

ADMINISTRATION OF THE DESIGN BOOK

Background

Mueller is subject to the terms and provisions of the Mueller Master Community Covenant, Mixed-Use Community Covenant, EC/TC Community Covenant and certain Supplemental Covenants, each recorded or to be recorded in the Official Public Records of Travis County, Texas.

Review Authority

Section 5.1 of the Master Covenant provides that all site work, landscaping, structures, improvements, and other items within the community and any alterations to such improvements must be approved in advance by the New Construction Council (NCC).

Section 5.3 of the Master Covenant provides that all modifications of existing improvements (as opposed to the expansion of existing Improvements) must be approved in advance by the Modification Committee (MC).

Section 5.4 of the Master Covenant specifically provides for the promulgation and enforcement of certain “Design Guidelines.” This Design Book constitutes the Design Guidelines as contemplated pursuant to the Master Covenant. The NCC has the specific authority to ensure each applicant’s compliance with the terms of this Design Book.

Governmental Requirements

To the extent that any applicable government ordinance, building code or regulation imposes a more restrictive standard than the standards set forth in any Mueller Covenant described in this Design Book, the applicable government standard will control. To the extent that any applicable government standard is less restrictive, the Mueller Covenants and this Design Book (in that order) will control. Plans submitted to the NCC and the MC must comply with all applicable laws, codes, regulations and governmental requirements.

Interpretation: Limitation of Liability

Approval of plans and specifications is not a representation, warranty or guarantee that the structure is in compliance with governmental requirements or restrictions or requirements other than the terms of the Design Book. Please be advised that this Design Book may change from time to time. A copy of the current Design Book may be obtained from the NCC. A fee may be charged to cover reproduction costs.

Philosophy of the Mueller Design Book

This Design Book has been developed to promote a cohesive and high quality development that achieves the vision for Mueller as a compact and pedestrian-friendly mixed-use community. It is intended to guide new development, and any modification of such new development, in ways that promote connectivity, neighborliness, activity, authenticity, sustainability and livability. Except where specifically noted, this Design Book is not intended to be a highly prescriptive solution that dictates a particular style, but rather as performance criteria that can encourage diversity, creativity and innovation in the spirit of the Austin community.

Amendments to the Design Book and Waivers of Design Book Provisions

This Design Book is envisioned as a dynamic document that will continue to evolve in response to changing conditions and to the Mueller character. As such, it is anticipated that over the life of the community, this Design Book will need to be refined or amended to incorporate new conditions and waivers of certain requirements may need to be made from time to time to take advantage of special opportunities and/or circumstances. The NCC may grant reasonable variances or adjustments from any conditions and restrictions imposed by the Community Covenants and/or this Design Book in order to overcome practical difficulties and unnecessary hardships arising by reason of the application of the conditions and restrictions contained in such instruments; provided however, no variance may be materially detrimental or injurious to other property within the Mueller community or deviate substantially from the general intent and purpose of the Community Covenants or the Design Book.

In the event this Design Book is refined or amended in a manner which makes previously approved and completed improvements no longer compliant, compliance with the refined or amended Design Book will be grandfathered for such improvements. Improvements which are noncompliant may not be expanded. In the event more than 50% of the value of the noncompliant improvements are

destroyed or damaged, the repair or reconstruction must cause such improvements to comply with the refined or amended Design Book in their entirety.

During the “Development and Sale Period” defined under the Master Covenant, any revision or exception to the guidelines within this Design Book must also be administratively approved by the City of Austin and by the Master Developer.

Submittal Requirements for Improvements within the Mueller Neighborhoods

Each applicant will be required to submit each application to the Master Developer for review and approval (to ensure that each proposed project will comply with the Design Book and the submittal requirements set forth below) prior to submission of such plans to the NCC.

An applicant is responsible for ensuring that all of the applicant’s representatives, including the applicant’s architect, engineer, contractors, subcontractors, and their agents and employees, are aware of this Design Book and the submittal requirements set forth below. The NCC reserves the right from time to time to modify the submittal requirements hereunder.

