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MICHAEL J. WHELLAN
(512) 435-2320
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February 7, 2020

Mr. Jorge E. Rousselin, Division Manager
Urban Design
City of Austin
505 Barton Springs Rd., 5th Floor
Austin, Texas 78704

Re: Downtown Density Bonus Application for the .51 acres locally known as 415
Colorado St. (the "Property")

Dear Mr. Rousselin:

Please accept this letter and the attached Downtown Density Bonus Program application package. The Downtown Density Bonus Program is being sought for this Property in order to provide a quality 41-story building featuring more than 465,900 sf of office space above more than 2,300 sf of ground-floor retail/restaurant, known as Tower 5C. Participation in the Downtown Density Bonus Program would allow an increase in floor-to-area ratio ("FAR") from the 8:1 base entitlement to the 22:1 needed to build Tower 5C.

The Property currently has Central Business District ("CBD") zoning and is located in the Core/Waterfront District of the Downtown Austin Plan. It is not located within a Capitol View Corridor. While the Property is not historic, the project has been developed with a ground-floor façade design along Colorado Street that reflects the Property's location in the Warehouse District, with feedback from the Historic Preservation Office and the Historic Landmark Commission. This design incorporates stylistic features from the Warehouse District, with the inclusion of specific façades and of board-formed concrete elements.

Tower 5C will meet the Downtown Density Bonus Program Gatekeeper Requirements, as outlined in Section 25-2-586 of City Code, including substantially complying with the City's Urban Design Guidelines, providing Great Streets improvements, and achieving an Austin Energy Green Building ("AEGB") program rating of at least two stars. There is currently a site plan in review (SP-2019-0463C) that would implement Great Streets improvements along West 5th Street and Colorado Street, with a pedestrian-oriented design featuring wide sidewalks, street trees, benches, trash receptacles, and street lights. Additionally, a signed copy of the Austin Energy Green Building Letter of Intent is attached, outlining the intent to achieve at least a two-star AEGB rating.

Tower 5C will also implement the values found in the City's Urban Design Guidelines by providing a quality project that features a mix of office and commercial uses and a pedestrian-oriented ground-floor environment. The project's ground floor would offer an activated patio space, shaded by the building's overhang, with vegetation in planter strips and ample seating. The patio would lead via large glass windows and doors into an indoor lobby area with access to additional seating and retail/restaurant, including a walk-up counter. This publicly accessible lobby and patio space would be integrated with the adjacent public Great Streets sidewalks in a cohesive design that welcomes pedestrians into Tower 5C. More information on Tower 5C's implementation of the City's Urban Design Guidelines can be found in the attached Urban Design Guidelines Matrix.

In addition to meeting these Gatekeeper Requirements, the project will comply with Section 25-2-586(E) of City Code by providing office space, per Figure 3 in Ordinance No. 20130627-105.

We believe that Tower 5C will provide a high-quality project that will contribute to the unique character of Austin's growing downtown for years to come, and we appreciate the opportunity to submit this application. Please contact me if you have any questions. We appreciate your consideration.

Very truly yours,



Michael J. Whellan

cc: Jerry Rusthoven, Acting Lead



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 the Downtown Density Bonus Program as approved by [Ordinance No. 20140227-054](#).

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 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,
 - Urban Design Guidelines checklist;
 - Great Streets - ;
 - 2 Star Austin Energy Green Building rating - submit copy of the projects signed Austin Energy Green Building Letter of Intent and Austin Energy Green Building checklist;
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. Sandra Harkins](#) at NHCD for more information.



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

1. Project Name:

2. Property Owner

Name:

Address:

Phone:

E-mail:

3. Applicant/Authorized Agent

Name:

Address:

Phone:

E-mail:

4. Anticipated Project Address:

5.Site Information

- a. Lot area *(also include on site plan)*:

- 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):

- c. Existing entitlements:

- I. Current floor to area (FAR) limitation:

- II. Current height limitation (in feet) :

- III. Affected by Capitol View Corridors (CVCs) Yes/No?

☐ Yes

☐ No

If yes, please provide specify height allowed under CVC:

6.Existing Deed Restrictions

Detail existing deed restrictions on the property (if any):

7. Building Information

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

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

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

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

- e. Number of floors:

- f. Height:

- g. FAR requested:

8. Gatekeeper Requirement (1 of 3): Urban Design Guidelines for Austin

Provide detailed explanation of how the project substantially complies with the [Urban Design Guidelines for Austin \(referencing specific guidelines\)](#) [in order](#) to meet the first *Gatekeeper* requirement of the DDBP as described in LDC § 25-2-586 (C)(1)(a). Attach Urban Design Guidelines checklist and additional page(s) as necessary.

