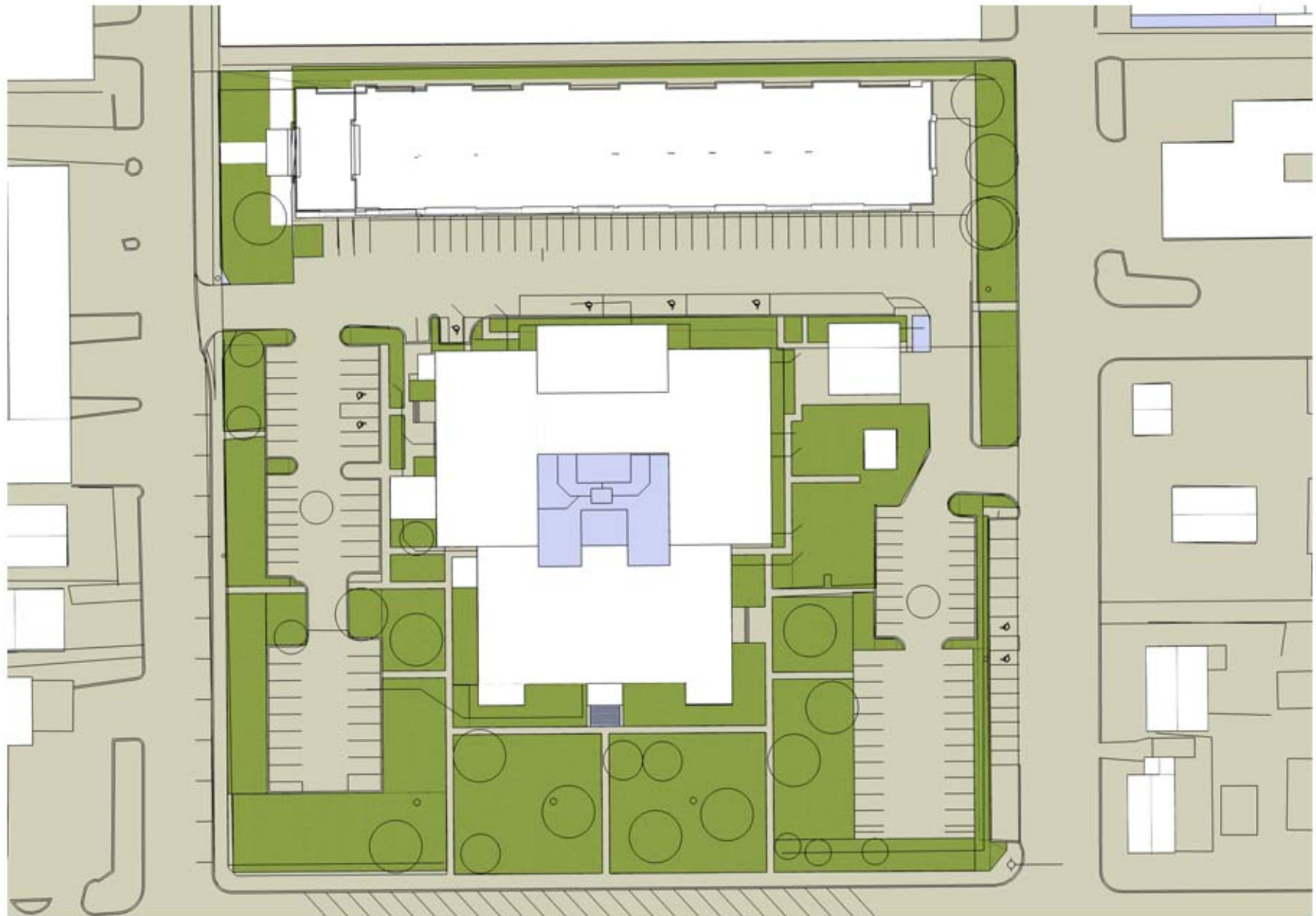
<http://friendsofhydepark.atxfriends.org/hydepark/friends-of-hyde-parks-updated-statement-on-baker-center-rezoning/>



THE BAKER CENTER
MASSING MODEL

EXHIBIT G

SITE PLAN



THE BAKER CENTER
MASSING MODEL

SITE PLAN
ENLARGED



THE BAKER CENTER
MASSING MODEL

50' BUILDING
PERSPECTIVE 1



THE BAKER CENTER
MASSING MODEL

50' BUILDING
PERSPECTIVE 2

EXHIBIT H

ORDINANCE NO. 020131-20

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE TO ESTABLISH THE HYDE PARK NEIGHBORHOOD CONSERVATION COMBINING DISTRICT (NCCD) FOR THE PROPERTY WHOSE BOUNDARIES ARE 45TH STREET TO THE NORTH, 38TH STREET TO THE SOUTH, GUADALUPE STREET TO THE WEST AND DUVAL STREET TO THE EAST, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND TO MODIFY CERTAIN BASE DISTRICTS IN THE NCCD; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to establish the Hyde Park neighborhood conservation combining district (NCCD) and to add a NCCD to each base zoning district within the property bounded by 45th Street to the north, 38th Street to the south, Guadalupe Street to the west, and Duval Street to the east, described in File C14-01-0046 and as more particularly identified in the map attached as Exhibit "A," SAVE AND EXCEPT Lots 5 through 16 of Block 12 of the Hyde Park Addition No. 1, and to change the base zoning districts on 13 tracts of land within the NCCD.

PART 2. The base zoning of the 13 tracts shown in the chart below are changed from family residence (SF-3) district, multifamily residence medium density (MF-3) district, multifamily residence moderate- high density (MF-4) district, multifamily residence moderate-high density-historic (MF-4-H) combining district, limited office-historic (LO-H) combining district, and general commercial services (CS) district, to multifamily residence limited density neighborhood conservation (MF-1-NCCD) combining district, multifamily residence low density neighborhood conservation (MF-2-NCCD) combining district, family residence neighborhood conservation (SF-3-NCCD) combining district, family residence-historic-neighborhood conservation (SF-3-H-NCCD) combining district, limited office-historic-neighborhood conservation (LO-H-NCCD) combining district, neighborhood commercial neighborhood conservation (LR-NCCD) combining district, and multifamily residence medium density neighborhood conservation (MF-3-NCCD) combining district.

MAP TRACT #	PROPERTY ADDRESS	FROM	TO
2	4309 Avenue D	MF-4	SF-3-NCCD
2	4307 Avenue D	MF-4	SF-3-NCCD
2	4311 Avenue D	MF-4	SF-3-NCCD
3	4416 Speedway	MF-3	SF-3-NCCD
3	4414 Speedway	MF-3	SF-3-NCCD
3	4412 Speedway	MF-3	SF-3-NCCD
3	4410 Speedway	MF-3	SF-3-NCCD
3	4408 Speedway	MF-3	SF-3-NCCD
3	4406 Speedway	MF-3	SF-3-NCCD
3	4404 Speedway	MF-3	SF-3-NCCD
3	4402 Speedway	MF-3	SF-3-NCCD
3	4400 Speedway	MF-3	SF-3-NCCD
4	4313 Speedway	MF-3	SF-3-NCCD
4	4311 Speedway	MF-3	SF-3-NCCD
4	4309 Speedway	MF-3	SF-3-NCCD
6	4408 Duval Street	MF-4	SF-3-NCCD
6	4406 Duval Street	MF-4	SF-3-NCCD
6	4404 Duval Street	MF-4	SF-3-NCCD
6	4402 Duval Street	MF-4	SF-3-NCCD
6	4400 Duval Street	MF-4	SF-3-NCCD
6	4316 Duval Street	MF-4	SF-3-NCCD
6	4314 Duval Street	MF-4	SF-3-NCCD
6	4308 Duval Street	MF-4	SF-3-NCCD
6	4306 Duval Street	MF-4	SF-3-NCCD
6	4302 Duval Street	MF-4	SF-3-NCCD
6	4204 Duval Street	MF-4	SF-3-NCCD
6	4202 Duval Street	MF-4	SF-3-NCCD
6	4106 Duval Street	MF-4	SF-3-NCCD
6	4104 Duval Street	MF-4	SF-3-NCCD
6	4100 Duval Street	MF-4	SF-3-NCCD
6	4016 Duval Street	MF-4	SF-3-NCCD
6	4012 Duval Street	MF-4	SF-3-NCCD
6	4014 Duval Street	MF-4	SF-3-NCCD
6	4008 Duval Street	MF-4	SF-3-NCCD
6	4006 Duval Street	MF-4	SF-3-NCCD
6	4004 Duval Street	MF-4	SF-3-NCCD
6	4200 Duval Street	MF-4	SF-3-NCCD

MAP TRACT #	PROPERTY ADDRESS	FROM	TO
7	4112 Duval Street	MF-4	MF-2-NCCD
8	4214 Speedway	MF-4	SF-3-NCCD
8	4210 Speedway	MF-4	SF-3-NCCD
8	4213 Speedway	MF-4	SF-3-NCCD
8	4203 Speedway	MF-4	SF-3-NCCD
8	4112 Speedway	MF-4-H	SF-3-H-NCCD
8	4201 Speedway	MF-4	SF-3-NCCD
8	4110 Speedway	MF-4-H	SF-3-H-NCCD
8	4115 Speedway	MF-4	SF-3-NCCD
8	4113 Speedway	MF-4	SF-3-NCCD
8	4108 Speedway	MF-4-H	SF-3-H-NCCD
8	4104 Speedway	MF-4	SF-3-NCCD
8	4109 Speedway	MF-4	SF-3-NCCD
8	4107 Speedway	MF-4	SF-3-NCCD
8	4100 Speedway	MF-4	SF-3-NCCD
8	4101 Speedway	MF-4	SF-3-NCCD
9	4006 Speedway	LO-H	LO-H-NCCD
10	4007 Speedway	MF-4	SF-3-NCCD
10	4009 Speedway	MF-4	SF-3-NCCD
11	3913 Avenue C (2 parcels)	MF-4-H	SF-3-H-NCCD
12	3900 Avenue C (2 parcels)	MF-4-H	SF-3-H-NCCD
13	4002 Avenue B	CS	SF-3-NCCD
14	408 W 40th Street	CS	LR-MU-NCCD
14	406 W 40 th Street	CS	LR-MU-NCCD
14	4000 Avenue B	CS	LR-MU-NCCD
15	3815 Guadalupe Street	CS	CS-NCCD for first 120' from the r.o.w.; MF-3-NCCD for remainder

PART 3. DEFINITIONS. In this ordinance:

ACCESSORY BUILDING means a building in which an accessory use is located that is detached from and located on the same site as a building in which a principal use is located.

AVENUE means a street running in a north-south direction and designated as an avenue.

CIRCULAR DRIVEWAYS means a cul-de-sac type driveway with one access point or a half-circular driveway with two access points.

COMMERCIAL DISTRICT means the districts within the hierarchy of zoning districts from neighborhood office (NO) district through commercial-liquor sales (CS-1) district.

DISTRICT means the Residential District, Speedway District, West 38th District, Guadalupe District, Duval District, or the Hyde Park Civic District.

DRIVEWAY RUNNERS means a pair of pavement strips acting as a driveway.

FULL BATHROOM means a bathroom with a toilet, sink, and a bathtub or shower or shower/bathtub combination.

REDEVELOPMENT means development in which the value of the improvements is 50 percent of the value of all existing improvements on the site or development that requires a site plan.

TANDEM PARKING means one car behind another so that one car must be moved before the other can be accessed.

PART 4. The Hyde Park NCCD is divided into the following districts which are more particularly identified on the map attached as Exhibit B.

1. The Residential District - includes all property not included in another district.
2. The Speedway District - generally located one-half block on each side of Speedway Street from 38th Street to 45th Street.
3. The Duval District – generally located one-half block west of Duval Street from 40th Street to 45th Street.
4. The West 38th Street District - generally located one block between West 38th Street and West 38th ½ Street from one lot back from Speedway to one lot back from Guadalupe Street.

5. The Guadalupe District – generally located from Guadalupe Street to one-half block east of Guadalupe Street from 38th Street to 45th Street.
6. The Hyde Park Civic District - generally located in the area of Speedway and 40th Street.

PART 5. Development in the Hyde Park Civic District is subject to Ordinance No. 900830-Q. The regulations in Part 6 (Permitted and Conditional Uses), Part 7 (General Provisions), Part 8 (Residential District) and Part 9 (Speedway District) of this ordinance apply to development in the Hyde Park Civic District if they do not conflict with Ordinance No. 900830-Q, as amended. If a use regulation or site development standard is not addressed by Ordinance No. 900830-Q or this ordinance, then the base zoning district regulations as they existed on August 30, 1990 apply.

PART 6. Permitted and Conditional Uses.

