

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0007–
2001 Guadalupe Street Zoning

DISTRICT: 9

ZONING FROM: CS-NP

TO: CS-MU-NP

ADDRESS: 2001 Guadalupe Street

SITE AREA: 0.201 acres (8,755 sq. ft.)

PROPERTY OWNER:
Powell-Corbett LLC (William Corbett)

AGENT:
Coats-Rose (John Joseph)

CASE MANAGER: Mark Graham (512-974-3574, mark.graham@austintexas.gov)

STAFF RECOMMENDATION:

The staff recommendation is to grant general commercial services – mixed use – neighborhood plan (CS-MU-NP) combining district zoning. *For a summary of the basis of staff's recommendation, see case manager comments below.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 9, 2020:

May 26, 2020: **APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO JUNE 9, 2020**
[C. HEMPEL, R. SCHNEIDER 2ND] (12-0) C. LLANES PULIDO – NOT PRESENT FOR
PASSAGE OF THE CONSENT AGENDA.

May 12, 2020: **POSTPONED TO MAY 26, 2020**
[C. KENNY, G. ANDERSON – 2ND] (13-0)

April 28, 2020: **POSTPONED TO MAY 12, 2020**
[R. SCHNEIDER; P. HOWARD – 2ND] (12-0) C. LLANES PULIDO-LEFT EARLY

April 14, 2020: **APPROVED A POSTPONEMENT REQUEST TO APRIL 28, 2020.**
[R. SCHNEIDER, C. KENNY-2ND] (12-0) with C. LLANES PULIDO – ABSENT.

March 10, 2020: **APPROVED A POSTPONEMENT REQUEST BY APPLICANT TO APRIL 14, 2020.**
[J. SHIEH, R. SCHNEIDER-2ND] (11-0) A. AZHAR, P. HOWARD - ABSENT

CITY COUNCIL ACTION:

June 11, 2020:

May 21, 2020: **APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO JUNE 11, 2020**

May 7, 2020: **APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO MAY 21, 2020**

April 9, 2020: **APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO MAY 7, 2020**

ORDINANCE NUMBER:

ISSUES

At the May 12 Planning Commission meeting, the Commission voted (13-0) to postpone the subject case to May 26 (or later if requested by applicant or staff) to get more clarity on development options available to the applicant.

Staff prepared a table with five columns comparing development with the existing commercial general services – neighborhood plan (CS-NP) zoning and with University Neighborhood Overlay (UNO) and 2 types of Affordability Unlocked. The table also includes development with the requested zoning: (CS – MU - NP). The table was provided to the applicant and is attached to this memo.

Letter of Agreement

There is a letter of agreement between the applicant and University Area Partners (UAP) and signed by both parties. The letter is an agreement to negotiate a private Restrictive Covenant (RC) that will be signed in advance of the Council decision on the requested re-zoning of 2001 Guadalupe Street. The intent is that a third party will hold the signed RC until the Austin City Council acts on the rezoning request and the third party will be responsible for recording the RC document in Travis County Land Records if the Council grants the requested commercial general services -mixed use – neighborhood plan (CS-MU-NP) zoning for 2001 Guadalupe Street land.

Restrictive Covenant

The proposed content of the RC is a commitment that if 2001 Guadalupe Street (the subject property) is developed with any residential use, it will be developed with affordable housing using the Affordability Unlocked Bonus Program. It is also expected to commit to developing the property according to UNO zoning district design regulations: Section 12, for buildings and streetscape. Staff contacted the parties to inquire about the status of the RC. As of this writing (5/22/2020), the RC has not been drafted.

Requested Zoning

The applicant cannot build housing “by right” with the existing commercial general services – neighborhood plan (CS-NP) zoning. The applicant requested adding mixed use (MU) zoning which would allow building residential units by right in addition to the uses currently allowed. The applicant can build market rate housing with CS – MU -NP zoning.

The requested MU zoning is **not** required to build housing under the Affordability Unlocked Bonus Program (AUBP) nor is it necessary for building housing under the UNO program. Based on statements from the agent at the May 12 Planning Commission meeting, the applicant believed that adding mixed use (MU) to the zoning was necessary to build 100% housing in the AUBP program. AUBP also allows up to 25% of the gross floor area of the building to be commercial with the current zoning.

Building Height

The maximum building height with the current general commercial services (CS) zoning is 60 feet. Adding mixed use (MU) to the zoning string does not change the maximum height. Height is an incentive for participating in the Affordability Unlocked Bonus Program. For Type 1 project, AUBP allows base height multiplied by 1.25. For a Type 2 project the multiplier is 1.5 times base district maximum height. With an AUBP Type 1 project on the subject site, the building height limit is 75 feet and a Type 2 project can build to 90 feet. Type 2 provides more height because there are more affordability requirements.

Comparison Table

There are other waivers and incentives in the Affordability Unlocked Bonus Program (Ord. No 20190509-027) (see City Title 25-2-518). The waivers and incentives affect the buildable area of the site, building height and thereby the number of floors which in turn varies the number of dwelling units and sleeping rooms. Staff prepared the attached table to compare four development options with the current zoning and one with the requested zoning. The calculations assumed a sleeping room is 300 square feet and a dwelling unit is comprised of 4 sleeping rooms (1200 square feet). The CS-MU district requires 1200 square feet of property for each dwelling unit which limits the total number of permitted dwelling units to 7. With a Floor to area ratio (FAR) is 2:1 the building in CS-MU can be up to 17,500 square feet, so the average unit in this case is 2,500 square feet and includes 8 sleeping rooms. Numbers were rounded down in these calculations.

The attached comparison table includes the University Neighborhood Overlay (UNO) program as an affordable housing option because it was part of the discussion with the applicant and Planning Commission. The applicant did not request participating in the UNO program.

While there is staff support for the requested Mixed Use zoning for the property at 2001 Guadalupe Street, there are other processes available that may provide more flexible development standards affecting building height, setbacks, floor to area ratio (FAR) and in return require participation in affordable housing, streetscape investments and adherence to design standards.

CASE MANAGER COMMENTS:

The subject lot is on the east side of Guadalupe Street at the south end of “The Drag,” a nickname for the portion of Guadalupe Street along the western edge of the University of Texas (UT) Austin Campus. The lot is situated between the five-story University of Texas, McCombs Business School on the south and the two story Dobie Center retail buildings to the north, in the shadow of the 27 story Dobie residential tower. This busy section of the West Campus Neighborhood has many apartments and condominiums housing UT students as well as food, clothing, school supplies and service businesses catering to students and university employees.

The 0.201 acres (8,755 square foot) parcel is located on the northeast corner of Guadalupe Street and West 20th Street. On the parcel there are three retail commercial buildings, two one story buildings and a two story building. There is also outside seating between the building and Guadalupe Street for patrons of the food-oriented businesses. The adjacent lot to the north is vacant.

The current zoning is General Commercial Services - Neighborhood Plan (CS-NP) district. The applicant is requesting the addition of Mixed Use (MU) combining to allow building up to 66 dwelling units on the lot.

Guadalupe is a designated Core Transit Corridor and supports mixed use and intensity of use.

University Neighborhood Overlay

The subject tract is within the University Neighborhood Overlay (UNO) district (LDC 25-2 Section 179). The purpose of the district is to promote high density redevelopment, provide a mechanism for the creation of a densely populated but livable and pedestrian friendly environment. The Future Land Use Map (FLUM) indicates Mixed Use, Transportation. The current request is consistent with the FLUM.

A representative of University Area Partners responded to the hearing notice for this case in opposition to the request. They pointed out that the purpose (12.1.1) of UNO is to establish design criteria for all buildings and streetscapes within the UNO District with the goal of reinforcing the human scale/pedestrian friendly environment of the district. Participating lots in the UNO: Dobie subdistrict adhere to design standards for building walls and roof planes and provide street trees, pedestrian scale lighting and street furnishings, including benches, bike racks and trash receptacles.

To participate, the property owner files a site plan and elects for the property to be governed by the UNO District Requirements (25-2-751). Properties in the UNO have a process for reducing parking and setback requirements. A site plan filed under the UNO provisions is reviewed for building design and may achieve increase height and allowed Floor to Area Ratio (FAR). UNO also requires an affordable housing commitment for properties that opt-in to UNO district governance.

Height, Parking

Building heights along Guadalupe Street and governed by the UNO Dobie district have a height limited of 65 feet. That limit is 5 feet more than the underlying CS zoning height limit because of a provision in (25-2-752) that says UNO division of the Land Development Code supersedes other provisions of this title to the extent of conflict.

Request

From General Commercial Services – Neighborhood Plan (CS-NP) combining district to General Commercial Services – Mixed Use – Neighborhood Plan (CS-MU-NP) combining district.