9. Gatekeeper Requirement (2 of 3): Great Streets

Provide an explanation of how this project meets Great Streets standards, the second *Gatekeeper* requirement of the DDBP as described in LDC § 25-2-586 (C)(1)(b). Attach additional page(s) as necessary:

10. Gatekeeper Requirement (3 of 3): 2 Star Austin Energy Green Building

Provide an explanation of how this project achieves a minimum two Star Austin Energy Green Building, in order to meet the third *Gatekeeper* requirement of the DDBP as described in [LDC § 25-2-586 \(C\)\(1\)\(c\)](#). Attach Austin Energy Green Building checklist and additional page(s) as necessary:

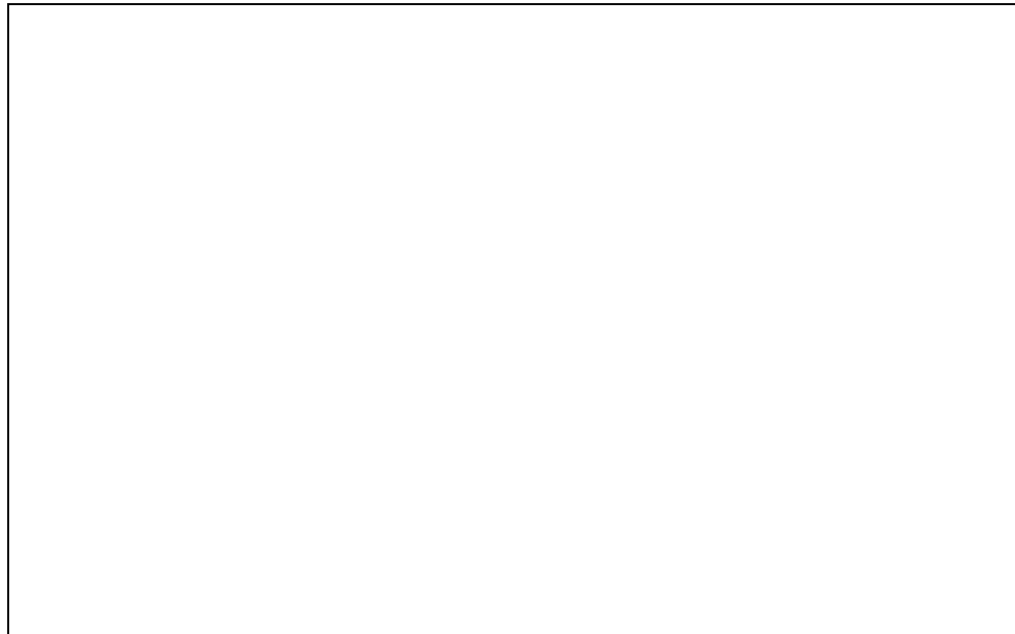
11. Density Bonus Calculation

Provide a calculation method of how the additional FAR is sought including site area and amount per square foot according to the Community Benefits calculations described in [LDC § 25-2-586 \(E\)\(1\)-\(12\)](#).

A large, empty rectangular box with a black border, intended for the user to provide a calculation method for the density bonus.

12. Community Benefits: Onsite, Fee in lieu, or Combination

Detail which community benefits from [LDC § 25-2-586 \(E\)](#) will be used and how they will be applied (on site, fee in lieu of, or combination of the two). Attach additional page(s) as necessary:

A large, empty rectangular box with a black border, intended for the user to detail which community benefits will be used and how they will be applied.

13. Acknowledgements

- a. 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(C)(1):

☐ Yes

☐ No

- b. Applicant understands that will be required to submit a copy of the project's signed Austin Energy Green Building Letter of Intent:

☐ Yes

☐ No

- c. Applicant has received and reviewed a copy of the [Downtown Density Bonus Ordinance](#):

☐ 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 program staff? (aaron.jenkins@austintexas.gov)

☐ Yes

☐ No

- 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 a letter of affordability from NHCD:

