



PROJECT CONSENT AGREEMENT APPLICATION

A: PROJECT CONSENT AGREEMENT APPLICATION OVERVIEW

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 ETJ), but not within the Barton Springs Zone.

WHAT IS A PROJECT CONSENT AGREEMENT?

Sec. 25-1-540 of the City 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 make a recommendation to City Council. 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.

B. PROJECT CONSENT AGREEMENT REVIEW PROCEDURES

• **Vested Rights Determination through Completeness Check Process**

An applicant must submit an application for a development permit through the completeness check process along with a request for a vested rights determination. After the vested rights determination is made, a request for a Project Consent Agreement may be made by a letter to the Chapter 245 team prior to the expiration of the development permit sought for vested rights. A meeting to discuss details of the proposal for the PCA is recommended 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 or Subdivision for review, an application for Completeness Check must be submitted to the **Intake** staff. **Completeness Check hours are from 8:30am to 10:30 am Monday-Friday.** 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 to on to staff review for the technical items needed for review have been submitted.

An application for completeness check must include:

- Chapter 245 packet, all supporting documents for vesting claim and the chapter 245 fee
- Review fee (check, cash, money order or credit card)
- 3 copies of site plan or subdivision.
- Summary letter
- Tax certificate

The completeness check review takes a maximum of 10 business days from the date of submittal. The applicant will be notified via e-mail 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

request and permit application for a PCA 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 criteria for a PCA. **The fee for the PCA will also be paid at the formal submittal** along with the other required review fees. When the application is formally submitted, completeness check fee is credited to the application fee.

Contact:

City of Austin

Land Use Review - Intake Section

505 Barton Springs Road

Austin, Texas 78704

Phone: (512) 974-2681 or (512) 974-2350 or (512) 974-7208 or (512) 974-2689

- **FORMAL SUBMITTAL REVIEW PROCESS**

The next step is to submit the application for site plan or subdivision to Intake to start the review process. Electronic copies of the application packet are available online at <http://www.ci.austin.tx.us/development/packets.htm>. Applications may be submitted to Intake Monday through Friday. **An appointment is necessary. Please contact Intake at one of the numbers listed above to schedule an appointment. For submittal, the applicant will need to provide 21 copies 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 section 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 schedule the case for Environmental Board, 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 your 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 application 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.