



DOWNTOWN DENSITY BONUS PROGRAM (DDBP) SUBMITTAL APPLICATION

INSTRUCTIONS

A property owner (**Owner**) or his/her representative (**Applicant**) acting on behalf of the Owner can initiate an administrative request to the Director of Planning (Director) seeking additional Floor-to-Area (FAR) entitlements as outlined in [25-2-586 Downtown Density Bonus Program](#).

In order for the Director to conduct an administrative review, the requirements listed below must be submitted. Once an application is deemed complete, the Director will inform the Applicant of review commencement.

The following submittals are required in a complete PDF package of no more than 10 Mb in size with sheets no larger than 11x17 inches:

1. Completed DDBP Application;
2. Vicinity plan/aerial locating the project in its context, and showing a minimum 9 block area around the project;
3. Location and nature of nearby transit facilities;
4. Drawings (submitted drawings should demonstrate compliance with Subchapter E Design Standards, as applicable):
 - Site plan;
 - Floor plans;
 - Exterior elevations (all sides);
 - Three-dimensional views;
5. As part of the gatekeeper requirements, submit copy of the projects signed Austin Energy Green Building Letter of Intent; and
6. Other items that may be submitted but not required: Narrative / graphics / photos to further describe the project.
7. Coordination memo acknowledgment from the City of Austin's Neighborhood Housing and Community Development Department (NHCD) detailing affordable housing community benefits. Please contact [Ms. Jessi Koch](#) at NHCD for more information.



**DOWNTOWN DENSITY BONUS PROGRAM (DDBP)
SUBMITTAL APPLICATION**

1. Project Name: 48 EAST

2. Property Owner

Name: 48 EAST AVE LLC

Address: 504 W. 24th Street Ste E Austin, TX 78705

Phone: 512-835-4890

E-mail: SHIRLEY@LDANDC.COM

3. Applicant/Authorized Agent

Name: LD&C - Shirley Vega

Address: 504 W. 24th Street Suite E Austin, TX 78705

Phone: 512-835-4890

E-mail: shirley@ldandc.com

4. Anticipated Project Address:

48 EAST AVE

5. Site Information

- a. Lot area: .41 ACRES
- b. Existing zoning (include any zoning suffixes such as "H," "CO," etc. If the property has a conditional overlay (CO), provide explanation of conditions (attach additional pages as necessary) :

CBD

- c. Existing entitlements:

i) Current floor to area (FAR) limitation: 8:1

ii) Current height limitation (in feet): 40'

iii) Affected by Capitol View Corridors (CVCs) Yes/No?

☐ Yes

☒ No

If yes, please list specific CVC and allowable maximum height.

N/A

6. Existing Deed Restrictions

If any, detail existing deed restrictions on the property that impact height and/or density:

N/A

7. Proposed Project Information

- a. Total square footage - Only include the square footage that counts towards FAR; see [LDC 25-1-21\(40\), \(44\), and \(45\)](#):

267,975

- b. Gross floor area devoted to the different land use categories included in the project (e.g., retail/restaurant, office, apartment, condominium, hotel):

N/A

- c. Number or units (if project includes residential development): 244

- d. Number of rooms (if hotel or similar use): N/A

- e. Number of floors: 33

- f. Height: 350'-0"

- g. Maximum FAR requested: 15:1

8. Gatekeeper Requirements

Provide an explanation of how this project meets the *Gatekeeper* requirements of the DDBP as described in 25-2-586. Attach additional page(s) as necessary:

Consistent with 25-2-586/C/1 "Gatekeeper Requirements", the Owner will perform the following:

- 1) Submit schematic plans, elevations, and other drawings to the Design Commission to prove substantial compliance with the Urban Design Guidelines.
- 2) Execute a restrictive covenant committing to provide streetscape improvements along all public street frontages, consistent with the Great Street Standards.
- 3) Execute a restrictive covenant committing to achieve an Austin Energy Green Building (AEGB) minimum two-star rating. See signed AEGB Letter of Intent attached.

9. Community Benefits

Detail which community benefits will be used and how they will be applied (affordable housing on site, fee in lieu of, affordable housing + community benefit, etc.). Attach additional page(s) as necessary:

Consistent with 25-2-739, subsection C, the project will make 5% of the dwelling units developed in the 8:1 FAR portion of the building Affordable for a minimum of 40 years at 80% MFI rental rates. The bedroom count mix for the Affordable units will be in proportion to the bedroom count mix within the overall development. See signed Neighborhood Housing and Community Development Letter attached.

The project will provide the following on-site community benefit: Family-Friendly Eligible Bedrooms. In addition, the development team is paying Development Bonus Fees to the Affordable Housing Trust Fund and the Off-Site Open Space Fund. See the attached Density Bonus Accumulation Calculations spreadsheet.

10. Density Bonus Calculation

Provide a calculation method of how the additional FAR is sought including site area and amount per square foot. Calculation should include all *Gatekeeper* items plus all community benefits:

See the attached Affordability Certification Package document.

11. Relate Project to the Urban Design Guidelines for Austin

Provide detailed explanation of how the project substantially complies with the [Urban Design Guidelines for Austin](#) (UDG) with reference to specific guidelines by completing the attached UDG spreadsheet. Attach additional page(s) as necessary.

All Applicant comments have been added to the "Review of Substantial Compliance with UD Guidelines" form attached. A copy of these comments has also been sent to Jorge Rousselin for review prior to the team's meeting with the Design Commission.

12. Acknowledgements

- a. Applicant has reviewed [25-2-586 Downtown Density Bonus Program](#):

☒ Yes☐ No

- b. Applicant understands that a standard restrictive covenant template will be drafted by the City of Austin to address Gatekeeper requirements in accordance with 25-2-586:

☒ Yes☐ No

- c. Applicant understands that submittal of the project's signed Austin Energy Green Building Letter of Intent and accompanying scorecard is mandatory:

☒ Yes☐ No

- d. Applicant has received and reviewed a copy of the [Urban Design Guidelines for Austin](#):

☒ Yes☐ No

- e. Applicant has scheduled presentation to the Design Commission Working Group and follow-up Design Commission Meeting by coordinating dates with Design Commission Liaison (Jorge.rousselin@austintexas.gov):

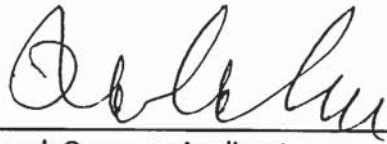
☒ Yes☐ No

[The Architect has contacted the Design Commission, transmitted the UD Review form and relevant project information, and requested a meeting time at the appropriate design stage \(mid-Design Development\).](#)

- f. If considering in lieu fee or provision of on-site affordable housing as a public benefit, Applicant has scheduled a coordination meeting with the Neighborhood Housing and Community Development Department to detail program requirements and obtained letter of affordability from NHCD:

☒ Yes☐ No

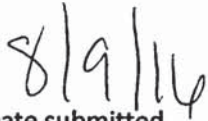
[The Letter of Affordability from NCHD is attached.](#)



