

City of Austin/Austin Independent School District

Summary of Land Development Standards Interlocal Agreement (ILA)



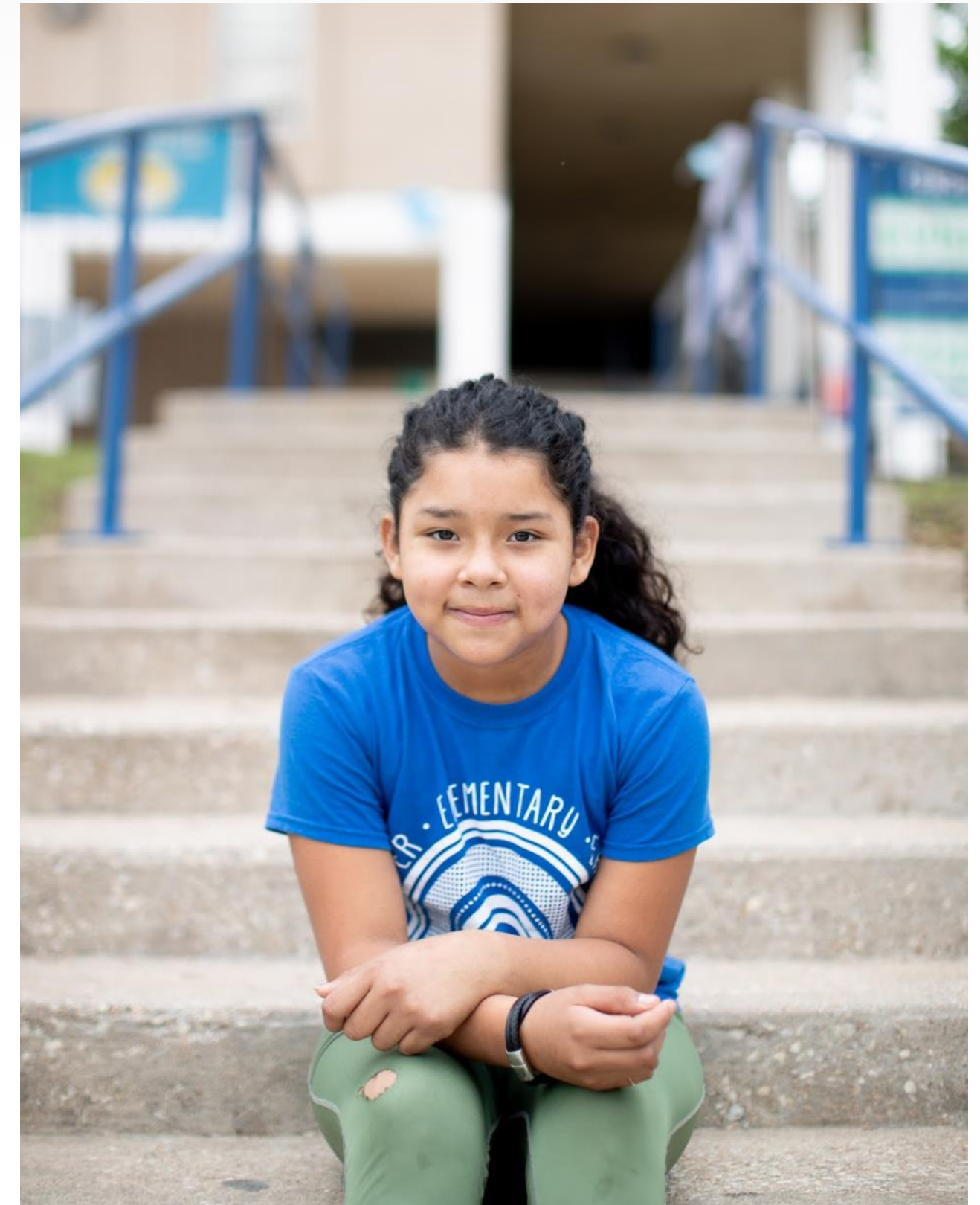
Austin City Council

September 14, 2023

- Section 212.902 of the Texas Local Government Code provides that a municipality and a school district may enter into an agreement to establish review fees, review periods, land development standards ordinances and to provide alternative water pollution control methodologies for school buildings.
- The existing ILA between the City of Austin and the School District is expiring in September 2024.
- However, the ILA significantly impacts design considerations for the ongoing \$2.4B 2022 AISD Bond Program, so updates need to be made as soon as possible.
- City Staff and AISD Staff have **worked together to develop this revised document, and the District and City staffs and administrations recommend approval.**
- On August 22, **Planning Commission voted unanimously to support the proposed document** and suggested additional changes (provided in Council backup).

Notification and Responses

- City Code Requires Notification to All Property Owners within 500 feet of existing or potential schools.
- Over 44,000 property owners were notified of the proposed ILA.
- The City and the District worked in coordination on the Notification, which was provided in English and Spanish.
- The City included with the notice an AISD developed one-page, bilingual insert of FAQs.
- AISD also supported a FAQs webpage with additional FAQs.
- To date, the City and the AISD received less than 20 inquiries.
 - Focus of inquiries where “how does this affect the school in my neighborhood” or City processes.
- There were no speakers in opposition at the Planning Commission hearing on August 22, 2023.



