Motion Sheet re: Agenda Item No. 102

Planning Commission Recommendations		
Amendment Number	**Planning Commission Amendment**	**Draft Proposed Ordinance Change**
1	Add parkland dedication / fee exemption for small businesses - need to define size of "small business" - 5,000 SF	Amend Section 25-1-601(C) to add the following language: ( ) a site plan or building permit for commercial development that would produce less than one whole functional population; and renumber accordingly.
2	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.	Amend Section 25-1-601 to add a new subsection (F) to read as follows: (F) The director shall submit an annual report to the Parks and Recreation Board and Planning Commission summarizing the amount of parkland dedicated and fee-in-lieu collected from new commercial developments in the prior year, and any changes to the telecommuting rates of the Austin workforce, and assessing whether if any proposed changes should be made to the functional population formula.
3	Consider allowing partial credit for parkland within the 25-year floodplain if it can be activated safety as determined by the Director.	Amend Section 25-1-603 (C) to read as follows: Unless otherwise required under the Parkland Dedication Operating Procedures, fifty percent of acreage in the 100 year floodplain that is dedicated as parkland may be credited toward fulfilling the requirements of this article if any adjoining land within the 25 year floodplain is also dedicated as parkland. The land within the 25 year floodplain may [~~not~~] be credited toward fulfilling the requirements of this article.
4	In the case of mixed-use developments, collect the higher fee of the two assessed for residential and commercial uses.	Amend Section 25-1-602 to add a new subsection (E) to read as follows and renumber accordingly: (E) "If a subdivision or site plan proposes both residential and commercial uses, the amount of parkland required is based on the category of use that requires the applicant to dedicate the greatest amount of parkland."
5	Use a 10-year average to calculate the cost of acquiring parkland in the formula.	Amend Section 25-1-605 (D)(2)(a) to read as follows: ""Parkland Cost Factor" is determined by the director based on the average purchase price to the City within a ten-year period for acquiring an acre of parkland, excluding a metro or district park or golf course; and amend the new Section 25-1-E(2)(a) to read as follows: (a) "Parkland Cost Factor" is determined by the director based on the average purchase price to the City for

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		acquiring an acre of parkland within a ten-year period, excluding a metro or district park or golf course; and
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.	Amend Section 25-1-604 to change the title to "Private Parkland and Public Exterior Amenities" and add a new subsection (C) to read as follows: "For commercial development, the director may allow up to 100 percent credit towards fulfilling the requirements of Section 25-1-602 (*Dedication of Parkland*) for public exterior amenities, provided that a public access easement for any public exterior amenity must be recorded prior to site plan approval., and renumber the remaining subsections accordingly.
7	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.	Add a new part to the ordinance that acknowledges Master Development Agreements are currently being negotiated and may include waivers to the commercial parkland dedication requirements in exchange for other benefits that serve the same purpose as parkland and are specific to the projects being negotiated.
8	Exempt all income-restricted affordable units from the residential parkland dedication fee.	Amend Section 25-1-601 (C) to add the following language: ( ) affordable dwelling units for which the applicant is participating in a government-operated affordable housing program that requires the applicant to provide on-site affordable unit including, but not limited to, housing developer assistance, low-income tax credits, and density bonus or other incentive programs.
9	Create parkland credit process toward area target ratios based on public realm amenities & publicly accessible privately owned open space, comparable to parkland and related amenities, at a credit percentage determined by PARD staff.	See language for Planning Commission Amendment #6.
10	Insert, " 5) art galleries, art workshops, theaters, and live music venues (pending Resolution No. 20220728-094) as defined in Section 25-2-4"	See Planning Commission Amendment #1.
11	Insert, "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."	Amend Section 25-1-605 to add a new subsection (G): For a commercial development, the amount of the fee-in-lieu payment, if any, shall be calculated using the rate in effect at time of site plan submittal; and renumber accordingly.

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12	Insert, "All fees should be collected before certificate of occupancy is issued."	Amend Section 25-1-607 (A) to add a new subsubsection (3) to read as follow: (3) If a fee-in-lieu of dedication or a parkland development fee is required as a condition to subdivision or site plan approval for commercial development, the applicant shall deposit the fee with the City prior to the issuance of any type of certificate of occupancy.
13	Prioritize use of commercial parkland dedication funds to adopted park or trail vision plans and allow use of the funds in broader geographic areas than the residential parkland dedication ordinance.	Amend Section 251-607(B)(2) to read as follows: (2) The director shall use fees paid under Section 25-1-606 (Parkland Development Fees) solely to acquire and develop recreational amenities that will benefit residents and employees of the development for which the fees are assessed and are located within a service area designated by the director under the Parkland Dedication Operating Procedures. The director may, but is not required to, use these fees to acquire and develop recreational amenities that are identified in an adopted park or trail vision plans, that meet the criteria in the Parkland Dedication Operating Procedures, and that are in the applicable service area.
14	In the annual assessment consider modifying formulas to account for users who live in Austin but work outside the park service area and look at other park users not accounted for.	See language for Planning Commission Amendment #3.
Planning Commission Direction		
15	Explore opportunities to integrate parkland with bus and rail transit stops along transit corridors.	Direct the City Manager to consider potential future locations of bus and transit stops along transit corridors when requiring land dedication.
16	Consider adjusting or developing a unique parkland dedication formula for hotels in order to assess their unique usage	See proposed Section 25-1-602(F).

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