☐ Yes

☐ No



Signed: Owner or Applicant

Authorized Agent

Michael J. Whellan

Date Submitted

2/7/2020

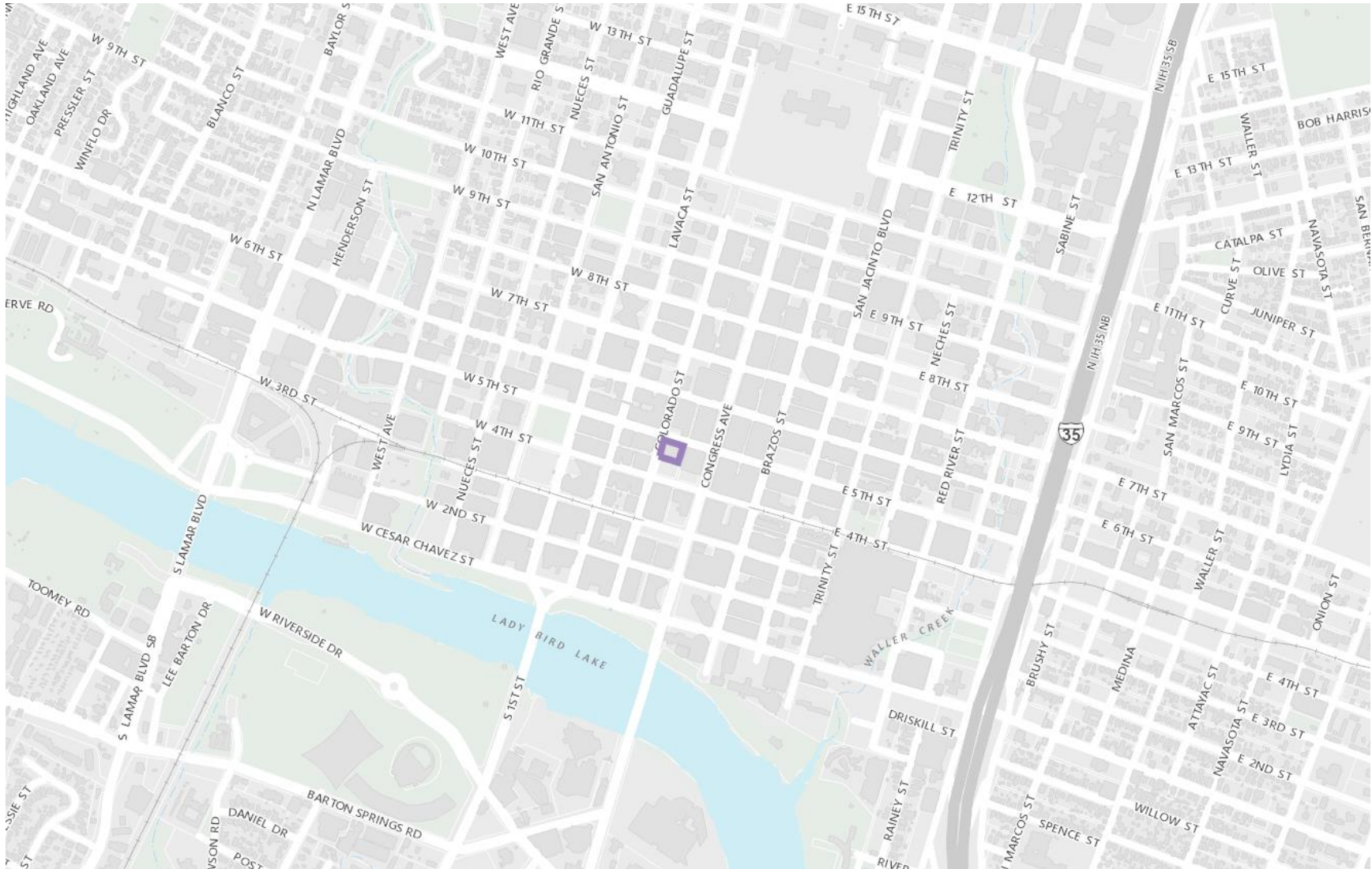


DOWNTOWN DENSITY BONUS PROGRAM (DDBP) APPLICATION SUBMITTAL CHECKLIST

Submitted:

