# CITY OF AUSTIN SIF

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# 1.0 Purpose and General Overview

This document is intended as a guide for the administration and application of City Code Chapter 25-6 Article 9, Street Impact Fees, and to be used with the associated ordinances to provide consistency in the application of requirements by City staff, development professionals, and the public for both private and public development projects. This section provides an overview of how the ordinance requirements will be implemented.

The Council adopted the Street Impact Fee via two separate ordinances. The first adopted the Impact Fee Study that determined how the fee would be structured, how the fee determined, the creation of SIF Service Areas, and how it would be applied. The second ordinance was the codification of the Street Impact Fee into the City of Austin Land Development Code, and how it would be applied to the development of property obtaining development permits.

The Street Impact Fee (SIF) was created and adopted into City Code by the City Council for the purpose of funding critical transportation infrastructure needed as development and redevelopment occurs within the City Limits. The Street Impact Fee ordinance applies to all new development and redevelopment within the corporate boundaries of the City of Austin, excluding annexed areas for limited purpose, at the time the SIF Ordinance and Fee Study were adopted (December 20, 2020). Redevelopment of an existing site, a change-of-use, or the expansion of existing buildings that increases vehicular trips all constitute new development according to the ordinances.

There are three primary factors that determine the SIF obligation for a proposed new development:

- 1. Land Use(s) -- existing and proposed
- 2. Development intensity existing and proposed
- 3. Service Area where the development is located.

These primary factors will be discussed later in these guidelines with instructions for documenting the information for the purposes of SIF assessments. A Glossary has been provided in the <u>Appendix</u> that defines terms used in the Ordinances and these guidelines.

# 1.1. Exemptions and Special Applicability Rates (Ord. 20201210-061 Part 2-D1-6)

The ordinance provides specific exemptions for certain types of development. These provisions result in the following exemptions from paying the Street Impact Fee:

- Federal, State, and Austin Independent School District developments are not required to pay the SIF
- Affordable housing within the Austin City Limits that meet the following criteria:
  - Rentals: 60% MFI for no less than 40 years
  - Ownership: 80% MFI for no less than 99 years

(Note: conditions may exist where a proposed development might meet SMART housing requirements but not meet the above SIF criteria for a reduction)

- Building permits issued prior to June 21, 2022 are exempt.
- Building permits associated with an approved Transportation Impact Analysis (TIA). To qualify, the final TIA memo must be dated on or before December 20, 2020. Buildings included in the TIA study area have until December 20, 2023, to obtain a building permit without paying the SIF.
- Development modifications to an existing building that do not increase net vehicular trips beyond 10 PM peak hour trips per day are not subject to paying a SIF.
- New development for the following land uses as shown in the LUVMET ("Dining", "Animal Hospital/Veterinary Clinic", "Day Care Center", "Hair Salon", "Other Retail", "Automobile Care Center with no drive-thru facility"), the SIF collection rate is as follows:

- a. Under 1,000 square feet, the collection rate is \$0 per vehicle-mile.
- b. 1000 to under 5,000 square feet, the collection rate is \$608 per vehicle.
- Walk-in Bank and Drive-in Bank land uses per the LUVMET in Service Areas D; G; O and P are not required to pay the SIF.
- Supermarket land uses per the LUVMET in Services Areas D; G; O; and P are not required to pay the SIF.

#### 1.2. Development Process

The SIF determination starts when a development plan is submitted to the City of Austin for review and approval. For single-family development, this process occurs when a subdivision final plat is submitted; for multi-family and commercial development, this occurs when a site plan is submitted. The SIF determination process runs parallel with the subdivision and site plan processes because it is the final development plan that determines the Final SIF amount. Per state law and the SIF ordinance, the impact fee is paid at the building permitting stage.