This is a revised section.

- Adds “WHEREAS” clauses that set the stage for the body of the agreement between the contracting parties. These clauses are meant to give some background for the contractual engagement.
- Reflects that the Agreement is an “*Amended and Restated School District Land Development Standards Interlocal Agreement*” (ILA), provides a new effective date, and states that where required, the provisions of this ILA shall also be considered ordinances issued by the City.

Article 1 – Ordinance Compliance and Modification

Section 1.1: This is a revised section. *(addressed in previous ILA in Section 1.1).*

- Section revised to reflect the applicable City Code for this ILA will be the City Code in place at the time this *Amended and Restated School District Land Development Standards Interlocal Agreement* (ILA) is executed.
- Further modifies the section by stating that the terms of this Agreement and its related exhibits supersede any conflicting requirements of the city's code of ordinances and adopted rules.

Section 1.2: This is a new section.

- This is a new section that defines the jurisdictions within which the ILA is applicable.

Section 1.3: This is a revised section. *(addressed in previous ILA in Section 1.2)*

- This section is revised to clarify that the ILA is applicable only to Educational Facilities and provides examples of such Educational Facilities. This section is also revised to add a new reference to Accessory Uses.

Section 1.4: This is a revised section. *(addressed in previous ILA in Section 1.3)*

- This section is clarified to reflect that nothing in this Agreement shall be construed to limit the availability of, or waive fees imposed by certain ordinances of the City.

Article 2 – Definitions

Section 2.1: This is a new section. *(Temporary Classroom Buildings addressed in previous ILA in Section 2.1)*

- This new section provides definitions for terms used in the Agreement. This revised section also provides a more complete definition for Temporary Classroom Buildings.

Article 3 – Planning Coordination

Section 3.1: This is a new section.

- This new section addresses planning coordination activities when requested by the City and/or the School District.

Article 4 - Zoning

Section 4.1 - Site Development Regulations: This is a new section.

- Specifies that site development regulations are established by this Agreement.

Section 4.2 - Floor-to-Area Ratio: This is a revised section. *(Addressed in previous ILA in Section 2.5)*

- Clarifies that no floor-to-area ratio limitations shall be applied to Educational Facility sites.

Section 4.3 - Minimum Lot Size : This is a new section.

- Specifies that no minimum lot size requirements shall be applied to Educational Facility sites.

Section 4.4 - Minimum Lot Width: This is a new section.

- Specifies that no minimum lot width requirements shall be applied to Educational Facility sites.

Section 4.5 - Minimum Setbacks: This is a new section.

- Specifies that school buildings on Educational Facility sites shall be set back a minimum of ten feet from a lot line. There shall be no minimum setback for other structures except for telecommunications towers.

Article 4 - Zoning

Section 4.6 – Building Coverage: This is a new section.

- Specifies that no building coverage limitations shall be applied to Educational Facility sites.

Section 4.7 – Impervious Cover: This is a new section.

- Specifies that all impervious cover restrictions shall be based on the requirements found in Section 10.2 (Impervious Cover Limits) and Section 10.3 (Transfer of Impervious Cover).

Section 4.8 – Compatibility Standards: This is a revised section. *(addressed in previous ILA in Section 2.6)*

- Revised to propose new compatibility requirements, including:
 - An intensive recreational use associated with a public primary or secondary educational facility, excluding a multi-use trail, and including a swimming pool, tennis court, ball court, or playground, may not be constructed 25 feet or less from adjoining property 1) in an Urban Family Residence (SF-5) or more restrictive zoning district; or 2) on which a use permitted in an SF-5 or more restrictive zoning district is located. This provision is not applicable to development on a site 8 acres or less in size.
 - Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property 1) in an SF-5 or more restrictive zoning district; or 2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

Section 4.9 – Traffic Impact Analysis: This is a revised section. *(addressed in previous ILA in Section 2.7)*

- Revised to clarify that there shall be no requirement for a Traffic Impact Analysis (“TIA”) or Neighborhood Traffic Analysis (“NTA”) as part of any zoning or rezoning of a School District Educational Facility site. Instead, AISD will provide a Traffic Circulation Analysis and Access Management Plan (Section 6.9) to Transportation and Public Works (TPW) with their proposed developments.
- In the event that a TIA or NTA is under City review for an area that includes a property being developed by the School District pursuant to this Agreement, the TIA and/or NTA shall not be required to be completed as a condition or prerequisite to approval of Zoning Application.

Section 4.10 – Height Regulations: This is a revised section. *(addressed in previous ILA in Section 2.9)*

- Revised to propose new height regulations where:
 - Except for telecommunications towers described in Section 6.6 of the Agreement, the maximum height of buildings or other structures constructed on Educational Facility sites shall not exceed 100’ irrespective of the zoning or use of neighboring properties.
 - Except for telecommunications towers described in Section 6.6 of the Agreement, any portion of buildings or structures on Educational Facility sites that are within 60’, inclusive of easements or other setback lines, of a property zoned SF-5 or more restrictive or developed with a single-family residential use are limited to 45’ in height.