Signed: Owner or Applicant



Authorized Agent



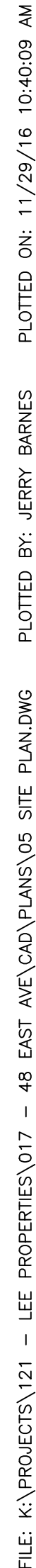
Date submitted



48 East Apartment Tower

48 East Avenue, Austin, Texas 78701

SCHEMATIC DESIGN
October 21, 2016

[illegible]

SITE PLAN RELEASE NOTES:

- ALL IMPROVEMENTS SHALL BE MADE IN ACCORDANCE WITH THE RELEASED SITE PLAN. ANY ADDITIONAL IMPROVEMENTS WILL REQUIRE SITE PLAN AMENDMENT AND APPROVAL OF THE DEVELOPMENT SERVICES DEPARTMENT.
- APPROVAL OF THIS SITE PLAN DOES NOT INCLUDE BUILDING AND FIRE CODE APPROVAL NOR BUILDING PERMIT APPROVAL.
- ALL SIGNS MUST COMPLY WITH REQUIREMENTS OF THE LAND DEVELOPMENT CODE (CHAPTER 25-10).
- ADDITIONAL ELECTRIC EASEMENTS MAY BE REQUIRED AT A LATER DATE.
- WATER AND WASTEWATER SERVICE WILL BE PROVIDED BY THE CITY OF AUSTIN (OR IDENTIFY THE SERVICE PROVIDER IF OTHER THAN THE CITY OF AUSTIN).
- ALL EXISTING STRUCTURES SHOWN TO BE REMOVED WILL REQUIRE A DEMOLITION PERMIT FROM THE CITY OF AUSTIN.
- A DEVELOPMENT PERMIT MUST BE ISSUED PRIOR TO AN APPLICATION FOR BUILDING PERMIT FOR NON-CONSOLIDATED OR PLANNING COMMISSION APPROVED SITE PLANS.
- NO CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR THE PROPOSED RESIDENTIAL CONDOMINIUM PROJECT UNTIL THE OWNER OR OWNERS OF THE PROPERTY HAVE COMPLIED WITH CHAPTER 81 AND 82 OF THE PROPERTY CODE OF THE STATE OF TEXAS OR ANY OTHER STATUTES ENACTED BY THE STATE CONCERNING CONDOMINIUMS.
- FOR DRIVEWAY CONSTRUCTION: THE OWNER IS RESPONSIBLE FOR ALL COSTS FOR RELOCATION OF, OR DAMAGE TO UTILITIES.
- FOR CONSTRUCTION WITHIN THE RIGHT-OF-WAY, A ROW EXCAVATION PERMIT IS REQUIRED.
- A CONDITIONAL LETTER OF APPROVAL IS REQUIRED BY AUSTIN ENERGY GREEN BUILDING PROGRAM PRIOR TO BUILDING PERMIT.
- COMPLIANCE WITH GREEN BUILDING STANDARDS OF AT LEAST ONE STAR IS REQUIRED FOR ALL BUILDINGS CONSTRUCTED ON THIS SITE
- EACH COMPACT PARKING SPACE/AISLE WILL BE SIGNED "SMALL CAR ONLY."

COMMERCIAL DESIGN STANDARDS NOTES:

- ALL EXTERIOR LIGHTING WILL BE FULL CUT-OFF AND FULLY SHIELDED IN COMPLIANCE WITH SUBCHAPTER E 2.5 AND WILL BE REVIEWED DURING BUILDING PLAN REVIEW. ANY CHANGE OR SUBSTITUTION OF LAMP/LIGHT FIXTURES SHALL BE SUBMITTED TO THE DIRECTOR FOR APPROVAL IN ACCORDANCE WITH SECTION 2.5.2.E

- SCREENING FOR SOLID WASTE COLLECTION AND LOADING AREAS SHALL BE THE SAME AS, OR OF EQUAL QUALITY TO, PRINCIPAL BUILDING MATERIALS.
- THE USE OF HIGHLY REFLECTIVE SURFACES, SUCH AS REFLECTIVE GLASS AND REFLECTIVE METAL ROOFS, WHOSE PITCH IS MORE THAN A RUN OF SEVEN (7) TO RA RAISE OF TWELVE (12), WILL BE PROHIBITED. [SECTION 25-2-1067]
- THE NOISE LEVEL OF MECHANICAL EQUIPMENT WILL NOT EXCEED 70 DBA AT THE PROPERTY LINE ADJACENT TO RESIDENTIAL USES. [SECTION 25-2-1067]

FOR CITY USE ONLY:

SITE PLAN APPROVAL		SHEET	05	OF	22
FILE NUMBER BY SP 2016-0391C		APPLICATION DATE AUGUST 22, 2016			
APPROVED BY COMMISION		UNDER SECTION		112	OF
CHAPTER 25-5		OF THE CITY OF AUSTIN CODE			
EXPIRATION DATE (25.5-8(LDC))		CASE MANAGER		MICHAEL SIMMONS-CRITH	
PROJECT EXPIRATION DATE: (ORD.#970905-A)		DWPZ		DDZ X	

Director, Development Services Department

RELEASED FOR GENERAL COMPLIANCE: _____ ZONING: **CBD**

Rev. _____ Correction 1

Rev. _____ Correction 2

Rev. _____ Correction 3

Final plat must be recorded by the Project Expiration Date, if applicable. Subsequent Site Plans which do not comply with the Code current at the time of filing, and all required Building Permits and/or a notice of construction (if a building permit is not required), must also be approved prior to the Project Expiration Date.



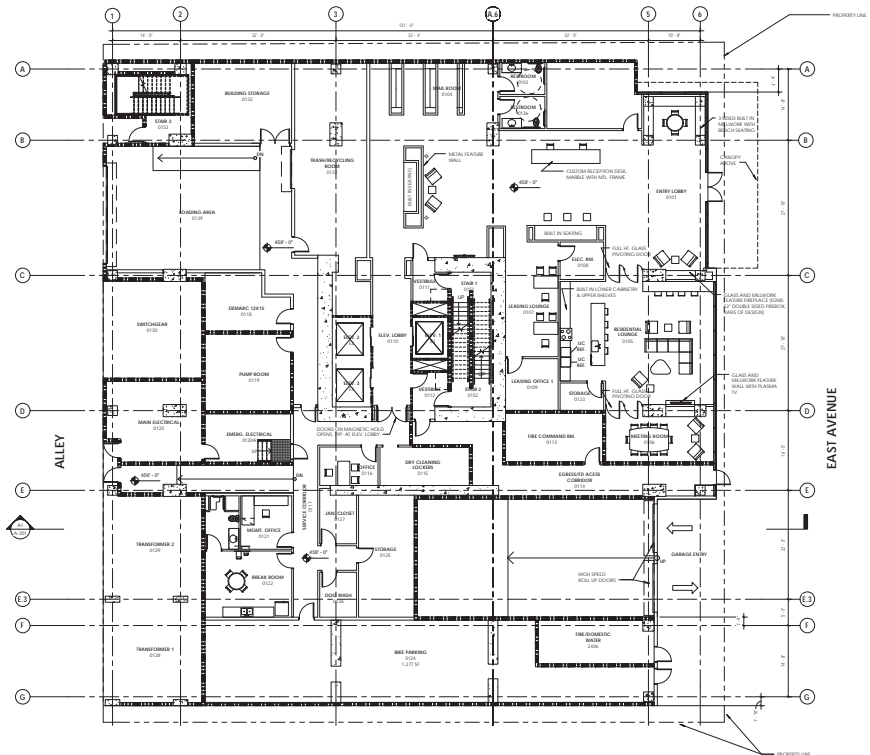
**48 EAST AVENUE
SITE DEVELOPMENT PLANS
CITY OF AUSTIN, TRAVIS COUNTY, TX
SITE PLAN**