1. The following table establishes the permitted and conditional uses for property in commercial zoning districts in the Hyde Park NCCD. Use regulations in this section may be modified in Section 2 of this part.

Column (A) applies to property with commercial zoning in the Residential, Speedway, Duval, West 38th, and Hyde Park Civic Districts that are not included in Column (B) or Column (C).

Column (B) applies to property at the following locations: 408 E. 43rd Street; the Duval Shopping Center which includes 411, 413, 417, and 419 E.43rd Street and 4220, 4222, 4224 and 4230 Duval Street; and 4206 Duval Street.

Column (C) applies to property located at 4300 Speedway.

USES:	Column A					Column B			Column C
	A					B			C
	CS	GR	GO	LO	NO	CS	GR	LR	CS
Administrative and business offices	P	P	P	P	P	P	P	P	P
Art and craft studio (limited)	P	P	P	P	--	P	P	P	P

USES:	Column					Column			Column
	A					B			C
	CS	GR	GO	LO	NO	CS	GR	LR	CS
Art and craft studio (general)	P	--	--	--	--	P	--	--	P
Commercial off-street parking	C	C	--	--	--	C	C	--	C
Condominium Residential	--	--	--	--	--	--	--	--	P
Congregate living	C	C	C	C	C	C	C	C	C
Consumer convenience services	C	C	--	--	--	P	P	P	P
Consumer repair services	C	C	--	--	--	P	P	P	P
Cultural services	P	P	P	P	--	P	P	P	P
Custom manufacturing	--	--	--	--	--	C	--	--	--
Club or lodge	C	C	C	C	--	C	C	C	C
Day care services (limited)	P	P	P	P	P	P	P	P	P
Day care services (general)	P	P	P	P	P	P	P	P	P
Day care services (commercial)	P	P	P	P	P	P	P	P	P
Duplex residential	P	P	P	P	P	P	P	P	P
Family home	P	P	P	P	P	P	P	P	P
Financial services	C	C	--	--	--	P	P	P	P
Food sales	C	C	--	--	--	P	P	P	P
General retail sales (convenience)	C	C	--	--	--	P	P	P	P
General retail sales (general)	C	C	--	--	--	P	P	--	--
Group home class I (limited)	P	P	P	P	P	P	P	P	P
Group home class I (general)	P	P	P	P	P	P	P	P	P
Group home class II	P	P	P	C	C	P	P	P	P
Guidance services	P	P	P	--	--	P	P	P	P
Hospital (limited) not to exceed 2500 s.f.	P	P	P	C	--	P	P	C	P
Indoor entertainment	C	C	--	--	--	C	C	--	--
Laundry services	--	--	--	--	--	C	--	--	--
Local utility services	--	--	--	--	--	C	C	C	--
Medical offices (not over 5000 s.f.)	P	P	P	P	--	P	P	P	P

USES:	Column A					Column B			Column C
	CS	GR	GO	LO	NO	CS	GR	LR	CS
Medical offices (over 5000 s.f.)	--	--	--	--	--	--	--	--	P
Multifamily residential	--	--	--	--	--	--	--	--	P
Off-site accessory parking	C	C	C	--	--	C	C	C	C
Personal improvement services	P	P	--	--	--	P	P	--	P
Personal services	P	P	P	--	--	P	P	P	P
Private primary educational facilities	P	P	P	P	P	P	P	P	P
Private secondary educational facilities	P	P	P	P	P	P	P	P	P
Public primary educational facilities	P	P	P	P	P	P	P	P	P
Public secondary educational facilities	P	P	P	P	P	P	P	P	P
Professional office	P	P	P	P	P	P	P	P	P
Religious assembly	P	P	P	P	P	P	P	P	P
Restaurant (drive-in, fast food)	--	--	--	--	--	C	C	C	--
Restaurant (limited)	--	--	--	--	--	P	P	P	P
Restaurant (general)	--	--	--	--	--	P	P	P	P
Service Station	--	--	--	--	--	C	C	C	--
Single-family residential	P	P	P	P	P	P	P	P	P
Software development	C	C	C	C	C	P	P	P	P
Theater	C	C	--	--	--	P	P	--	C
Two-family residential	P	P	P	P	P	P	P	P	P
Veterinary services (not to exceed 2500 s.f.)	P	--	--	--	--	P	--	--	P

2. The section applies to the uses established in Section 1 of this part.

- a. The maximum size of a day care services (commercial) use permitted under Column A is 5000 square feet, under Column B is 2500 square feet, and under Column C is 5000 square feet.

- b. A financial service use or food sales use permitted under Column B and Column C may not include a drive-in service.
 - c. A medical office (over 5000 square feet) permitted under Column C may not exceed 8000 square feet plus 50 percent of the gross floor area of a building over 8000 square feet.
 - d. A multifamily residential use, condominium residential use, or any combination of multifamily and condominium residential uses permitted under Column C may not exceed 75 percent of the gross floor area of all buildings constructed on a site.
 - e. The maximum size of a private primary educational facilities use permitted under Column A is 5000 square feet, under Column B is 2500, and under Column C is 2500 square feet.
 - f. The maximum size of a private secondary educational facilities use permitted under Column A is 5000 square feet, under Column B is 2500 square feet, and under Column C is 5000 square feet.
 - g. The maximum size of a restaurant (limited) and restaurant (general) use permitted under Column C is 3500 square feet.
 - h. The maximum size of a theater use established under Column A and Column B is 5000 square feet.
- 3. On property located at 4307 Speedway, the permitted uses are those permitted in a multifamily residence medium density (MF-3) district and off-site accessory parking.
 - 4. The following uses are permitted on property located in the Guadalupe District.
 - a. Permitted uses.

Administrative and business offices
 Art and craft studio (general)
 Automotive rentals
 Business or trade school
 Business support services
 Communication service facilities

Agricultural sales and services
 Art and craft studio (limited)
 Automotive washing (of any type)
 Veterinary services
 College and university facilities
 Communications services

Community recreation (public)
 Congregate living
 Consumer repair services
 Cultural services
 Day care services (commercial)
 Day care services (limited)
 Exterminating services
 Family home
 Food sales
 General retail sales (convenience)
 Group home class I (general)
 Group home class II
 Hospital services (limited)
 Indoor entertainment
 Local utility services
 Monument retail sales
 Outdoor sports and recreation
 Personal improvement services
 Pet services
 Private secondary educational facilities
 Public secondary educational facilities
 Religious assembly
 Residential treatment
 Restaurant (general)
 Plant nursery
 Theater (not to exceed 5000 s.f.)
 Duplex residential

Community recreation (private)
 Consumer convenience services
 Counseling services
 Custom manufacturing
 Day care services (general)
 Electronic prototype assembly
 (not to exceed 7500 s.f.)
 Financial services
 Funeral services
 General retail sales (general)
 Group home class I (limited)
 Guidance services
 Hotel-motel
 Indoor sports and recreation
 Medical offices
 Multifamily residential
 Pawn shop services
 Personal services
 Private primary educational facilities
 Public primary educational facilities
 Professional office
 Research services
 Restaurant (limited)
 Safety services
 Software development
 Single-family residential
 Two-family residential

- b. An automotive repair services use is a permitted use on property north of 4001 Guadalupe Street. The maximum lot size for the use is 9500 square feet.
- c. A limited warehousing and distribution use is a permitted use on property south of 40th Street. The use may not exceed 7500 square feet.
- d. A telecommunications tower use is a permitted or conditional use as determined by Section 25-2-839 of the City Code.
- e. A residential use may not be located in the front 70 percent of the ground floor of a building.

5. The following uses are conditional uses on property in the Guadalupe District.

a. Conditional uses.

Building maintenance services
Commercial off-street parking
Convenience storage
Equipment repair services
Laundry services
Hospital services (general)
Off-site accessory parking

Commercial blood plasma center
Construction sales and services
Drop-off recycling collection facility
Equipment sales
Service station
Club or lodge

b. Except as otherwise provided in this subsection, a restaurant (drive-in, fast food) use is a conditional use. A drive-in service is prohibited on property located between 40th and 43rd Streets.

PART 7. GENERAL PROVISIONS. Except as otherwise provided in Part 5 of this ordinance or in this part, the following provisions apply to all property within the NCCD.

1. Except as otherwise provided, a building shall front on a north-south street. A building located on a lot that only has frontage on a numbered street may front on the numbered street. A building on a through lot located west of Speedway on West 38th Street or West 39th Street shall front on West 38th Street or West 39th Street. The street on which a building fronts under this section is the front of the property on which the building is located for purposes of this ordinance.
2. This section applies to a property that is redeveloped for multifamily, commercial or civic use.
 - a. A site for a dumpster shall be provided on the property. The dumpster shall be screened from the view of adjacent property.
 - b. Except as otherwise provided in this subsection, each parking space shall be independently accessible. For a multifamily use, tandem parking is permitted if the spaces are assigned to one dwelling unit.
3. Except as otherwise provided in this section, the maximum gross floor area of the rear dwelling unit of a two-family residential use is 850 square feet. On a corner lot, the

rear dwelling unit may exceed 850 square feet if the following conditions and other applicable site development regulations are satisfied:

- a. living space is provided on the ground floor;
 - b. one unit has frontage on an north-south street; and
 - c. one unit has frontage on a numbered street.
4. Accessory buildings may not exceed 10 percent of the site area.
 5. A fence located in a front yard may not exceed a height of four feet and shall have a ratio of open space to solid material of not less than 1 to 1.5.
 6. This section applies to a fence located in a street side yard that faces an avenue and is greater than four feet in height. The portion of a fence that is greater than four feet shall have a ratio of open space to solid material of not less than 1 to 1.5.
 7. A fence located along an alley shall have an inset to accommodate a trash receptacle. The inset shall be a minimum 18 square feet.
 8. A driveway that provides four or fewer required parking spaces may be designed with gravel surfacing or using driveway runners. Design and construction must be approved by the Director of the Watershed Protection and Development Review Department. A driveway apron shall comply with City of Austin specifications.
 9. A required or excess parking space may not be located in a street yard. This provision does not apply to property in the West 38th Street District or to property located at 4300 or 4307 Speedway if provisions for those areas permit parking in the street yard.
 10. Except as otherwise provided in this section, the entrance of a building in which a principal use is located shall be located on the front of a building.
 11. If a parking facility is located on the ground floor of a building, pedestrian-oriented uses must be located at the front of the building.
 12. Except for a single-family, duplex, or two-family residential use, excess parking is prohibited. This section does not apply to property located at 4300 or 4307 Speedway if excess parking is permitted by the provisions applicable to the property.

13. This section applies to a multifamily use.
 - a. A maximum of one sign is permitted on a building.
 - b. The size of a sign may not exceed one foot in height and eight feet in length.
 - c. Internal lighting of a sign is prohibited except for the internal lighting of individual letters.
 - d. Free-standing signs are prohibited.
14. Alley access is permitted if the access complies with applicable City regulations.
15. Except in the Guadalupe District, this section applies to construction of a single-family, duplex or two-family residential use on property that is located in a townhouse and condominium residence (SF-6) district or less restrictive zoning district. Except as otherwise provided in this section, construction must comply with the regulations for the family residence (SF-3) district. Construction may comply with the regulations of the district in which the use is located if construction complies with the compatibility standards of the City Code.
16. Except as otherwise provided in this section, parking is permitted in a street yard on West 38th ½ Street. Parking may not be closer than ten feet to a property line.
17. Except as otherwise provided in this section, the following provisions apply in all Districts except the Guadalupe District.
 - a. A circular driveway is not permitted.
 - b. Except as otherwise provided in the section, access to a site is limited to one curb cut. Except in the Residential District, a site that has 100 feet of frontage or more may have two curb cuts. In the Residential District, a site may have two curb cuts if the site has 100 feet of frontage or more and has two dwelling units. Property located at 4300 Speedway may have 3 curb cuts.
 - c. The width of a driveway:

1. for a residential use, may not exceed 12 feet from the driveway apron to the building setback line and 24 feet from the building setback line to a parking area;
 2. for a commercial, civic, multifamily residential, or condominium residential use, may not exceed 25 feet.
- d. For an existing single-family, duplex, or two-family residential use:
1. compliance with current City parking regulations is required if:
 - a. 200 square feet or more are added to a building floor area;
 - b. the principal use changes; or
 - c. a full bathroom is added to a dwelling unit that has three or more bathrooms; and
 2. a person may not reduce the parking spaces to a number less than the number of spaces prescribed in the City Code.
- e. For property located at 4300 Speedway:
1. the minimum parking requirement is 70 percent of the minimum requirement established by the City Code;
 2. the maximum parking allowed is 100 percent of the minimum requirement established by the City Code;
 3. parking in excess of the maximum allowed is not permitted, provided that excess parking that exists on the effective date of this ordinance may continue as long as not more than 5000 square feet of gross floor area is added to the property; and
 4. off-site parking at 4307 Speedway does not count against the maximum parking allowed at 4300 Speedway.
- f. The design and location of parking facilities located at 4300 and 4307 Speedway is permitted as shown on the survey of the property conducted by Roy D. Smith

Surveyors and dated August 26, 1993, attached to this ordinance as Exhibit "C" and on file with the Director of Neighborhood Planning and Zoning Department in File C14-01-0046.

g. The following provision applies to parking required under Subsection d.