Legal Description:

Lot 5 Outlot 21 division of Louis Horsts Subdivision (tax parcel 2016168899) as recorded in Book ‘Z,’ Page 594 and Book ‘Z,’ Page 613 of the Deed Records of Travis County, Texas.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

(CS) General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.

MU – Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

The Neighborhood Plan FLUM supports mixed use with retail and residential, the UNO/Dobie district supports mixed use residential and the Central Austin Combined Neighborhood Planning Area supports mixed commercial and residential uses in this area.

2. *The proposed zoning should satisfy a real public need and not provide special privilege to the owner.*

There is a growing demand for housing in the University and Downtown Austin area. This area is well suited for people who walk and use public transportation to take advantage of the jobs, entertainment, goods and services along the Guadalupe corridor. There is a lack of affordable housing for students and this location would be very convenient for students. There are many residential buildings currently under construction near the Guadalupe corridor and near UT.

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

The addition of residential uses is a reasonable way to increase the intensity of use for the subject property.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	CS-NP	Restaurant, retail, personal services
North	CS-NP, UNZ	Vacant land, entertainment, retail, residential, UT education
South	CS-NP, DMU	Education
East	MF-4, CS-NP, GR-NP	Residential condos, parking, University Bldgs.
West	CS-NP	Restaurants, repair shop, church

NEIGHBORHOOD PLANNING AREA: Central Austin Combined Neighborhood Plan (West University). Current land use on FLUM: Mixed Use. Proposed land use: Mixed Use. A Neighborhood Plan amendment is NOT required.

TIA: The TIA determination is deferred until site plan application, when land use and intensities will be finalized.

WATERSHED: Shoal Creek – Urban. Impervious coverage allowed: 95%

OVERLAYS: Green Building Mandatory: University Neighborhood Overlay. Neighborhood Planning Area: West University. Residential Design Standards: LDC/25-2-Subchapter F. West Campus Neighborhood Overlay: DOBIE

SCHOOLS:

AISD: Lee Elementary Kealing Middle McCallum High

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Bike Austin
 Central Austin Community Development Corporation
 Friends of Austin Neighborhoods
 Homeless Neighborhood Association

My Guadalupe
 Neighborhood Empowerment Foundation
 Preservation Austin
 SELTexas
 Sierra Club
 Austin Regional Group
 The University of Texas at Austin
 University Area Partners

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-04-0021	Central Austin Combined NP (West University) Rezoning. To change base district zoning on 454.13 acres on 329 tracts	To Grant	Apvd. (05/19/2005)
C14-2007-0262	Central Austin Combined Neighborhood Planning Area Vertical Mixed Use. To add V, vertical mixed use to 20.42 acres of land.	To Grant	Apvd. (06/11/2009)
C14-2016-0059 KKG 1 (Kappa Kappa Gamma) 2001 University Ave	MF4-H-NP to GO-H-NP	To Grant	Apvd. (09/22/2016)
C14H-2009-0013 Kappa Kappa Gamma House 2001 University Ave	MF-4-NP to MF-4-H-NP	To Grant	Apvd. (08-06-2009)
C14-2016-0058 KKG 2 (Kappa Gamma House) 1911 ½ University Ave	MF-4-NP to GO-CO-NP Conditions: Uses not permitted: Professional office, medical offices-exceeding 5000 sq. ft. gross floor area, administrative and business offices, personal services, medical offices-not exceeding 5000 sq. ft. gross floor area.	To Grant	Apvd. (09/22/2016)

RELATED CASES:

C14-04-0021 West University Neighborhood Plan

C14-2007-0262 Central Austin Combined Neighborhood Planning Area Vertical Mixed Use

OTHER STAFF COMMENTS:**Transportation****Street Characteristics**

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
W. 20 th St	70'	30'	Level 1 (local)	Yes	Yes	No
Guadalupe	125'	65'	Level 3 (Minor Arterial)	Yes	Yes	Yes

Comprehensive Planning

The zoning case is located on the northeast corner of W. 20th Street and Guadalupe Street on a 0.201 acre tract of land that is located in the **Downtown (Imagine Austin) Regional Center**. The subject property is located within the boundaries of the Central Austin Neighborhood Planning Area, in West University and contains a small two story building with retail shops. Surrounding land uses includes retail uses to the north, including a Target store; to the south is an office building and a University of Texas building; to the east is an apartment building and a parking garage; to the west is a shopping center and a church. The proposed use is 66 unit multistory multifamily residential housing project.

Connectivity: Public sidewalks are located partially along West 20th Street and are on both sides of Guadalupe Street. Bike lanes are also located on both sides of Guadalupe Street. A CapMetro transit stop is located less than 100 feet away on Guadalupe Street. The mobility and connectivity options in this area are excellent.

Central Austin Combined Neighborhood Planning Area (CACNP)

The Central Austin Combined Neighborhood Plan Future Land Use Map identifies the subject area as being classified as 'Mixed Use;' Zone CS-MU is permitted under this future land use category. Mixed Use is meant to encourage more retail and commercial services within walking distance of residents. The subject property is also located in the University Area Overlay (UNO) District, which allows for denser, pedestrian oriented, commercial and multi-family development.

The following Goals, Objectives and Recommendations in the CACNP are applicable to this case:

Goal Three: Allow mixed-use development along the existing commercial corridors that is pedestrian oriented, neighborhood friendly, neighborhood scaled, and serves neighborhood needs. (p. 74)

Goal Four: West Campus should become a dense, vibrant, mixed-use and pedestrian oriented community. (p. 83)

Objective 4.1: Promote quality, higher density mixed use and multi-family development in West Campus while preserving nearby single-family neighborhoods. (p. 85)

Recommendation 3: Establish the University Neighborhood Overlay (UNO) for the West Campus area that allows denser, pedestrian-oriented commercial and multi-family development (see “Proposed University Neighborhood Overlay [UNO] Boundaries and Districts” map on page 87 and Architectural Guidelines for the UNO District beginning on page 116). The overlay should function as providing a development bonus to projects that choose to follow the provisions of the overlay. The development bonuses should include, but not be limited to, providing for (p. 86)

- Increasing building heights above what is allowed by the base zoning district
- Reducing site area requirements for multi-family development
- Relaxing and/or eliminating other site development standards such as allowing higher amounts of impervious cover than the base zoning district, waiver of compatibility standards, and reduction of required parking spaces for commercial uses. The provisions of the overlay should be designed to promote projects that are long lasting and of high quality.

Map on page 87 identifies this property in the ‘Dobie District’ which would allow a building to be 60 feet tall or five stories in height)

Goal 4 of CACNP appears to support the relaxation or elimination of various site development standards in the UNO district to promote a ‘*dense, vibrant, mixed-use and pedestrian oriented community*’ and *multifamily development* and appears to be supported by the CACNP.

Imagine Austin

The Imagine Austin Comprehensive Plan locates the subject property within the boundaries of a ‘**Regional Center**’, as identified on the Imagine Austin’s Growth Concept Map. A Regional Center is the most urban of the three activity centers outlined in the growth concept map. These centers are and will be the retail, cultural, recreational, and entertainment destinations for Central Texas.

The following Imagine Austin policies are also applicable to this case:

- **LUT P3** Promote development in compact centers, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a **mix of land uses and housing types** and affords realistic opportunities for transit, bicycle,

and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

- **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 P11.** Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

Based on the property being located within a Regional Center and in the UNO District, which both encourage high density mixed use and multifamily development, the proposed project appears to be supported by the Imagine Austin Comprehensive Plan.

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal 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. At this time, site specific information is unavailable regarding 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 s.f. cumulative is exceeded, and on site control for the two-year storm.

Site Plan

- SP1. Site plans will be required for any new development other than single-family or duplex residential.
- SP2. 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.
- SP3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP4. FYI: Additional design regulations will be enforced at the time a site plan is submitted.

- SP5. FYI: The subject property is included in an approved site plan SP-2007-0634D. University Avenue Improvements. Improvements in the right-of-way to include new curb, gutter, sidewalks and utilities.

SMALL LOTS

- SP6. Small lot regulations will apply. There are reduced setbacks for lots smaller than 20,000 sq. feet with frontages less than 100 feet. Reductions apply to side and rear yards (25-2-1062) and the location of driveways and parking areas (25-2-1067). 25-2-1062 has the sliding scale for small lots setbacks.

SCREENING REQUIREMENTS

- SP7. FYI: Screening is required for off-street parking, the placement of mechanical equipment, storage, and refuse collection if a person is constructing a building (25-2-1066).