LEE PROPERTIES
911 W. 21ST STREET
AUSTIN, TX 78705
PHONE: (512) 906-0383

kbge

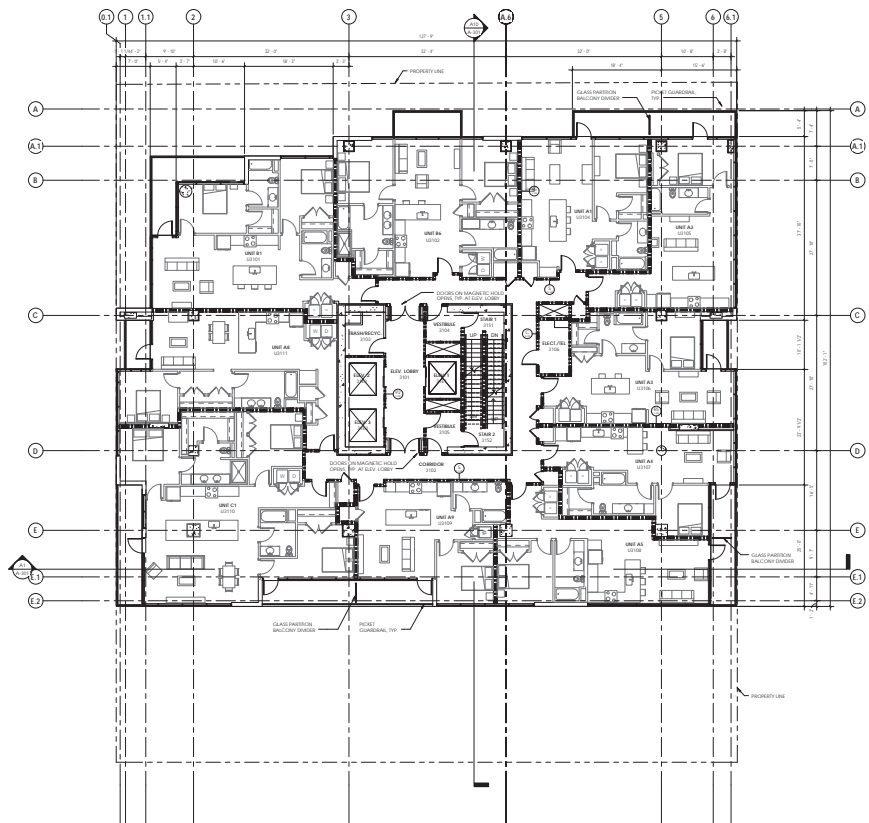
KIMBELL | BRUEHL | GARCIA | ESTES

105 West Riverside Drive, Ste 110, Austin, Texas 78704
T (512) 439-0400 www.kbge-eng.com
TBP# No.F-12802

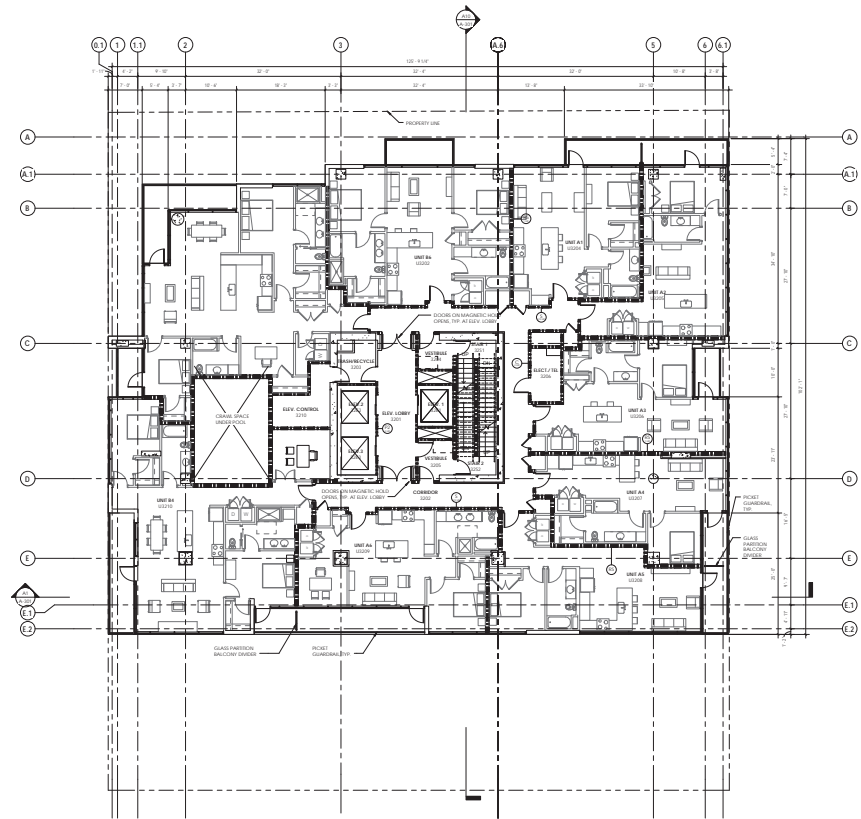


A6 FLOOR PLAN - LEVEL 1
1/8" = 1'-0"

A6 FLOOR PLAN - LEVEL 31 TYPICAL (LEVEL 27-30 SIM)
1/8" = 1'-0"