1. Tandem parking:

- a. for a single-family or duplex residential use, is permitted; and
- b. for a multi-family use, is permitted if both spaces are assigned to the same unit.

2. Two parking spaces per dwelling unit are required in the Residential District and the West 38th Street District.

h. This subsection applies to property located at 4307 Speedway. Parking is permitted in a street yard for any use if an off-site accessory parking use exists on any part of the property.

PART 8. RESIDENTIAL DISTRICT. The following site development regulations apply in the Residential District.

1. Site Development Standards Table. Except as otherwise modified in this part, the following site development regulations apply in the Residential District.

RESIDENTIAL DISTRICT			
	Site Development Standards		
	Single-family Zoning Districts	Multifamily Zoning Districts	Commercial Zoning Districts
Minimum lot size	5750	8000	5750
Minimum lot width	50	50	50
Maximum FAR		0.5 to 1	0.5 to 1

Maximum building coverage	40%	50%	50%
Maximum impervious cover	45%	60%	70%
Maximum height	30	30	30
Minimum interior side yard setback	5	5	5
Minimum rear setback	10	10	10

2. Except as otherwise provided in this part, on an avenue, Duval Street, and the south side of West 39th Street:
 - a. the minimum street yard setback is 25 feet; and
 - b. the maximum street yard setback is 30 feet.
3. This section applies to a street other than a street identified in Section 2 of this part. Except as otherwise provided in this part, the minimum street yard setback is 15 feet.
4. This section applies to the minimum street yard setback established in Subsection 2.a. of this part.
 - a. The minimum street yard setback may equal the average of the street yard setbacks of the principal buildings on the same side of the block that are 25 feet or less from the street property line. If more than one principal building is located on a property, then the setback of the building closest to the street property line is used in the calculation.
 - b. Notwithstanding any provision in this section, a setback may not be less than five feet.
5. This subsection applies to the street yard setback established in Section 3 of this part.

- a. The street yard setback of the subject property may equal the average of the street yard setbacks of the buildings on adjoining lots if the setbacks are 15 feet or less. In this section, a building across an alley is a building on an adjoining lot. The street yard setback may be established by a principal building or an accessory building that contains a living unit on the ground floor that fronts on the street.
 - b. Notwithstanding any provision in this section, a setback may not be less than five feet.
6. For a building façade that is longer than 50 feet, the façade may not extend horizontally in an unbroken line for more than 30 feet.
7. A two-family residential use is permitted in the Residential District on a lot that is 7000 square feet or larger.
8. Except as provided in Section 9 of this part, a porch may extend:
 - a. on an avenue, a maximum of eight feet in front of the street yard setback; and
 - b. on a street other than an avenue, a maximum of five feet in front of a street yard setback.
9. A porch must be at least five feet from a property line that faces a street.
10. Except as otherwise provided in Sections 13 and 14 in this part, for an accessory building the minimum setback from:
 - a. a property line facing an avenue, Duval Street, or the south side of West 39th Street is 60 feet;
 - b. a property line facing a street other than a street identified in Subsection a. of this section is 15 feet; and
 - c. an interior side property line is five feet.
11. Except as otherwise provided in Section 12, 13, and 14 of this part, the minimum setback from a rear property line for an accessory building that is not more than 30 feet in height, is five feet.

12. Section 11 of this part does not apply to a through lot.
13. An attached or detached garage that has vehicular access on an alley or street shall be set back at least 20 feet from the alley or street.
14. A non-complying accessory building may be reconstructed at its existing location, but may not be less than three feet from the rear and interior and street side property lines.
15. An attached garage shall be a minimum of 60 feet from the property line facing an avenue, Duval Street, or the south side of West 39th Street.
16. This section applies to a duplex or two-family residential use if there are at least five bathrooms in all buildings in which the use is located. An additional parking space is required for each new full bathroom constructed on the property.
17. Driveway runners or gravel driveways are permitted. The design and construction must be approved by the Director of the Watershed Protection and Development Review Department.

PART 9. SPEEDWAY DISTRICT. The following provisions apply in the Speedway District.

1. Site Development Standards Table. Except as otherwise modified in this part, the following site development regulations apply in the Speedway District.

SPEEDWAY DISTRICT		
	SITE DEVELOPMENT STANDARDS	
	SF-3 Zoning District	Multifamily & Commercial Zoning Districts
Minimum lot size	5750	8000
Minimum lot width	50	50
Maximum FAR	--	0.5 to 1
Maximum building coverage	40%	50%

Maximum impervious cover	50%	70% MF 80% commercial
Maximum height	30	30
Minimum interior side yard Setback	5	5
Minimum rear setback	10	10

2. Except as otherwise provided in this part, on Speedway:
 - a. the minimum street yard setback is 25 feet; and
 - b. the maximum street yard setback is 30 feet.
3. This section applies to a street other than Speedway. Except as otherwise provided in this part, the minimum street yard setback is 15 feet.
4. This section applies to the minimum street yard setback established in Subsection 2.a. of this part.
 - a. The minimum street yard setback may equal the average of the street yard setbacks of the principal buildings on the same side of the block that are 25 feet or less from the street property line. If more than one principal building is located on a property, then the setback of the building closest to the street property line is used in the calculation.
 - b. Notwithstanding any provision in this section, a setback may not be less than five feet.
5. This subsection applies to the street yard setback established in Section 3 of this part.
 - a. The street yard setback of the subject property may equal the average of the street yard setbacks of the buildings on adjoining lots if the setbacks are 15 feet or less. In this section, a building across an alley is a building on an adjoining lot. The street yard setback may be established by a principal building or an accessory building that contains a living unit on the ground floor that fronts on the street.

- b. Notwithstanding any provision in this section, a setback may not be less than five feet.
6. The following site development regulations apply to property located at 4300 Speedway.
- a. The maximum floor-to-area ratio is 0.75 to 1.
 - b. Except as otherwise provided in this subsection, the maximum height is 30 feet. A building may have a height of 36 feet if the building has a pitched roof, measured to the average height of the highest gable.
 - c. There is not a maximum street yard setback on Speedway. There is not a street yard setback on West 43rd Street. There is not an interior side yard or rear yard setback.
 - d. The maximum impervious cover is 80 percent.
 - e. The maximum building coverage is 55 percent.
 - f. Chapter 25-2, Subchapter C, Article 10 (*Compatibility Standards*) of the City Code does not apply to the modification of the structure that exists at 4300 Speedway on the effective date of this ordinance if:
 - 1. 5000 square feet of gross floor area or less is added to the structure; and
 - 2. the modifications are permitted for noncomplying structures under Section 25-2-963 (*Modifications and Maintenance of Noncomplying Structures*) of the City Code.
7. There is not a minimum or maximum street yard setback on Speedway for an off-site accessory parking use on property located at 4307 Speedway.
8. A duplex or two-family residential use is permitted on a lot that is 6000 square feet or larger.
9. Except as provided in Section 10 of this part, a porch may extend:
- a. on Speedway, a maximum of ten feet in front of the street [~~front~~] yard setback; and

- b. on a street other than Speedway, a maximum of five feet in front of the street yard setback.
- 10. A porch must be at least five feet from a property line that faces a street.
- 11. Except as otherwise provided in Sections 14 and 15 in this part, for an accessory building, the minimum setback from:
 - a. a property line facing Speedway is 60 feet;
 - b. a property line facing a street other than Speedway is 15 feet; and
 - c. an interior side property line is five feet.
- 12. Except as otherwise provided in Section 13, 14, and 15 of this part, the minimum setback from a rear property line for an accessory building that is not more than 30 feet in height is five feet.
- 13. Section 12 of this part does not apply to a through lot.
- 14. An attached or detached garage that has vehicular access on an alley or street must be set back at least 20 feet from the alley or street.
- 15. A non-complying accessory building may be reconstructed at its existing location, but may not be less than three feet from the rear and interior and street side property lines.
- 16. An attached garage shall be a minimum of 60 feet from a property line facing Speedway.
- 17. This section applies to a duplex or two-family residential use if there are at least five bathrooms in all buildings in which the use is located. An additional parking space is required for each new full bathroom constructed on the property.
- 18. Driveway runners and gravel surfacing driveways are permitted. Design and construction must be approved by the Director of the Watershed Protection and Development Review Department.

19. This section applies to a restaurant use at 4300 Speedway that provides outdoor seating.
- a. The outdoor seating area does not count against the allowable square footage for a restaurant (limited) and restaurant (general) use established in Part 6, Subsection 2.g. of this ordinance and is not used to determine the parking requirement if:
 1. the outdoor seating does not exceed 40 percent of the total seating; and
 2. not more than 10 tables are located outside.
 - b. The outdoor seating area that exceeds 40 percent of the total seating area is counted as part of the allowable square footage for a restaurant (limited) and restaurant (general) use and shall be used to determine the parking requirement.

PART 10. DUVAL DISTRICT. The following provisions apply in the Duval District.

1. Site Development Standards Table. Except as otherwise modified in this part, the following site development regulations apply in the Duval District.

DUVAL DISTRICT		
	SITE DEVELOPMENT STANDARDS	
	SF-3 Zoning District	Multifamily & Commercial Zoning Districts
Minimum lot size	5750	8000
Minimum lot width	50	50
Maximum FAR		0.5 to 1
Maximum building coverage	40%	50%
Maximum impervious cover	50%	60% MF 80% commercial
Maximum height	30	30

Minimum interior side yard Setback	5	5
Minimum rear setback	10	10

2. Except as otherwise provided in this part, on Duval Street and Avenue H:
 - a. the minimum street yard setback is 25 feet; and
 - b. the maximum street yard setback is 30 feet.
3. This section applies to a street other than a street identified in Section 2 of this part. Except as otherwise provided in this part, the minimum street yard setback is 15 feet.
4. This section applies to the minimum street yard setback established in Subsection 2.a. of this part.
 - a. The minimum street yard setback may equal the average of the street yard setbacks of the principal buildings on the same side of the block that are 25 feet or less from the street property line. If more than one principal building is located on a property, then the setback of the building closest to the street property line is used in the calculation.
 - b. Notwithstanding any provision in this section, a setback may not be less than five feet.
5. This subsection applies to the street yard setback established in Section 3 of this part.
 - a. The street yard setback of the subject property may equal the average of the street yard setbacks of the buildings on adjoining lots if the setbacks are 15 feet or less. In this section, a building across an alley is a building on an adjoining lot. The street yard setback may be established by a principal building or an accessory building that contains a living unit on the ground floor that fronts on the street.
 - b. Notwithstanding any provision in this section, a setback may not be less than five feet.

6. A duplex or two-family use is permitted on a lot that is 5900 square feet or larger.
7. Except as provided in Section 8 of this part, a porch may extend:
 - a. on an avenue, a maximum of eight feet in front of the street yard setback; and
 - b. on a street other than an avenue, a maximum of five feet in front of a street yard setback.
8. A porch must be at least five feet from a property line that faces a street.
9. Except as otherwise provided in Sections 12 and 13 in this part, for an accessory building the minimum setback from:
 - a. a property line facing Duval Street or Avenue H is 60 feet;
 - b. a property line facing a street other than Duval Street and Avenue H is 15 feet; and
 - c. an interior side property line is five feet.
10. Except as otherwise provided in Section 11, 12, and 13 of this part, the minimum setback from a rear property line for an accessory building that is not more than 30 feet in height is five feet.
11. Section 10 of this part does not apply to a through lot.
12. An attached or detached garage that opens on an alley or street must be set back at least 20 feet from the alley or street.
13. A non-complying accessory building may be reconstructed at its existing location but may not be less than three feet from the rear and interior and street side property lines.
14. An attached garage:
 - a. shall be a minimum of 60 feet from a property line facing Duval Street or Avenue H; and
 - b. may not face Duval Street or Avenue H.

15. This section applies to a restaurant use that provides outdoor seating.
 - a. The outdoor seating area is not used to determine the parking requirement if:
 1. the outdoor seating does not exceed 40 percent of the total seating; and
 2. not more than 10 tables are located outside.
 - b. The outdoor seating area that exceeds 40 percent of the total seating area shall be used to determine the parking requirement.

PART 11. WEST 38TH STREET DISTRICT. The following provisions apply in the West 38th Street District.

1. Site Development Standards Table. Except as otherwise modified in this part, the following site development regulations apply in the West 38th Street District.

