

Amendment #	Commissioner	Section	Pg #	Proposed Amendment	Text Change Included	References and Notes (if needed)	WG Vote Tally	PARD Staff Response
1	Cox	§25-1-601 (C)	1	Add parkland dedication / fee exemption for small businesses - need to define size of "small business" - 5,000 SF suggested via stakeholder feedback	YES		4-0-0	Neutral - This has a minimal impact on the outcomes of the ordinance, but may open the ordinance to increased legal scrutiny as not all developments are treated equally, unless it can be shown that there is no impact on parkland by new commercial development less than 5,000 sq ft. Would likely also exempt any commercial space proposed with VMU developments as well as most fast-food chains (average McDonalds is 4,000 sq ft, average Chipotle is 2,580 sq ft). Exemption would not apply if critical connection or greenbelt gap is identified on site. Staff recommends tying the minimum requirement to the functional population, so if a commercial development was small enough to produce less than 1 whole functional population, it would be exempt (4,256 sq ft for retail)
2	Cox	§25-1-601 (C)	1	Add parkland dedication / fee exemption for certain arts and culture uses - need to define uses - music venues and museums suggested via stakeholder feedback	YES		4-0-0	Neutral - This has a minimal impact on the outcomes of the ordinance, but may open the ordinance to increased legal scrutiny as not all developments are treated equally, unless it can be shown that there is no impact on parkland by new commercial developments with art gallery, art workshop, theater and live music venue uses. Note that only new proposed square footage is subject to parkland dedication; art workshops moving into existing buildings would not be affected by commercial parkland dedication.
3	Cox	§25-1-602	4	Add parkland dedication / fee credit for private maintenance of public parkland dedicated - a minimum of 10% credit and up to a maximum of 25% credit at the discretion of the Director based on the estimated value of the approved Parkland Development and Maintenance Agreement	YES		4-0-0	Opposed - This recommendation exceeds the scope of City Council direction to extend parkland dedication requirements to commercial developments. Currently, private parkland that is publicly accessible is to be maintained by the developer and successors or assigns. The Parkland Dedication Operating Procedures (PDOP) outline how publicly-accessible private parkland can receive 100% credit in Austin. PARD may not credit maintenance or utilize parkland dedication fees toward maintenance, as it is a result of on-going use, instead of new user impacts.
4	Cox	§25-1-607	10	Parkland dedication and fee-in-lieu assessment is set at the time of site plan submission and the assessment does not change throughout the development process, unless the project substantially changes in nature	TBD		4-0-0	For - Vesting the fee rate at time of SDP submittal might provide more certainty in the financing for developers and reduce workload for staff at the end of September issuing fees prior to Oct 1. Vesting fees to SDP submittal would require City Council to add language to the budget adoption ordinance. Part 3 of the adopting ordinance language below would need to be modified. See budget adoption ordinance for fees: ORDINANCE NO. 20210811-002 AN ORDINANCE AUTHORIZING FEES, FINES, AND OTHER CHARGES TO BE SET OR CHARGED BY THE CITY FOR FISCAL YEAR 2021-2022 BEGINNING ON OCTOBER 1, 2021 AND ENDING ON SEPTEMBER 30, 2022. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN: PART 1. The City Council authorizes the fees, fines, and other charges listed in the attached Exhibits "A" and g to be set or charged by the City for Fiscal Year 2021- 2022 beginning on October 1, 2021 and ending on September 30, 2022. PART 2. To the extent that a previous ordinance conflicts with this ordinance, the earlier ordinance is repealed. PART 3. Except as otherwise specifically provided in Exhibits "A" and "B," this ordinance takes effect on October 1, 2021. A fee, fine, or other charge for which a specific effective date has been established in Exhibits "A" and "B" takes effect on the specified effective dates.
5	Shaw	§25-1-601	1	PARD staff shall reassess ordinance efficacy on an annual basis, and present findings to PARB and PC, including an annual evaluation and update of the estimated telecommuting rates in the Austin metro area.	YES	Given impacts of covid on workforce actually working from office, time should be allowed to collect data after covid is no longer a factor.	4-0-0	Partially for - PARD does not recommend having this codified but added to the recitals of the ordinance. As with the parkland cost factor, park development cost factor, and hotel occupancy in the existing formula, the occupancy rate and percent commuter will be updated annually in preparation for the annual budget using sources and methods outlined in the proposed ordinance. The existing formula takes the impacts of covid/ hybrid work from home schedules into account by only counting residents of outside jurisdictions that physically work in Austin, which automatically removes the population of residents of outside jurisdictions that work from home. The impact of covid will continue to be accounted for on an annual basis.
6	Shaw	§25-1-603 (C)	6	Consider allowing partial credit for parkland within the 25-year floodplain if it can be activated safely as determined by the Director.	YES		4-0-0	Opposed - This recommendation exceeds the scope of Council Direction to extend parkland dedication requirements to commercial developments. The code already allows for 50% credit toward land that is otherwise deemed unsuitable for park development at the Director's discretion under 25-1-603 D.