Article 4 - Zoning

Summary of Setback and Height (Compatibility) Revisions

Category	Existing ILA	Proposed ILA
Setbacks		
< 10 ft from Lot Line	NA	No School Buildings; not applicable to other structures other than telecommunications towers
< 15 ft from SF Residential Use OR Zoning	No structure (associated with Small Sites)	NA
15 ft to 25 ft from SF Residential Use OR Zoning	Side & Rear Setbacks varying from 15 ft - 25 ft based on lot width	NA
< 25 ft from SF Residential Use OR Zoning*	Front setback; no structure (associated with Large Sites)	No intensive recreational use associated an educational facility, excluding a multi-use trail, and including a swimming pool, tennis court, ball court, or playground
Height		
Maximum	60 ft	100 ft (except for Telecommunications Towers)
< 50 ft from SF Residential Use OR Zoning	30 ft / 2 Stories	NA
< 60 ft from SF Residential Use OR Zoning	NA	45 ft
50 ft - 100 ft from SF Residential Use OR Zoning	40 ft / 3 Stories	NA
100 ft - 300 ft from SF Zoning	40 ft + one foot for each 10 ft of distance > 100 ft from the property zoned SF-5 or more restrictive.	NA
300 ft - 540 ft from SF Zoning	60 ft + 1 foot for each 4 ft of distance > 300 ft from the property zoned SF-5 or more restrictive.	NA
McCallum Performing arts Center > 100ft from SF Residential Use OR Zoning	80 ft	NA

* Not applicable to sites < 8 acres

Article 4 - Zoning

Section 4.11 – Accessory Uses: This is a new section.

- Specifies what is considered an Accessory Use for Educational Facilities.

Section 4.12 – Zoning Review Fees: This is a new section.

- Specifies that The School District shall not pay to the City any fees for the review of applications for zoning or rezoning approval for Educational Facility building sites.

Section 4.13 – City Review and Comment of Zoning Applications: This is a new section.

- Specifies that the City shall prioritize and expedite School District zoning applications in the rare instance that the School District finds it necessary to apply for a Zoning Application.

Section 4.14 – Dedicated Review Staff: This is a new section.

- Specifies that, upon the submission of a Zoning Application, the City shall assign to the School District a dedicated zoning review staff person who is familiar with Educational Facilities.

Section 6.1: Site Development Plan is not Required for Certain Development (Site Plan Exemption): **This is a revised** section. *(addressed in previous ILA in Section 2.11)*

- This section revises what qualifies for a Site Plan Exemption, including:
 - A site development plan is not required for development on an Educational Facility site that disturbs 10,000 square feet of land or less.
 - A site development plan is not required for the addition, removal, or relocation of a Temporary Classroom Building without a permanent foundation on an Educational Facility site.
 - A site development plan is not required for the construction of turning lanes from each side of a median on a divided arterial.
 - If no conflict exists between provisions of this agreement and LDC § 25-5-3 (Small Projects), site development in that section will not require a Site Plan.
 - Any other minor site activities similar to those listed above as determined by the Director of Development Services.
 - The City shall designate dedicated review staff members familiar with the requirements of this Agreement within each discipline responsible for review of site plan exemptions.

Article 6 – Site Development Permit

Section 6.2: Minor Revisions to Approved Site Development Plan: This is a revised section. (*addressed in previous ILA in Section 2.3*)

- This section revises what activities at Educational Facilities can be classified as a Minor Revision to an Approved Site Development Plan, including revised timelines for City review, how field revisions are handled, and the assignation of dedicated review staff.
- This section clarifies what alterations will be allowed to be processed through the use of a Minor Revision, including those which generally:
 - Do not generate more than 25% additional site traffic above the overall approved site development plan, or significantly affect traffic or pedestrian patterns in an adverse manner;
 - Do not increase impervious cover by more than 10,000 square feet; and
 - Do not affect water quality or drainage patterns.

Section 6.3: Major Revisions to Approved Site Development Plan: This is a new section.

- Specifies what activities at Educational Facilities can be classified as a Major Revision to an Approved Site Development Plan, including revised timelines for City review, the assignation of dedicated review staff, how building additions shall be handled, and how additions to limits of construction and overall site area shall be handled.

Section 6.4: Temporary Classroom Buildings: This is a revised section. *(addressed in previous ILA in Section 2.1)*

- This section clarifies how the permitting of Temporary Classroom Buildings that are added to an existing Educational Facility campus are handled, including addressing impervious cover, setback requirements from environmental features and trees, floodplains, and construction on slopes.
- Specifies that the Director may administratively approve reductions in setbacks from Waterway Setbacks, but in no case shall such reductions be reduced to less than 50' measured linearly from the Waterway Setback boundary or Critical Environmental Feature.
- Further clarifies that all Temporary Classroom Buildings shall comply with building, fire, electric, energy, mechanical, plumbing, and other technical codes and criteria of the City in effect at the manufacture date of the Temporary Classroom Building and be approved by the Texas Department of Licensing and Regulation (TDLR).
- There is no change to the requirements that 1) the School District shall obtain any and all applicable permits for the movement of Temporary Classroom Buildings; 2) the City may inspect Temporary Classroom Buildings for compliance with applicable regulations; and 3) that no permit fees related to Temporary Classroom Buildings shall be charged by the City to the School District except for those permits which involve the provision of services by the City, such as inspections.