WEST 38 TH STREET DISTRICT		
	SITE DEVELOPMENT STANDARDS	
	All Residential Zoning Districts	Commercial Zoning Districts
Minimum lot size	5750 SF residential 6000 two-family, duplex 8000 MF	5750
Minimum lot width	50	50
Maximum FAR	0.6 to 1 MF	0.6 to 1
Maximum building coverage	45% SF 55% MF	55%
Maximum impervious cover	50% SF 70% MF	70%
Maximum height	30	30

Minimum interior side yard Setback	5	5
Minimum rear setback	10	10

2. On 38th Street, 38th ½ Street, and Avenue B, the minimum street yard setback is 25 feet.
3. On 38th Street and 38th ½ Street, the maximum street yard setback is 50 feet.
4. On Avenue B, the maximum street yard setback is 30 feet.
5. In a neighborhood office (NO) district:
 - a. floor-to-area ratio is 0.35 to 1;
 - b. maximum impervious cover is 60%; and
 - c. maximum building coverage is 45%.
6. In a general office (GO) district:
 - a. maximum impervious coverage is 80%; and
 - b. maximum building coverage is 60%.
7. A parking area may be located at ground level under a building if the parking area is screened from the street.
8. A building may be 40 feet in height if the following is provided:
 - a. a screened ground level parking area below the building, and
 - b. a minimum of one tree at least every 12 feet the width of the landscape yard.
9. An attached or detached garage that has vehicular access on an alley shall be set back at least 20 feet from the alley.

PART 12. GUADALUPE DISTRICT. The following provisions apply in the Guadalupe District.

1. Site Development Standards Table. Except as otherwise modified in this part, the following site development regulations apply in the Guadalupe District.

GUADALUPE DISTRICT	
	SITE DEVELOPMENT STANDARDS ALL USES
Minimum lot size	4000
Minimum lot width	25
Maximum FAR	2 to 1
Maximum building coverage	95%
Maximum impervious cover	95%
Minimum interior side yard setback	0
Minimum rear setback	10

2. On Guadalupe Street:
 - a. the minimum street yard setback is 0 feet; and
 - b. the maximum street yard setback is 10 feet.
3. On a street other than Guadalupe Street, the minimum street yard setback is ten feet.

4. The maximum height:
 - a. on property north of 40th Street is 40 feet; and
 - b. on property south of 40th Street is 60 feet.
5. This section applies to property north of 40th Street. A building that is 30 feet or less from the rear property line may not exceed 30 feet in height. A parapet wall may exceed the height established in this part by 10 percent.
6. A sidewalk sign is permitted. Section 25-10-153 (*Sidewalk Sign in Downtown Sign District*) applies to a sidewalk sign. A projecting sign is permitted. Section 25-10-129 (*Downtown Sign District Regulations*) applies to a projecting sign.
7. This section applies to a restaurant use that provides outdoor seating.
 - a. The outdoor seating area is not used to determine the parking requirement if:
 1. the outdoor seating does not exceed 40 percent of the total seating; and
 2. not more than 10 tables are located outside.
 - b. The outdoor seating area that exceeds 40 percent of the total seating area shall be used to determine the parking requirement.
8. Chapter 25-2, Subchapter C, Article 10 (*Compatibility Standards*) of the City Code does not apply to the rear yard setback established in Section 1 of this part. Parking is permitted in the rear setback.

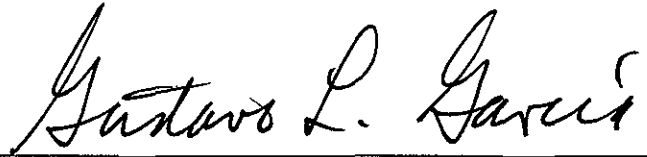
PART 13. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 14. The Council finds that the ambiguity concerning the appropriate development regulations to be applied to the Hyde Park neighborhood combining district should finally be resolved in an expeditious manner because the issue has been debated too long, which constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on the passage for the immediate preservation of the public peace, health and safety.

PASSED AND APPROVED

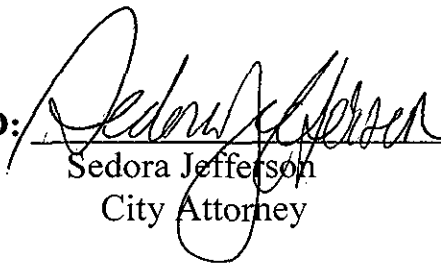
_____, January 31, 2002

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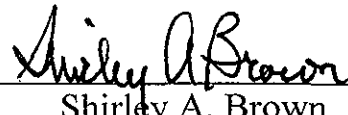


Gustavo L. Garcia
Mayor

APPROVED:


Sedora Jefferson
City Attorney

ATTEST:


Shirley A. Brown
City Clerk






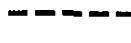
 1" = 600'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: C.WILLIAMS	  	CASE #: C14-01-0046 ADDRESS: HYDE PARK NCCD SUBJECT AREA (acres): N/A	ZONING EXHIBIT A pg 1 of 2 DATE: 02-02 INTLS: TRC	CITY GRID REFERENCE NUMBER J25,26 K25,2 6
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EXHIBIT A - pg. 2 of 2

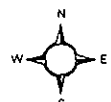


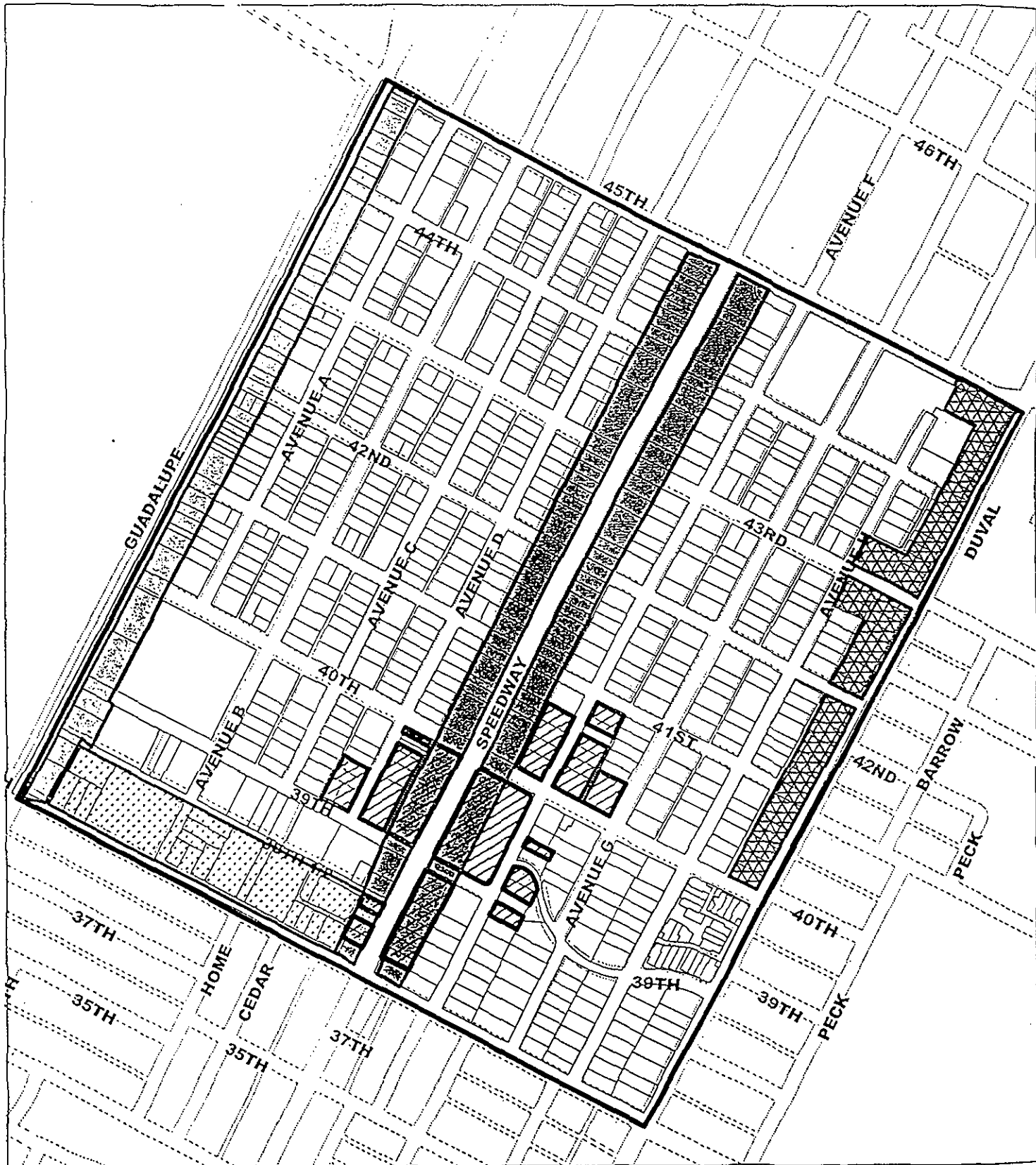
Proposed Hyde Park Neighborhood Conservation Combining District
Proposed Base District Zoning Changes

REC 50
Passed April 2001

See attached chart for zoning recommendations.

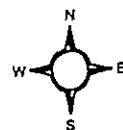
This map is intended to provide a general overview of the proposed changes to the Hyde Park Neighborhood Conservation Combining District. It is not intended to be used as a legal document. For more information, please contact the City of Chicago Department of Planning and Economic Development.





Hyde Park Neighborhood Plan
 Proposed Hyde Park Neighborhood Conservation Combining District
 Proposed Subdistricts of the Hyde Park NCCD

EXHIBIT B



PEC30
 Printed: April 2001

Proposed Hyde Park NCCD

Residential District
 Speedway District
 W. 38th District

Guadalupe District
 Duval District

Hyde Park Civic NCCD
 (Hyde Park Baptist Church
 - Civic District)

This map has been produced by the City of Austin as a working map and is not intended for any other use. No warranty is made by the City of Austin regarding the accuracy or completeness. Reproductions are not permitted without prior written permission from Planning, Environmental & Conservation Services Dept., City of Austin.

SURVEY PLAT OF LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, BLOCK 14 AND LOTS 7, 8, 9, 10, 11, BLOCK 15, HYDE PARK ADDITION, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS AS RECORDED IN PLAT BOOK 1, PAGE 67 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

SCALE \searrow 1" = 20'

LEGEND

- 10" Iron Air Poured
- Main Bolt Poured
- Utility Pole
- Overhead Power Line
- Slight Light Pole
- Wood Guard Fence
- Chain Link Fence
- Sign Post
- Overhead Telephone Lines
- Record Plant Data

RESTRICTIONS NONE

RESTRICTIONS NOTE:
The subject properties shown herein are subject to the Restrictive Covenants recorded in the following instruments: Volume 138, Page 218; Volume 139, Page 453; Volume 155, Page 323 and Volume 324, Page 881, all having been recorded by instrument recorded in Volume 385, Page 201; Volume 408, Page 332 and Volume 416, Page 147, and those recorded in Volume 418, Page 88; all of the Deed Records of Travis County, Texas.

TD. Criticism Intensely, Too. A
Cherry Jon Biscuit, Patricia Jean Thomas,
Title Agency of Austin, Inc. and
Fidelity National Title Insurance Company

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described herein and is correct and that there are no visible discontinuities and line conflicts, encroachments, overlapping improvements, visible utility easements or roadways, except as shown herein and that no property has frontage on a public roadway, except as shown herein.

To the Line Holders and/or the signers of the

The property described herein is not within the boundaries of the 100 Year Flood Plain as identified by the National Flood Insurance Program Flood Insurance Rate Map for the City of Austin Travis County, Texas dated September 2, 1981 Panel No. 0045-0

SURVEYED BY
ROY D. SMITH SURVEYOR
1/11/73



ROY D. SMITH
Registered Professional Engineer No. 16,406
1214 West 6th Street
Aurora, Texas 76010
PH. (817) 220-3652

DD - 1

EXHIBIT I

ORDINANCE NO. 20120112-086

AN ORDINANCE AMENDING ORDINANCE NO. 20020131-20, REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY WHOSE BOUNDARIES ARE EAST 45TH STREET TO THE NORTH, 38TH STREET TO THE SOUTH, GUADALUPE STREET TO THE WEST AND DUVAL STREET TO THE EAST, IN THE HYDE PARK NCCD-NP AREA FROM NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (NCCD-NP) COMBINING DISTRICT TO NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (NCCD-NP) COMBINING DISTRICT, TO CHANGE A CONDITION OF ZONING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from neighborhood conservation-neighborhood plan (NCCD-NP) combining district to neighborhood conservation-neighborhood plan (NCCD-NP) combining district on the property (the "Property") whose boundaries are East 45th Street to the north, 38th Street to the south, Guadalupe Street to the west, and Duval Street to the east, as described in Zoning Case No. C14-01-0046.01 and as more particularly identified in the map attached as Exhibit "A," SAVE AND EXCEPT Lots 5 through 16 of Block 12 of the Hyde Park Addition No. 1.