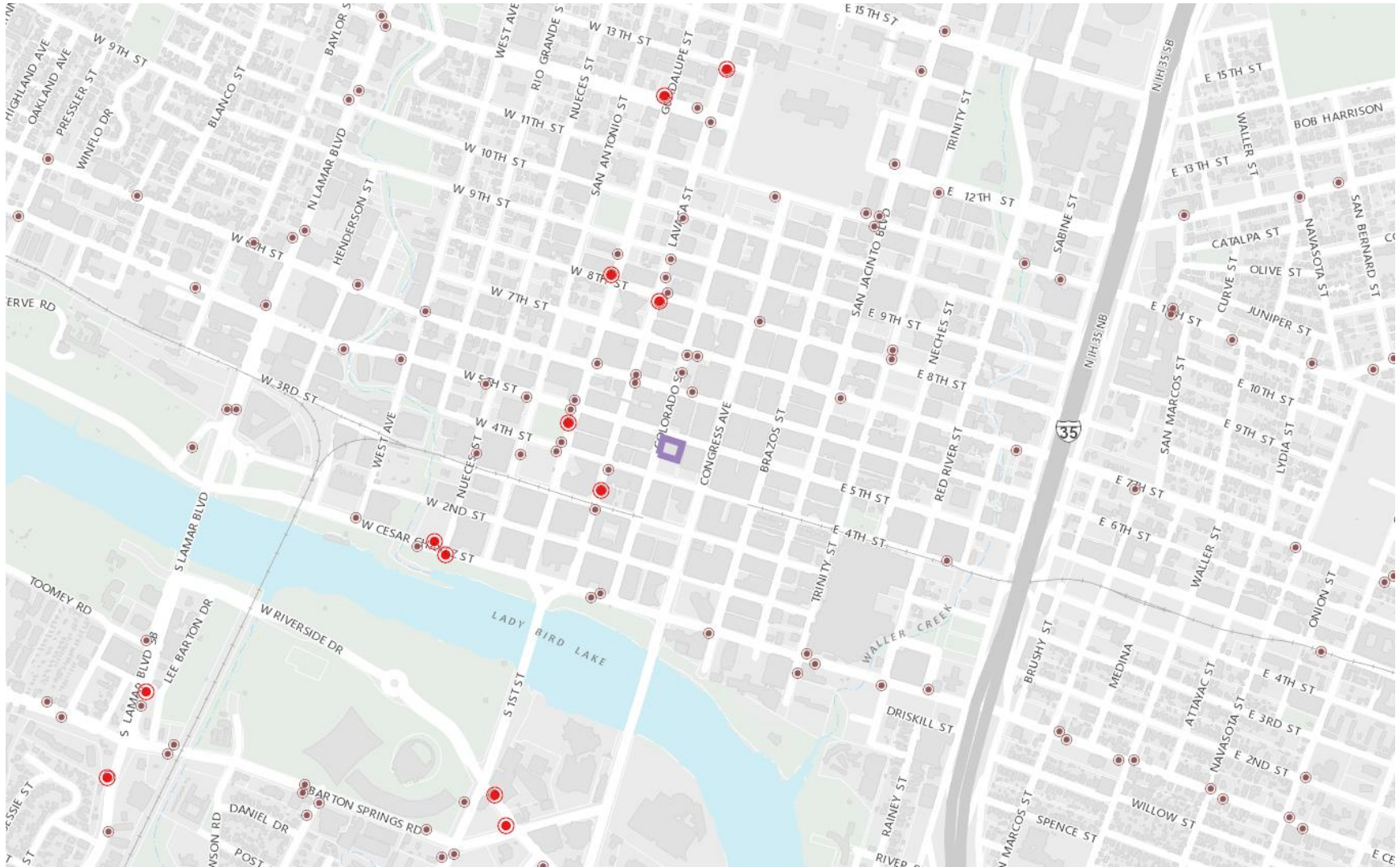
- ☐ Completed DDBP Application;
- ☐ Vicinity plan/aerial locating the project in its context, and showing a minimum 9 block area around the project;
- ☐ Location of nearby transit facilities;
- ☐ Drawings:
 - Site plan;
 - Floor plans;
 - Exterior elevations (all sides);
 - Three-dimensional views;
-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