DEMOLITION AND HISTORIC RESOURCES

- SP8. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

RESIDENTIAL DESIGN STANDARDS OVERLAY

- SP9. The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

UNIVERSITY NEIGHBORHOOD OVERLAY

- SP10. This site is located in the University Neighborhood Overlay LDC Subchapter C Article 3 Division 9 (25-2-751)
- a. This site is in the Dobie Subdistrict
 - i. The maximum height for this lot is 65' if elect to be governed by UNO.

Austin Water Utility

WW1. 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, utility relocations and or abandonments required by the land use. The water and wastewater utility plan 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.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0211.

The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Coats-Rose letter to Mike McHone UAP

Exhibit D: University Area Partners letter to John Joseph

Exhibit E: Coats-Rose letter to Austin Planning Commission

Exhibit F: Hutson Land Planners to Powell-Corbett LLC (property owner)

Exhibit G: Coats-Rose to Cathy Norman UAP

Exhibit H: McHone to City email

Exhibit I: Chuan-Fu Chen mail- opposed

Exhibit J: Commission questions for May 12 meeting with staff responses

Exhibit K: Table Comparing Development Options

Exhibit L: Applicant request for postponement from May 26, 2020 meeting



SUBJECT TRACT



ZONING BOUNDARY

2001 Guadalupe St. Zoning

EXHIBIT A

ZONING CASE#: C14-2020-0007

LOCATION: 2001 Guadalupe Street

SUBJECT AREA: 0.2 ACRES



N



1" = 200'

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



SUBJECT TRACT



ZONING BOUNDARY

2001 Guadalupe St. Zoning

ZONING CASE#: C14-2020-0007

LOCATION: 2001 Guadalupe Street

SUBJECT AREA: 0.2 ACRES

EXHIBIT B



1" = 200'

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April 7, 2020

Mr. Mike McHone, Vice President
University Area Partners
2026 Guadalupe St.
Austin, TX 78705
VIA EMAIL: MCHONE1234@SBCGLOBAL.NET

Re: 2001 Guadalupe St.; Case Number C14-2020-0007

Dear Mike:

As we discussed on the phone before this Corona virus mess began, I would very much appreciate a telephone conference this week to discuss our client's zoning request and the University Neighborhood Overlay ("UNO") design standards.

In seeking the addition of residential zoning for the subject property located at 2001 Guadalupe ("Property"), we are not seeking to avoid the design standards of the University Neighborhood Overlay. Because of the uncertainty of the availability of the new land development code rewrite, my client wishes to obtain residential development options for the Property as a matter of right. It is hard to imagine how this Property, or anyone could argue that this Property, would not be an appropriate location for residential use.

As you know the chief objective is to be able to take advantage of the City of Austin residential density bonuses and incentives to achieve additional density, which is not available under the University Neighborhood Overlay. As you know, under that overlay the redevelopment of the Property would not be able to achieve a height in excess of 65 feet, even with the compliance with all the City of Austin's density incentives.

For your consideration and hopefully for your acceptance, my client proposes the following:

Upon approval by the City of Austin of the mixed-use zoning designation ("CS-MU-NP") for the Property, the Property owner will impress the subject Property a recorded restrictive covenant, which shall include the following design standards language, quoted from Section 12 of

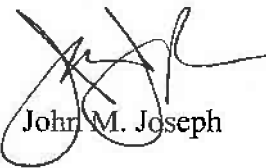
April 7, 2020

Page 2

the University Neighborhood Overlay (UNO) Zoning District Design Regulations, for any residential development on the subject Property. A copy of Section 12 is attached herewith as Exhibit A for your review and cross reference.

We will work with you and the City of Austin to draft a restrictive covenant between now and the time this matter is presented to the City Council for approval. Please let me know if there is a time this week that we can confer by video conference or phone related to this matter and we will set that up and circulate call in instructions for all parties.

Very truly yours,



John M. Joseph

cc: Mark Graham, City of Austin

Exhibit “A”

12.1.2 – Building Design Standards

Buildings, including enclosed and unenclosed parking garages, shall avoid long expanses of blank, unarticulated exterior walls visible from a street, public plaza or public open space. The direction given here regarding massing and articulation of a building's public exterior is considered a matter of human comfort, achievable in any architectural style or design approach.

For a project to be in compliance with the design guidelines, it must score a minimum of 8 points using the following point system:

- a. interruptions in the plane of a building façade shall be introduced at a spacing not to exceed 40-feet. This can be achieved through the articulation of wall surfaces, changes in fenestration patterns, or other building design elements. (2 points)
- b. use of contrasting materials, textures and colors, (2 points)
- c. introduction of windows and openings that promote visual and physical interaction between interior of building and street activity (2 points),
- d. the use of awnings or colonnades at street level, (1 point)
- e. variety of the roof line, (1 point)
- f. articulation of building entrances so they are distinguished from the general massing of the building, (1 point)
- g. the use of functional elements such as balconies or projected window boxes to promote the breakdown of a façade. (1 points)

12.1.3 - Placement of Windows

- a. inhabited spaces on the ground level shall have a minimum of 70% glass at sides facing a street; where inhabited spaces at ground level hold residential uses, the minimum glass percentage shall be reduced to 40%.
- b. inhabited spaces on the second level shall have a minimum of 40% glass at sides facing a street.
- c. glass at ground/street level and second level must have a transmittance ratio of 0.6 or higher.

12.1.4 - Building Materials

- a. the use of EIFS below a height of 65 feet is not allowed.
- b. the use of highly reflective glass is not allowed.

- c. wood shingles and wood siding are not allowed.
- d. the use of exposed concrete block as a finish material is not allowed. This includes split-faced, ground face and integrally colored flat concrete block.

12.1.5 - Parking Garages - Flat Slab Requirement

Where adjacent to a public street, the floors of a structured parking garage, either stand-alone or mixed into the mass of a building, must either be flat or, if sloping, be hidden from view from the street(s), public plaza or public open space.

12.1.6 - Historical Authenticity

Buildings located adjacent to a historic landmark shall create some accommodating element in their massing which will mitigate the contrast between the two.

12.1.7 - Streetscape Design Standards

Includes standards for placement of street trees, light poles and street furnishings.

I. STREET TREES:

An owner shall install, irrigate and maintain street trees along an adjacent street right-of-way.

- a. all new trees shall be shade trees (non-utility compatible), unless conflict with utilities exist; see I (f). Refer to the Environmental Criteria Manual (ECM) Appendix 'F', for approved street trees species.
- b. street trees must be in scale with adjacent buildings and must be placed so as to create a continuous canopy at maturity.
- c. trees shall have a minimum of 5-inch caliper (measured 12 inches above the root ball) at installation, with a typical canopy height of 14 to 16 feet for Class I Shade trees. Minimum clearance for tree limbs and branches must be 7'-6" above the level of the sidewalk to avoid potential conflict with pedestrians. Trees shall be trimmed proportionally to an ultimate clearance height of 14'-0" above the sidewalk and street at maturity.
- d. trees shall be installed 4'-0" O.C. back from face of curb, parallel to the curb.
- e. the standard tree spacing is 22'-0" O.C. If existing conditions preclude the standard spacing, shade trees may be planted at a distance not to exceed 30'-0" O.C.; utility compatible trees spacing shall not exceed 24'-0" O.C.
- f. where existing utilities are in conflict with in-ground planting of shade trees, applicant shall:
 - plant utility compatible trees in above grade planters if both overhead and underground utilities are in place;

- plant utility compatible trees in-ground, if conflict is with overhead lines;
 - plant shade trees in above grade planters, if conflict is with underground utilities.
- g. a minimum pedestrian clear zone width of 5 feet will be provided between the edge of a tree grate/planting bed and any walls/planters and/or other vertical element associated with a development (refer to COA Detail 710S-6A). If above grade planters are used, the minimum pedestrian clear zone shall be 6 feet (as per COA Detail 432S-7D).
- h. a new tree planted in a sidewalk must have a 6 feet x 6 feet tree grating which shall comply with COA Standard Detail 437S-2. A different plant bed configuration with or without a tree grate, may be approved by the Planning and Development Review Department, based on specific needs and an alternative form of equivalent compliance.

II. PEDESTRIAN SCALE STREET LIGHTING:

All development shall provide pedestrian scale street lighting along an adjacent street right-of-way.

- a. the standard pedestrian scale streetlight pole spacing is 44'-0" O.C.; lights may be placed as far apart as 72'-0" O.C. if existing conditions preclude the recommended spacing.
- b. on corner properties, the distance between the corner and the first light pole shall not exceed 25'-0".
- c. light poles shall be installed 4'-0" O.C. back from face of curb, aligned with the street trees.
- d. A minimum spacing of 11'-0" O.C. shall be maintain between a light pole and a street tree.
- e. the "Pecan Street Light Pole" is the University Neighborhood Overlay fixture.