PART 2. The Hyde Park NCCD-NP was approved January 31, 2002 under Ordinance No. 020131-20 (the "Original Ordinance") and amended under Ordinance No. 20080605-062. The Hyde Park Local Historic district was established for a portion of the NCCD under Zoning Case C14H-2010-0019 and those properties must comply with the Preservation Plan and Design Standards set forth in Ordinance No. 20101216-93 as well as the Original Ordinance, as amended.

PART 3. Except as otherwise provided in this ordinance the Property is subject to the Original Ordinance, as amended, and in all other respects, the terms and conditions of the Original Ordinance, as amended, remain in full force and effect.

PART 4. Part 7 (*General Provisions*) of The Ordinance is amended to change a condition of zoning for certain property in the Hyde Park NCCD-NP area as shown in this ordinance.

Part 7. (*General Provisions*) Except as otherwise provided in Part 5 and Part 8 of this ordinance, or in this part, the following provisions apply to all property within the NCCD-NP.

1. Except as otherwise provided, a building shall front on a north-south street. A building located on a lot that only has frontage on a numbered street may front on the numbered street. A building on a through lot located west of Speedway on West 38th Street or West 39th Street shall front on West 38th Street or West 39th Street. The street on which a building fronts under this section is the front of the property on which the building is located for purposes of this ordinance.
2. This section applies to a property that is redeveloped for multifamily, commercial or civic use.
 - a. A site for a dumpster shall be provided on the property. The dumpster shall be screened from the view of adjacent property.
 - b. Except as otherwise provided in this subsection, each parking space shall be independently accessible. For a multifamily use, tandem parking is permitted if the spaces are assigned to one dwelling unit.
3. Except as otherwise provided in this section, the maximum gross floor area of the rear dwelling unit of a two-family residential use is 850 square feet. On a corner lot, the rear dwelling unit may exceed 850 square feet if the following conditions and other applicable site development regulations are satisfied:
 - a. living space is provided on the ground floor;
 - b. one unit has frontage on an north-south street; and
 - c. one unit has frontage on a numbered street.
4. Accessory buildings may not exceed 10 percent of the site area.
5. A fence located in a front yard may not exceed a height of four feet and shall have a ratio of open space to solid material of not less than 1 to 1.5.
6. This section applies to a fence located in a street side yard that faces an avenue and is greater than four feet in height. The portion of a fence that is greater than four feet shall have a ratio of open space to solid material of not less than 1 to 1.5.

7. A fence located along an alley shall have an inset to accommodate a trash receptacle. The inset shall be a minimum 18 square feet.
8. A driveway that provides four or fewer required parking spaces may be designed with gravel surfacing or using driveway runners. Design and construction must be approved by the Director of the Watershed Protection and Development Review Department. A driveway apron shall comply with City of Austin specifications.
9. A required or excess parking space may not be located in a street yard. This provision does not apply to property in the West 38th Street District or to property located at 4300 or 4307 Speedway if provisions for those areas permit parking in the street yard.
10. Except as otherwise provided in this section, the entrance of a building in which a principal use is located shall be located on the front of a building.
11. If a parking facility is located on the ground floor of a building, pedestrian-oriented uses must be located at the front of the building.
12. Except for a single-family, duplex, or two-family residential use, excess parking is prohibited. This section does not apply to property located at 4300 or 4307 Speedway if excess parking is permitted by the provisions applicable to the property.
13. This section applies to a multifamily use.
 - a. A maximum of one sign is permitted on a building.
 - b. The size of a sign may not exceed one foot in height and eight feet in length.
 - c. Internal lighting of a sign is prohibited except for the internal lighting of individual letters.
 - d. Free-standing signs are prohibited.
14. Alley access is permitted if the access complies with applicable City regulations.

15. Except in the Guadalupe District, this section applies to construction of a single-family, duplex or two-family residential use on property that is located in a townhouse and condominium residence (SF-6) district or less restrictive zoning district. Except as otherwise provided in this section, construction must comply with the regulations for the family residence (SF-3) district. Construction may comply with the regulations of the district in which the use is located if construction complies with the compatibility standards of the City Code.
16. Except as otherwise provided in this section, parking is permitted in a street yard on West 38th ½ Street. Parking may not be closer than ten feet to a property line.
17. Except as otherwise provided in this section, the following provisions apply in all Districts except the Guadalupe District.
 - a. A circular driveway is not permitted.
 - b. Except as otherwise provided in the section, access to a site is limited to one curb cut. Except in the Residential District, a site that has 100 feet of frontage or more may have two curb cuts. In the Residential District, a site may have two curb cuts if the site has 100 feet of frontage or more and has two dwelling units. Property located at 4300 Speedway may have 3 curb cuts.
 - c. The width of a driveway:
 1. for a residential use, may not exceed 12 feet from the driveway apron to the building setback line and 24 feet from the building setback line to a parking area;
 2. for a commercial, civic, multifamily residential, or condominium residential use, may not exceed 25 feet.
 - d. For an existing single-family, duplex, or two-family residential use:
 1. compliance with current City parking regulations is required if:

- a. 200 square feet or more are added to a building floor area;
 - b. the principal use changes; or
 - c. a full bathroom is added to a dwelling unit that has three or more bathrooms; and
- 2. a person may not reduce the parking spaces to a number less than the number of spaces prescribed in the City Code.
- e. For property located at 4300 Speedway:
 - 1. the minimum parking requirement is 70 percent of the minimum requirement established by the City Code;
 - 2. the maximum parking allowed is 100 percent of the minimum requirement established by the City Code;
 - 3. parking in excess of the maximum allowed is not permitted, provided that excess parking that exists on the effective date of this ordinance may continue as long as not more than 5000 square feet of gross floor area is added to the property; and
 - 4. off-site parking at 4307 Speedway does not count against the maximum parking allowed at 4300 Speedway.
- f. The design and location of parking facilities located at 4300 and 4307 Speedway is permitted as shown on the survey of the property conducted by Roy D. Smith Surveyors and dated August 26, 1993, attached to this ordinance as Exhibit "C" and on file with the Director of Neighborhood Planning and Zoning Department in File C14-01-0046.
- g. The following provision applies to parking required under Subsection d.
 - 1. Tandem parking:
 - a. for a single-family or duplex residential use, is permitted; and

- b. for a multi-family use, is permitted if both spaces are assigned to the same unit.
- 2. Two parking spaces per dwelling unit are required in the Residential District and the West 38th Street District.
- h. This subsection applies to property located at 4307 Speedway. Parking is permitted in a street yard for any use if an off-site accessory parking use exists on any part of the property.

18. The maximum floor to-area-ratio (FAR) for property subject to the City of Austin Land Development Code, Subchapter F, Article 2, (Development Standards) Section 2.1 (Maximum Development Permitted), is 0.4 to 1.0, except for 511 West 41st Street, and specifically applies to single family zoning district properties in the Residential District and is reflected in the Site Development Table in Part 8 of this ordinance.

PART 8. RESIDENTIAL DISTRICT. The following site development regulations apply in the Residential District.

- 1. Site Development Standards Table. Except as otherwise modified in this part, the following site development regulations apply in the Residential District.

RESIDENTIAL DISTRICT			
	Site Development Standards		
	Single-family Zoning Districts	Multifamily Zoning Districts	Commercial Zoning Districts
Minimum lot size	5750	8000	5750
Minimum lot width	50	50	50
Maximum FAR	<u>0.4 to 1 *</u>	0.5 to 1	0.5 to 1
Maximum building coverage	40%	50%	50%
Maximum impervious cover	45%	60%	70%

Maximum height	30	30	30
Minimum interior side yard setback	5	5	5
Minimum rear setback	10	10	10
<u>*does not apply to 511 W 41st St</u>			

2. Except as otherwise provided in this part, on an avenue, Duval Street, and the south side of West 39th Street:
 - a. the minimum street yard setback is 25 feet; and
 - b. the maximum street yard setback is 30 feet.
3. This section applies to a street other than a street identified in Section 2 of this part. Except as otherwise provided in this part, the minimum street yard setback is 15 feet.
4. This section applies to the minimum street yard setback established in Subsection 2.a. of this part.
 - a. The minimum street yard setback may equal the average of the street yard setbacks of the principal buildings on the same side of the block that are 25 feet or less from the street property line. If more than one principal building is located on a property, then the setback of the building closest to the street property line is used in the calculation.
 - b. Notwithstanding any provision in this section, a setback may not be less than five feet.
5. This subsection applies to the street yard setback established in Section 3 of this part.
 - a. The street yard setback of the subject property may equal the average of the street yard setbacks of the buildings on adjoining lots if the setbacks

are 15 feet or less. In this section, a building across an alley is a building on an adjoining lot. The street yard setback may be established by a principal building or an accessory building that contains a living unit on the ground floor that fronts on the street.

- b. Notwithstanding any provision in this section, a setback may not be less than five feet.
6. For a building façade that is longer than 50 feet, the façade may not extend horizontally in an unbroken line for more than 30 feet.
 7. A two-family residential use is permitted in the Residential District on a lot that is 7000 square feet or larger.
 8. Except as provided in Section 9 of this part, a porch may extend:
 - a. on an avenue, a maximum of eight feet in front of the street yard setback; and
 - b. on a street other than an avenue, a maximum of five feet in front of a street yard setback.
 9. A porch must be at least five feet from a property line that faces a street.
 10. Except as otherwise provided in Sections 13 and 14 in this part, for an accessory building the minimum setback from:
 - a. a property line facing an avenue, Duval Street, or the south side of West 39th Street is 60 feet;
 - b. a property line facing a street other than a street identified in Subsection a. of this section is 15 feet; and
 - c. an interior side property line is five feet.
 11. Except as otherwise provided in Section 12, 13, and 14 of this part, the minimum setback from a rear property line for an accessory building that is not more than 30 feet in height, is five feet.

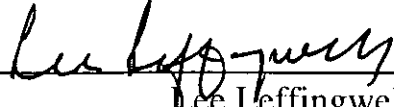
12. Section 11 of this part does not apply to a through lot.
13. An attached or detached garage that has vehicular access on an alley or street shall be set back at least 20 feet from the alley or street.
14. A non-complying accessory building may be reconstructed at its existing location, but may not be less than three feet from the rear and interior and street side property lines.
15. An attached garage shall be a minimum of 60 feet from the property line facing an avenue, Duval Street, or the south side of West 39th Street.
16. This section applies to a duplex or two-family residential use if there are at least five bathrooms in all buildings in which the use is located. An additional parking space is required for each new full bathroom constructed on the property.
17. Driveway runners or gravel driveways are permitted. The design and construction must be approved by the Director of the Watershed Protection and Development Review Department.
18. The following applies to a two-family use located at 511 West 41st Street:
 - a. The minimum lot area is 5,900 square feet.
 - b. A two-family residential use is permitted on a lot that is 5,900 square feet or larger.
 - c. The maximum building coverage is 55 percent.
 - d. For a two-family residential use, the maximum floor-to-area ratio (FAR) is 0.5 to 1.0.
 - e. The maximum impervious cover is 91 percent.
 - f. The minimum setbacks are as follows:
 - i. the front setback is 0 feet;
 - ii. the rear setback is five feet;

- iii. the east interior side yard setback is 10 feet; and
 - iv. the west alley setback is 0 feet.
-
- g. The second dwelling unit on the eastern portion of the property is limited to a maximum of 750 square feet and two bedrooms.
 - h. Part 8 10(b) does not apply to the second dwelling unit. Its front setback from 41st Street may equal that of the principal building.
 - i. The maximum number of parking spaces is five. For a residential use, two parking spaces per dwelling unit are allowed; for a commercial use, one space per 1200 sq. ft. is allowed.
 - j. The width of a driveway must be greater than 10 feet in width but less than 15 feet.
 - k. The provisions under Subchapter F, Section 2.7 (*Sidewall Articulation*) and Section 3.1 (*Buildable Area*) do not apply along the west property line abutting the existing alley.
 - l. Part 7.2.a and Part 7.17.b do not apply to the property at 511 West 41st Street.
 - m. Par 7.4 is modified to allow an accessory building a maximum of 15 percent of site area.

PART 5. This ordinance takes effect on January 23, 2012.