Article 6 – Site Development Permit

Section 6.5: Educational Facilities on Public “P” District Zoned Tracts: This is a new section.

- Specifies that site plan review for School District Educational Facilities located in whole or in part on Public “P” District Zoned tracts shall be reviewed under the LDC §25-5, Article 2 – Administrative Site Plans.

Section 6.6: Telecommunication Towers: This is a new section.

- This section reflects the latest amendment to the previous ILA adopted on May 18, 2023 via Ordinance No. 20230518-059.

Section 6.7: Adjacent Street Widths: This is a new section.

- Specifies that the goal of the Agreement is to ensure safe public access to Educational Facilities and efficient neighborhood circulation.
- States that the requirements of LDC § 25-2-832 do not apply to development of School District Educational Facilities pursuant to this Agreement, as such Safe Public Access and Efficient Neighborhood Circulation shall be addressed in the Traffic Circulation Analysis and Access Management Plan described in Section 6.9 of this Agreement.
- A Traffic Circulation Analysis and Access Management Plan shall be provided when an abutting street to an Educational Facility is less than forty feet (40') in width.

Article 6 – Site Development Permit

Section 6.8: Landscape Standards: This is a revised section. *(addressed in previous ILA in Section 2.4)*

- This section revises landscape standards and states the intent of the landscape standards section.
- Specifies new tree requirements for parking lots.
- Specifies new screening and buffering requirements that may conflict with school safety protocols.
- Specifies landscape completion timelines.
- Provides for the administrative authority of the City Arborist to consider and approve Heritage Tree removal, variance, or other requests based on the criteria in LDC §25-8-642 and §25-8-643.

Section 6.9: Traffic Impact Analysis: This is a revised section. *(addressed in previous ILA in Section 2.7)*

- Revised to clarify that no Traffic Impact Analyses nor Neighborhood Traffic Analyses (NTA) shall be required for Educational Facilities site plans.
- States that if a Traffic Impact Analysis would otherwise be required, the School District shall provide a Traffic Circulation Analysis and Access Management Plan.
- The section provides the required content of said Traffic Circulation Analysis and Access Management Plan.

Section 6.9: Traffic Impact Analysis (cont.)

- In the event where a TIA or NTA is under City review for an area that includes a property being developed by the School District, the TIA and/or NTA shall not be required to be completed as a condition or prerequisite to approval of a zoning application, site development permit, building permit, or any other development-related permit.
- The Director may grant condition approval of a proposed School District development for an Educational Facility on construction or funding of system improvements, with such improvements detailed in this section.
- The Director shall allow the School District to pay a fee in-lieu of constructing one or more of such transportation system improvements at the request of the School District.
- A fee in-lieu collected under this subsection shall be placed in a dedicated fund and used solely for the purpose of constructing one or more system improvements required for a particular site development permit and shall be spent within 10 years from the date fee is paid to the City.
- The School District may request a refund of any funds that remain unspent after the end of the ten-year period. A refund request under this section must be submitted in writing, on a form provided by the Director.
- The School District need not pay a street impact fee (SIF) for any Educational Facility projects.

Article 6 – Site Development Permit

Section 6.10: Parking Requirements: This is a revised section. *(addressed in previous ILA in Section 2.10)*

- This section is revised to state that there shall be no minimum on-site parking requirement applicable to Educational Facilities, but to the extent parking shall be installed, it shall be included in the Transportation Circulation Study and Access Management Plan described in the Agreement.
- Further, this section states that bicycle parking shall be provided as the School District deems appropriate.
- Except for landscaping requirements, the layout of a parking lot must comply with the Transportation Criteria Manual.

Section 6.11: Driveways: This is a new section.

- Specifies that up to four (4) driveways are permitted per School District Educational Facility site.
- Additional driveways are permitted if such driveways are included on an approved Traffic Circulation Analysis and Access Management Plan.

Article 6 – Site Development Permit

Section 6.12: Sidewalks: This is a new section.

- Specifies that, for development with existing public sidewalks that are compliant with the Transportation Criteria Manual (TCM) and the LDC (including Safe Routes to School requirements) and in compliance with the requirements of the Americans with Disabilities Act, such sidewalks shall not be required to be reconstructed, except to address segments of such sidewalks evaluated by a Texas Registered Accessibility Specialist and deemed to be non-compliant with ADA requirements.
- This section further states that, for sidewalks with missing segments or segments that are non-compliant with TCM and/or LDC requirements, only non-compliant segments shall be required to be constructed or reconstructed.
- The School District may request to pay a fee in-lieu of constructing required sidewalk improvements.

Section 6.13: Interim Compliance: This is a new section.

- Specifies that, in instances where development, redevelopment, construction, reconstruction, demolition, and/or phasing of such work may create interim non-compliance with any development regulation of the City and/or of this Agreement, the City will work with the School District to provide temporary alternative methods of compliance if the non-compliance will ultimately be resolved when the project is complete.
- Such temporary alternative methods of compliance shall not result in increased stormwater discharge from the site.
- Interim conditions shall not exceed six months and can be extended at the Director's discretion.