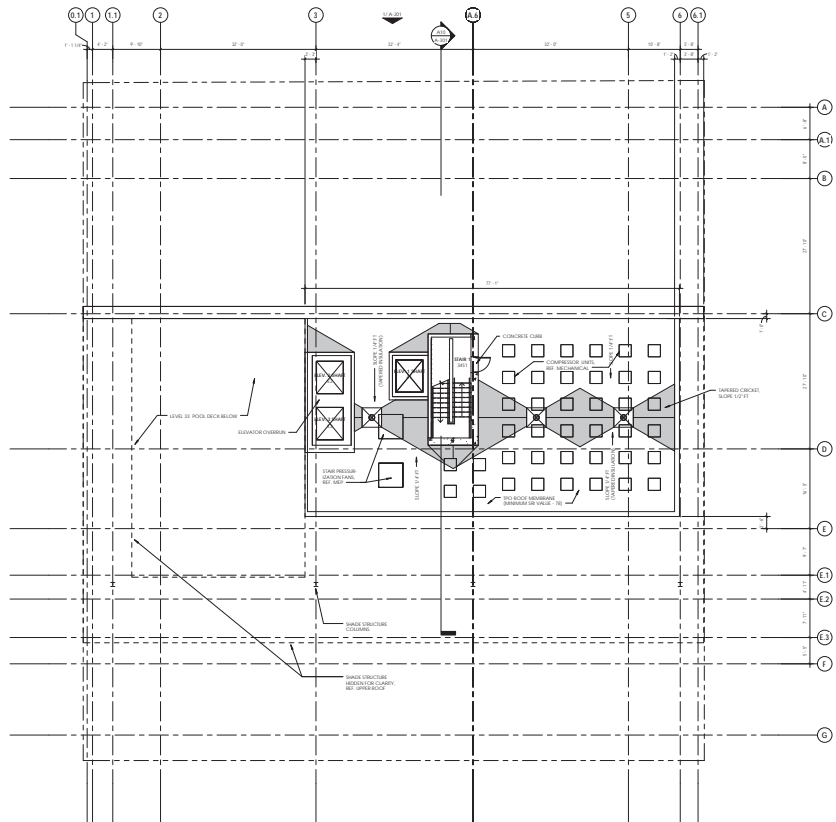


A6 FLOOR PLAN - LEVEL 32
1/8" = 1'-0"

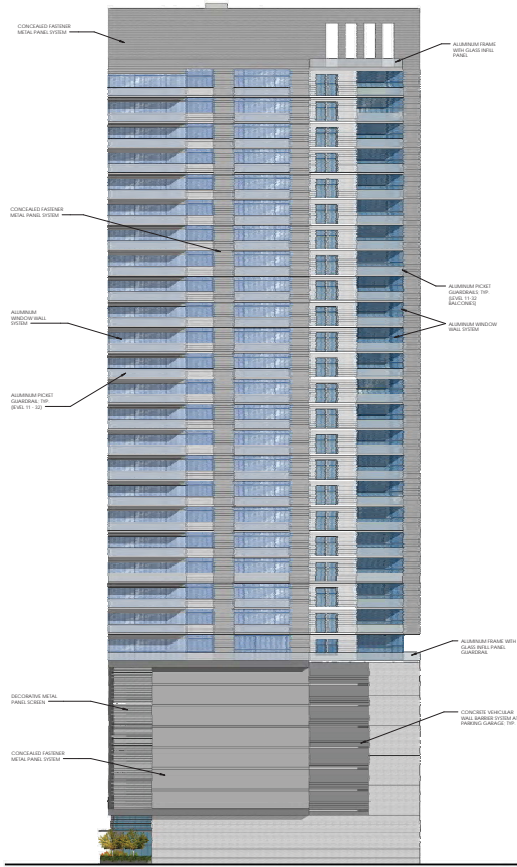




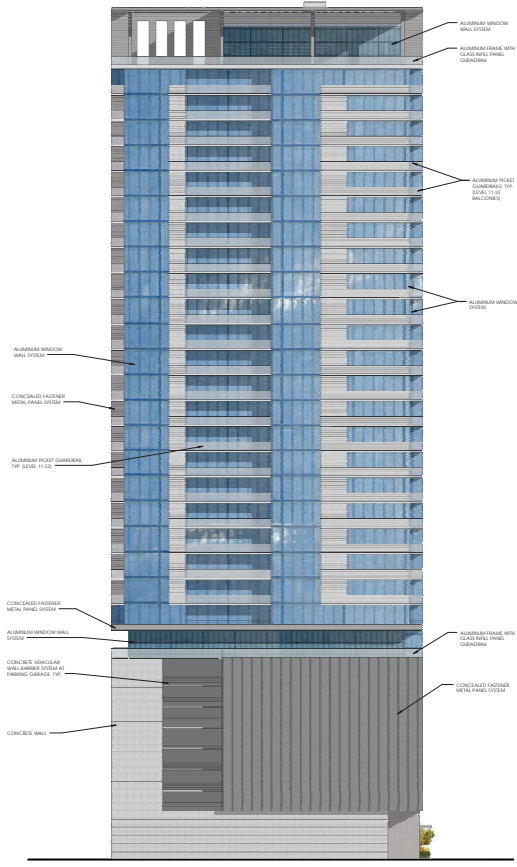
A6 FLOOR PLAN - ROOF
1/8" = 1'-0"





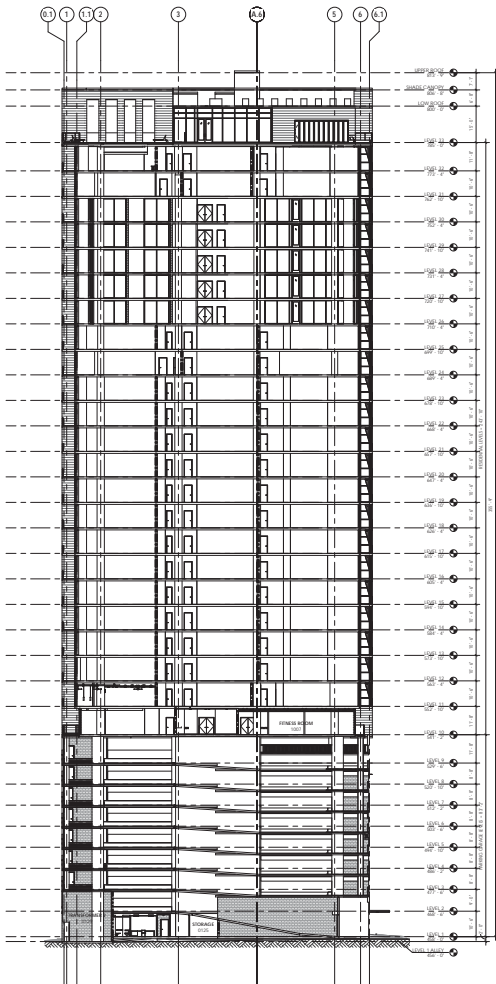


A1 NORTH ELEVATION
1/16" = 1'-0"

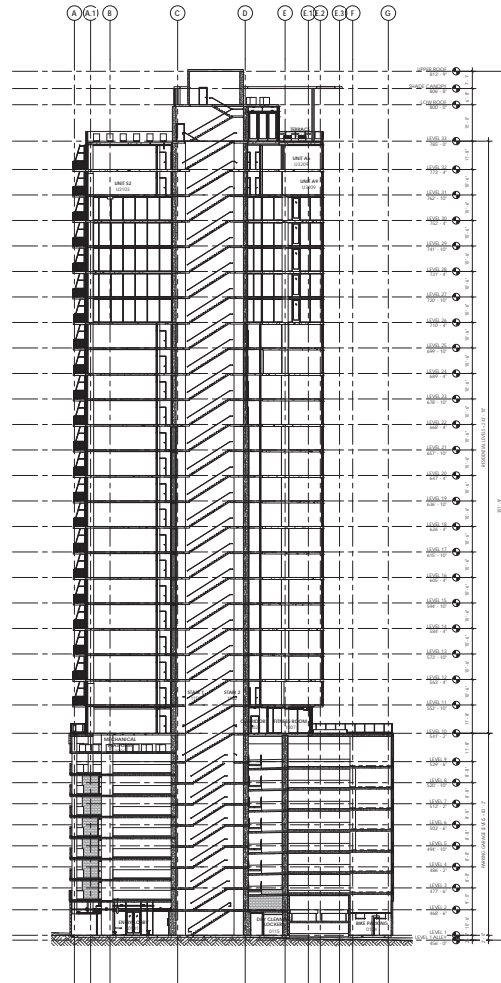


A11 SOUTH ELEVATION
1/2" = 1'-0"