III. STREET FURNISHINGS:

Street furnishings, including benches, bike racks and trash receptacles, shall be provided by any development located within the Dobie, Guadalupe and Inner West Campus Sub-districts.

In the Outer West Campus Sub-district, only developments with greater than 150 linear feet of cumulative street frontage shall be required to provide street furnishings described here.

Within a given project, the street furnishings will compliment each other and the development they are a part of.

Permitted finishes shall be one or a combination of the following: decay resistant hardwoods (benches slats only), and corrosion resistant finishes such as aluminum, cast iron, stainless steel or galvanized steel.

Whenever applicable, street furnishings will be anchored with rust-resistant fasteners and treated with rust prohibitive coating, zinc epoxy primer, and powdercoat finish for superior corrosion resistance. All surfaces shall be pretreated with a graffiti preventer.

The street furnishing requirements are as follows:

a. Trash Receptacles: A minimum of one (1) receptacle shall be provided:

- For mid-block properties, the receptacle shall be located within 12 feet of a primary entrance(s), aligned with lights and trees.
- For corner properties, two (2) additional receptacles shall be provided adjacent to the corner ramps, facing both streets, (as per COA Standard Detail 432S-8C).

b. Bike Racks: A minimum of four (4) bike racks, in addition to those required in other sections of the code.

- Bike racks shall be installed perpendicular to the curb, 4'-0" O.C. back from face of curb, aligned with trees and light poles (as per COA Standard Detail 710S-6A).
- Bike racks shall be Class III, Type 1 inverted "U"(1-2 spaces only) - as per COA Standard Detail 710-S-1 (page 1 of 3).
- Racks shall be made of continuous welds, with smooth edges. Finishes shall be one of the following: cast aluminum, stainless or galvanized steel or plastic color coated carbon steel.
- Stainless steel tubing shall be 1 ½ inch,
- When applicable, a fade resistant powder coat finish color shall use RAL color standards for compatibility with other products.

c. Benches: A minimum of two (2) 5-foot wide benches with middle arm shall be installed per street frontage:

- Standard placement: perpendicular to the curb and aligned with the trees and light poles, and facing each other arranged in a conversational grouping (as per COA Standard Detail 432S-9C),
- If existing conditions preclude the standard placement benches may be placed parallel to the building, facing the street, within 6 inches of the building exterior wall (as per COA Standard Detail 432S),
- Finishes may be metal or a combination of metal frame with wood slats.
- Only hardwoods that are responsibly produced, durable and resistant to fire, moisture, insects, decay or vandalism i.e. Redwoods, shall be used. Stained, painted or varnished wood shall not be allowed.

- If a corner property, two (2) benches will be installed along each street frontage for a total of four (4) benches minimum.

EXHIBIT D

**UNIVERSITY AREA PARTNERS, INC.**

2026 Guadalupe #303B Austin, Texas 78705 (512) 474-6682

John M. Joseph
Coats/Rose
Via email;
JMJoseph@coatsrose.com

April 9, 2020

Re: 2001 Guadalupe St.; Case Number C14-2020-0007

Dear John,

Thanks for your letter of April 7th. I have been asked by the Board of Directors of University Area Partners to respond to your letter and case for the rezoning of 2001 Guadalupe as set forth in C14-2020-0007.

Although your letter indicates that your client has agreed to the University Neighborhood Overlay (UNO) Design Guidelines and Streetscape, it falls short in providing the increased density and affordability allowed by administratively opting-in to the UNO District.

A comparison of these differences is as follows:

2001 Guadalupe is currently zoned CS and has 8750 Sq ft per TCAD. CS allows for 95% impervious cover and has a allowed FAR of 2:1; The street and side yards are required to be 10 ft and the maximum height is 60ft.

There are landscaping and open space requirements for redevelopment with mixed use.

Your client is seeking to add MU overlay to the property. The MU has site area requirements based on the bedrooms of the residential units; (LDC Appendix E section 4.2). For comparison purposes I have used the "1200 sq ft of site area for dwelling units with 2 or more bedrooms". $(8750 \text{ Sq ft} / 1200 = 7.29 \text{ units} \times 4 \text{ bedrooms per unit} = 28 \text{ bedrooms})$. The 2:1 FAR yields a total building size of 17500 Sq ft.

The UNO Dobie Sub-district requires a project to provide UNO streetscape, design guidelines, and onsite affordability. The maximum height is 65 ft. UNO allows for those CS uses that are compatible with a pedestrian dominated environment (Local Uses) and residential uses in commercial base districts through an administrative process of opting-in at Site Plan submittal.

UNO waives all yards, landscaping, and site area requirements and has no FAR. A property with CS base district zoning would be allowed 95% impervious cover.

In UNO developments a 65ft height limit typically allows a developer to achieve 5 full stories of building.

$(95\% \text{ of } 8750 = 8312.5 \text{ sq ft of land} \times 5 \text{ stories} = 41,562 \text{ sq ft of building})$.

UNO projects require two tiers of affordability. The first tier is required to be on-site and is 10% of the units or bedrooms at 60% of the median apartment rate as determined by the COA NHCD Department adjusted on an annual basis of the Austin CPI. The affordability term is 40 years and the current rate per month is \$ 887.

The 2nd tier of affordability is 50% of the Austin median rate and is currently \$ 663 per month.


The alternative to providing the 2nd tier of Affordability onsite is to pay a onetime fee into the UNO Housing Trust Fund administered by NHCD for the construction in the UNO of projects with 30% or more on site affordability. The current fee is \$1.00 per net sq ft of the residential

component of a project. This fee is paid at the completion of the project.

Given the full benefits of UNO to the redevelopment of the district and accomplishing the goals of the Central Austin Combined Neighborhood Plan, University Area Partners have continuously opposed "one-off" rezoning request for property in the district that can take advantage of opting-in to UNO.

The Board of Directors of University Area Partners opposes the rezoning request you are seeking for your client at 2001 Guadalupe Street (C14-2020-0007).

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Michael R. McHone".

Michael R. McHone, vice president

Attachments:

COA LDC: CS zoning requirements

COA LDC: Mixed Use Combining District

TCAD: 2001 Guadalupe property search

COA NHCD: UNO Rates June 28, 2019

Austin - Land Development

	NO	LO	GO	CR	LR	GR
STREET SIDE YARD:	15	15	15	50	15	10
INTERIOR SIDE YARD:	5	5	5	20	—	—
REAR YARD:	5	5	5	20	—	—
MAXIMUM BUILDING COVERAGE:	35%	50%	60%	25%	50%	75%
MAXIMUM IMPERVIOUS COVER:	60%	70%	80%	60%	80%	90%
MAXIMUM FLOOR AREA RATIO	.35:1	.7:1	1:1	.25:1	.5:1	1:1

	L	CBD	DMU	W/LO	CS	CS-1
MINIMUM LOT SIZE (square feet):	5,750	—	—	43,560 **	5,750	5,750
MINIMUM LOT WIDTH:	50	—	—	100	50	50
MAXIMUM HEIGHT:	200	*	120	25 or 1 story **	60	60
MINIMUM SETBACKS:						
FRONT YARD:	10	—	—	25	10	10
STREET SIDE YARD:	10	—	—	25	10	10
INTERIOR SIDE YARD:	—	—	—	5	—	—
REAR YARD:	—	—	—	25	—	—
MAXIMUM BUILDING COVERAGE:	50%	100%	100%	—	95%	95%
MAXIMUM IMPERVIOUS COVER:	50%	100%	100%	70%	95%	95%
MAXIMUM FLOOR AREA RATIO	8:1	8:1	5:1	.25:1 **	2:1	2:1

* See Section 25-2-581 (Central Business District Regulations).

** See Section 25-2-584 (Warehouse/Limited Office (W/LO) District Regulations).

COMMENTARY: MIXED USE DEVELOPMENT IN AUSTIN GENERALLY

The City of Austin allows and encourages the development of mixed use projects. Mixed use development integrates two or more land uses, such as residential and commercial, with a strong pedestrian orientation. Requirements and standards for mixed use development appear in various places throughout the Austin City Code.

Zoning Districts in which Mixed Use is Allowed and Encouraged

The following districts are intended primarily for mixed use development and are described more fully in Section 4.2 below:

- Mixed Use Combining District (Section 4.2.1.).
- Vertical Mixed Use Overlay District (Section 4.2.2.).

Mixed use development also is allowed in other Austin zoning districts. Some of these districts are listed below and are described more fully in the referenced sections of the Austin Code. This list is not exhaustive, but rather is intended to illustrate the range of districts in which mixed use development is allowed.