Article 6 – Site Development Permit

Section 6.14: Alternative Design: This is a new section.

- Specifies that the School District may request an alternative design (“Alternative Design”) when strict compliance is not feasible.
- The Director may approve an Alternative Design to satisfy any requirement of the City Code and/or of this Agreement if the design meets the following standards:
 - The proposed Alternative Design is in general conformity with the intent of the regulation in question; and
 - The proposed Alternative Design will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated.

Section 6.15: Water, Wastewater, and Reclaimed Water Service: This is a new section.

- Specifies that water, wastewater, or reclaimed water infrastructure serving School District Educational Facilities located on multiple lots shall be permitted to cross lot lines in the event that the School District owns, in whole or in part, the tracts being developed, and the School District requests an Alternative Design and complies with all City terms and conditions.

Section 6.15: Water, Wastewater, and Reclaimed Water Service (cont.):

- This section states that it is a goal and intent of both the School District and the City that Educational Facilities adhere to the highest environmental and sustainability standards, including with respect to the conservation of water.
- Although the School District need not strictly comply with the reclaimed water requirements of City Code (primarily located in LDC Chapter 25-9, including but not limited to dual plumbing, the City's Water Forward goals and requirements, and the use of non-potable water), the School District will cooperate with the City such that Educational Facilities are constructed in line with such requirements to the extent the School District determines that additional costs are appropriate.
- This section states that any City water conservation requirements imposed during conservation periods regarding the use of potable or reclaimed water received through City wholesale services shall be applicable to School District Educational Facilities.

Section 6.16: Demolition and Historic Review: This is a new section.

- Specifies that the City shall approve demolition permits with an approved site plan exemption, regardless of square footage, so long as the School District complies with any applicable required demolition notification processes.
- Specifies that, notwithstanding City Council Resolution 20160623-082 or its amendment in City Council Resolution 20180510-049, or any related policy of the Historic Preservation Office or Historic Landmark Commission, the Historic Preservation Office may review and release a demolition permit administratively per LDC Section 25-11-213(B)(7) without the requirement of a hearing before the Historic Landmark Commission if the applicable project was included in a School District bond approved by voters.
- City staff shall collaborate with School District and historic preservation stakeholders to identify Educational Facility projects that include buildings over 50 years of age that may require demolition permits and to develop recommendations regarding expedited scheduling at the Historic Landmark Commission.

Section 6.16: Demolition and Historic Review (cont.):

- Expedited scheduling with Historic Landmark Commission can occur outside of any existing or planned permitting process and shall be tied to a site plan exemption that is undertaken for historic review purposes only.
- The City shall place such requests on the agenda of the next available meeting for which the City can meet its notification deadlines.
- A demolition permit shall not expire for a period of 5 years if it is for a project that was included in a School District bond approved by voters.

Section 6.17: City Review and Comment of Site Development Plan: This is a revised section. *(addressed in previous ILA in Section 2.10)*

- This section clarifies and revises the scope of City review related to Site Plans, including:
 - Addressing the redevelopment of existing Educational Facilities.
 - Conditions for conforming/non-conforming use and compliant/non-compliant structures.
- This section specifies that where existing development is proposed to be modified, only those specific elements proposed to be modified shall be reviewed for and be required to come into compliance with applicable regulations.

Article 6 – Site Development Permit

Section 6.17: City Review and Comment of Site Development Plan (cont.):

- This section provides a new review schedule for review of Site Development permits.
- This section provides conditions for final approval of Site Development permits.
- This section addresses the effect of an approved Site Development Permit and its impact on the release of building permits, site construction schedule, and the schedule and approval of water meters, reclaimed water meters, and wastewater taps from the City.

Section 6.18: Review and Impact Fees: This is a revised section. *(addressed in previous ILA in Section 2.10)*

- This section clarifies that the School District shall not pay to the City any fees for the review of site development permit applications for Educational Facility sites, or any impact fees related to the construction at an Educational Facility site.
- Notwithstanding the foregoing, the School District shall pay for inspection fees.

Article 6 – Site Development Permit

Section 6.19: Fiscal Surety: This is a revised section. *(addressed in previous ILA in Section 2.8)*

- This section clarifies that no fiscal surety, cash escrow, letter of credit, bond, or any other form of financial guarantee, associated with development by the School District pursuant to the Agreement, shall be required prior to or during construction or as a condition of any acceptance, approval, or issuance of any permit or certificate by the City.
- The School District agrees that the performance otherwise secured by a financial guarantee under the City Code, will be made at School District cost.
- The School District shall include in construction bid documents, construction contracts, and the bonding requirements of contractors, that the installation and maintenance of temporary erosion controls and revegetation of disturbed areas will be done in accordance with City standards.
- The School District shall hold the cost of revegetation as retainage until the City issues a letter approving the revegetation on the site. In this section, revegetation means permanent erosion controls and does not otherwise include landscaping.