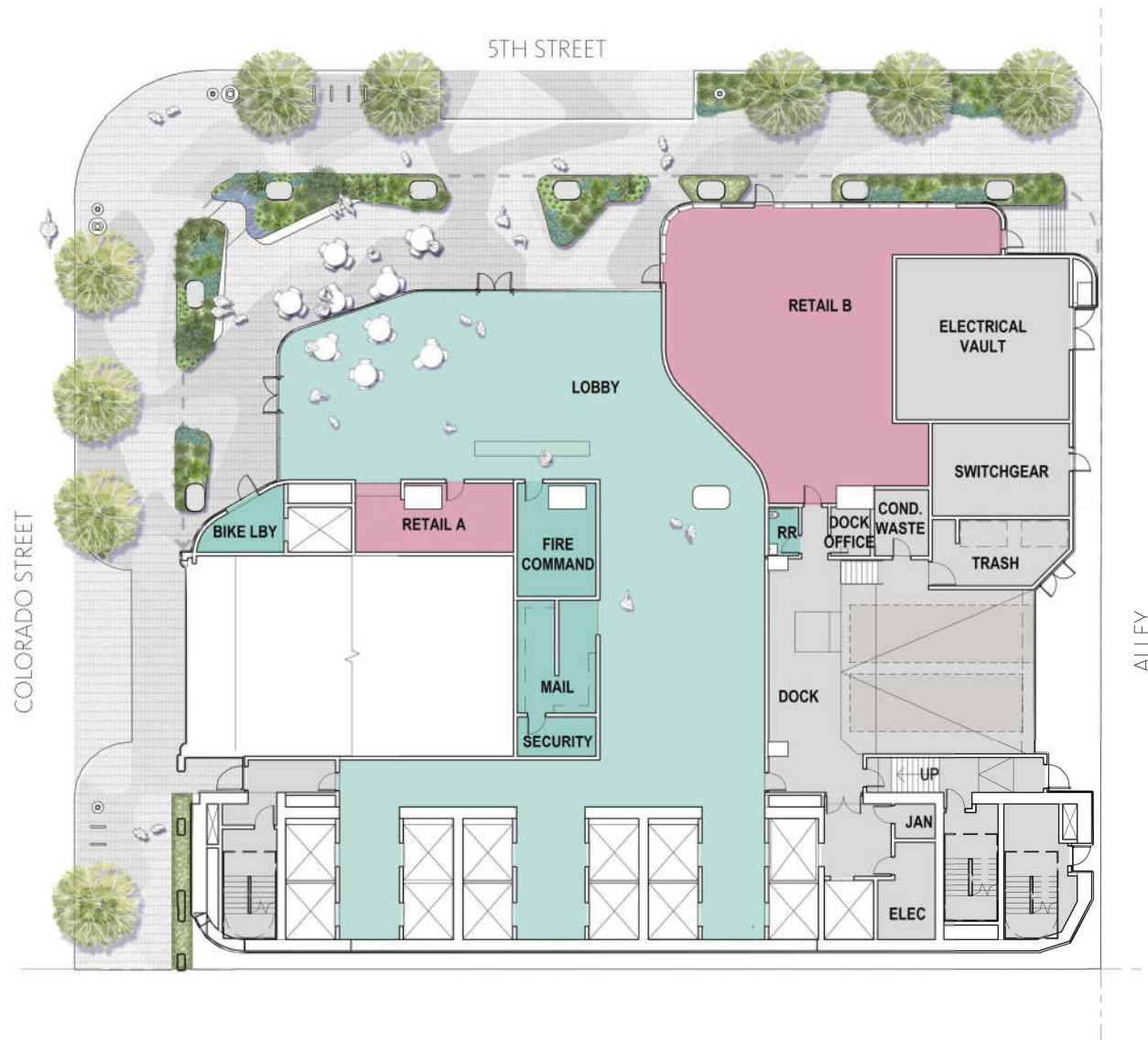
AERIAL TOWER 5C LOCATION

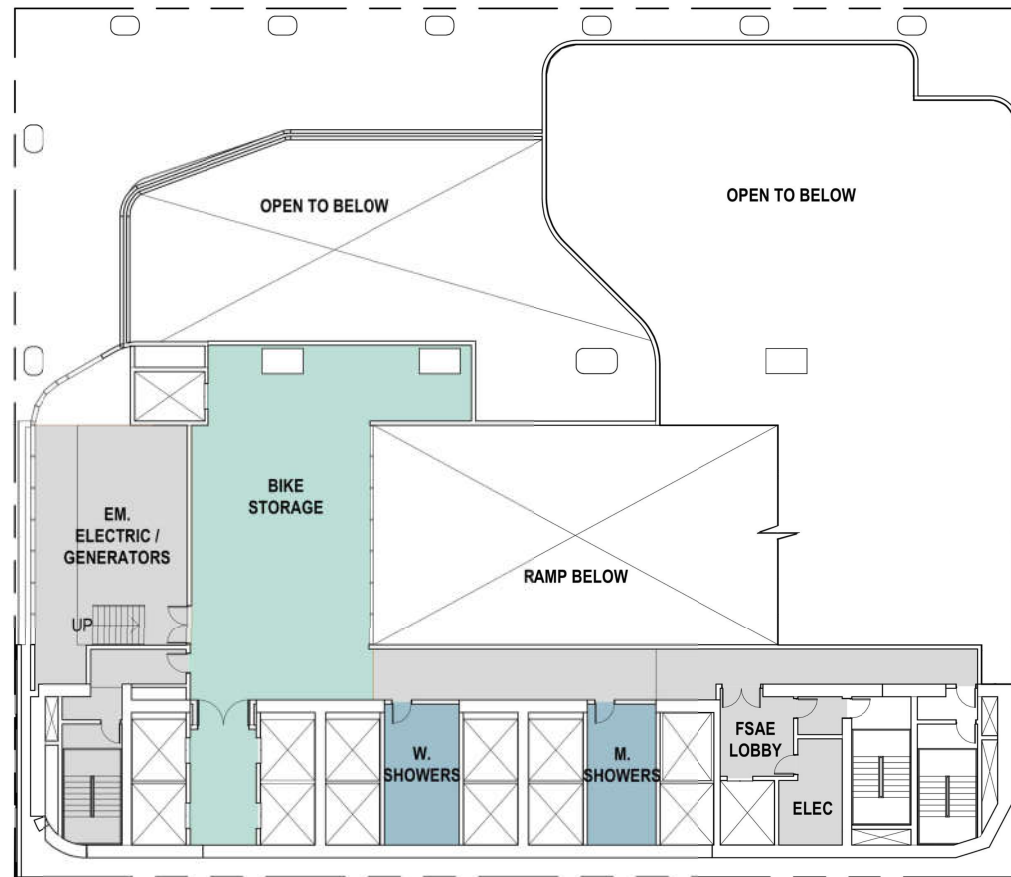


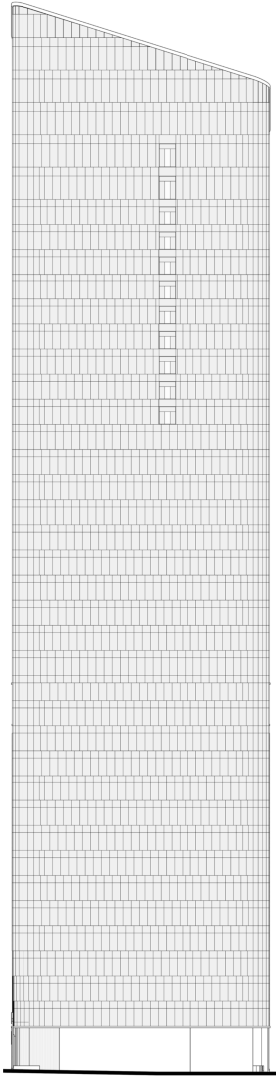
{W0949137.1}

AERIAL TRANSIT STOPS

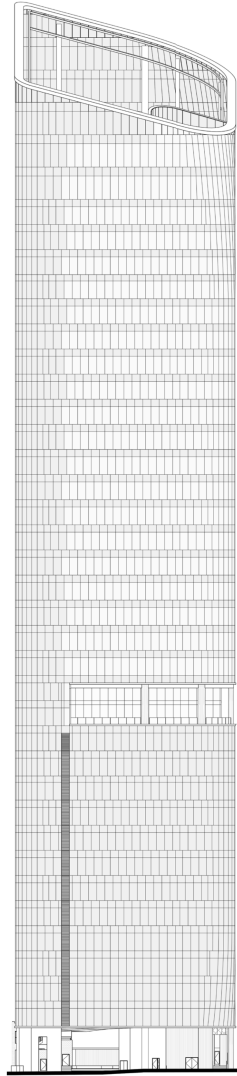




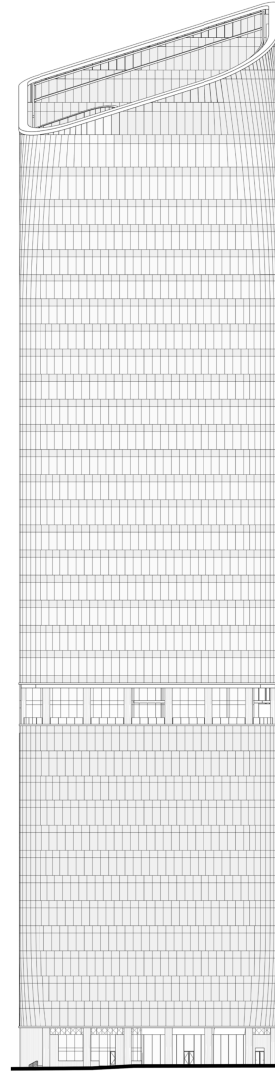




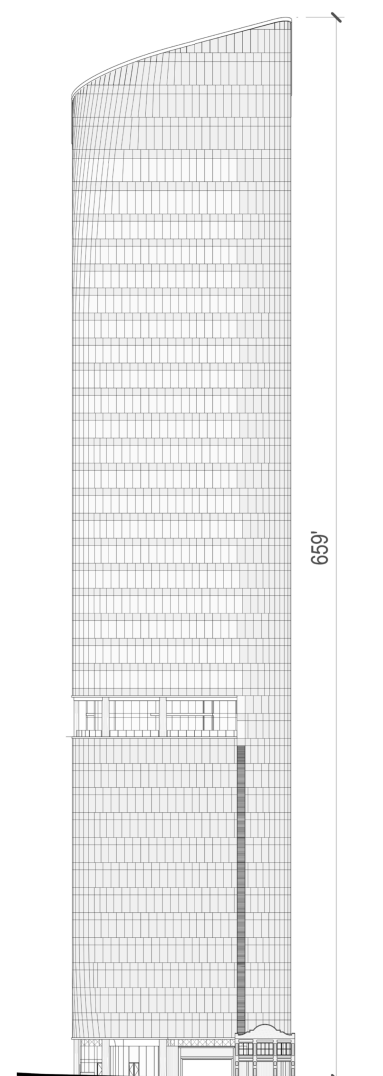
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

BUILDING ELEVATIONS









TOWER 5C

URBAN DESIGN GUIDELINES MATRIX

AREAWIDE URBAN GUIDELINES			
#	DESIGN GUIDELINE	MET	DISCUSSION
AW.1	Create dense development	YES	Tower 5C will provide a dense downtown development with an FAR of 22:1.
AW.2	Create mixed-use development	YES	Tower 5C will provide a mix of office and commercial uses, with professional office space above pedestrian-oriented retail/restaurant to activate the street environment.
AW.3	Limit development which closes downtown streets	YES	The applicant will implement a traffic control plan during construction. No streets will be permanently closed.
AW.4	Buffer neighborhood edges	N/A	Tower 5C is in the downtown core and not adjacent to a neighborhood edge.
AW.5	Incorporate civic art in both public and private development	NO	There is not currently any planned participation in the Art in Public Places program. The owner will install art in the lobby which will, in all likelihood, be visible to the public.
AW.6	Protect important public views	YES	Tower 5C will not impact any protected view corridors.
AW.7	Avoid historical misrepresentations	YES	Tower 5C will implement a ground-floor design developed in collaboration with the Historic Preservation Office and the Historic Landmark Commission that reflects the history of the Warehouse District. Above the ground floor, the building design is contemporary and is compatible with the surrounding building designs.