- Central Business (CBD) (Section 25-2-100);
- Central Urban Redevelopment (CURE) (Section 25-2-163);
- Downtown Mixed Use (DMU) (Section 25-2-101);
- Planned Development Area (PDA) (Section 25-2-174);
- Planned Unit Development (Section 25-2-144);
- Traditional Neighborhood Development (Section 25-2-146);

- Transit Oriented Development (Section 25-2-147);
- Waterfront Overlay (WO) (Section 25-2-175); and
- University Neighborhood Overlay (UNO) (Section 25-2-178).

Types of Mixed Use Development

Within the districts that allow mixed use development, uses may be combined either vertically in the same building, or horizontally in multiple buildings, or through a combination of the two, depending on the standards of the district.

Vertical mixed use is allowed in two building types: the Vertical Mixed Use (VMU) Building and the Neighborhood Mixed Use (NMU) Building. Standards for VMU buildings are in Section 4.3. below, and standards for NMU buildings are in Subchapter D, Article 6.

Horizontal mixed use is the mixing of uses in a development project, though not necessarily in the same building. Horizontal mixed use is allowed and encouraged in Austin so long as each of the proposed uses is allowed within the applicable zoning district and the development meets all applicable requirements of the Austin Code.

Source: Ord. 20060831-068; Ord. 20130606-088.

§ 4.2. MIXED USE ZONING DISTRICTS.

4.2.1. Mixed Use Combining District

- A. **Purpose.** The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

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Austin - Land Development

B. Base Districts. A mixed use (MU) combining district may be combined with the following base districts:

1. Neighborhood office, if the use of an MU combining district will further the purpose of the neighborhood office base district;
2. Limited office;
3. General office;
4. Neighborhood commercial;
5. Community commercial;
6. General commercial services; and
7. Commercial liquor sales.

C. Uses Allowed. In the MU combining district, the following uses are permitted:

1. Vertical mixed use buildings, subject to compliance with Section 4.3. of this Subchapter;
2. Commercial uses that are permitted in the base district;
3. Civic uses that are permitted in the base district;
4. Townhouse residential;
5. Multifamily residential;
6. Single-family residential;
7. Single-family attached residential;
8. Small lot single-family residential;
9. Two-family residential;

10. Condominium residential;
11. Duplex residential;
12. Group residential;
13. Group home, class I (limited);
14. Group home, class I (general); and
15. Group home, class II; and
16. Short-term rental.

D. District Standards.

1. A single-family residential use must comply with the site development regulations prescribed by Section 25-2-492 (*Site Development Regulations*) for a family residence (SF-3) district, except for the front yard setback. The use must comply with the front yard setback prescribed for the base district.
2. A single-family attached residential use must comply with Section 25-2-772 (*Single-Family Attached Residential Use*).
3. A small lot single-family residential use must comply with Section 25-2-779 (*Small Lot Single-Family Residential Use*).
4. A two-family residential use must comply with Section 25-2-774 (*Two-Family Residential Use*).
5. A duplex residential use must comply with Section 25-2-773 (*Duplex Residential Use*).
6. This subsection applies to a multifamily residential use, a

Zoning

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townhouse residential use, a condominium residential use, a group residential use, or a group home use.

- a. In a mixed use (MU) combining district that is combined with a neighborhood office (NO) base district, the minimum site area for each dwelling unit is:
 - (i) 3,600 square feet, for an efficiency dwelling unit;
 - (ii) 4,000 square feet, for a one bedroom dwelling unit; and
 - (iii) 4,400 square feet, for a dwelling unit with two or more bedrooms.
- b. In an MU combining district that is combined with an limited office (LO) or neighborhood commercial (LR) base district, the minimum site area for each dwelling unit is:
 - (i) 1,600 square feet, for an efficiency dwelling unit;
 - (ii) 2,000 square feet, for a one bedroom dwelling unit; and
 - (iii) 2,400 square feet, for a dwelling unit with two or more bedrooms.
- c. In an MU combining district that is combined with a general office (GO), community commercial (GR), general commercial services

(CS), or commercial services – liquor sales (CS-1) base district, the minimum site area for each dwelling unit is:

- (i) 800 square feet, for an efficiency dwelling unit;
- (ii) 1,000 square feet, for a one bedroom dwelling unit; and
- (iii) 1,200 square feet, for a dwelling unit with two or more bedrooms.

4.2.2. Vertical Mixed Use Overlay District.

- A. **Purpose.** The purpose of a vertical mixed use (VMU) overlay district is to allow the development of vertical mixed use (VMU) buildings, subject to compliance with the standards in Section 4.3.
- B. **Applicability.** The VMU overlay district is established within each zoning district for all sites with a Core Transit Corridor or Future Core Transit Corridor as the principal street, subject to the following limitations:
 1. In areas subject to a Neighborhood Plan combining district, VMU buildings may not contain uses prohibited for that lot under the neighborhood plan and are limited to commercially zoned properties.
 2. In areas that have not undergone the neighborhood planning process, the VMU overlay is limited to commercially zoned properties.
 3. The VMU overlay district does not apply to properties zoned H

CHAPTER 25-3
Traditional Neighborhood
District

CHAPTER 25-4
Subdivision

CHAPTER 25-5
Signage

Travis CAD

Property Search Results > 203855 POWELL-CORBETT LLC for
Year 2020

Tax Year: 2020 - Values not available

Property

Account

Property ID:	203855	Legal Description:	LOT 5 OLT 21 DIV D HORSTS LOUIS SUBD
Geographic ID:	0212030201	Zoning:	CS
Type:	Real	Agent Code:	ID:2006
Property Use Code:			
Property Use Description:			

Protest

Protest Status:
Informal Date:
Formal Date:

Location

Address:	2001 GUADALUPE ST TX 78705	Map ID:	021001
Neighborhood:	STRIP CTR CENTRAL		
Neighborhood CD:	30CEN		

Owner

Name:	POWELL-CORBETT LLC	Owner ID:	1700156
Mailing Address:	PO BOX 92977 AUSTIN , TX 78709-2977	% Ownership:	100.000000000000%

Exemptions:

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
<hr/>			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
<hr/>			
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
<hr/>			
(=) Assessed Value:	=	N/A	

Taxing Jurisdiction

Owner: POWELL-CORBETT LLC
% Ownership: 100.000000000000%
Total Value: N/A

University Neighborhood Overlay Density Bonus Program Rental Rates (Effective June 28, 2019)

Development Incentive Program	Median Family Income Limit	Efficiency/ One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom	Five Bedroom
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UNO - By the Unit (Pre - 2/25/2014)	50%	\$773	\$883	\$994	\$1,103	\$1,192
	65%	\$1,004	\$1,148	\$1,291	\$1,435	\$1,549
	80%	\$1,233	\$1,409	\$1,585	\$1,761	\$1,902

Development Incentive Program	Median Family Income Limit	Single Occupancy	Double Occupancy
-------------------------------	----------------------------	------------------	------------------

UNO - By the Bedroom Opt-In (Pre - 2/25/2014)	50%	\$663	\$364/person
	60%	\$1,086	\$597/person

UNO - By the Bedroom (Post - 2/24/2014)	50%	\$663	\$364/person
	60%	\$887	\$487/person

Development Incentive Program	Median Family Income Limit	Per Unit
-------------------------------	----------------------------	----------

UNO - By the Unit (Post - 2/24/2014)	50%	\$663
	60%	\$887

April 24, 2020

Planning Commission
City of Austin
P.O. Box 1088
Austin, TX 78767

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

Chair & Planning Commission Members:

Thank you for your consideration of this zoning request and the application submitted on behalf of our client Powell Corbett, LLC (“Applicant”) for the property located at 2001 Guadalupe (“Property”). I have been in communication with Mr. McHone and understand the objection that he has made to this application on behalf of University Area Partners. Although, the objections are quite lengthy, the approval of the proposed application comes down to two issues. The first is that by opting into the University Neighborhood Overlay (“UNO”) the Property can increase density to a height of 65 feet. The second is by opting into UNO an applicant agrees to comply with the design standards.

I proposed to Mr. McHone that if the mixed-use zoning (“MU”) is obtained, the Property will be impressed with a restrictive covenant requiring compliance with the UNO design standards per the Applicant’s agreement. The fundamental reason the Applicant is requesting MU zoning is because under UNO, the Applicant will be limited to a height of 65 feet. The City of Austin Land Development Code allows applicant 90 feet of height. This 25 foot difference translates to approximately 24, 938 square feet of density.

Specifically, under UNO, developments with 65-foot height limitations typically allow a developer to achieve 5 full stories of building (95% of 8750 = 8312.5 square feet of land X 5 stories = 41,562 square feet of building).