A1 BUILDING SECTION - EAST WEST
1/16" = 1'-0"



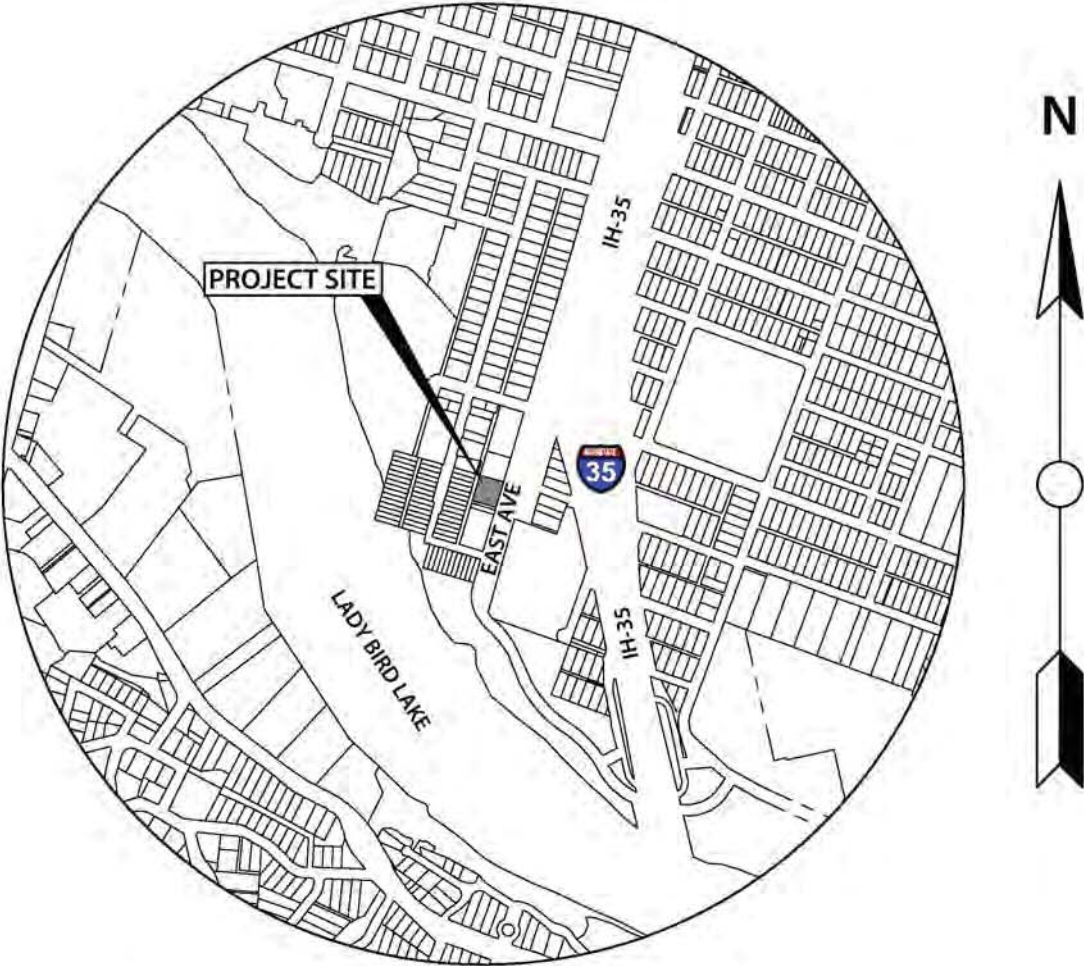
A10 BUILDING SECTION - NORTH SOUTH
1/16" = 1'-0"



DOWNTOWN DENSITY BONUS PROGRAM (DDBP) APPLICANT'S SUBMITTAL CHECKLIST

Submitted:

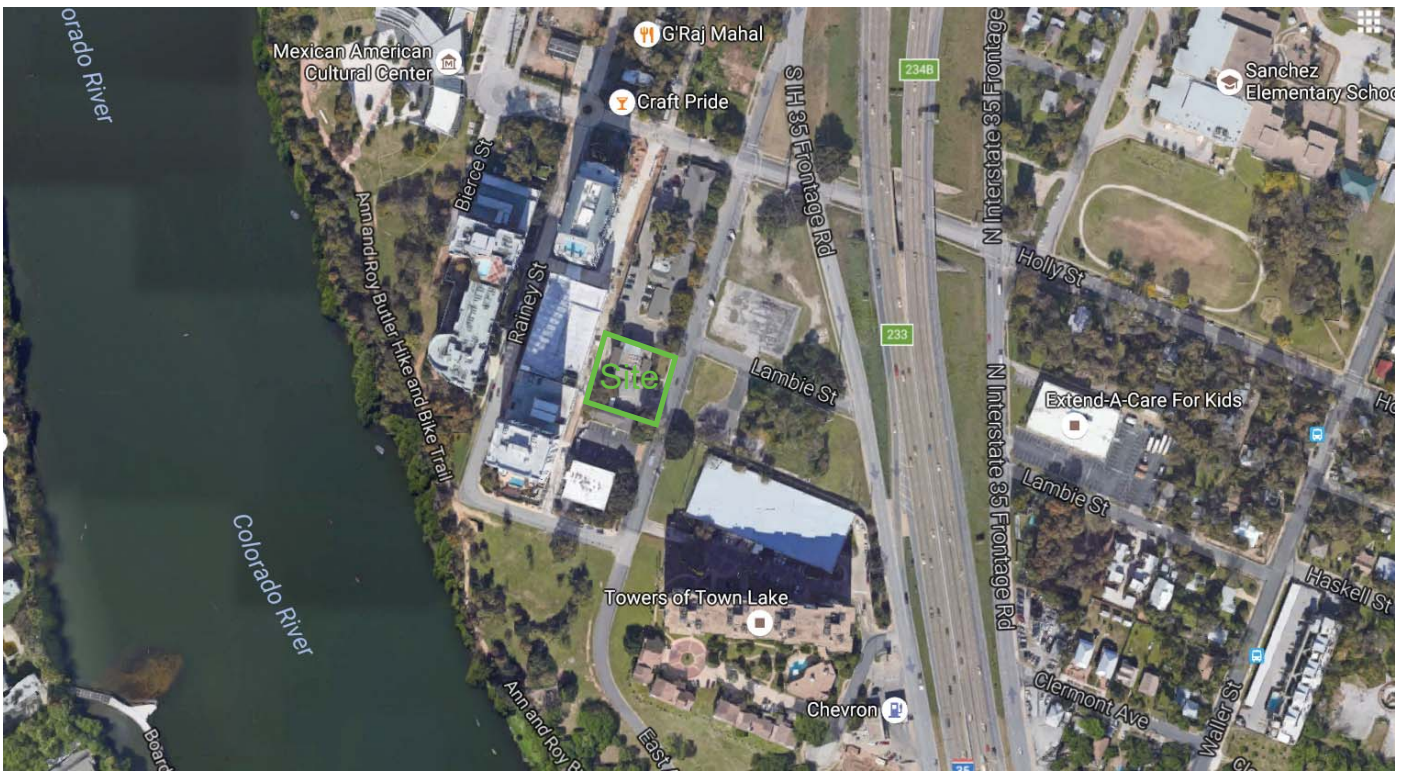
- ☒ Completed DDBP Application;
- ☒ Vicinity plan/aerial locating the project in its context, and showing a minimum 9 block area around the project;
- ☒ Location of nearby transit facilities;
- ☒ Drawings:
 - Site plan;
 - Floor plans;
 - Exterior elevations (all sides) with height and FAR calculations;
 - Three-dimensional views;
- ☒ Copy of the project's signed Austin Energy Green Building Letter of Intent and scorecard;
- ☒ Other items that may be submitted but not required: Narrative / graphics / photos to further describe the project; and
- ☒ Letter of affordability and acknowledgment from NHCD for affordable housing community benefit.