#	DESIGN GUIDELINE	MET	DISCUSSION
AW.8	Respect adjacent historical buildings	YES	Tower 5C will implement a ground-floor design developed in collaboration with the Historic Preservation Office and the Historic Landmark Commission that reflects the history of the Warehouse District.
AW.9	Acknowledge that rooftops are seen from other buildings and the street	YES	Tower 5C will include an outdoor rooftop deck that is planned to feature vegetation and other green elements that will enhance views from surrounding buildings. Utility equipment will be screened from view.
AW.10	Avoid the development of theme environments	YES	There is no planned “theme” for the building. Tower 5C will implement a ground-floor design developed in collaboration with the Historic Preservation Office and the Historic Landmark Commission that reflects the history of the Warehouse District.
AW.11	Recycle existing building stock	NO	While Tower 5C will not be recycling the existing building stock itself, it will implement a design developed in collaboration with the Historic Preservation Office that incorporates styles and designs that reflect the existing buildings, including board-formed concrete elements.

GUIDELINES FOR THE PUBLIC STREETSCAPE			
#	DESIGN GUIDELINE	MET	DISCUSSION
PS.1	Protect the pedestrian where the building meets the street	YES	Tower 5C will offer street trees along the sidewalk for shade, as well as shaded patio space at the corner of 5th and Colorado underneath the tower overhang.
PS.2	Minimize curb cuts	YES	Tower 5C only proposes one curb cut, which is planned for Colorado Street to allow entry and exit from the parking garage. Loading is proposed for the alley.
PS.3	Create a potential for two-way streets	YES	Tower 5C will offer vehicular access from Colorado Street, a two-way street.

#	DESIGN GUIDELINE	MET	DISCUSSION
PS.4	Reinforce pedestrian activity	YES	Tower 5C will implement Great Streets standards. It will activate pedestrian activity with ground-floor retail/restaurant uses and will reinforce this activity with streetscape improvements, including sidewalks, street trees, benches, and street lights, among other things.
PS.5	Enhance key transit stops	N/A	There are no existing transit stops at the Tower 5C site.
PS.6	Enhance the streetscape	YES	Tower 5C will implement Great Streets standards and provide key streetscape improvements, including benches, street trees, and trash receptacles, among other things.
PS.7	Avoid conflicts between pedestrians and utility equipment	YES	Utility equipment serving Tower 5C will be minimized and located appropriately in areas that avoid conflicts with pedestrians.
PS.8	Install street trees	YES	Tower 5C will be preserving existing street trees and planting additional street trees in order to ensure a pedestrian-friendly streetscape in line with Great Streets standards.
PS.9	Provide pedestrian-scaled lighting	YES	Tower 5C will be providing street lights in order to ensure a pedestrian-friendly streetscape in line with Great Streets standards.
PS.10	Provide protection from cars/promote curbside parking	YES	Tower 5C will provide a buffer of street trees, planter strips, and street furniture along the sidewalk edge in order to promote pedestrian comfort and provide protection.
PS.11	Screen mechanical and utility equipment	YES	Utility and mechanical equipment will be appropriately screened.

#	DESIGN GUIDELINE	MET	DISCUSSION
PS.12	Provide generous street-level windows	YES	Tower 5C will feature outdoor patio space that draws in pedestrian activity from the sidewalk and connects to a lobby with retail/restaurant opportunities, seating, and tables. The length of the lobby along the patio will feature street-level windows. Large unobstructed glass openings will provide views into the building, visually connecting the exterior and building interior.
PS.13	Install pedestrian-friendly materials at street level	YES	Streetscape and patio improvements will be made of quality materials.

GUIDELINES FOR PLAZAS AND OPEN SPACE			
#	DESIGN GUIDELINE	MET	DISCUSSION
PZ.1	Treat the four squares with special consideration	N/A	Tower 5C is not adjacent to any of downtown Austin's four squares. The closest, Republic Square, is two blocks away and is separated by two towers.
PZ.2	Contribute to an open space network	N/A	There are no open spaces immediately adjacent to Tower 5C. However, Tower 5C will provide a quality patio space and lobby oriented toward the corner of 5th and Colorado, providing easy access to a sidewalk network that leads directly to Republic Square two blocks away.
PZ.3	Emphasize connections to parks and greenways	N/A	There are no parks or greenways immediately adjacent to Tower 5C. However, by implementing Great Streets standards, Tower 5C will provide a more pleasant pedestrian environment on 5th Street, which leads to Republic Square two blocks away.
PZ.4	Incorporate open space into residential development	N/A	Tower 5C does not include a residential component. However, it will offer ground-floor patio space outside the main entrance to the building as well as outdoor decks for tenants on Level 19 and on the rooftop.
PZ.5	Develop green roofs	YES	Tower 5C will include an outdoor rooftop deck that is planned to feature vegetation and other green elements. It will also include an outdoor deck with similar vegetation on Level 19.