Article 7 – Building Permit

Section 7.1 – Building Construction Plan Review and Building Permit Issuance: This is a revised section. *(addressed in previous ILA in Section 2.3)*

- This section clarifies that, for an addition to an existing School District Educational Facility building, building code review shall be limited to the addition where the addition connects to the existing building and the accessible route(s) to the addition.
- Specifies City review schedule and timelines for same and states that building permits for Educational Facilities shall have priority review by the City.

Section 7.2 – City Review and Comment of Building Permit: This is a new section.

- Specifies City review schedule and timelines for same and states that building permits for Educational Facilities shall have priority review by the City.

Section 7.3 – Inspections: This is a new section.

- Specifies the timeline for building inspections related to Educational Facilities.

Article 8 – Annual Permit

This is a new article.

- This article specifies that certain authorized building, electrical, mechanical, and plumbing scopes of work at School District Educational Facilities covered under this Agreement shall be eligible for completion under an Annual Permit as described in Section 1.1.2.1 of the City Building Criteria Manual.
- Instead of an individual permit for each alteration to an already approved gas, electrical, mechanical or plumbing installation, including defined minor building alterations and repairs, the City Building Official is authorized to issue an Annual Permit upon application thereof to the School District if they regularly employ one or more qualified trade persons in the building, structure or on the premises owned or operated by the School District for the permit.
- The facility shall maintain records on all work performed and scheduled quarterly inspections under the annual permit in accordance with § 105.1.2 of the Local Amendments to the International Building Code (IBC) and DSD Annual Permit Inspections Policy (Annual Permit Records).

Article 9 - Construction

This is a new article.

- The City shall provide site plan construction inspections within 5 business days of such request being made by the School District to the City Liaison.

Article 10 - Environmental

This is a revised article.

Section 10.1 – Environmental Resource Inventory: This is a new section.

- Specifies that it is the intent of the parties that an Educational Facility project on a built-out site with a validly existing site plan shall be eligible for a waiver under LDC Section 25-8-121(D).

Section 10.2 – Impervious Cover: This is a revised section. *(addressed in previous ILA in Section 3.1)*

- This section is revised to state new impervious cover limits in some cases for Educational Facilities located outside of the Barton Springs Zone.
- It is the intent of this Agreement to **NOT** modify any limitations on impervious cover within the Barton Springs Zone, **NOR** to modify any agreements put in place under the existing ILA regarding transfer of development intensity related to the Barton Springs Zone.
- The section is clarified to state that impervious cover calculated for School District Educational Facilities shall not consider natural trails or natural surface tracks as impervious cover, as such facilities are described in the Environmental Criteria Manual.

Section 10.2 – Impervious Cover (cont.):

- The section is revised to state that, in an **Urban watershed**, the maximum impervious cover is 65% of gross site area, or 70% of the gross site area if a transfer of impervious cover is available and utilized, except:
 - For Educational Facility campuses in an Urban watershed that are more than 5-acres but less than 10-acres in size, a maximum impervious cover of 75% gross site area will be allowable and such limits shall apply to the site regardless of whether impervious cover transfers are utilized or not.
 - For Educational Facility campuses in an Urban watershed that are less than or equal to 5-acres in size, a maximum impervious cover of 80% gross site area will be allowable and such limits shall apply to the site regardless of whether impervious cover transfers are utilized or not.
 - Impervious cover transfers to an Educational Facility site in an Urban watershed, if utilized, must be from a site in the same watershed classification and otherwise meet the requirements of this Subsection.
 - To be eligible for the Urban watershed additional impervious cover described in this Section, water quality treatment shall be required for all impervious cover that is compliant with applicable sections of this Agreement.

Section 10.2 – Impervious Cover (cont.):

- The section is revised to state that, in a **Suburban watershed**, the maximum impervious cover is 50% of gross site area, or 60% of the gross site area if a transfer of impervious cover is available and utilized.
 - For Educational Facility campuses in a Suburban watershed that are more than 5-acres but less than 10-acres in size, a maximum impervious cover of 70% gross site area will be allowable and such limits shall apply to the site regardless of whether impervious cover transfers are utilized or not.
 - For Educational Facility campuses in a Suburban watershed that are less than or equal to 5-acres in size, a maximum impervious cover of 75% gross site area will be allowable and such limits shall apply to the site regardless of whether impervious cover transfers are utilized or not.
 - Impervious cover transfers to an Educational Facility site in a Suburban watershed, if utilized, must be from a site in the same watershed classification and otherwise meet the requirements of this Subsection.
 - To be eligible for the Suburban watershed additional impervious cover described in this Section, water quality treatment shall be required for all impervious cover that is compliant with applicable sections of this Agreement.

Section 10.2 – Impervious Cover (cont.):

- The section is revised to state that, in a **Water Supply watershed**, the maximum impervious cover is 50% of net site area, or 60% of the net site area if a transfer of impervious cover is available and utilized.
 - For Educational Facility campuses in a Water Supply watershed that are more than 5-acres but less than 10-acres in size, a maximum impervious cover of 70% net site area will be allowable and such limits shall apply to the site regardless of whether impervious cover transfers are utilized or not.
 - For Educational Facility campuses in a Water Supply watershed that are less than or equal to 5-acres in size, a maximum impervious cover of 75% net site area will be allowable and such limits shall apply to the site regardless of whether impervious cover transfers are utilized or not.
 - Impervious cover transfers to an Educational Facility site in a Water Supply watershed, if utilized, must be from a site in the same watershed classification and otherwise meet the requirements of this Subsection.
 - To be eligible for the Water Supply watershed additional impervious cover described in this Section, water quality treatment shall be required for all impervious cover that is compliant with applicable sections of this Agreement.

