

October 31, 2016

Hon. Steve Adler, Mayor  
And Austin City Council Members  
301 W. 2<sup>nd</sup> Street  
Austin, Texas 78701

*via email*

RE: The Grove at Shoal Creek; **Second Reading by City Council**

Dear Mayor and Council Members:

As you know, ARG has been involved in a collaborative process on The Grove zoning case for two years. We have engaged in numerous direct discussions and facilitated meetings with the BCRC in an effort to reach a consensus on the project. We are excited that we have been able to achieve consensus with City staff and other stakeholder groups, and we remain fully committed to continuing to discuss the issues with BCRC, Council and other stakeholders up until final approval. However, we are firmly opposed to any further postponement of the case.

On Saturday, October 29, 2016, representatives from The Grove participated in mediation with the BCRC, as requested by Mayor Adler and the Austin City Council. The session lasted 10 hours. No agreement was reached. Further, the BCRC has indicated it cannot mediate again until November 19, 2016. We are willing to continue discussions with BCRC in any format (including mediation) prior November 10, 2016. We are also willing to mediate, if the BCRC believes it could be helpful, *after* Council takes substantive action on second reading on November 10, 2016, but we cannot support further delay in Council action.

The case has been postponed twice already — once after a neighborhood request for six weeks. With the holidays and end of the year approaching, an additional postponement would likely push final resolution of the case perhaps to February 2017. Mediation is not a code required condition to consideration of zoning cases. Indeed, as Mayor Pro Tem Tovo made clear from the dais, Council is not bound to any mediated result and may not honor it. We believe we have done everything requested of us by Council and it is time to have the full public hearing on November 10, 2016 (which originally planned to occur three months ago), and for the Council to take substantive action on second reading.

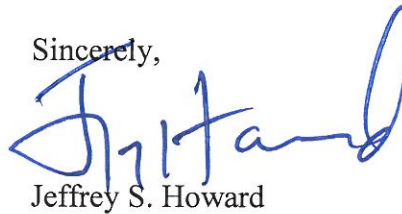
Delay is expensive. Every additional month of delay results in an increase of at least \$1,000 to the cost of each home to cover delay costs. Moreover, The Grove stands to generate an average of \$45,000 per day in total taxes when fully built-out, which includes an average of \$9,000 per day that would go to the City of Austin's affordable housing trust fund.

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We ask Austin City Council to keep the case on the November 10 agenda as agreed since we have mediated as requested, and so that all of the hard work, time and energy put into this case by *all* parties can finally result in Council action. It is our sincere hope that the City Council will want to realize the many community benefits for the people of Austin that PUD zoning for The Grove will ultimately provide.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Howard", is written over the word "Sincerely,". The signature is fluid and cursive.

Jeffrey S. Howard

cc: Sara Speights  
Grayson Cox