Designs for any improvements within the Mueller Neighborhoods, as outlined in Chapter Two, including yard houses, garden court houses, row houses, shop houses, Mueller houses, apartment houses and mixed-use buildings will be submitted to the NCC in three stages:

A Preliminary Design Submission to the New Construction Council must include:

- ***Dimensioned Block Plan(s)*** showing the extent of the “take-down” area with: lot lines and rights-of-way; the location of trees, lawns, sidewalks and curbs.
- ***Individual Lot Layouts*** showing buildable area, setbacks, building height (in feet and floors), ground floor plan (with porch as applicable), garage plan and driveway apron, and a coding of building model and elevation to demonstrate architectural streetscape diversity.
- ***Conceptual Floor Plans*** at 1/8”=1’-0” or larger of ground floor and upper floors for each proposed model.

- *Program Chart* indicating anticipated total number of model types, total living area square footage, number of bedrooms and bathrooms, and number of parking spaces proposed for each building model.
- *Conceptual Elevations* at 1/8"=1'-0" or larger, of all elevations of each model with descriptions of key architectural elements and proposed building materials.
- *Conceptual Sections* at 1/8"=1'-0" to describe the typical relationship of the building to the street, alley (as applicable), and to adjacent structures.
- *Conceptual Street Elevations* at 1/8"=1'-0" or larger, describing the appearance of a prototypical block face elevation of a street and alley.
- *Conceptual Landscape Plan* at 1"=20' for each block face indicating the location of street trees and parkways, fences, low walls, arbors, paving and other landscape/hardscape areas.
- *Conceptual Grading and Drainage Plan* at 1"=20' of each block or block face to include existing contours from the mass grading plan, proposed changes to lot grades, and individual lot drainage.

A Final Design Submission will respond to comments provided by the New Construction Council and include:

- *Final Neighborhood Plans* fully-dimensioned at 1"=20' indicating sidewalks, front yard setbacks, lot lines and rights-of-way, individual lot layouts with ground level plans indicated, and calculations of lot coverage, impervious cover, number and type of units, height of buildings (in feet and floors), density and open space.
- *Final Floor Plans* at 1/8"=1'-0" of all floors of all livable space and garages, and exterior spaces, with calculations indicating total number of model types to be constructed, total living area square footage, number of bedrooms and bathrooms and number of off-street parking spaces (covered and uncovered).
- *Final Building Elevations and Sections* at 1/8"=1'-0" or larger, in color, of each elevation, describing key architectural elements, proposed building materials, colors and finishes.
- *Final Blockface Elevations* showing a typical street and alley elevation to demonstrate architectural streetscape diversity and treatment.

- *Material Sample Board* indicating exterior colors and materials to be used for each building model, and a roofing material sample.
- *Final Landscape Plan* at 1"=20' of each block or block face, describing the location of fences, low walls, arbors, paving and other hardscaped areas, as well as plant species and sizes.
- *Final Grading and Drainage Plan* at 1"=20', indicating existing contours from the mass grading plan, proposed changes to the lot grades, individual lot drainage including downfall spout locations and size and location of drainage swales in relation to adjacent lots and top of slab elevations.

New Construction Document Package: Prior to commencing construction of any improvement, each applicant is required to submit for approval one complete set of construction documents and specifications to the NCC which must include a list of any changes from the "final" approved documents listed above. A single set of construction documents may be submitted for each model, with a list of deviations outlining ways in which the model will be adapted for each lot. An applicant may not commence construction of any improvement until it obtains written approval from the NCC. The NCC will notify the applicant in writing of the final determination on any application within sixty (60) days after its receipt of a completed application and all required submissions. Changes during the construction process of previously approved improvements must be approved in a similar manner, as applicable, to each individual change.

Construction Modification Document Package: After completion of improvements as approved by the NCC, prior to modifying such improvements in any manner governed by the Mueller Covenants or this Design Book, the owner is required to submit a completed application for modification promulgated by the MC and such other documentation as the MC requires. Such owner may not commence modifications until it obtains written approval from the MC.

Submittal Requirements for Improvements in the Town Center and Employment Center Subareas

Within the Town Center and each of the employment center subareas, as described in Chapters Three and Four of this Design Book respectively, the applicant will be required to make the following three-staged submission.

