



## Project Consent Agreement Application

### General Information

This packet outlines the procedures and submittal requirements necessary to obtain a Project Consent Agreement (PCA) within the City of Austin jurisdiction (full-purpose and limited-purpose city limits and extraterritorial jurisdiction ETJ).

#### What Is A Project Consent Agreement?

Section 25-1-544 of the City of Austin Land Development Code states that an applicant may request the city council enter into a Project Consent Agreement to determine applicable regulations where the extent of the project's vested rights are unclear and for incentivizing projects with clearly vested rights to achieve a greater compliance with current regulations. The Director of the Development Services Department, or his assigns, must recommend the PCA to City Council. Otherwise it cannot move forward through the process. A Project Consent Agreement may also be initiated by City Council.

#### Who Approves Project Consent Agreements?

A Project Consent Agreement must be approved by the City Council with recommendations from the Environmental Commission and the Land Use Commission.

### Project Consent Agreement Review Procedures

#### Vested Rights Determination through Completeness Check Process

An applicant must submit a development permit application through the Completeness Check process along with a request (*Vested Rights Petition*) for a vested rights determination. Development permit options are:

- 1) DP-01 Development Permit (Site Plan)
- 2) Full site plan

After the vested rights determination is made, a request for a Project Consent Agreement may be made by a *Summary Letter* to the Chapter 245 team prior to the expiration of the development permit sought for vested rights. A meeting with the Chapter 245 team to discuss details of the proposal for the PCA is required and must be requested prior to the 45-day expiration of the Completeness Check application.

#### Completeness Check Process

In order to submit a site plan for review, an application for Completeness Check must be submitted to the **Intake** staff. No appointment is necessary. Intake reviews the application and pertinent information to determine if all required administrative items have been submitted. Intake then forwards it to the Chapter 245 completeness check team, and on to staff review to determine whether the technical items needed for review have been submitted.

## Project Consent Agreement Review Procedures (continued)

An application for completeness check must include:

- Chapter 245 packet, including Project Review Form and Vested Rights Petition; all supporting documents for vesting claim; and Chapter 245 fee
- Completeness Check fee (check, cash, money order or credit card)
- 4 copies of site plan
- Summary Letter (see next page)
- Tax certificate (the tax certificate should indicate that there are no taxes owed)

Tax certificates may be obtained from:

- Hays County: Hays County Tax Assessor Office, 102 N. LBJ Dr., San Marcos
- Travis County: Courthouse Annex, 5501 Airport Blvd., Austin
- Williamson County: Williamson County Tax Assessor/Collector Office, 904 S. Main St., Georgetown

The completeness check review takes a maximum of 10 business days from the date of submittal. The applicant will be notified via email or fax whether the application is approved or additional information is required for submittal along with the Chapter 245 determination of vested rights. If vested rights are denied, and the applicant would like the Director to consider a Project Consent Agreement (PCA), the PCA request must occur prior to the 45-day expiration of the completeness check. When the application packet is deemed complete, the plans can be formally submitted for a detailed review under the PCA criteria. **The PCA fee will also be paid at the formal submittal** along with the other required review fees.

### Contact:

City of Austin

Land Use Review – Intake Section

505 Barton Springs Road

Austin, Texas 78704

Phone: (512) 974-2661

### Formal Submittal Review Process

The next step is to submit the application for site plan to Intake to start the review process. Electronic copies of the application are available online at <http://www.austintexas.gov/page/land-use-applications#site>.

Applications may be submitted to Intake Monday through Friday. **An appointment is necessary. Please contact Intake at the number listed above to schedule an appointment.** For submittal, the applicant will need to provide the required number of sets of plans along with the remaining balance of the fee (which will be listed on the completeness check response).

A Case Manager with the Land Use Review division is assigned to coordinate interdisciplinary reviews and provide guidance on code requirements and procedures. The initial review of the plans by the review team can take up to 28 days from the date that the plans were formally submitted.

### Approval

Once the initial staff review has been complete, the Case requestor/applicant will be notified of the staff recommendation, and the case will be scheduled for Environmental Commission, Land Use Commission, and then City Council for a public hearing and action. A written agreement will be prepared by the staff listing the terms of the agreement, and the applicant will receive a copy for review and signature prior to the Council action. The applicant must agree with the terms of the agreement as recommended by the Director. The applicant should attend the Council meeting to present reasons why the PCA should be approved. If Council approves the consent agreement, an ordinance will be adopted. A final review for an updated plan must be submitted, reviewed, and approved within 90 days of the effective date of the PCA ordinance, or the PCA and the development permit expire.

## Summary Letter for a Project Consent Agreement Application

Submit a Summary Letter which explains why a PCA is being requested and how the project meets the following criteria:

- Current regulations for which compliance would be required other than those exempt from vested rights protections under State law;
- Additional restrictions on the nature and intensity of the proposed development;
- Identification of modifications or waivers requested as a condition to the agreement including but not limited to provisions for the transfer or averaging of impervious cover to include additional property, or changes to the original project that increase compatibility with adjacent land uses;
- How the agreement achieves a greater degree of environmental protection and compatibility with adjacent land uses than would occur if a project developed to the full extent of vested rights that have been verified or are reasonably likely to exist for the project.