PASSED AND APPROVED

_____, 2012 §
§
§
_____, 2012 §
_____, 2012 §


Lee Leffingwell
Mayor

APPROVED:


Karen M. Kennard
City Attorney

ATTEST:

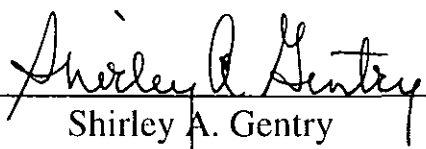

Shirley A. Gentry
City Clerk

EXHIBIT J

ORDINANCE NO. 20101216-093

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ESTABLISH THE HYDE PARK LOCAL HISTORIC DISTRICT FOR THE PROPERTY LOCALLY KNOWN AS THE PROPERTIES GENERALLY BOUNDED BY WEST 45TH ON THE NORTH, WEST 38TH STREET ON THE SOUTH, AVENUE A ON THE WEST AND DUVAL STREET ON THE EAST IN THE HYDE PARK NEIGHBORHOOD CONSERVATION AREA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to add a historic area (HD) combining district to each base zoning district within the property (the "Property") described in Zoning Case No. C14H-2010-0019, on file at the Planning and Development Review Department, as follows:

All lots fronting on Avenue A from 40th Street to 43rd Street;

All lots fronting on Avenue B from 39th Street to 45th Street;

All lots fronting on Avenue C from 39th Street to 45th Street;

All lots fronting on Avenue D from 39th Street to 45th Street;

All lots fronting on Speedway from 38th Street to 45th Street with the exception of those lots on the west side of Speedway from 38 ½ Street to 40th Street and those lots on the east side of Speedway from 39th Street to 40th Street;

All lots fronting on Avenue F from 38th Street to 45th Street with the exception of those lots on the west side of Avenue F from 39th Street to 40th Street;

All lots fronting on Avenue G from 38th Street to 45th Street;

All lots fronting on Avenue H from 38th Street to 45th Street with the exception of those lots on the east side of Avenue H from 39th Street to 40th Street;

All lots fronting on the west side of Duval Street from 38th Street to 45th Street with the exception of those lots on the west side of Duval Street from 39th Street to 40th Street;

All lots fronting the north side of 38th Street from Speedway to Duval Street;

All lots fronting the south side of 39th Street from the intersection of Avenue C to the north-south alley between Avenue C and Avenue D;

All lots fronting on the south side of 39th Street between Speedway and Avenue F;

All lots fronting on 39th Street from Avenue F to Avenue H;

All lots fronting on the south side of 39th Street between Avenue H and Duval Street;

All lots fronting on 40th Street from the north-south alley between Guadalupe Street and Avenue A to the north-south alley running between Avenue D and Speedway;

All lots fronting on the north side of 40th Street from the north-south alley between Avenue D and Avenue F;

All lots fronting on 40th Street from Avenue F to Duval Street, with the exception of the lots on the south side of 40th Street between Avenue H and Duval Street;

All lots fronting on 41st Street between the north-south alley between Guadalupe Street and Avenue A and the west side of Duval Street;

All lots fronting on 42nd Street between the north-south alley between Guadalupe Street and Avenue A and the west side of Duval Street;

All lots fronting on 43rd Street between the north-south alley between Guadalupe Street and Avenue A and the west side of Duval Street with the exception of the lots fronting on the north side of 43rd Street between the north-south alley between Guadalupe Street and Avenue A and the north-south alley between Avenue A and Avenue B;

All lots fronting on 44th Street between the north-south alley between Avenue A and Avenue B and the west side of Duval Street; and,

All lots fronting the south side of 45th Street between the north-south alley between Avenue A and Avenue B and the west side of Duval Street.

generally known as the Hyde Park Local Historic District, in the City of Austin, Travis County, Texas, and identified in the map attached as Exhibit "A".

PART 2. The properties within Hyde Park Local Historic District are more particularly described and identified as to their contributing (C) and noncontributing (NC) status in the chart attached as Exhibit "B".

PART 3. Except as specifically provided in Part 4 and Part 5 of this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts, and other applicable requirements of the City Code.

PART 4. The Property identified as the Hyde Park Local Historic District must comply with the Preservation Plan and Design Standards as set forth in Exhibit "C" attached and incorporated to this ordinance.

PART 5. The Property is subject to Ordinance No. 020131-20 that established the Hyde Park neighborhood conservation combining district.

PART 6. This ordinance takes effect on December 27, 2010.

PASSED AND APPROVED


December 16, 2010

§
§
§



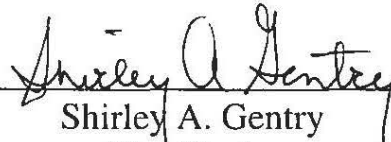
Lee Leffingwell
Mayor

APPROVED:



Karen M. Kennard
Acting City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

Address		Legal Description	Contributing
104 E.	38th	S 61.92 FT OF LOT 5 SHADOW LAWN	Yes
106 E.	38th	LOT 8 * & W 8FT OF LOT 7 * LESS S 15FT OLT 78 DIV D OAKLAND SQUARE	Yes
204 E.	38th	S 65FT LOT 19 SHADOW LAWN	Yes
207 E.	39th	LOT 24A * RESUB LOT 24 SHADOW LAWN	No
200 W.	39th	E 70.62FT OF LOT 18-21 BLK 10 HYDE PARK ADDN NO 2	Yes
202 W.	39th	W54.38FT LOT 18-21 BLK 10 HYDE PARK ADDN NO 2	Yes
207 W.	39th	LOT 15-17 BLK 13 HYDE PARK ADDN NO 2	Yes
209 W.	39th	LOT 11-14 BLK 13 HYDE PARK ADDN NO 2	Yes
308 W.	39th	LOT 16A HYDE PARK ADDN NO 2 AMENDED PLAT OF LOTS 15,16 & 17 BLK 9	No
312 W.	39th	LOT 15A HYDE PARK ADDN NO 2 AMENDED PLAT OF LOTS 15,16 & 17 BLK 9	No
200 E.	40th	LOT 13-16 BLK 31 HYDE PARK ADDN NO 1	No
205 E.	40th	E 29.5X66FT LOT 11 * & S 8.5X66FT & 10X38 LOT 27 SHADOW LAWN	No
306 E.	40th	LOT 14-16 BLK 30 HYDE PARK ADDN	No
404 E.	40th	LOT 14-16 BLK 29 HYDE PARK ADDN	Yes
200 W.	40th	LOT 13-16 BLK 31 HYDE PARK ADDN NO 1	Yes
406 W.	40th	W50.5FT OF LOT 17-21 * & CEN 12.46FT OF LOT 17-18 HYDE PARK ADDN NO 2	Yes
408 and 408 1/2 W.	40th	LOT 13-16 BLK 7 HYDE PARK ADDN NO 2	Yes
203 E.	41st	LOT 1-2 * & N 16FT LOT 3 BLK 31 HYDE PARK ADDN NO 1	Yes
302 E.	41st	LOT 14-16 BLK 27 HYDE PARK ADDN NO 1	No
108 W.	41st	E 50FT OF LOT 13-16 BLK 24 HYDE PARK ADDN NO 1	No
112 W.	41st	W 70FT LOT 13-16 BLK 24 HYDE PARK ADDN NO 1	Yes
213 W.	41st	LOT 1-5 BLK 5 HYDE PARK ADDN NO 2	Yes
304 W.	41st	E 40FT OF LOT 13-16 BLK 17 HYDE	Yes
306 W.	41st	CEN 50FT OF LOT 13-16 BLK 17 HYDE PARK ADDN NO 2	Yes
308 W.	41st	W 40FT OF LOT 13-16 BLK 17 HYDE PARK ADDN NO 2	Yes
311 W.	41st	E65FT LOT 1-4 BLK 6 HYDE PARK ADDN NO 2	Yes
313 W.	41st	W 65FT LOT 1-4 BLK 6 HYDE PARK ADDN NO 2	No
404 W.	41st	LOT 17-18 BLK 4 HYDE PARK ADDN NO 2	Yes
405 W.	41st	E50FT LOT 1-2 BLK 7 HYDE PARK ADDN NO 2	Yes
501 W.	41st	E44.33FT LOT 30-32 BLK 8 HYDE PARK ADDN NO 2	Yes
503 W.	41st	W 80.27 FT OF LOT 30-32 BLK 8 HYDE PARK ADDN NO 2	Yes
511 W.	41st	W 80.27 FT OF LOT 30-32 BLK 8 HYDE PARK ADDN NO 2	Yes
105 E.	42nd	LOT 1&2 BLK 25 HYDE PARK ADDN NO 1	Yes
303 E.	42nd	LOT 1-4 BLK 27 HYDE PARK ADDN NO 1	No
304 E.	42nd	LOT 15 & 16 BLK 20 HYDE PARK ADDN NO 1	Yes

4112 Avenue	A	LOT 29-30 BLK 3 HYDE PARK ADDN NO 2	Yes
4114 Avenue	A	LOT 31-32 BLK 3 HYDE PARK ADDN NO 2	Yes
4115 Avenue	A	LOT 3-4 BLK 4 HYDE PARK ADDN NO 2	Yes
4117 Avenue	A	LOT 1-2 BLK 4 HYDE PARK ADDN NO 2	Yes
4200 Avenue	A	LOT 17-22 BLK 2 HYDE PARK ADDN NO 2	No
4201 Avenue	A	LOT 14-16 BLK 1 HYDE PARK ADDN NO 2	No
4203 Avenue	A	LOT 13 * & S 10FT OF LOT 12 BLK 1 HYDE PARK ADDN NO 2	No
4205 Avenue	A	LOT 11 * & N 15 FT OF LOT 12 BLK 1 HYDE PARK ADDN NO 2	No
4207 Avenue	A	LOT 9-10 BLK 1 HYDE PARK ADDN NO 2	Yes
4209 Avenue	A	LOT 7-8 BLK 1 HYDE PARK ADDN NO 2	Yes
4210 Avenue	A	LOT 27-28 BLK 2 HYDE PARK ADDN NO 2	Yes
4211 Avenue	A	LOT 5-6 BLK 1 HYDE PARK ADDN NO 2	No
4212 Avenue	A	LOT 29-30 BLK 2 HYDE PARK ADDN NO 2	No
4213 Avenue	A	LOT 3-4 BLK 1 HYDE PARK ADDN NO 2	Yes
4214 Avenue	A	E 7.5FT OF LOT 31-32 BLK 2 HYDE PARK ADDN NO 2	Yes
4215 Avenue	A	LOT 1-2 BLK 1 HYDE PARK ADDN NO 2	Yes
4108 A&B Avenue	A	LOT 25-26 BLK 3 HYDE PARK ADDN NO 2	Yes
4206 - 4208 Avenue	A	LOT A FIESTA APTS NO 2	No
3903 Avenue	B	LOT 13-14 BLK 9 HYDE PARK ADDN NO 2	Yes
3905 Avenue	B	LOT 11-12 BLK 9 HYDE PARK ADDN NO 2	Yes
3907 Avenue	B	LOT 9-10 BLK 9 HYDE PARK ADDN NO 2	Yes
3908 Avenue	B	447X425FT OLT 78 HYDE PARK ADDN PEVILION TRACT	Yes
3909 Avenue	B	LOT 7-8 BLK 9 HYDE PARK ADDN NO 2	Yes
3911 Avenue	B	LOT 1-6 BLK 9 HYDE PARK ADDN NO 2	Yes
3913 Avenue	B	LOT 1-6 BLK 9 HYDE PARK ADDN NO 2	Yes
4000 Avenue	B	E67.5FT LOT 17 * & E 67.5FT OF S21FT LOT 18 BLK 7 HYDE PARK ADDN NO 2	No
4001 Avenue	B	LOT 15-16 BLK 6 HYDE PARK ADDN NO 2	Yes
4002 Avenue	B	E79.5FT LOT 19-21 * & N 4FT OF E79.5 LOT 18 BLK 7 HYDE PARK ADDN NO 2	No
4002 1/2 Avenue	B	E79.5 FT LOT 19-21 * & N4 FT OF E79.5' LOT 18 BLK 7 HYDE PARK ADDN NO 2	Yes
4003 Avenue	B	S12.5FT LOT 12,13-14 BLK 6 HYDE PARK ADDN NO 2	No
4004 Avenue	B	LOT 22-23 BLK 7 HYDE PARK ADDN NO 2	Yes
4005 Avenue	B	LOT 10-11 * & N 12.5FT OF LOT 12 BLK 6 HYDE PARK ADDN NO 2	Yes
4006 Avenue	B	LOT 26 * & S12.5FT LOT 27 BLK 7 HYDE PARK ADDN NO 2	Yes
4006 Avenue	B	LOT 24-25 BLK 7 HYDE PARK ADDN NO 2	Yes
4007 Avenue	B	LOT 7-9 BLK 6 HYDE PARK ADDN NO 2	Yes
4009 Avenue	B	LOT 5-6 BLK 6 HYDE PARK ADDN NO 2	Yes

EXHIBIT K

Grantham, Scott

From: Richard Weiss
Sent: Monday, March 05, 2018 7:12 PM
To: Grantham, Scott
Subject: Re: C14-01-0046.02 - The Baker School - Staff Recommendation

Scott- Alamo Drafthouse is agreeable to all of the staff recommendations listed in this email.
Thanks

Sent from my iPhone

On Mar 5, 2018, at 4:37 PM, Grantham, Scott <Scott.Grantham@austintexas.gov> wrote:

Richard,

Good afternoon!