Section 10.3 – Transfer of Impervious Cover: This is a revised section. *(addressed in previous ILA in Section 3.2)*

- This section clarifies the watersheds eligible for participation in the transfers of impervious cover.
- Only change from existing Agreement is that transfers have to be from the For every one acre of land in the Critical Water Quality Zone restricted from development and available for public use, the School District is entitled to an additional 20,000 square feet of impervious cover on lands in Uplands Zones on any Educational Facility site within the same watershed classification.
- For every one acre of land in the Water Quality Transition Zone left undeveloped and undisturbed and not included in impervious cover calculations elsewhere, the School District is entitled to an additional 20,000 square feet of impervious cover on lands in Uplands Zones on any Educational Facility site within the same watershed classification.
- o Except as otherwise provided in this subsection, for every one acre of land or portion thereof in the Uplands Zone located within a buffer of a Critical Environment Feature and left natural and undisturbed, the School District is entitled to an additional 20,000 square feet of Impervious Cover on lands elsewhere in Uplands Zones on any Educational Facility site within the same watershed classification. Such buffer area may also be included in the Net Site Area calculations for the Uplands Zone.



Summary of Revised Impervious Cover Limits

Watershed	Current ILA - Base	Current ILA - w Transfer	Proposed ILA - Base	Proposed ILA - w/ Transfer	Proposed ILA - Site >5ac & <10ac	Proposed ILA - Site < 5ac
BSZ	Varies	Varies	No Change	No Change	Not Applicable	Not Applicable
Water Supply	50%	60%	No Change	No Change	Max: 70% NSA	Max: 75% NSA
Suburban	50%	60%	No Change	No Change	Max: 70% GSA	Max: 75% GSA
Urban	65%	65%	No Change	70%	Max: 75% GSA	Max: 80% GSA

LEARNING AREAS: AISD estimates modern school design changes since the 1994 ILA can result in anywhere from 20,000 – 25,000 square feet of additional area per school required for learning areas.

- Current AISD Educational Specifications recognize the need for collaboration and flexibility, and the need to encourage the learning style of each student.
- The District now designs for collaboration ... meaning dedicated spaces outside of classrooms (that are either walled or unwalled) for students working as groups.
- Hallways are significantly wider to address this need (collaboration can happen in hallways nooks, etc.).
- Teachers’ offices were moved out of the classroom into professional development centers designed as dedicated spaces for teachers to office and collaborate.
- The addition of the outdoor classrooms concept also has implications for impervious cover; these spaces might have a small craft or lab next to them to help with staging the outdoor activities.
- At the Elementary School level, multi-level schools may have learning stairs where an entire grade can gather for a lesson.
- Schools are also being designed with community rooms near the entrance that are within the school (but secure) where parents and teachers can collaborate and meet (outside of school hours, these spaces are sometime available to community groups).

NON-LEARNING AREAS: AISD estimates that modern school design changes since the 1994 ILA can result in up to 10,000 square feet of additional area per school required for non-learning areas.

- This includes addressing increased security requirements at school entrance and exit points, as well as things like food pantries, counseling, lactation rooms, etc.

DEMOGRAPHICS: While student attendance growth rate differs significantly not only by geography, but also over time, a school may have a variable growth rate for a period of years.

- As the demographics of that school-shed change, a school’s attendance growth rate may increase over time,
- There needs to be room for that school to accommodate growth.

Section 10.4 – Waterway Setbacks: This is a new section.

- Specifies allowable impervious cover in the Critical Water Quality Zone and Water Quality Transition Zone.
- Allows buffer averaging in both Critical Water Quality Zones and Water Quality Transitions Zones under certain circumstances.

Section 10.5 – Cut and Fill: This is a revised section. *(addressed in previous ILA in Section 3.3)*

- This section is revised to change Planning Commission to Land Use Commission.

Section 10.6 – Construction on Slopes: This is a new section.

- Specifies that construction on slopes of 25% - 35% is permitted for construction of a building or parking area if the site was owned by the School District on January 1, 1994.

Section 10.7 – Construction on Slopes: This is a revised section. *(addressed in previous ILA in Section 3.4)*

- This section was revised to state that, for the Barton Springs Zone, if impervious cover is removed to meet treatment requirements, the site shall be permanently restricted from future development of an equivalent amount of impervious cover unless treatment can be provided in another acceptable form and approved by the City.

Section 10.8 – Artificial Turf: This is a new section.

- Specifies how impervious cover will be permitted for artificial turf fields and tracks on Educational Facility sites.

Article 11 – Jointly Owned Lands

This is a new article.

- This new article addresses lands jointly owned by AISD and the City of Austin and states that Pursuant to the *Agreement between the City of Austin and the Austin Independent School District Regarding Development and Shared Use of Jointly Owned Facilities, Ground Improvements and Open Spaces* (the “Joint Use Agreement”), the School District will consult with the City such that it may place Temporary Classroom Buildings on Joint Use Facilities during construction periods.