7	Shaw			Explore opportunities to integrate parkland with bus and rail transit stops along transit corridors	TBD		4-0-0	For - PARD already considers adjacency to transit stops as part of a holistic urban planning approach to determining park locations.
8	Azhar	§25-1-608	11	All fees should be collected at the time of building permit approval and before the permit is issued. the process for land dedication, if required, is unchanged	TBD		3-1-0	Opposed - It is not feasible to assess fees at building permit. Austin currently assesses PLD fees at plat or site plan, consistent with San Antonio and Houston. Collecting fees that were assessed at a different time in the SDP process (for instance, collecting fees at building permit that were assessed at the site plan) may not be allowed under the law. Invoicing fees at building permit will require additional PARD staff review and may potentially delay the review and issuance of building permits.
9	Azhar	§25-1-602 (E)	3	In the case of mixed-use developments, collect the higher fee of the two assessed for residential and commercial uses	YES		4-0-0	Opposed - The impact of a new mixed-use development is the combined impact of the commercial and residential portions of the proposed development. Both the commercial and residential portions of the development will bring new unique park users with impacts on the level of park service provided to the community. If commercial developments within mixed-use developments do not have the same requirements as standalone commercial developments, this may open the ordinance to increased legal scrutiny as not all developments are treated equally.

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10	Azhar	§25-1-605 (E) (2) (a)	8	Use a 10-year average to calculate the cost of acquiring parkland in the formula	YES		4-0-0	Neutral - This recommendation exceeds the scope of City Council direction to extend parkland dedication requirements to commercial developments. A ten year average for calculating the cost of acquiring parkland for the city could be explored in an amendment to the Parkland Dedication Operating Procedures without affecting the existing residential ordinance. A ten year average would result in a more significant lag in land values, resulting in lower fees that do not reflect the true cost of parkland acquisition, as well as a greater need to subsidize impact of new development on parkland with general obligation bonds.
11	Azhar	§25-1-602 (O)	5	Institute a lower fee for construction within the urban core, parallel to parkland dedication requirements within section 25-1-602 (O)	TBD		4-0-0	Opposed- Reducing fees within the urban core would not mitigate the impact of the new development. Costs to acquire parkland within the urban core are consistently higher than outside the urban core; lowering fees would result in greater park deficiency in the urban core.
12	Azhar	§25-1-604	6	The cost or the square footage of public exterior activity amenities provided in commercial projects shall be subtracted from the overall parkland dedication or fee requirement.	TBD	This may include the following amenities: streetscape design standards for UNO which include street tree requirements, pedestrian scale street lighting and street furnishings; fulfillment of Great Streets streetscape standards; community benefits from the Downtown Density Bonus program such as the cultural uses community benefit, live music community benefit, publicly accessible on-site plaza community benefit, off- site open space development bonus fee community benefit, green roof community benefit; and other community benefits that include a publicly accessible amenity that will connect to and be accessible from public right-of-way or other publicly- accessible space.	4-0-0	Neutral - May be difficult to justify credit for improvements to land if it is not to be dedicated as parkland to the city. The city may not expend parkland funding on properties that are not dedicated as parkland, including through the crediting of parkland dedication fees against streetscape and other non-park improvements. The parkland dedication ordinance and Parkland Dedication Operating Procedures already contemplate allowing park credit toward other types of open space such as fire lanes and water quality ponds so long as they are designed with recreational value. If the proposed publicly accessible community benefits meet parkland dedication standards, and are within a parkland easement, then the costs associated with developing those community benefits are already eligible for up to 100% credit in the code today. The distinction is in the type of easement used to convey they property- a park easement must be used to ensure the benefit remains open to the public and protected in perpetuity.
13	Awais (EDD)	§25-1-601 (C)	1	Exempt Commercial developments in projects with a Master Development Agreement or a Master Development Agreement in negotiations as of August 1, 2022 for the development of City-Owned property	YES	This would include: Mueller Redevelopment; Seaholm District; Colony Park Sustainable Community; 6909 Ryan Drive; 906 Saint Johns Avenue & 7309 North IH 35; 1215 Red River Street & 606 East Twelfth Street (HealthSouth).	4-0-0	Neutral - Projects with MDAs still have impact to parkland. Previously negotiated MDAs should not have new requirements imposed in a way that could impact the existing contracts.
14	Azhar (Cohen)	§25-1-602 (K) (2)	4	Consider adjusting or developing a unique parkland dedication formula for hotels in order to assess their unique usage	TBD		4-0-0	Neutral - PARD staff have proposed a formula that assesses unique usage in the proposed ordinance.
15	Azhar	§25-1-601 (C)	1	Exempt all income-restricted affordable units from the residential parkland dedication fee	TBD		4-0-0	Neutral - Outside the scope of the amendment. Income restricted affordable units are currently calibrated with certain development incentives, such as FAR bonuses. A re-calibration may need to occur if fees are waived for these units. Income-restricted units still have an impact on parkland.