April 24, 2020
Page 2

In contrast the Affordability Unlocked Bonus Program ("AUBP") allows i) Type 1 height limit of 75 feet, assuming 7 stories = 58,187 square feet; and ii) Type 2 height limit of 90 feet assuming at least 8 stories = 66,500 square feet approximately.

In support thereof, please see the April 17, 2020 memorandum from Charles Dunn of Hutson Land Planners Development Consultants, LLC to the Applicant and attached herewith as Exhibit "A" which outlines the differences between UNO and the AUBP.

In addition and in order to alleviate some of the concerns of the University Area Partners, the Applicant is willing to offer that any fee paid by Applicant in lieu of on-site affordability will be restricted for use in the University Neighborhood Overlay area, such that if the proposed CS-MU zoning is approved by City Council, and the Property is redeveloped as a multifamily development, any fee in lieu of on-site affordability monies, would be paid to the City of Austin Neighborhood Housing & Community Development Department and restricted for use in the University Neighborhood Overlay area.

Your attention is appreciated. I will call in to the Planning Commission hearing and will be available for either a presentation and/or questions.

Very truly yours,



John M. Joseph

cc: Mark Graham, Case Manager

Hutson Land Planners & Development Consultants, LLC

Memo

To: Powell – Corbett LLC
From: Hutson Land Planners; Charles Dunn
Date: April 17, 2020
Re: Corbett Property; 2001 Guadalupe Street

As requested, Hutson Land Planners & Development Consultants, LLC has reviewed the University Area Partners (UAP) letter dated April 9, 2020. This memorandum is intended to provide information helpful in the evaluation University Neighborhood Overlay requirements and the Affordability Unlocked Bonus Program (AUBP).

The portions of the letter provided by Michael McHone for the UAP are reviewed below.

UAP Letter

“Although your letter indicates that your client has agreed to the University Neighborhood Overlay (UNO) Design Guidelines and Streetscape, it falls short in providing the increased density and affordability allowed by administratively opting-in to the UNO District.”

Increased density would be obtained for the property through the Affordability Unlocked Bonus Program (AUBP). Allowing for greater density and affordability than allowed by UNO.

UAP Letter

“A comparison of these differences is as follows:

2001 Guadalupe is currently zoned CS and has 8750 Sq ft per TCAD.

CS allows for 95% impervious cover and has a allowed FAR of 2:1;

The street and side yards are required to be 10 ft and the maximum height is 60ft.

There are landscaping and open space requirements for redevelopment with mixed use.”

The AUBP provides for in LDC 25-2-518 - QUALIFYING DEVELOPMENT;

- (D) A qualifying development is not required to comply with:
- (1) the height and setback requirements of Article 10 (*Compatibility Standards*) except to maintain side setbacks as required by the base zoning district;
 - (2) the maximum floor-to-area ratio for the applicable base zoning district under Section 25-2-492 (*Site Development Regulations*);
 - (3) Subchapter F (*Residential Design and Compatibility Standards*) except to maintain side setbacks as required by the base zoning district;
 - (4) Section 25-2-773 (*Duplex Residential Use*); or
 - (5) minimum site area requirements.

AUBP provides in 25-2-534 - QUALIFYING DEVELOPMENT EXCEPTIONS.

- (A) In this section, a qualifying development is a development certified under Section 25-1-724 (*Certification*) and participating in the Affordability Unlocked Bonus Program.
- (G) If a qualifying development is also eligible to utilize a separate density bonus program that grants density bonuses for the provision of affordable dwelling units or for the payment of a fee-in-lieu for affordable housing, then the qualifying development may comply with the least restrictive site development requirements if all affordable dwelling units are provided on-site.

Thus providing the subject property with no required setbacks and no limit on the FAR.

UAP Letter

“Your client is seeking to add MU overlay to the property. The MU has site area requirements based on the bedrooms of the residential units; (LDC Appendix F section 4.2). For comparison purposes I have used the "1200 sq ft of site area for dwelling units with 2 or more bedrooms". (8750 Sq ft/ 1200 = 7.29 units X 4 bedrooms per unit = 28 bedrooms). The 2:1 FAR yields a total building size of 17500 Sq ft.

The AUBP allows qualifying development not to comply with minimum site area or FAR requirements as stated in above in 25-518 (2) and (5).

UAP letter

“The UNO Dobie Sub-district requires a project to provide UNO streetscape, design guidelines, and onsite affordability. The maximum height is 65 ft. UNO allows for those CS uses that are compatible with a pedestrian dominated environment (Local Uses) and residential uses in commercial base districts through an administrative process of opting-in at Site Plan submittal.

UNO waives all yards, landscaping, and site area requirements and has no FAR. A property with CS base district zoning would be allowed 95% impervious cover.”

The subject property as part of the requested zoning change has agreed to comply with the UNO streetscape and design guidelines. AUBP allows for increased height based on the development qualifying for the program. Type 1 development may construct to a height that is 1.25 of the applicable height of the base district; CS with 60 feet is allowed 75 feet. Type 2 development may construct to a height that is 1.5 of the applicable height of the base district; CS with 60 feet is allowed 90 feet. Commercial uses as allowed in the base district are limited to 25 percent of the gross floor area. FAR restrictions do not apply, impervious cover of 95 percent allowed, front setback of 5 feet is required.

UAP letter

In UNO developments a 65ft height limit typically allows a developer to achieve 5 full stories of building.

(95% of 8750 = 8312.5 sq ft of land X 5 stories = 41,562 sq ft of building).

AUBP allows Type 1 height limit of 75 feet, assuming 7 stories = 58,187 sf of approximately. Type 2 height limit of 90 feet assuming at least 8 stories = 66,500 sf approximately.

UAP letter

“UNO projects require two tiers of affordability. The first tier is required to be on-site and is 10% of the units or bedrooms at 60% of the median apartment rate as

determined by the COA NHCD Department adjusted on an annual basis of the Austin CPI. The affordability term is 40 years and the current rate per month is \$ 887.

The 2nd tier of affordability is 50% of the Austin median rate and is currently \$ 663 per month.

The alternative to providing the 2' tier of Affordability onsite is to pay a onetime fee into the UNO Housing Trust Fund administered by NHCD for the construction in the UNO of projects with 30% or more on site affordability. The current fee is \$1.00 per net sq ft of the residential component of a project. This fee is paid at the completion of the project.”

AUBP also has two types of development; Type 1 requires 25% affordable units and for rental development at least 50% of the total units or sleeping units serving incomes averaging 60 % median family income (MFI) or below and at least 20% of the total units or sleeping units serving households with incomes of 50% MFI or below. Type 2 requires at least 50% of affordable units include two or more bedrooms and for rental development at least 75% of the total units or sleeping units serve incomes 60 percent MFI or below or at least 10% with incomes of 30% MFI or below. Owner occupied development requires at least 75% of units serve 80%MFI or below or at least 50% of the units serving household incomes of 80% MFI or below if the property is located within a ¼ mile of an activity corridor designated by imagine Austin and is served by bus or transit line.

The minimum affordability period for rental development is the greater period as required by City of Austin or Austin Housing Finance Corp (AHFC) funding or 40 years, LDC 25-1-723 (E). Owner occupied dwelling units are 99 years following issuance of a certificate of occupancy, LDC 25-1-723.

Utilization of the AUBP requires a greater percentage of affordable housing than required by UNO and requires in some instances affordable housing for lower MFI participants.

UAP letter

“Given the full benefits of UNO to the redevelopment of the district and accomplishing the goals of the Central Austin Combined Neighborhood Plan, University Area Partners have continuously opposed "one-off" rezoning request for property in the district that can take advantage of opting-in to UNO.”

The vision and goals of the Central Austin Combined Neighborhood Plan are;

Vision

The Central Austin Neighborhood Plan shall preserve the historical character and integrity of single-family neighborhoods. It shall allow multifamily development and redevelopment in appropriate areas to reflect the historical nature and residential character of the neighborhood. The plan will address the needs of a diverse, pedestrian-oriented community and provide safe parks and attractive open spaces. The plan will foster and create compatible density in areas that are appropriate for student housing; new development will be appropriately oriented and scaled relative to its neighborhood in the combined planning area.

Goals**Goal One**

Preserve the integrity and character of the single-family neighborhoods.

Goal Two

Preserve the historic character and resources of the Central Austin Combined Neighborhood Planning Area neighborhoods.

Goal Three

Allow mixed-use development along the existing commercial corridors that is pedestrian oriented, neighborhood friendly, neighborhood scaled, and serves neighborhood needs.

Goal Four

West Campus should become a dense, vibrant, mixed-use and pedestrian oriented community.

Goal Five

Provide a safe environment and opportunities for all modes of transport.

Goal Six

Enhance and preserve existing open space, parks, and the natural environment.