**48 EAST AVENUE
VICINITY MAP**

SCALE: 1"=1000'
MAPSCO GRID: 615B
COA GRID: J21

Vicinity Plan





Transit Facility Map



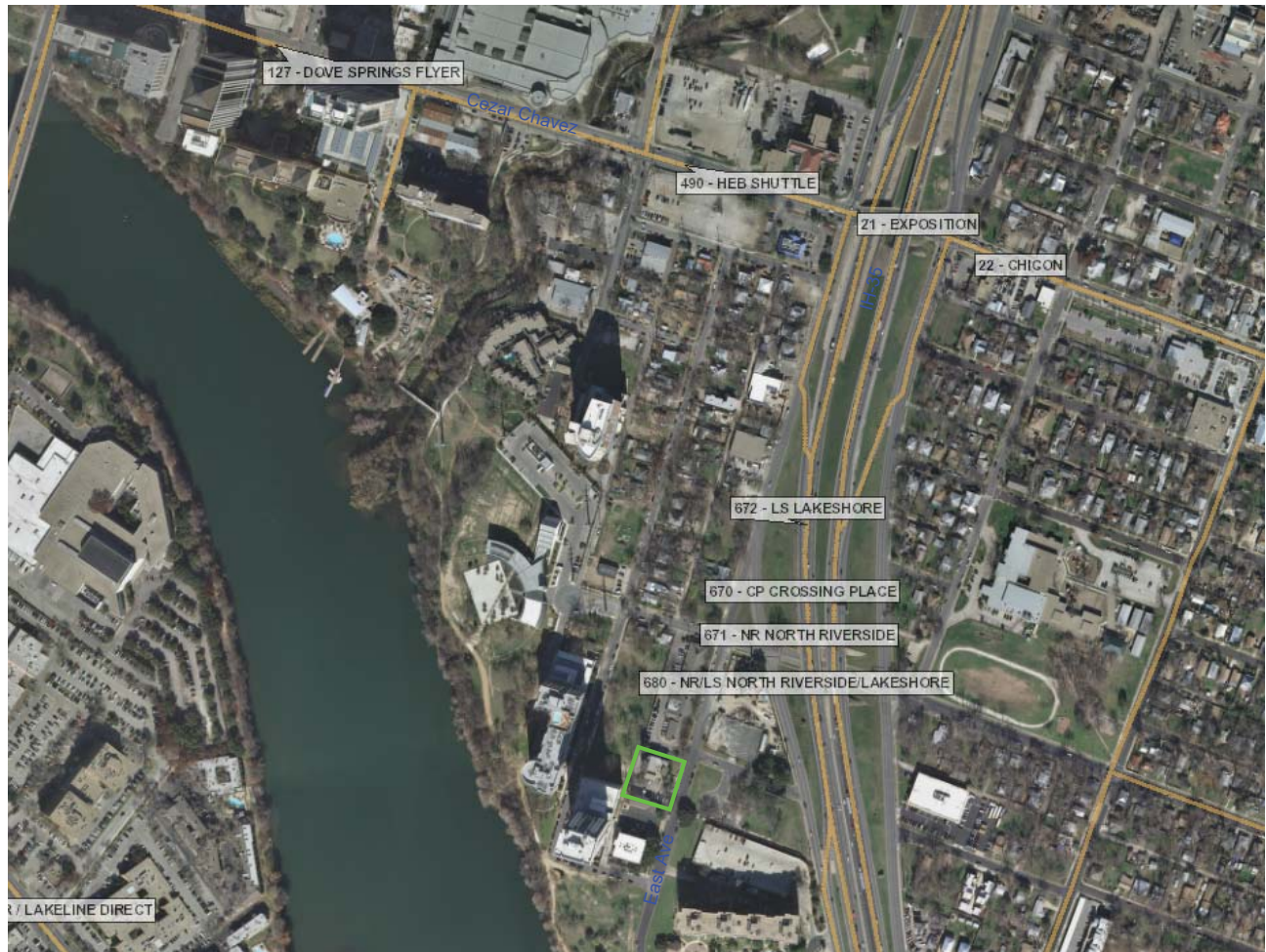
Transit Facility Map Part 1





Key:  = Bus Stop

 = Site

Transit Facility Map Part 2



Key:  = Bus Route

 = Site

48 East Ave. DDBP Request
Review of Substantial Compliance with UD Guidelines

11/22/16

Area Wide Guidelines			
	Guideline	Achieved? (Yes/No)	Applicant's Comments
1	AW-1: Create dense development	Yes	48 East is applying for the maximum 15:1 FAR allowed under the density bonus program.
2	AW-2. Create mixed-use development	N/A	The midblock project site only has 120' of street frontage on East Avenue, with a very limited 15,500 sf floor plate. All available street frontage and ground floor area is needed for the Apartment Leasing Office, Lobby, Garage Entry, and Service Areas. As such, no additional tenant space or mixed-use programming is possible.
3	AW-3. Limit development which closes downtown streets	Yes	48 East is a midblock development and its construction will not close any Downtown Streets.
4	AW-4. Buffer neighborhood edges	N/A	The project site is zoned CBD and does not have a residential character to preserve.
5	AW-5. Incorporate civic art in both public and private development	No	There is no Civic Art component for the project. The site is in the mid-block with very limited street frontage and not well-trafficked by pedestrians. While the interior design will feature an emphasis on local culture and art, there is no outdoor space along the street available to install a public component.
6	AW-6. Protect important public views	Yes	48 East does not obscure existing views through the Public ROW and no pedestrian bridges are proposed.
7	AW-7. Avoid historical misrepresentations	Yes	The exterior design aesthetic for 48 East will be contemporary minimalist and will not appear to be built earlier than it was.
8	AW-8. Respect adjacent historic buildings	N/A	No historic properties are adjacent to the site
9	AW-9. Acknowledge that rooftops are seen from other buildings and the street	Yes	Mechanical equipment will be on the rooftop at an elevation of 340', significantly higher than adjacent properties. All equipment will also be screened from views from the street. The two large amenity decks on level 11 and 33 incorporate large planting areas and pedestrian-scaled amenities that will enhance the view from adjacent properties.
10	AW-10. Avoid the development of theme environments	Yes	No specific theme is incorporated into the design of the building or sitescape
11	AW-11. Recycle existing building stock	N/A	The existing building to be demolished is a dilapidated two-story office complex with surface parking. It was built in the 1980's and has no redeeming Architectural or Cultural character worthy of preservation.