Staff's recommendation is as follows. Changes from your original request are highlighted.

At your convenience, could you share with your client, and, assuming that they accept the staff recommendation, draft a short memo to communicate this?

Thanks – see you in a couple of hours!

Best – Scott

Staff recommends **community commercial**-historic district-neighborhood conservation combining district-neighborhood plan (**GR**-HD-NCCD-NP) combining district zoning. Staff recommends that the property become part of the Hyde Park Neighborhood Conservation Combining District (NCCD) in the Residential subdistrict. Specifically for this property, staff recommends changes to the NCCD development standards as follows: increasing the allowable height from 30 feet to 50 feet, and increasing the allowable FAR from 0.5:1 to 1.5:1. Further, staff recommends the addition of permitted uses:

- Condominium Residential
- Financial Services
- Food Sales (5000 s.f. limit)
- General retail sales (**convenience**) (5,000 s.f. limit)
- Indoor entertainment (**5000 s.f. limit**)
- Multifamily Residential
- Restaurant (limited) (5000 s.f. limit)
- Restaurant (general) (5000 s.f. limit)
- Software Development
- Theater (5000 s.f. limit)

Best - Scott

Scott Grantham

Senior Planner

City of Austin | Planning and Zoning Department

505 Barton Springs Road | 5th floor | Austin TX | 78704

Tel | 512.974.3574

Email | scott.grantham@austintexas.gov

EXHIBIT L

April 16, 2018

Memorandum for Mayor Steve Adler and Austin City Council, Attn: Mayor Pro Tem Kathie Tovo <kathie.tovo@austintexas.gov>

Subject: "Hyde Park is Exclusively for White People"—Opposition to Tovo's Reliance on Hyde Park Neighborhood Association and Developer Weiss' 120% MFI Affordable Housing Baker Center Criteria Perpetuating Segregation and Austin's 1928 City Plan

Re: March 22, 2018 Item 84 (Baker Center); See March 8, 2018 Friends of Hyde Park Neighborhood Association Opposition Post

1. **Gratitude:** Thank you for allowing the record to remain open for public comment on Austin Independent School District's (AISD) Baker Center Rezoning Case—Item 84 approved on First Reading by Austin City Council on Thursday, March 22, 2018.


2. **Opposition:** I, Zenobia C. Joseph, oppose Mayor Pro Tem Kathie Tovo's disregard for the 1928 City Plan 90th Anniversary Proclamation—acknowledging the City's actions relegating Blacks to East Austin (now gentrified)—given to Council Member (CM) Ora Houston by Mayor Steve Adler about two hours before Tovo's remarks on Hyde Park neighborhood associations and the developer's 120% Median Family Income (MFI) Affordable Housing Baker Center criteria, which contravened CM Greg Casar's request for "economic and racial integration." Tovo said, "I assume those who were bidding on the property did so ... because the affordability levels are higher, if we had asked them."¹ Respectfully, I assume she forgot *Texas Tribune* reported "Austin is Most Economically Segregated Metro Area" (Badger, 2015). "They have in the-in the bidding process now set-set the tract at a particular value. And so I'm-I'm just concerned," Tovo continued asking the developer and AISD to "look again" and think about "how they can bring those levels down." Concluding with a smirk, "But I don't wanna look at changing (you know)/increasing the zoning, increasing the entitlements here to try to make the deal work." Over 30 years (1890-1924), developer Col. Monroe Shipe advertised "Hyde Park is Exclusively for White People."² Council must now dismantle the status quo. Per Ryan Robinson's 2014 Austin data, 120% MFI = Whites (\$98K), excluding Blacks (\$51K) and Hispanics (\$43K) from Hyde Park's high opportunity area.

HYDE PARK

The most beautiful, healthful, and practical place for homes in the city of Austin. It's the safest place for investment. The terms offered are remarkably easy. The prices are very reasonable. Any person buying two lots WILL BE GIVEN ONE LOT FREE OF COST. There are six miles of beautiful graded streets in HYDE PARK, and a magnificent

SPEEDWAY FROM THE PARK TO THE CITY.

THE FINEST DRIVE IN TEXAS.



HYDE PARK IS EXCLUSIVELY FOR WHITE PEOPLE.

The main line of Electric Street Cars run into and around a belt in the Park. Free Mail Delivery twice a day. There is no limestone dust. The soil is the best for Fruits, Flowers and Lawns. No one thinks of taking a carriage drive without going to Hyde Park. The drives are free from mud and dust. The scenery is interesting. The altitude of Hyde Park is 85 feet above the river. Hyde Park is Cool, Clean and Healthy. Invest while YOU CAN SELECT, and SECURE ONE LOT FREE. If you wish to buy on the installment plan the terms are \$3,000 per month on each lot. If you pay all cash a discount of 5 per cent will be allowed. If you wish to invest and do not live in Austin, we will pay your fare both ways. If the distance is not over 100 miles. Strangers who wish to see the city can have a Free Carriage by calling at our office.

Extraordinary Inducements Are Offered

To persons who will agree to erect good houses. If parties wish to build in Hyde Park, we will trade lots for other Austin property on a fair basis, and DONATE ONE LOT as a Premium. Beautiful Views of Hyde Park, and of the SPEEDWAY sent free upon application. Write to us, or call at 721 CONGRESS AVENUE, AUSTIN, TEXAS.

M. K. & T. LAND AND TOWN CO.

M. M. SHIPE, General Manager

Race and Ethnicity#1

Percentage of the total population.

Scope: Hyde Park Population

Total Count: 4,631

White¹: 77.6%

Hispanic²: 12.6%

Black: 0.4%

Asian: 5.5%

Mixed: 3.7%

Other: 0.1%

Count number of members in ethno-racial group

¹non-Hispanic ²excluding black and Asian Hispanics

Data from the [US Census Bureau](#) [Updated 2015].

Road data © [OpenStreetMap](#) contributors.

3. **Viewpoint Discrimination:** Tovo (2018) replied to Casar, "I am familiar with the case because I've watched the presentation. ... I've watched a presentation of the neighborhood association and stayed in touch with... the neighbors who've been working on this with the developer." Though both associations were skeptical, Planning Commission only recognized one group member.

- March 9, 2018: "Friends of Hyde Park is concerned that **Alamo may have no intention of ever building any housing.**"³
- **February 27, 2018:** Hyde Park Neighborhood Association Co-President Lorre Weidlich, "It was my understanding that this deal included housing and 25% of it would be affordable, that there would be a structure with 60 units—15 of which would be affordable. I know that when I voted for it ... that's what I believed. Now, I was not part of the small group that met with Richard Weiss and did the negotiating" [Tovo did not ask Weidlich to clarify her concerns before Council March 22, 2018].
 - Planning Commission Chair Stephen Oliver asked, "[A]s a voting member of the group, what the applicant has brought forward as support from the neighborhood, you're saying ... your understanding is not what is being presented today?" Weidlich said, "My understanding was that ... housing was guaranteed—25% was affordable," ending confused, holding the group's newsletter noting affordable housing though it was not a binding agreement.
 - Commissioner Conor Kenny asked to hear from all neighborhood associations. A brown-skinned man with black hair stood waving but was not acknowledged. **No one from Friends of Hyde Park Neighborhood Association spoke.**

¹ Austin City Council (2018, 22Mar). Item 84: Tovo (clip 06:00). Retrieved from <http://austintx.swagit.com/play/03222018-578>

² Schwaller, K. (2015, 15Aug). 'Exclusively for white people': a history of segregation in Austin neighborhoods [KXAN]. Retrieved from http://www.kxan.com/news/exclusively-for-white-people-a-history-of-segregation-in-austin-neighborhoods_20180316004220284/1049347339


³ Austin City Council (2018). Item 84: Backup material (Friends of Hyde Park: Letter, p. 1). Retrieved from <http://www.austintexas.gov/edims/document.cfm?id=295011>

April 16, 2018

Subject: "Hyde Park is Exclusively for White People"—Opposition to Tovo's Reliance on Hyde Park Neighborhood Association and Developer Weiss' 120% MFI Affordable Housing Baker Center Criteria Perpetuating Segregation and Austin's 1928 City Plan 2

4. Historical Background: "In 1912 the city appropriated \$8660 for the improvement of Speedway and the cross streets of Hyde Park, and private contributions through the Improvements Club that year totaled \$2600" (*Austin Statesman* August 18, 1912, as cited in Sitton & Sitton, 1991, p. 25). Taxpayer dollars still fund the status quo: "In September of 2014, City of Austin City Council awarded a onetime allocation for refurbishment of Shipe Pool in the amount of **\$3,100,000**."⁴ Council should, thus, reduce MFI to 65% to allow underemployed Blacks/minorities to integrate Alamo Drafthouse's redeveloped Baker Center. To approve 120% MFI, as Tovo noted, restricts access to a family of four earning \$98K+. A first year AISD teacher with a bachelor's degree earns \$47K; a beginning Texas Empowerment Academy Black teacher earns only \$22K-\$33K (TAPR, 2017). Neither would qualify to live in Hyde Park. AISD renamed Hyde Park's Lee Elementary, but integrating Shipe's neighborhood would truly promote equity.⁵

a. Federal Redlining: "*The Underwriting Manual* established the FHA's [Federal Housing Administration] mortgage lending requirements, ultimately institutionalizing racism and segregation within the housing industry. ... The FHA also explicitly practiced a policy of 'redlining' when determining which neighborhoods to approve mortgages in. Redlining is the practice of denying or limiting financial services to certain neighborhoods based on racial or ethnic composition without regard to the residents' qualifications or creditworthiness. The term 'redlining' refers to the practice of using a red line on a map to delineate the area where financial institutions would not invest."⁶ Alamo's 120% MFI criteria equates to modern day redlining/discrimination. Per City of Austin's 2017 Home and CDBG Chart, only 140% MFI category is higher than Alamo's criteria—making housing unaffordable.

<div><div>City of Austin, Neighborhood Housing and Community Development Office P.O. Box 1088, Austin, Texas 78767 (512) 974-3100 Fax (512) 974-3161 www.cityofaustin.org/housing</div></div>								
2017 Area Median Family Income For Travis County, Texas \$81,400 (4-person household) MSA: Austin – Round Rock, TX.			2017 HOME & CDBG Program Income Limits by Household Size Effective Date: June 15, 2017					
Median Income Limit	1 Person Household	2 Person Household	3 Person Household	4 Person Household	5 Person Household	6 Person Household	7 Person Household	8 Person Household
20%	11,400	13,000	14,650	16,280	17,600	18,900	20,200	21,500
* 30%	17,100	19,550	22,000	24,400	26,400	28,350	30,300	32,250
(30% MFI is defined by HUD as extremely low-income)								
40%	22,800	26,050	29,300	32,560	35,150	37,750	40,350	43,000
* 50%	28,500	32,600	36,650	40,700	44,000	47,250	50,500	53,750
(50% MFI is defined by HUD as very low income)								
* 60%	34,200	39,120	43,980	48,840	52,800	56,700	60,600	64,500
65%	37,050	42,350	47,600	52,910	57,150	61,400	65,600	69,850
70%	39,900	45,600	51,300	56,980	61,550	66,100	70,650	75,200
* 80%	45,600	52,100	58,600	65,100	70,350	75,550	80,750	85,950
(80% MFI is defined by HUD as low-income)								
100%	57,000	65,100	73,250	81,400	87,900	94,400	100,950	107,450
120%	68,400	78,150	87,900	97,680	105,500	113,300	121,100	128,950
140%	79,750	91,150	102,550	113,960	123,100	132,200	141,300	150,450
* Income limits provided by HUD. Other income limits calculated by NHCD based on the formula used by HUD. MFI Chart was expanded to include other percentages used by NHCD.								

b. 1928 City Plan: March 22, 2018 CM Houston and Council, in general, missed an opportunity to vote against Item 84-Baker First Reading. "This is an opportunity for this city to have a conversation about how what we do really informs what happens in the future," Houston said on Fox 7 less than two weeks prior, "and if we don't put that in context between 1928 and 90 years later and what's happening now and we don't understand the contextual format of that, we'll make those same mistakes again."⁷

c. Reified Equality: Mayor Pro Tem Tovo assumes the developer bid on Baker Center (paraphrase) because the high MFI would ensure racial segregation and maintain the neighborhood's character with high-income white people, which runs counter to Mayor Adler's Task Force on Institutional Racism and Systemic Inequities. CM Alison Alter echoed Tovo's stance while her historian husband Jeremi Suri ("part Indian Immigrant") says, "The past tells us that the world didn't have to be the way that it was."⁸ I urge Council to look beyond exclusive white privilege and view Hyde Park through a colored/Immigrant lens, too.