The proposed zoning request for 2001 Guadalupe certainly meets the vision and goals as outlined in the Central Austin Combined Neighborhood Plan as requested by the University Area Partners.

COATS | ROSE

A PROFESSIONAL CORPORATION

JOHN M. JOSEPH
DIRECTORJMJOSEPH@COATSROSE.COM
DIRECT: (512) 541-3593
FAX: (512) 469-9408

May 8, 2020

Cathy Norman
President
University Area Partners, Inc., a Texas non-profit corporation
c/o Mike McHone
P.O. Box 8142
Austin, Texas 78713-8142
Via First Class Mail
Via Electronic Mail at: mchone1234@sbcglobal.net

Re: 2001 Guadalupe Street, Austin, TX 78705 (the "Property") incident to the City of Austin Zoning Application Case No. C14-2020-0007 ("Zoning Application") and Offer of Resolution

Ms. Norman and Mr. McHone:

As you know, this firm represents the interests of Powell-Corbett, LLC ("Owner" or "Client") with respect to the pending Zoning Application submitted to the City of Austin for the Property and which University Area Partners, Inc. ("UAP") has filed an objection.

The purpose of this letter is to outline for UAP a compromise solution that would be beneficial to UAP and to our Client such that the hearing with the City of Austin Planning Commission on our Client's Zoning Application scheduled for May 12, 2020 is allowed to proceed unopposed.

By way of background, our Client has submitted an application to the City of Austin for Commercial Services-Mixed Use Zoning ("CS-MU"). The fundamental reason for our Client's Zoning Application is that under the University Neighborhood Overlay ("UNO"), our Client's development of the Property will be limited to a height of 65 feet. The City of Austin Land Development Code allows a property owner 90 feet of height. This 25-foot difference translates to approximately 24, 938 square feet of density.

Specifically, under UNO, developments with 65-foot height limitations typically allow a developer to achieve 5 full stories of building (95% of 8750 = 8312.5 square feet of land X 5 stories = 41,562 square feet of building).

TERRACE 2, 2700 VIA FORTUNA, SUITE 350, AUSTIN, TEXAS 78746
PHONE: (512) 469-7987 FAX: (512) 469-9408

coatsrose.com

May 8, 2020

Page 2

In contrast the Affordability Unlocked Bonus Program ("AUBP") allows i) Type 1 height limit of 75 feet, assuming 7 stories = 58,187 square feet; and ii) Type 2 height limit of 90 feet assuming at least 8 stories = 66,500 square feet approximately.

In support thereof, please see the April 17, 2020 memorandum from Charles Dunn of Hutson Land Planners Development Consultants, LLC to our Client and attached herewith as Exhibit "A" which outlines the differences between UNO and the AUBP.

In order to resolve UAP's pending objection to our Client's Zoning Application, I have been in communication with Mr. McHone in recent weeks related to our Client's offer to UAP which is as follows:

If the CS-MU zoning for the Property is obtained the Owner shall cause: i) the Property to be impressed with a written restrictive covenant ("Restrictive Covenant") executed by my Client and recorded in the real property records in Travis County, Texas which shall require that the Property comply with the UNO design standards (streetscape and design guidelines) as set forth herein on Exhibit "B". The Restrictive Covenant shall run with the land and in the event that the Property is sold to a successor owner, such Restrictive Covenant shall be in full force and effect; and ii) any fee paid by the Owner in lieu of on-site affordability will be restricted for use in the University Neighborhood Overlay area. Additionally, any multifamily redevelopment on the site shall comply with the Affordability Unlocked Bonus Program (Austin LDC 25-1, Article 15, Division 4, 25-1-720 through 25-1-725 and 25-2-518) as set forth in Exhibit "C". As such, if the proposed CS-MU zoning for the Property is approved by City Council, and the Property is redeveloped as a multifamily development, any fee in lieu of on-site affordability monies would be paid to the City of Austin Neighborhood Housing & Community Development Department and restricted for use in the University Neighborhood Overlay area.

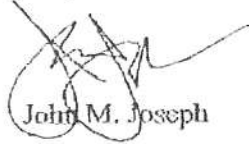
Please be advised that we deliver this letter to UAP in order to reach a fair and reasonable compromise to UAP's current objection to our Client's Zoning Application prior to the Planning Commission hearing scheduled on May 12, 2020. If UAP agrees with the foregoing compromise, we will commence drafting of the proposed Restrictive Covenant such that UAP's current objection to the Zoning Application may be withdrawn and we may notify the City that we have reached a fair and equitable compromise.

Specifically, by signing below, the parties acknowledge and agree that: i) the foregoing offer is agreeable to UAP and to the Owner; ii) that UAP shall withdraw its opposition to the May 12, 2020 Planning Commission hearing and that UAP and the Owner shall finalize a mutually agreeable form of the Restrictive Covenant prior to City Council final approval of the Zoning Application; and iii) and upon the City Council's approval of the CS-MU zoning for the Property, the Restrictive Covenant shall be recorded.

We appreciate your time and consideration of this proposal and look forward to working with you on a compromise that is in both parties' interest and mutual benefit.

May 8, 2020
Page 3

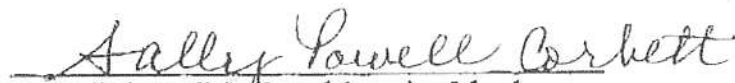
Very truly yours,



John M. Joseph

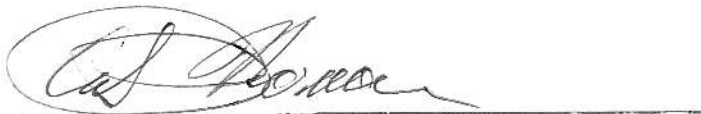
Acknowledged and Agreed by Owner:

Powell Corbett, LLC, a Texas limited liability company



By: Sally Powell Corbett, Managing Member

Acknowledged and Agreed by University Area Partners, Inc.:



By: Cathy Norman, President

Graham, Mark

From: mchone1234@sbcglobal.net
Sent: Friday, May 8, 2020 1:52 PM
To: Graham, Mark
Cc: mchone1234@sbcglobal.net; John M. Joseph
Subject: FW: RE: 2001 Guadalupe
Attachments: Scan.pdf; Ltr to UAP and Cathy Crawford re Zoning App JMJ-RH-CD 5-8-20 Red Line.docx

*** External Email - Exercise Caution ***

Mark,

The bottom line for UAP is for the onsite provision of affordable housing for any redevelopment of sites within the UNO district.

UAP does not support the "one off" rezoning request.

The phrase in Mr. Joseph's letter stating affordability will occur with "increased density" to us indicates redevelopment with the base CS-MU zoning which will not contain any affordability.

Best regards,
Mike

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: "John M. Joseph" <jmjoseph@coatsrose.com>
Date: 5/8/20 11:12 AM (GMT-06:00)
To: Mike McHone <mchone1234@sbcglobal.net>
Cc: Kelly Wright <kwright@coatsrose.com>, Tammi Nelson <tnelson@coatsrose.com>
Subject: RE: 2001 Guadalupe

Mike, I am attaching, in addition to the letter with your language, a red line draft of the language that we prefer. Please let me know if this will work. We want to make sure that it applied to "residential" and not simply "multifamily" and that it applied to "increased density".

Please note we also need an email address for Cathy Norman.

The case manager tells us that if we get the letter agreement to him Monday he will place the matter on the consent agenda.

Thanks.

From: Mike McHone <mchone1234@sbcglobal.net>
Sent: Thursday, May 7, 2020 4:49 PM
To: John M. Joseph <jmjoseph@coatsrose.com>
Cc: 'Mike McHone' <mchone1234@sbcglobal.net>
Subject: 2001 Guadalupe

Hi John,

Attached is some language that I hope clarifies the residential component of any new development.

Best,

Mike

This e-mail and/or attachment is for the sole use of the intended recipient(s) and may contain confidential and/or legally privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to CSIRT@austintexas.gov.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2020-0007

Contact: Mark Graham, 512-974-3574

Public Hearing: March 10, 2020, Planning Commission

April 9, 2020, City Council

CHUAN-FO CHEN

Your Name (please print)

2000 Whit3 Ave 78705

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone:

Date

2/24/20

Comments:

This will affect living Env and potential security issue too

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Mark Graham

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

INFORMACIÓN DE AUDIENCIA PÚBLICA

44 of 48

Esta petición de zonificación / rezonificación será repasada y acción será tomada de acuerdo a dos audiencias públicas: ante la Comisión de Usos Urbanos y el cabildo municipal. Aunque solicitantes y/o sus(s) agente(s) se les requiere atender la audiencia pública, usted no esta bajo requisito de atender. De todos modos, si usted atiende la audiencia pública, tendrá la oportunidad de hablar a FAVOR o EN CONTRA al propuesto desarrollo urbano o cambio de zonificación. Usted también puede contactar a una organización de protección al medio ambiente u organización de vecinos que haya expresado interés en la aplicación teniendo implicaciones a su propiedad.

