

Term Sheet for Redevelopment of AISD Campuses within the BSZ

The Land Development Standards Agreement between the City of Austin (COA) and Austin Independent School District (AISD) regarding development in the Barton Springs Zone (BSZ) limits impervious cover (IC) on most school campuses to 25% of net site area, prohibits using IC transfers to increase IC above the 25% limit, and requires a “no discharge water quality control”, or an alternative control approved by the Watershed Protection Department (WPD), to be utilized on the site. No discharge controls are defined by WPD as controls that meet the non-degradation standard in Section 25-8-514 of the Land Development Code (LDC), meaning that the water quality treatment results in no increase in the specified pollutants compared to a site with 0% IC (in other words, the treated site has 0% equivalent IC). However, the original development agreement did not foresee redevelopment, including development of new areas, of AISD properties that pre-date the agreement, where existing or proposed conditions exceed the applicable IC limit. As such, AISD has requested a means to redevelop (including adding new impervious cover) existing campuses and use impervious cover credits from AISD’s Travis Country property provided by the June 2017 agreement approved by the Austin City Council. This term sheet provides a path forward for school campuses to redevelop utilizing the Travis Country impervious cover credits while remaining consistent with the intent of the development agreement.

1. This agreement will only apply to redevelopment of campuses in the BSZ other than Bowie High School as that campus has been addressed through a separate agreement.
2. Redevelopment of campuses (including any new impervious cover) in the BSZ must comply with the IC limit specified in the development agreement. However, campuses, where existing or proposed conditions exceed the IC limit, will be considered as in compliance by using an IC transfer from the Travis Country site. Such transfers shall not be allowed for campuses with an IC limit of 50% of net site area or higher.

Solely to create a record of the originally available transferrable Travis Country impervious cover, AISD shall submit a site plan for the Travis Country property showing the amount of developable impervious cover (6.225 ac.) to be made available as transferrable impervious cover. Site plans using transfers shall include a tracking table on the cover sheet that includes; the original Travis Country transfers available, the total amount still available, the amount to be used for the subject site plan, and the amount of transferrable impervious cover remaining after approval of the subject site plan.

3. Redevelopment must provide no-discharge water quality controls for all existing, new, and redeveloped areas on the site. Water quality treatment volume shall be based on the actual amount of IC on the site and not the adjusted amount reflecting any IC transfers. Water quality treatment shall be accomplished using on-site controls to the maximum extent technically feasible, as determined by WPD or as otherwise set forth in Section 3 below. If WPD determines that water quality requirements cannot be fully met using on-site controls, treatment of an approved equivalent area shall be provided to meet water quality treatment requirements. Approved equivalent areas are defined in the Environmental Criteria Manual (ECM) 1.9.2 as follows:

The approved equivalent area must be an area that does not currently receive treatment and is not likely to be treated in the future such as those areas that meet the definition of base impervious cover, public right-of-ways and/or single family subdivisions. An approved equivalent area is hereby defined as one (1) to one and one-half (1.5) times the proposed impervious cover area that requires water quality controls.

For this agreement, an equivalent area will be defined as one times the proposed impervious cover area that requires water quality controls. The approved equivalent area shall be located on an AISD-owned property within the BSZ portion of the Edwards Aquifer recharge zone, if possible. A site within the Barton Springs contributing zone may be approved by WPD if an appropriate site is not available within the recharge zone. Off-site treatment may include removal of existing impervious cover if the proposal includes a mechanism, such as a deed restriction, to ensure the removal is permanent. Tools such as the City's Stormwater Loading Assessment Tool will be used to demonstrate required pollutant load reduction. Treatment of the approved equivalent area shall not be used to meet any future water quality treatment requirements of the off-site location and future redevelopment of the off-site location shall require AISD to find a replacement treatment area.

4. In cooperation with AISD staff and consultants, WPD has reviewed four AISD campuses currently proposed for redevelopment to determine whether it is feasible to comply with the water quality treatment standard using solely on-site controls. WPD determined that it is technically feasible to provide the following amounts of on-site treatment:
 - a. Zilker: pollutant reduction down to 25% equivalent IC
 - b. Barton Hills: pollutant reduction down to 15% equivalent IC
 - c. Baranoff: pollutant reduction to down to 5-10% (under review by CoA) equivalent IC
 - d. Patton: pollutant reduction down to 0% equivalent IC (i.e. all treatment on-site)

Pursuant to Section 2, WPD agrees that redevelopment of Zilker, Barton Hills, and Baranoff elementary schools may utilize an off-site treatment of an approved equivalent area in order to reduce pollutant loading to meet the non-degradation water quality standard.

5. If off-site water quality treatment is provided at a location that requires a separate site plan under the City's development regulations, the City of Austin shall allow the off-site water quality treatment to be included in the site for the campus being redeveloped. Off-site water quality controls and treated areas will only be reviewed for compliance with the agreement and other City regulations that pertain to the water quality treatment system itself, and the off-site location will not otherwise be required to comply with the agreement or City development regulations.

Amendment to the Agreement for Redevelopment of Bowie High School

1. AISD has indicated that it may not be possible to remove impervious cover from the Akin tract at the time of redevelopment of Bowie High School as originally contemplated by the August 2017 agreement. Therefore, the City agrees that if a transfer of impervious cover from the Travis Country site is used for the redevelopment of Bowie High School and existing impervious cover is subsequently removed from the Akin Tract, credits equivalent to the removed impervious

cover shall be credited to the originally available Travis Country transferrable total. However, the credits returned shall not exceed the amount initially transferred for redevelopment of the Bowie campus.