

BE IT RESOLVED:

Clark Lyda and his business affiliates (Music Lane Owner LLC and Hotel Magdalena LLC) are requesting waivers so that alcohol sales and consumption will be allowed at Music Lane (1101 South Congress Avenue) and the entire site of Hotel Magdalena (110 Academy Drive). These waivers are required to allow alcohol sales and consumption due to proximity to the Texas School for the Deaf (TSD) property at 1102 South Congress Avenue. South River City Citizens (SRCC) adopts and publishes this resolution to document SRCC's position on this case.

1. SRCC has a long history of acting to limit alcohol sales close to schools. Some of the efforts have been successful; others have not. Two cases were withdrawn by the applicants—Tiger Mart and Torchy's—after resolute community opposition became known. Another case arose when a waiver was requested to allow sales right next to the Fulmore Middle School campus. SRCC led a coalition that included Bouldin NA, Congress Avenue Merchants Association, Fulmore PTA Executive Board, Austin Neighborhoods Council, Boys and Girls Club of South Austin, State Representative Eddie Rodriguez, Faith Presbyterian Church, St. Ignatius Catholic Church, former SRCC President Rene Barrera, and other organizations and individuals. Unfortunately, this waiver was ultimately approved by Council to allow alcohol sales despite extensive community opposition.
2. AISD joined with SRCC and other organizations and individuals in opposing these cases. Ultimately, a uniform policy was adopted by AISD that all these waiver cases would be opposed system-wide, eliminating discretion of local school officials who might not be aware of the full scope of problems associated with alcohol consumption by and in close proximity to students.
3. SRCC is aware that the administration of the Texas School for the Deaf has been apprised by the developers of both the Hotel Magdalena and Music Lane developments and has chosen to remain neutral by neither supporting nor opposing these waivers. SRCC respects the right of the TSD administration to make its own choices about responding to waivers to allow alcohol sales across the street from its campus.
4. Mr Lyda has been generous and helpful to the neighborhood during the development process. He has listened to input from SRCC and has shown a willingness to work with SRCC to develop his projects in a way that will be both a commercial success and a desirable and valuable improvement to the neighborhood and city.
5. SRCC is taking no action to support or oppose these waivers. Factors that have influenced our decision include a general understanding that the operation of the businesses and the distribution points of alcohol within the projects are designed in a way that makes it extremely unlikely that students will be exposed to alcohol sales or

consumption. Normal and typical travel patterns of AISD and TSD students are unlikely to cause them to pass anywhere close to the alcohol distribution points. Further, SRCC has no influence over what course of action the Texas School of the Deaf chooses to adopt in this case.

6. SRCC, mindful of its long history of acting to protect AISD students from nearby alcohol sales and consumption, intends to act vigorously in cases that may arise in the future to oppose waivers to the existing City of Austin ordinance that limits alcohol sales and consumption close to schools. Our decision to not get actively involved in this case should in no way be perceived as changing our position on alcohol waivers in general.

*Draft motion for SRCC:*

*SRCC, while not taking a position to either directly support or oppose the pending alcohol waivers for the Music Lane and Hotel Magdalena projects, will write a letter to the Austin City Council to document our history of (1) generally opposing alcohol sales close to schools and (2) supporting AISD and the community in creating a safe and protected environment in the areas surrounding our schools.*