Durante la audiencia pública, la comisión podría postergar o continuar audiencia del caso en una fecha futura, o puede evaluar la recomendación de los oficiales municipales y las del público al mismo tiempo mandando su recomendación al cabildo municipal. Si la comisión anuncia una fecha y hora específica para postergar o continuar discusión, y no se extiende más de 60 días, no tendrá obligación de otra notificación pública.

El cabildo municipal, durante su audiencia pública, puede otorgar o negar una petición de zonificación, rezonificar el terreno a una clasificación de zonificación menos intensiva que lo que es pedida. En ningún caso se otorgara una clasificación de zonificación más intensiva de la petición.

Para otorgar un desarrollo de usos urbanos mixtos, el cabildo municipal puede agregar la designación USO MIXTO (MU) DISTRITO COMBINADO, *Mixed-use (MU) Combining District*, a ciertos usos urbanos de comercio. La designación MU- Distrito Combinado simplemente permite usos urbanos residenciales en adición a los usos ya permitidos el los siete distritos con zonificación para comercio. Como resultado, la designación MU- Distrito Combinado, otorga la combinación de oficinas, comercio, y usos urbanos residenciales en el mismo sitio.

B-06

Para más información acerca del proceso de desarrollo urbano de la ciudad de Austin, por favor visite nuestra página de la Internet:

www.austintexas.gov/planning.

Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes o durante la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial.

Numero de caso: C14-2020-0007

Persona designada: Mark Graham, 512-974-3574

Audiencia Publica: March 10, 2020, Planning Commission

April 9, 2020, City Council

Su nombre (en letra de molde)

☐ I am in favor
☐ I object

Su domicilio(s) afectado(s) por esta solicitud

Firma

Fecha

Daytime Telephone: _____

Comments: _____

Si usted usa esta forma para proveer comentarios, puede retornarlos :

City of Austin

Planning & Zoning Department

Mark Graham

P. O. Box 1088

Austin, TX 78767-8810

To: Planning Commission

From: Mark Graham, Senior Planner (blue text)

Date: May 12, 2020

Subject: Case C14-2020-0007 – 2001 Guadalupe Street

Commissioner Shaw (black text):

There is significant discussion comparing entitlements allowed between UNO and Affordability unlocked as if the applicant is providing affordable housing in order to obtain these entitlements.

Using either program, University Neighborhood Overlay (UNO) or Affordability Unlocked Bonus Program (AUBP) the property owner can build residential units without rezoning.

I do not see any commitment to provide affordable housing in return for this zoning change. I believe the City's interest would be better served if the applicant achieved entitlements through UNO as this would require affordable housing to obtain the height increases.

Staff does not see any commitment to providing affordable housing.

Both programs require building a significant number of affordable housing units in exchange for height, floor to area ratio, waivers to setback, parking reductions and other incentives.

The requested Mixed Use (MU) zoning is required if the property owner wants to build market rate residential units and is willing to forgo the incentives.

There is agreement to following UNO streetscape and building design standards.

Agreement letter mentions fees in lieu of on-site affordability twice.

Also, I do not see confirmation that UAP agrees to this RC.

UAP signed the letter which was very last page at the end of the PC late backup file. (letter attached)

The letter of agreement to say that Coats-Rose and UAP will draft the RC and and finalize a mutually agreeable form of the RC prior to Council approval and after Council approval, record the Restrictive Covenant.

Can we get this before the meeting?

Staff can respond to these concerns and my interpretation of the rules.

I would still like to discuss.

EXHIBIT K

Compare Development on 2001 Guadalupe St with Current and Requested Zoning, and Affordable Housing Programs UNO and AUBP					
	Current Zoning				Requested Zoning
	CS-NP	UNO	AUBP - Type 1	AUBP - Type 2	CS-MU-NP
Commercial	yes	yes	yes	yes	yes
Residential	no	yes	yes	yes	yes
Summary					
Site area (sq. ft.)	8,750	8,750	8,750	8,750	8,750
Maximum height (feet)	60	65	75	90	60
Stories	5	5	6	7	5
Minimum front setback (feet)	10	waived	5	5	10
Minimum street side yard (feet)	10	waived	10	10	10
Minimum interior side yard (feet)	0	0	0	0	0
Minimum rear setback (feet)	20	waived	10	10	20
Floor to Area Ratio (FAR)[rate]	2:1	waived	waived	waived	2:1
FAR (area) [sq. ft.]	17,500	41,560	45,000	52,500	17,500
Building Envelope (calculated) [sq. ft.]	5,700	8,312	7,500	7,500	5,700
Minimum lot area (sq. ft.)	5,750	2,500	waived	waived	5,750
Gross floor area (sq. ft.)	17,500	41,560	45,000	52,500	17,500
Maximum commercial area (sq. ft.)	17,500	17,500	11,250	13,125	17,500
buildable lot area (sq. ft.)	5,700	8,312	7,500	7,500	5,700
Maximum impervious coverage	95%	95%	95%	95%	95%
Maximum building coverage	95%	95%	95%	95%	95%
Estimated Dwelling Units (if 100% residential)	0	34	37	43	7
Estimated Sleeping Rooms (if 100% residential)	0	136	148	172	56

Estimates prepared for Case C14-2020-0007

Austin Planning and Zoning Department

by Mark Graham, Senior Planner

5/22/2020

Applicant Postponement Request

EXHIBIT L

RE: 2001 Guadalupe



John M. Joseph <jmjoseph@coatsrose.com>
To: Graham, Mark

You replied to this message on 5/20/2020 2:13 PM.

Reply Reply All Forward

Wed 5/20/2020 2:12 P

From: John M. Joseph <jmjoseph@coatsrose.com>
Sent: Wednesday, May 20, 2020 1:53 PM
To: Graham, Mark <Mark.Graham@austintexas.gov>
Cc: Kelly Wright <kwright@coatsrose.com>
Subject: RE: 2001 Guadalupe

Two weeks. We should know by then.
Thanks.

From: Graham, Mark <Mark.Graham@austintexas.gov>
Sent: Wednesday, May 20, 2020 1:49 PM
To: John M. Joseph <jmjoseph@coatsrose.com>
Cc: Kelly Wright <kwright@coatsrose.com>
Subject: RE: 2001 Guadalupe

Hi John,
We can postpone if you like. Let me know and how long you want it.

Mark

From: John M. Joseph <jmjoseph@coatsrose.com>
Sent: Wednesday, May 20, 2020 10:47 AM
To: Graham, Mark <Mark.Graham@austintexas.gov>
Cc: Kelly Wright <kwright@coatsrose.com>
Subject: RE: 2001 Guadalupe

*** External Email - Exercise Caution ***

I would like a determine if in deed we have the flexibility to use either UNO or the AUBP as one of the PC members suggested. It may be that we withdraw the zoning application all together. Would a postponement be possible?
Thanks.

COATS | ROSE

A PROFESSIONAL CORPORATION

JOHN M. JOSEPH
DIRECTORJMJOSEPH@COATSROSE.COM
DIRECT: (512) 541-3593
FAX: (512) 469-9408

May 22, 2020

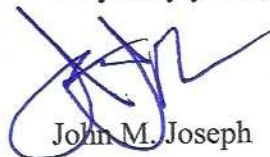
VIA EMAILMr. Fayez Kazi, Chair
Planning Commission
City of Austin
P.O. Box 1088
Austin, TX 78767

Re: 2001 Guadalupe Street (Case No. C14-2020-0007)

Mr. Kazi:

On behalf of our client, Powell-Corbett, LLC (the "Owner"), we formally request to postpone the above-referenced case from the May 26, 2020, Planning Commission hearing to the June 9, 2020, Planning Commission hearing. As suggested by the Planning Commission, I am working to secure a letter from Zoning Officer, Jerry Rusthoven, that confirms that the subject property, under current LDC provisions, is entitled to opt to develop under either UNO or the AUBP and meets the applicability requirements for both UNO and AUBP. If we are successful in securing the confirmation, among other things, we may withdraw the zoning request

Very truly yours,


John M. Josephcc: City of Austin Planning Commissioners
Jerry Rusthoven, City of Austin
Mark Graham, City of AustinTERRACE 2, 2700 VIA FORTUNA, SUITE 350, AUSTIN, TEXAS 78746
PHONE: (512) 469-7987 FAX: (512) 469-9408
coatsrose.com