⁴ City of Austin Parks & Recreation (2018). Shipe pool improvements. Retrieved from <http://www.austintexas.gov/department/shipe-pool-improvements>

⁵ Schwaller, K. (2015, 20Aug). 'Exclusively for white people': a history of segregation in Austin neighborhood. Retrieved from http://www.kxan.com/news/exclusively-for-white-people-a-history-of-segregation-in-austin-neighborhoods_20180316004220284/1049347339

⁶ Boston Fair Housing (n.d.). Historical shift from explicit to implicit policies affecting housing segregation in eastern Massachusetts. Retrieved from <http://www.bostonfairhousing.org/timeline/1934-1968-FHA-Redlining.html>

⁷ Claiborne, C. (2018). 90 years after '1928 Master Plan', is Austin making same mistakes? Retrieved from <http://www.fox7austin.com/news/local-news/90-years-after-1928-master-plan-is-austin-making-same-mistakes>

⁸ UT-Austin (2012). Meet a game changer: Jeremi Suri [Video]. Retrieved from <https://www.youtube.com/watch?v=njAmFCBNEbE>

April 16, 2018

Subject: "Hyde Park is Exclusively for White People"—Opposition to Tovo's Reliance on Hyde Park Neighborhood Association and Developer Weiss' 120% MFI Affordable Housing Baker Center Criteria Perpetuating Segregation and Austin's 1928 City Plan 3

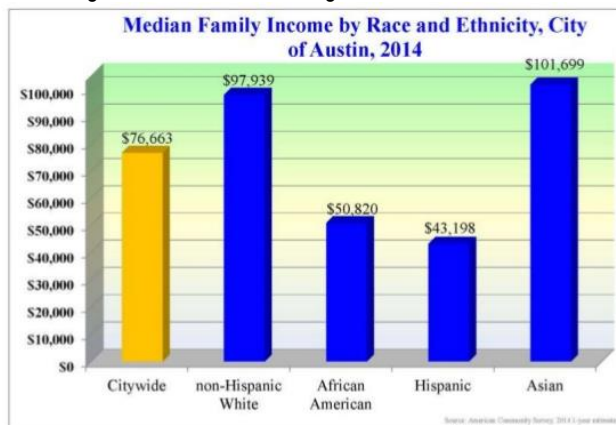
5. Move Beyond Diversity Discourse: Please stop wasting taxpayer dollars on diversity training if Council refuses to use new insight to make decisions. It proves disturbing that "CM Alter failed to support 2017 Indigenous Peoples Day though her husband and children are of Native blood. Equally disturbing was her citing of the 1928 City Plan via email to the City Manager, "Subject: Beyond Diversity - an invitation Date: Friday, December 22, 2017 1:15:57 PM," later ignoring Hyde Park inequities. "File audio: Difficulty getting Beyond Diversity costs. Did training cost only \$1,190, \$13K for trainers, or \$70K City sponsorship? Alter wrote:

"A bit of background might be helpful first. Although today our City strives toward equity and progressive ideals, we must contend with a historic legacy of racial tension cemented in 1928 by a master plan that called for a deliberate segregation of the city's various ethnic populations. The fact is Austin was the last major city to desegregate in the nation (by court order) and it has been a long road to get us to where we are today with a 10-1 district system for council and the establishment of an equity office.

Recently the mayor's office created a Task Force on Institutional Racism and Systemic Inequities (<https://cityofaustin.github.io/institutional-racism/>) which identified internal and external strategies to deal with racism in our city. One of the recommendations of the task force was to train leaders across the city using the Beyond Diversity model to establish a baseline understanding and common language for addressing these issues. During the FY18 budget cycle I spear-headed fiscal resources for the council and our staff to have access to this training and interim city manager Hart pledged participation by the executive team. On January 16th and 17th council members and staff (council and city manager office staff) will be participating along with leaders from across sectors in the community in a 2 day training program." (PIR 41104 Mayor, 2018)

6. Affordable Housing Precedent: Plaza Saltillo was set at 50% MFI, CM Casar noted. On the night of March 2, 2017, Tovo adamantly fought to gain more affordable housing units for families as Mayor Adler favored the developer. In the Hyde Park deal, however, her zeal waned in favor of the status quo. "Mayor Pro Tem," Alter asked, "would you be able to share some information about how we ended up with the 80% MFI requirement for the renters? It's my understanding that the neighborhood was the group that negotiated to get the affordability requirement." Mayor Pro Tem Tovo "believed AISD set the ownership targets, not the renters." "AISD didn't have any rentals," Alter clarified interrupting Tovo. Excluded from the exchange was acknowledgment that "80% MFI is defined by HUD [Housing and Urban Development] as low-income." In Austin, a Black teacher or degreed professional earning below \$45,600 would not qualify to rent in Hyde Park. It is, therefore, incumbent upon Council to set MFI for homeowners and renters at 65% and 60%, respectively, or at the same rate(s) approved for Plaza Saltillo affordable housing.

7. AISD Systemic Inequities: If Baker Center is intended, in part, to serve a public good then recognize that AISD has failed Black students for decades!⁹ On March 7, 2017 Associate Superintendent Gilbert Hicks asked the African-American Resource Advisory Commission for help. Though African-Americans make up only 7.6% of AISD's population, only 1% are identified as gifted but 50% are labeled Special Education (TAPR, 2017). Miseducated Black children become adults who, in turn, remain less educated and underemployed—unable to afford to live in the City they call home. One way to right AISD inequities is to ensure Baker Center homeownership is set no higher than 65% MFI (\$50K) noted in Robinson's 2014 demographic data for African-Americans. The rate is even lower for Hispanics (\$43K). Hence I do not agree with giving Baker preference to AISD teachers. Considering 61% of AISD teachers are white, that preference would disadvantage minority teachers (TAPR, 2017). Ideally, the Equity Officer's \$616K FY 2018 Budget should inform housing decisions rather than waste funds on a reified "equity tool."¹⁰



Source: Capital Metro (2016, 11May). Ryan Robinson (Clip 47:24). Retrieved from <http://capmetrotx.igm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=1598&Format=Agenda>
Schumann, P. (2016). Demographic snapshot: Ryan Robinson (Slide 32). Retrieved from <https://www.slideshare.net/innovant2003/a-demographic-snapshot-of-austin-by-ryan-robinson>

⁹ Joseph, Z.C. (2009). "I-35 Divide" conundrum... *Harvard Journal of African-American Public Policy* (XV), 9-35: <http://hjaap.org/wp-content/uploads/2015/02/HJAAP-2009.pdf>

¹⁰ COA Budget: Management Services (2017-18). Volume II | 194: Equity Office, p. 41. Retrieved from https://assets.austintexas.gov/budget/17-18/downloads/volume_2.pdf

April 16, 2018

Subject: "Hyde Park is Exclusively for White People"—Opposition to Tovo's Reliance on Hyde Park Neighborhood Association and Developer Weiss' 120% MFI Affordable Housing Baker Center Criteria Perpetuating Segregation and Austin's 1928 City Plan 4

8. **Skepticism:** CM Jimmy Flannigan noted opposition, the other side of the issue disregarded by Tovo. "The redevelopment of the site will happen in phases, so while **there aren't any plans for housing right now**, that could change. ... But some in the area remain skeptical of that deal, including HPNA [Hyde Park Neighborhood Association] counterpoint organization Friends of Hyde Park, and their chairman Pete Gilcrease. 'My fear is the Alamo doesn't really care about the restrictions in the housing, because they might not actually ever have a plan to build housing,' he said, a reasonable conclusion based on Weiss' efforts to date. 'But they put it in their plans in order to buy the property from AISD,'" *The Austin Chronicle* reported (Hernandez, 2018).

9. **Central Austin Segregation:** It is important to recognize that every Council Member's vote will either dismantle or perpetuate the status quo. CM Flannigan's March 23, 2017 remarks on Item 92, Aldridge Place Historic District (District 9) bear repeating:

"I think it's important to acknowledge when we are doing historic preservation in neighborhoods created under segregation. I think that's an important acknowledgement that I haven't heard voiced today, either. I don't know that I'm the person to solve that problem. But I think it's important to acknowledge it. The proximity to the University is also troubling to me because (you know) we have to make decisions over 30 years. That's what we're doing with CodeNEXT, presumably. And I think that when you see the size of the Hyde Park Historic District and you start adding historic districts around Hyde Park. One wonders when we will find neighborhoods that don't qualify. Or when we will get to the point that we've preserved all of the Central Austin neighborhoods and we've eliminated our ability to densify along corridors and densify along Imagine Austin Centers."¹¹

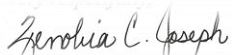
10. **Transit Implications:** The City of Austin Draft Land Development Code includes Chapter 23-9: Transportation [84 pages].¹² The 801 bus rapid transit (BRT) image appears on the cover. It is important for Council to recognize, unlike taxpayers north of North Lamar Transit Center in Capital Metropolitan Transportation Authority's (Capital Metro) service area, Hyde Park residents will gain access to the June 2018 "frequent bus network." If Council denies low-income taxpayers (degreed professionals, in particular) from residing in Hyde Park, this action will perpetuate institutional racism counter to Beyond Diversity principles noted in CM Alter's December 22, 2017 email to City Manager Spencer Cronk, seeking "to establish a baseline understanding and common language for addressing these [racism] issues." Actions speak louder than words, though. In the 2017 Service Equity Analysis to the Federal Transit Administration, Capital Metro misleadingly concluded minorities have access to new Routes 335 (Mueller to Mopac every 15 min.) and 345-Hyde Park (Burnet Rd to Hancock Center), in part, via 801 BRT traversing 45th Street.

a. Capital Metro Service Equity Analysis (excerpt): "Routes 335 and 345 will provide services to minority populations that are just below the threshold of 33%. Ultimately, all of these routes will bring significant benefits to minority populations since a very high minority population will have access to these new routes."¹³ Minorities don't live in Hyde Park but gain superficial access?

b. CodeNEXT Transportation Purpose: In part, "(3) Increase housing affordability and community health through a robust and accessible transportation network; (4) Promote complete streets to serve all roadway users, pedestrians, bicyclists, transit riders, and motorists regardless of age or ability" (9A-1, p. 1). Capital Metro's plan disregarded wheelchairs, walkers, canes, and safety. If CodeNEXT Transportation purpose is to increase housing affordability access for all then Hyde Park must be integrated, too.

11. **Pending:** You have a "chance to bring economic and racial integration," requested by CM Casar, to Shipe's Hyde Park. The question remains, "Do you have the willpower?" Based on the developer's acknowledgement that Baker Center housing plans are non-existent¹⁴, Council should reiterate equity when negotiating MFI and get affordable housing commitment in writing before the Second Reading vote. On balance, Weiss backtracked in *Austin Monitor* suggesting, "Everything above the ground floor can only be residential[.] So we know we are going to build a building back there and that locks in the residential component." Weiss' verbal comments are not a binding agreement with taxpayers. Thus, either Mayor Pro Tem Tovo or CM Casar should craft a binding agreement to formalize Weiss' affordable housing commitment with a timeline for the \$10M Baker Center Redevelopment phases.¹⁵ Thanks for your time and consideration. Point of contact is the undersigned at apluswriters@gmail.com[.]

Very respectfully,



Zenobia C. Joseph

¹¹ ATXN (2017, 23Mar). Austin City Council: Item 92 Aldridge Place (CM Jimmy Flannigan, clip 55:31). Retrieved from <http://austintx.swagit.com/play/03232017-584/20/>

¹² City of Austin (2018). Chapter 23-9: Transportation. Retrieved from <https://codenext.civiccomment.org/>

¹³ Capital Metro (2017, 15Nov). Title VI Service Equity Analysis [p. 39/211]. Retrieved from <http://capmetrotx.igm2.com/Citizens/FileOpen.aspx?Type=1&ID=1685&Inline=True>

¹⁴ Hernandez, N. (2018, 23Mar). It's Baker Center, not Baker homes: What's 25% of zero? To the Alamo Drafthouse, still zero. Retrieved from <https://www.austinchronicle.com/news/2018-03-23/its-baker-center-not-baker-homes/>

¹⁵ McInerney, C. (2018). Alamo's new HQ will include affordable housing, won't just be a 'development project'. Retrieved from <https://www.austinmonitor.com/stories/2018/03/alamos-new-hq-will-include-affordable-housing-wont-just-be-a-development-project/>