



MEMORANDUM

TO: Planning Commission

FROM: Jesús Garza, Interim City Manager, City of Austin
Matias Segura, P.E. Interim Superintendent, Austin Independent School District

DATE: August 15, 2023

SUBJECT: **City of Austin/ Austin Independent School District
Land Development Standards Interlocal Agreement – Proposed Amendments**

On August 22, 2023, the Planning Commission will conduct a public hearing and consider action on a series of amendments proposed to the Land Development Standards interlocal agreement (ILA) between the City of Austin (COA) and the Austin Independent School District (AISD). The ILA addresses the development regulations applicable to AISD educational facilities.

Background

Texas Local Government Code section 212.902 allows school districts and municipalities to enter into interlocal agreements that provide for district specific development standards. The City of Austin executed the first interlocal agreement with AISD in 1994. The current agreement is set to expire in September 2024 but has been periodically amended multiple times over the last two decades to ensure the terms of the agreement continue to support the needs of the school district and the surrounding communities.

Interlocal Amendments

In November 2022, Austin voters approved by a margin of 73 percent a \$2.4 billion bond program aimed at funding modernization projects and facility improvements across the district. Nearly 70 percent of the bonds support Title I schools. AISD has developed a school/ community-based approach to campus improvements, ensuring that each facility is designed to meet campus-based needs, school safety needs and the district's educational specifications. The proposed amendments were drafted with this in mind and are intended to provide AISD with the flexibility needed to address unique site constraints and to move quickly and efficiently on the delivery of much needed community improvements.

In accordance with City Code, the Planning Commission and Council are required to conduct a public hearing and act on amendments to this ILA. Approval of the proposed amendments are critical to AISD's

overall development timeline, as delays can materially impact delivery timelines and budgets associated with this voter-approved bond.

COA and AISD staff are in full support of the proposal and recommend approval. We ask that the Planning Commission provide Council with recommendations and act on August 22. The ILA is scheduled for Council public hearing and action on September 14.

Should you have any questions, please contact Keith Mars, Assistant Director with the Development Services Department. He can be reached at (512) 466-4598 or via email at keith.mars@austintexas.gov.

cc: Veronica Briseño, Assistant City Manager
José Roig, Director, Development Services Department
Keith Mars, Assistant Director, Development Services Department

AISD ILA Amendment

INTERLOCAL AGREEMENT AMENDMENT REVIEW SHEET**Amendment:**

Consider an ordinance amending and restating the School District Land Development Standards Agreement between the City of Austin and the Austin Independent School District.

Proposed Language:

See attached draft Agreement.

Background:

This amendment modifies the existing Agreement between the District and the City, which was initially established in 1994 and has been amended six times. The proposed language was developed with input from staff in the various departments that are involved in the land development review process and coordinated with the District.

Staff Recommendation:

Staff recommends approval of the proposed amendment.

Board and Commission Actions:

August 22, 2023 – Planning Commission Public Hearing

Council Action:

August 11, 1994 - Council approved Ordinance No. 940811-F authorizing execution of development agreements with Austin Independent School District (District).

December 5, 1996 – Council approved Resolution No. 961205-009 adopting the 1st amendment to the Agreement.

February 16, 2006 – Council approved Ordinance No. 20060216-045 adopting the 2nd Amendment to the Agreement.

February 04, 2010 – Council approved Ordinance No. 20100204-037 adopting the 3rd amendment. To the Agreement.

November 9, 2017 – Council approved Ordinance No. 20171109-087 adopting the 4th amendment to the Agreement.

September 19, 2019 – Council approved Ordinance No. 20190919-103 approving the 5th amendment to the Agreement, and corrective ordinance 20191114-018 on November 14, 2019.

May 18, 2023 – Council approved Ordinance No. 20230518-059 approving the 6th amendment to the Agreement, to improve telecommunication services on and around

school campuses and providing site development standards associated with telecommunication towers.

September 14, 2023 – Conduct Council public hearing

City Staff:

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FREQUENTLY ASKED QUESTIONS REGARDING THE PROPOSED LAND DEVELOPMENT STANDARDS AGREEMENT (LDSA) BETWEEN THE CITY OF AUSTIN AND AUSTIN INDEPENDENT SCHOOL DISTRICT

What is the Land Development Standards Agreement (LDSA)?

The Land Development Standards Agreement is an interlocal agreement (ILA) between the City of Austin and Austin ISD regarding educational facilities (schools and the adjacent playgrounds and fields around the school). It is an agreed-upon set of land development standards for school construction and provides a way for both parties to plan and evaluate proposed school construction projects more efficiently. The LDSA addresses things like site development plans, building permits, construction activities, etc. and can have an impact on things like permitting timelines, payment of fees, inspections and site development standards.

What is an Interlocal Agreement (ILA)?

An ILA is a legally binding agreement between two or more governing bodies. [Chapter 791 of the Texas Government Code](#) authorizes interlocal agreements between governments to “increase the efficiency and effectiveness of local governments by authorizing them to contract, to the greatest possible extent, with one another and with agencies of the state.” Chapter 212.902 of the Texas Local Government Code authorizes cities and school districts to enter interlocal agreements regarding land development standards.

Who approves the LDSA?

The Austin City Council and the Austin ISD Board of Trustees, both comprised of elected officials, must approve the agreement.

Why do the City of Austin and Austin Independent School District need an ILA for Land Development Standards?

In Texas, school districts are independent governmental entities and are not subject to the same municipal development requirements as private landowners. Establishing a LDSA between the City of Austin and Austin ISD benefits both entities by reducing redundancies and inefficiencies in education-related construction projects.

Is there an existing Land Development Standard ILA between the City and the School District?

Yes. The city and the district currently have a LDSA that was established in 1994. It has been amended multiple times and expires on September 21, 2024.

What is the term of the proposed LDSA / How long will it last?

The proposed term is 25 years and will last until 2048 unless amended.

Why is Austin ISD doing this now?

Austin ISD is one of the largest landowners in the city and is implementing a \$2.4 billion bond program that Austin voters approved in November 2022. With the current LDSA expiring next year, now is an ideal time to update the development standards to reflect Austin’s current population growth and the

city's own evolving development code. An agreement between the city and the district will help promote efficient implementation of the equity-based 2022 Bond Program and future bond programs and will safeguard taxpayer dollars.

What type of issues are addressed in this LDSA?

The way we design schools now has drastically changed since 1994 to better meet students' needs. For example, modern school design can require additional square footage, additional types of learning areas, increased security features, food pantries, counseling, and motherhood rooms. When necessary, allowing schools to be built slightly higher and closer to neighboring properties will provide the design teams flexibility to bring school functions, such as drop-off/pick-up queuing, onto school property and minimize impacts to neighbors, neighborhoods, and traffic patterns. Changes to impervious cover are also being considered, but not in the Barton Springs Recharge Zone.

Which facilities will the LDSA apply to?

This LDSA will only apply to Austin ISD educational facilities (schools and the adjacent playgrounds and fields) and only when they are used for educational purposes. This LDSA does not apply to the district's centralized athletic facilities (House Park Field, Nelson Field, the Delco Center, Burger Center/Field) and district support facilities such as the district's Service Center, bus barns, warehouse, and headquarters. It also does not apply to Austin ISD properties located in other municipalities, such as Sunset Valley.

Does this LDSA affect Austin ISD's efforts to redevelop former campuses, such as the old Rosedale School site, or the district's efforts to provide employee housing?

No. This LDSA covers only educational facilities and the development of new educational facilities. The development of properties for other purposes, including employee housing, would be addressed under City Code that applies to all public and private entities.