Article 12 – Legal Documents

This is a new article.

Section 12.1 – Standard Legal Documents: This is a new section.

- Specifies that the School District and the City shall collaborate on the development of standard license, easement, encroachment, unified development, Integrated Pest Management, and other legal documents applicable to activities undertaken under this Agreement, such that they shall be used for all projects undertaken under this Agreement, without the need for additional legal review by either party.

Section 12.2 – Waiver of Verification of Legal Entity: This is a new section.

- Specifies that the City shall waive the requirement for documentation proving the legal entity status for the School District in all such documents.

Section 12.3 – Timing of Approval for Legal Documents: This is a new section.

- Specifies that any of the legal documents referenced in this section and necessary for the granting of a Site Development Permit or a Building Permit from the City shall be required to be finalized only prior to the issuance of a Certificate of Occupancy for activities undertaken under this Agreement.

Article 14 – Austin Energy

This is a new article.

Section 14.1 – Liaisons: **This is a new** section.

- Specifies that Austin Energy will have a dual contact approach with the School District for development on Educational Facility sites, including a general liaison and a technical liaison.
- Specifies the roles and responsibilities for each liaison.

Section 14.2 – Design Process: **This is a new** section.

- Specifies that Austin Energy acknowledges and agrees that it will begin design upon acceptance of 30% design documents.

Section 14.3 – Equipment: **This is a new** section.

- Specifies that, when equipment needs are determined, Austin Energy will engage with the School District to discuss procurement options to meet project requirements and material delivery times.
- Such procurement may include customer purchased equipment approved by Austin Energy.

Article 15 – Term

This is a revised article. *(addressed in previous ILA in Article 4)*

- This revised article addresses the term of the Agreement.
- States that the term shall be 25 years.
- After 7 years written notice of cancellation (“Notice of Cancellation”) may be delivered by either party to the other party.
- This article further specifies the terms related to a Notice of Cancellation and revises the section to specifically reflect calendar days.

Article 16 – Miscellaneous Provisions

This is a revised article *(addressed in previous ILA in Article 5)*

Section 16.1 – Dispute Resolution: **This is a revised** section. *(addressed in previous ILA in Section 5.1)*

- Revises the terms for dispute resolution.

Section 16.2 – Modification Procedure: **This is a revised** section. *(addressed in previous ILA in Section 5.2)*

- Clarifies that the School District may take advantage of recorded subdivision plat notes, recorded restrictive covenants required by a regulatory agency, or any change to the laws, rules, regulations, or ordinances of a regulatory agency, or any change to the laws, rules, regulations, or ordinances that enhance or protect the School District, including changes that lengthen the effective life of the permit after the date the application for the permit was made, without forfeiting any rights under this Agreement.
- The section states that If the Superintendent of the School District or the City Manager requests an amendment to this Agreement, the counterparty will make a good faith effort to come to mutually agreeable terms that reflect the basis of the amendment request.

Section 16.3 – Entire Agreement: **There are no changes** to this section. *(addressed in previous ILA in Section 5.3)*

Article 16 – Miscellaneous Provisions

Section 16.4 – Interpretation: **There are no changes** to this section. *(addressed in previous ILA in Section 5.4)*

Section 16.5 – Invalid Provisions: **There are no changes** to this section. *(addressed in previous ILA in Section 5.5)*

Section 16.6 – Third Party Beneficiaries: **There are no changes** to this section. *(addressed in previous ILA in Section 5.6)*

Section 16.7 – No Joint Venture, Partnership, Agency, Etc.: **There are no changes** to this section. *(addressed in previous ILA in Section 5.7)*

Section 16.8 – Other Instruments: **There are no changes** to this section. *(addressed in previous ILA in Section 5.8)*

Section 16.9 – No Waiver: **There are no changes** to this section. *(addressed in previous ILA in Section 5.9)*

Section 16.10 – Applicable Law: **There are no changes** to this section. *(addressed in previous ILA in Section 5.10)*

Section 16.11 – Headings: **There are no changes** to this section. *(addressed in previous ILA in Section 5.11)*

Section 16.12 – Parties Bound: **There are no changes** to this section. *(addressed in previous ILA in Section 5.12)*

Article 16 – Miscellaneous Provisions

Section 16.13 – Counterparts: *There are no changes* to this section. *(addressed in previous ILA in Section 5.13)*

Section 16.14 – Successor Entities: *There are no changes* to this section. *(addressed in previous ILA in Section 5.14)*

Section 16.15 – Diversity, Equity, and Inclusion: *This is a new* section.

- This new section specifies that any activities undertaken pursuant to this Agreement shall reflect and promote an inclusive, healthy, and welcoming environment for all School District students.

Section 16.16 – Venue: *This is a new* section.

- This new section specifies that the venue for any suit arising under this Agreement shall be in Travis County.

Section 16.17 – Amendment: *This is a new* section.

- This new section specifies that no amendment of this Agreement shall be effective unless it is executed by the authorized representatives of the City and the School District.