#	DESIGN GUIDELINE	MET	DISCUSSION
PZ.6	Provide plazas in high use areas	NO	While Tower 5C will not provide a full plaza, it will feature quality patio space at a key location on the corner of 5th and Colorado. This patio will interact with the public realm, invite pedestrian activity, provide seating and shade, and connect with retail/restaurant space.
PZ.7	Determine plaza function, size, and activity	N/A	Tower 5C's patio is designed to interact visually with the sidewalk in a way that invites pedestrian traffic and activity. It will also feature tables, seating, and planter strips with vegetation, encouraging people to sit down and enjoy the space.
PZ.8	Respond to the microclimate in plaza design	N/A	Tower 5C's patio space will be shaded by the overhang of the tower as well as by nearby street trees, and will be cooled by vegetation in several planter strips. This outdoor patio space will also lead into an indoor lobby area with further seating and access to retail/restaurant.
PZ.9	Consider views, circulation, boundaries, and subspaces in plaza design	N/A	Tower 5C will feature a unified paving pattern that visually connects the sidewalk to the patio as one overall space. Pedestrians may move through the patio to the lobby, or sit at patio tables and enjoy the space, with planters that provide some separation from general foot traffic.
PZ.10	Provide an appropriate amount of plaza seating	N/A	Tower 5C's patio space will feature ample seating and will be connected to indoor lobby space with additional seating.
PZ.11	Provide visual and spatial complexity in public spaces	YES	Tower 5C will feature a unique paving pattern that flows from the public sidewalk to the publicly accessible, privately owned patio, visually connecting the two spaces. Various planter strips with vegetation will further add visual complexity to the patio space.
PZ.12	Use plants to enliven urban spaces	YES	Tower 5C's sidewalk and plaza spaces will feature street trees and planter strips with vegetation.
PZ.13	Provide interactive civic art and fountains in plazas	NO	At this time, no fountains or Art in Public Places program installations are planned.

#	DESIGN GUIDELINE	MET	DISCUSSION
PZ.14	Provide food service for plaza participants	N/A	While there will not be food service in the patio space, Tower 5C is currently planned to offer a walk-up café counter in the lobby, as well as seating and tables in the lobby and patio areas.
PZ.15	Increase safety in plazas through wayfinding, lighting, and visibility	N/A	Both the lobby and the patio will feature appropriate lighting and visibility.
PZ.16	Consider plaza operations and maintenance	N/A	The vegetation, seating, tables, and other elements in the patio and lobby areas will be privately maintained.

GUIDELINES FOR BUILDINGS			
#	DESIGN GUIDELINE	MET	DISCUSSION
B.1	Build to the street	YES	Tower 5C will both be built close to the property line and will provide wide sidewalks for a quality pedestrian experience. The corner of 5th and Colorado will feature a patio extending from the sidewalk under a tower overhang that extends close to the property line.
B.2	Provide multi-tenant, pedestrian-oriented development at the street level	YES	Tower 5C will provide a quality, pedestrian-oriented development with an activated patio and lobby that draws in pedestrian traffic and with two retail/restaurant spaces, including a walk-up counter in the lobby.
B.3	Accentuate primary entrances	YES	Tower 5C will provide a quality patio space that connects pedestrians to the lobby area via multiple clear entrances on both the north and east faces of the building.
B.4	Encourage the inclusion of local character	YES	Tower 5C will implement a ground-floor design developed in collaboration with the Historic Preservation Office and the Historic Landmark Commission that reflects the history and character of the Warehouse District.

#	DESIGN GUIDELINE	MET	DISCUSSION
B.5	Control on-site parking	YES	Tower 5C will provide parking above grade in interior spaces that are appropriately screened from view. The vehicular entrance will be designed to reflect the property's history with vehicular uses, designed with feedback from the Historic Preservation Office.
B.6	Create quality construction	YES	Tower 5C will be built using quality materials and construction that will allow a long-term building lifespan.
B.7	Create buildings with human scale	YES	Tower 5C will feature a human-scale pedestrian environment, with a ground floor that is differentiated architecturally by a façade reflecting Austin's Warehouse District and with an inviting patio space that draws in pedestrian activity and offers ample seating and shade.



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: Tower5C

Project Address: 415 Colorado Street, Austin, TX 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: David Forrester
Signature: [Signature]
Title: Development Manager
Phone Number: 512 493 5900
Date: 2-7-20

AUSTIN ENERGY GREEN BUILDING:

Name: Jeff Wacker
Signature: [Signature]
Title: AEGB Representative
Phone Number: 512.482.5448
Date: 2/7/20