48 East Ave. DDBP Request
Review of Substantial Compliance with UD Guidelines

Public Streetscape Guidelines			
12	PS-1. Protect the pedestrian where the building meets the street	Yes	Trees are provided in the streetscape which will shade pedestrians and provide some level of rain protection at the building street interface. These trees also provide a physical barrier (in addition to the curb) to separate cars from pedestrians
13	PS-2. Minimize curb cuts	Yes	Only one curb cut is proposed and it very nearly matches the existing curb cut
14	PS-3. Create a potential for two-way streets	Yes	East Ave adjacent to the site will continue to be a two-way street. No component designed with this project will impede the street
15	PS-4. Reinforce pedestrian activity	Yes	This project proposes a much wider sidewalk than previously existed on site. Also the proposed shade trees will provide refuge from the summer sun for passing pedestrians
16	PS-5. Enhance key transit stops	N/A	No transit stops exist close enough to the site to be affected by it
17	PS-6. Enhance the streetscape	Yes	This project proposes a full Great Streets standard streetscape section
18	PS-7. Avoid conflicts between pedestrians and utility equipment	Yes	No utility appurtenances are proposed in the pedestrian zone of the streetscape with this project
19	PS- 8. Install street trees	Yes	street trees are proposed across the entire frontage of the site
20	PS- 9. Provide pedestrian-scaled lighting	Yes	All sidewalk lighting will be consistent with the City of Austin standards.
21	PS- 10. Provide protection from cars/promote curbside parking	Yes	The proposed street trees (in addition to the curb) provide a barrier between pedestrians and vehicles
22	PS-11. Screen mechanical and utility equipment	Yes	All mechanical equipment is screened in accordance with Commercial Design Standards Section 2.6.2
23	PS-12. Provide generous street-level windows	Yes	The ground floor Lobby and Leasing Office that comprise 80% of the East Avenue street frontage have generous floor-to-ceiling windows. It will exceed Subchapter E requirements.
24	PS-13. Install pedestrian-friendly materials at street level	Yes	The sidewalk design, materials, lighting, trees, and street furniture (benches/bike racks) will be consistent with Great Streets Standards

48 East Ave. DDBP Request
Review of Substantial Compliance with UD Guidelines

Building Guidelines			
	B- 1. Build to the street	Yes	The facade will extend to the property line along the only Street frontage at East Avenue.
	B- 2. Provide multi-tenant, pedestrian-oriented development at the street level	Partially	Refer to AW-2 response above. The site constraints and limited street frontage do not allow for multi-tenant space. However, the Lobby and Leasing Office at the street will be pedestrian-oriented in nature and encourage walk-in traffic.
	B-3. Accentuate primary entrances	Yes	The main entrance will open to East Avenue (the only street frontage available) and will be accentuated with large areas of glass, have dedicated signage, and be recessed from the sidewalk pedestrian zone.
	B- 4. Encourage the inclusion of local character	Yes	The tower's façade design seeks to achieve a timeless "contemporary minimalist" aesthetic with a mix of modern glass and metal panel systems. The interior design of the building and the street-level experience will be focused on conveying the unique local character, historical context and "urban vibe" of the adjacent Rainey Street neighborhood. The Owner, Architect, and General Contractor all have strong local ties and a shared commitment to fostering high quality design and contextualism in all of their Austin projects.
	B- 5. Control on-site parking	Partially	All parking is located above-grade in a 9-story structured parking plinth that is enclosed by architectural facades (with a mix of opaque and perforated materials) on all sides visible from the street. While it is not economically feasible to treat the entire façade in a manner that it is indistinguishable from the apartment tower above it, the design will screen cars/headlights from view and will seek to minimize the aesthetic issues often associated with above grade parking.
	B- 6. Create quality construction	Yes	The project seeks to achieve a high-design aesthetic and will utilize a palette of quality materials with deference to durability, sustainability, and a long-term lifespan. The General Contractor is highly-reputable with 80+ years of experience in the local market.
	B- 7. Create buildings with human scale	Yes	The design incorporates the UD recommendations where applicable, and will have the appropriate pedestrian scale, level of detail, architectural variety, and vertical massing relief to satisfy the intent of this section.

48 East Ave. DDBP Request
Review of Substantial Compliance with UD Guidelines

Plaza and Open Space Guidelines		
PZ-1. Treat the four squares with special consideration	N/A	The site is not adjacent to any of the Four Squares.
PZ- 2. Contribute to an open space network	N/A	The site has no connectivity to adjacent greenspace
PZ- 3. Emphasize connections to parks and greenways	N/A	The site has no connectivity to adjacent greenspace
PZ- 4. Incorporate open space into residential development (pool, deck, dog area)	Yes	The building will have two large amenity decks with ample open space for tenant interaction. Level 10 will have an outdoor seating area, fitness yard, and a large dog park for tenant use. Level 33 will have a pool deck, lounge area, and outdoor dining area.
PZ- 5. Develop green roofs	Yes	Both amenity decks will have ample landscaping in a mix of above-deck planters and sunken planters.
PZ- 6. Provide plazas in high use areas	N/A	The small site will not support a public urban plaza.
PZ- 7. Determine plaza function, size, and activity	N/A	The small site will not support a public urban plaza.
PZ- 8. Respond to microclimate in plaza design	N/A	The small site will not support a public urban plaza.
PZ- 9. Consider views, circulation, boundaries, and subspaces in plaza design	N/A	The small site will not support a public urban plaza.
PZ- 10. Provide an appropriate amount of plaza seating	N/A	The small site will not support a public urban plaza.
PZ- 11. Provide visual and spatial complexity in public spaces	N/A	The small site will not support a public urban plaza.
PZ- 12. Use plants to enliven urban spaces	N/A	The small site will not support a public urban plaza.
PZ- 13. Provide interactive civic art and fountains in plazas	N/A	The small site will not support a public urban plaza.
PZ- 14. Provide food service for plaza participants	N/A	The small site will not support a public urban plaza.
PZ- 15. Increase safety in plazas through wayfinding, lighting, & visibility	N/A	The small site will not support a public urban plaza.
PZ- 16. Consider plaza operations and maintenance	N/A	The small site will not support a public urban plaza.