Architectural Master Plan: An architectural master plan is required prior to the approval of any improvement within the Town Center or the subareas of the North-

west and Northeast Quadrants. Individual architectural master plans for these areas must include the following components:

- *Site Plan* at 1"=20', indicating rights-of-way, lot lines, streets, driveways, alleys, parking layouts, publicly accessible open spaces and building footprints.
- *Development Program and Key Information* including, but not limited to, building floor area, the anticipated mix and number of dwelling units, covered and uncovered parking spaces, open space area, impervious cover for each lot, building heights, residential and commercial density, and other key information that is warranted by the particular project.
- *Conceptual Floor Plans* at 1/16"=1'-0" or greater, describing the configuration of ground floor and upper floors for each building, with clear indication of parking, service areas and mechanical rooms, dwelling units, common open space, porches, etc.
- *Conceptual Building Elevations and Sections* at 1/8"=1'-0" or larger.
- *Illustrative Renderings* describing the overall character and specific features of the public environment and the proposed buildings.
- *Conceptual Landscape Plan* at 1"=20' or larger, showing the location and type of plant materials, softscape, hardscape, fences, walls, etc.
- *Conceptual Grading Plan* indicating existing contours from the mass grading plan, proposed changes to lot grades and overall site drainage.
- *Conceptual Phasing and Construction Plan* indicating the proposed sequence of site preparation, open space and building construction.

Final Design: Following approval of the architectural master plan, final design for portions of the architectural master plan must be submitted to the NCC for approval. Any changes to the architectural master plan proposed as a result of the individual development project will also be presented to the NCC for their approval as a proposed amendment to the approved architectural master plan. The final design package must include:

- *Final Site Plan* fully-dimensioned at 1"=20' indicating sidewalks, setbacks, lot lines and rights-of-way, driveways, parking areas, open spaces, and individual lot layouts with ground level plans indicated, and calculations of lot coverage, impervious cover, building height (in feet and floors), number and type of units, density and open space.
- *Final Floor Plans* at 1/8"=1'-0" or greater, describing all habitable and non-habitable spaces including service and mechanical areas, parking, commercial space and residential dwelling units.
- *Final Building Elevations and Sections* at 1/8"=1'-0" or greater, in color, of all building faces, indicating proposed materials, finishes, colors and architectural features.
- *Material Sample Board* indicating exterior colors and materials to be used for each building and a roofing material sample.
- *Final Landscape Plan* at 1"=20', describing the location and treatment of all softscape and hardscape areas, surface parking areas, streetscapes and driveways, lighting, furnishings, and the location and treatment of fences, low walls, arbors and other landscape features.
- *Final Grading Plan* at 1"=20', indicating existing contours from the mass grading plan, proposed changes to the grades, site drainage including downfall spout locations, and size and location of drainage swales in relation to adjacent lots, and top of slab elevations.
- *Final Phasing and Construction Plan* describing the location of each building model, and a construction phasing schedule showing the timetable for grading and phased building construction.

New Construction Document Package: Prior to commencing construction of any improvement, each applicant is required to submit for approval one complete set of construction documents and specifications to the NCC which must include a list of any changes from the "final" approved documents listed above. An applicant may not commence construction of any improvement until it obtains written approval from the NCC. The NCC will notify the applicant in writing of the final determination on any application within sixty (60) days after its receipt of a completed application and all required submissions. Changes during the construction process of previously approved improvements must be approved in a similar manner, as applicable, to each individual change.

Construction Modification Document Package: After completion of improvements as approved by the NCC, prior to modifying such improvements in any manner governed by the Mueller Covenants or this Design Book, the owner is required to submit a completed application for modification promulgated by the MC and such other documentation as the MC requires. Such owner may not commence modifications until it obtains written approval from the MC.

Number of Copies: Each submittal shall include six sets of full-size sheets (30" x 42") and one reduced set (11" x 17"). All but one set will be returned to the applicant following approval.

Certificate of Compliance

As more specifically provided in Section 5.9 of the Master Covenant, any owner may request in writing that the NCC issue a certificate of compliance for a completed improvement, certifying that there are no known violations of this Design Book. Such certification shall be issued within 60 days.

Fees

As provided in Section 5.7 of the Master Covenant, the NCC and MC may establish and charge reasonable fees for their review as required by the Mueller Covenants and this Design Book and may require that such fees be paid in advance.