



## **MEMORANDUM**

**TO:** Mayor and City Council

**FROM:** Jerry Rusthoven, Assistant Director / Interim Lead  
Planning and Zoning Department

**DATE:** August 12, 2020

**SUBJECT:** C14-2020-0007 – 2001 Guadalupe Street Zoning (Rezoning Case)  
District 9  
Withdrawal of Case by Applicant

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On August 11, 2020, Staff received correspondence that the Applicant was withdrawing the above-referenced rezoning case. Please see attached letter from the Applicant.

If you need additional information, please contact Jerry Rusthoven, at 512-974-3207.

**Jerry Rusthoven, Assistant Director / Interim Lead  
Planning and Zoning Department**

xc: Spencer Cronk, City Manager  
J. Rodney Gonzales, Assistant City Manager

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August 11, 2020

**VIA EMAIL**

Mark Graham, Senior Planner  
City of Austin Planning and Zoning  
505 Barton Springs Rd, Suite 575  
Austin, TX 78704

Re: 2001 Guadalupe Street, Austin, TX 78705 (the "Property") (Case No. C14-2020-0007 or "Case")

Dear Mr. Graham:

Our firm represents Powell-Corbett, LLC (the "Owner" or "Client") of the Property with respect to the above-referenced zoning Case. The purpose of this letter is to formally notify the City of Austin ("City") that on behalf of our Client we are hereby withdrawing our zoning application as submitted in this Case based upon various factors that have come to our and our Client's attention over the last several months during prior meetings of the Planning Commission and for reasons more specifically set forth herein.

Specifically, as you know, this firm was engaged to pursue this Case by submitting a formal zoning application on behalf of our Client that was ultimately filed on or around January 16, 2020. Since the time of such submittal, our firm has thoroughly and vigorously pursued the zoning application in order that our Client's Property may be developed for its highest and best use. Throughout this process, however, several factors have come to our and our Client's attention which have collectively formed a basis for our Client's withdrawal of the Case as follows:

1. During the Planning Commission meeting held on or around May 12, 2020 in response to this Case being on the agenda, Commissioner Anderson asserted that "We recently looked at UNO and brought the heights up in a lot of areas. This is the one area we left out. The thought was that the University would acquire this one day and we didn't want to necessarily bring up the price of that for the University;"
2. As a result of the Planning Commission's implied desire not to burden the University of Texas in any manner, a grant of our Client's pending application in the Case would most likely be denied or conditioned upon our Client's agreement to enter into a restrictive covenant incorporating the provisions of the University Neighborhood

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Overlay ("UNO") due to such resistance to grant a multi-family use on the Property; and

3. The City, through Mr. Jerry Rusthoven, has confirmed for us in writing that our Client, or any future owner of the Property wishing to develop the Property, could take advantage of the Affordability Unlocked Bonus Program ("AUBP") which would allow the Property to be developed with multifamily use including the ability to take advantage of the incentives set forth in the AUBP, UNO, or both without the requirement of the 'MU' overlay to do so. Specifically any developer would be required to comply with all of the AUBP requirements or under the existing zoning, the Property would be allowed to participate in the UNO overlay or both provided that the developer comply with the requirement of both programs and provide all affordable housing on site per Land Development Code Section 25-2-534.

Based upon the foregoing representations, please accept this letter as a formal notice of withdrawal of our Client's' case and remove it from the Planning Commission agenda for the meeting that is scheduled today at 6:00 p.m.

If you have any questions, please feel free to contact me at any time.

Sincerely,



John M. Joseph

cc: Jerry Rusthoven, Assistant Director/Interim Lead of the Planning and Zoning Department  
City of Austin Planning Commissioners