Conclusions		
Total number of Urban Design Guidelines		

48 East Apartment Tower
11.07.2016

DENSITY BONUS ACCUMULATION CALCULATIONS				
Community Benefit	Code References	Calculation	Bonus Square Footage Generated	Fee Incurred
Family-Friendly Eligible Bedrooms	25-2-586/E/1/A/ii & Part 4	150 SF bonus area per family friendly bedroom 150 sf x 3 bedrooms	450	None
Green Building (3-Star AEGB Rating)	25-2-586/E/1/8/A & Part 10	25% of primary entitlement (8:1 FAR on 17,865 sf site) Site entitlement (17,865 x 8:1 FAR) x .25	Only Pursing 2-Star	None
Development Bonus Fee - Affordable Housing Trust Fund	25-2-586/E/1/B & 25-2-586/E/1/A/iii	1 SF per unit for each development bonus fee unit \$5 x 103,758 units (50% of total requested FAR bonus)	103,758	\$518,790
Development Bonus Fee - Off-Site Open Space	25-2-586/E/10/A & Part 12	1 SF per unit for each development bonus fee unit \$5 x 43,300 units	20,847	\$104,235
Total			125,055	\$623,025

Site Area (SF)	17,865	
FAR 1:8	8	142,920
FAR 1:7	7	125,055
Total FAR 1:15 (Bonus Density)	15	267,975



AUSTIN ENERGY GREEN BUILDING

Letter of Intent

This Letter of Intent demonstrates the intent of the project owner or an authorized representative to complete the necessary requirements to achieve an Austin Energy Green Building (AEGB) minimum TWO Star Rating for a development / project that requires this rating.

Project Name: 48 East Apartment Tower

Project Address: 48 East Avenue, Austin, Texas, 78701

This Letter of Intent must be included with the Administrative Site Plan application for all projects requiring an AEGB Rating. Signing this letter demonstrates knowledge of this requirement and the process necessary to achieve an AEGB Rating. For best results, meet with an AEGB representative early in the design process. To achieve an AEGB Rating:

- I. Submit a Project Application in the AEGB Online Rating System prior to or within Schematic Design Phase. Sign and upload the Letter of Intent to the Documents tab. Complete "Team" tab.
- II. Submit a completed and signed AEGB Conditional Approval with the Building Permit application. AEGB will issue a Conditional Approval upon satisfactory review of the project's construction documents, including plans, specifications, mechanical plans, Manual J calculation (applicable for multifamily and single family projects), and the project's AEGB Rating Worksheet.
- III. Schedule AEGB inspections (separate from City of Austin inspections) of the project with the AEGB representative
 - a) After interior mechanical equipment has been installed and prior to installation of sheetrock.
 - b) At substantial completion of construction.
- IV. Submit a completed and signed AEGB Final Approval to receive the Certificate of Occupancy for this project. AEGB will issue a Final Approval upon substantial completion of the project and satisfactory fulfillment of the AEGB Rating.

This Letter of Intent is entered into by the parties, acting through their duly authorized representatives, effective as of the later of two signature dates entered below:

PARTICIPANT:

Name: 48 East Ave LLC
Signature: [Signature]
Title: Managing Partner
Phone Number: 512 835 4890
Date: 6/2/16

AUSTIN ENERGY GREEN BUILDING:

Name: Jeff Wacker
Signature: [Signature]
Title: AEGB Representative
Phone Number: 512. 482. 5448
Date: 5/31/16



City of Austin

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

Neighborhood Housing and Community Development Department

November 16, 2016

48 East Ave, LLC - 48 East Avenue (Project Id 355) Rainey Street Subdistrict and Downtown Density Bonus Program Certification Letter

TO WHOM IT MAY CONCERN:

48 East Ave, LLC (contact: Robert Lee, Principal; email: robert@ldandc.com; (o) 512.835.4890) is planning to develop a **244 unit multi-family/mixed-use** development in the Rainey Street District under site plan SP-2016-0391C. The project is located within Rainey Street Subdistrict Regulations and Downtown Density Bonus Programs that are located in the City's Land Development Code, 25-2-739 and 25-2-586. The applicant has elected to exceed the forty foot height limit and achieve a greater floor-to-area (FAR) of 8:1. To do so the applicant must reserve at least 5% of the square footage of dwelling units developed within the 8:1 FAR to those whose household income is 80% or below the median family income in the Austin statistical metropolitan area (MFI). The applicant has indicated that the proposed total project net rentable square footage is 199,251 and the net rental square footage in the 8:1 is 106,267. Therefore, 5% of the 106,267 (net rental square footage in the 8:1) equates to 5,313 square feet. The applicant has indicated the 5832 square feet equates to 7 units, as further described in Attachment 1. The following requirements must be met under the Rainey Street Subdistrict Regulations:

- In meeting the five percent requirement, mixed-use projects shall provide on-site affordable housing in proportion to the amount of floor area in the project that is devoted to residential uses.
- The affordability period for housing units shall be forty (40) years for rental housing and ninety-nine years for on-site for sale housing. The affordability period begins on the date a certificate of occupancy is issued.
- On-site affordable housing units offered for sale shall be reserved, sold, and transferred to an income eligible buyer subject to a resale restricted, shared equity agreement approved by the director of Neighborhood Housing and Community Development.
- An applicant may not deny a prospective tenant affordable rental housing based solely on the prospective tenant's participation in the Housing Choice Voucher Program or in any other housing voucher program that provides rental assistance.
- The bedroom count mix for the affordable units must be proportional to the overall bedroom count mix within an overall development.
- A unit is affordable for purchase or rental if, in addition to the other requirements of this section, the household is required to spend no more than 30 percent of its gross monthly income on mortgage or rental payments for the unit.

For compliance with the Downtown Density Bonus Program Affordable Housing Community Benefits, the applicant has elected to pay a fee-in-lieu the desired bonus area, which the applicant has indicated the total bonus area is 125,055, see Attachment-1 for the Density Bonus Community Benefits Calculations. The fee is calculated on \$5 per square foot times the bonus area (103,758). The total fee due will be \$518,790.

Prior to the issuance of the certificate of occupancy, the fee-in-lieu calculation must be finalized and paid in full to the Neighborhood Housing and Community Development Office and the applicant must enter into a Restrictive Covenant stating the affordability requirements and terms which will be filed for record at the Travis County Clerk Office.

Please contact me by phone 512.974.3128 or by email at Sandra.harkins@austintexas.gov if you need additional information.

Sincerely



Sandra Harkins, Project Coordinator
Neighborhood Housing and Community Development

Attachment – Attachment 1

Cc: Regina Copic, NHCD
Michael Simmons-Smith, DSD
Anne Milne, PZD
Susan Kinel, NHCD

48 East Residential Apartment Tower

11.16.16

Bonus Density Affordable Housing Requirement

Unit Type	Unit Configuration	NET SF (BOMA Method B)	Number of Units	Total	Bedroom Count Mix for Affordable Units
S1	Studio + 1 Bath	494.00	1	494	14.3%
A4	1 Bedroom + 1 Bath	697.00	4	2,788	57.1%
B1	2 Bedroom + 2 Bath	1,071.00	1	1,071	14.3%
C1	3 Bedroom + 2 Bath	1,479.00	1	1,479	14.3%
Totals			7	5,832	100.0%

Summary	
Net Rentable SF (15:1)	199,253
Net Rentable SF (8:1)	106,268
5% of the Net Rentable SF (8:1) =	5,313