#### RELATED | Development Services Department Development Process

#### 1.3. SIF Maximum, SIF Assessment, and SIF Collection

The <u>Street Impact Fee Maximum</u> is the maximum fee that can be charged for a that specific development, and is referred to as the **SIF Max**. It is determined by applying the rate identified in the Street Impact Fee Ordinance to the proposed development's land use. This amount does not include offsets or other reductions, as identified in the ordinance. The SIF maximum (SIF Max) replaces the "Rough Proportionality" calculation for development costs previously used by the City (<u>Ord. 20201210-062</u> Part 1 (15)). The <u>SIF Assessment</u> sets the SIF rate based on the SIF study adopted by Council. This rate does not change for a development unless the Council updates or completes a new SIF study and the plats are re-subdivided. (20201210-061). <u>The SIF Collection</u> amount is the final calculated amount that will be charged at the building permit stage, after the platting and site plan approvals are completed.

#### 1.4. Transportation Impact Analysis (TIA) & Transportation Demand Management (TDM)

A TIA and TDM Plan are required for all developments that create a vehicular demand greater than or equal to 2,000 trips per day. The Land Development Code (LDC) requires that developers proposing this level of demand provide a transportation study evaluating the development's impact on the transportation network and the improvements required to mitigate that impact. With the introduction of the SIF, a TIA and TDM plan are still required. In addition, mitigation to compensate for the transportation network impacts may be covered by the SIF payment, while only those improvements necessary for the safe and effective operation of the site will be required to be built by the developer. For additional guidance on the City's TIA process, please refer to the City's TIA Guidelines or contact the Transportation Development Services (TDS) division within the Austin Transportation Department.

#### **RELATED | Austin Transportation Criteria Manual**

#### 1.5. Street Impact Fee Assessment and Fee Calculation Process (LDC 25-6-662)

The applicable rate for assessing the SIF is established at the time the first application for development occurs on a tract of land or legally subdivided lot using the assessment rate adopted in the ordinance. This rate is identified based on service area location and land use. The SIF Assessment sets the parameters for calculating the actual collection value for a development. It remains applicable to the tract of land or lot until the next SIF study is performed and adopted by City Council. The second step in the process is to conduct a Formal SIF Calculation. This occurs when details of a development are provided with a final plat or site plan. The Final SIF Calculation is performed prior to invoicing and accounts for all credits, reductions, and changes or revisions to the proposed development prior to the issuance of a

building permit. If the Final and Formal SIF Calculations do not match, the applicant will need to work with TDS staff to conduct an updated Formal SIF Calculation. This process of recalculation may occur numerous times until the Formal and Final calculations match.



Figure 1 – SIF Calculation Workflow

# 1.6. SIF Reductions and Offset Credits

The SIF ordinance identifies two specific ways that the standard SIF can be reduced. Reductions are incentives that, when added to a proposed development, reduce the amount of the SIF by a specific amount based on the improvement proposed. These are discussed further in Section 5.0. An Offset is a credit applied to the required SIF amount which reduces the final SIF payment based on a signed and recorded agreement to build infrastructure that is part of the Roadway Capacity Plan. These are discussed further in <u>Section 6.0</u>.

# 2.0 Incorporating SIF in the Development Process

The SIF determination and calculation can be done with an application for a building permit or in parallel with the development processes of subdivision or site plan approval. Figure 1 shows the steps in calculating the SIF regardless of which development process stage a specific case falls into.

# 2.1 Development Process – Single-Family (Commercial Applications)

For single-family development of multiple lots, the SIF process may start at the Preliminary Plan stage in designing the roadway network; however, at that stage, it will be limited to the Formal SIF Assessment. Final SIF Assessments will be done with the building permit.

#### 2.1.1 Single-Family Preliminary Plan

At the Preliminary Plan stage, the SIF collection rate is established with the Formal SIF Assessment. Because development specifics are not available for Formal or Final SIF Calculation or for offset considerations, these processes are done at the final plat stage. The applicant may submit a letter of intent to build improvements and apply for offsets at the final plat stage. If conditions remain the same, the letter of intent may be used in determining the contents of an Offset Agreement at that time.

#### 2.1.2 Single-Family Final Plat

When final plats are proposed as part of a larger development, the Formal SIF Calculation is done with each final plat using the SIF Calculation Worksheet to establish the base fee for the proposed lots. Plats that include qualifying roadway improvements and single-family lots may establish a SIF Offset Agreement that will provide a reduction in the SIF collection amount per lot. The agreement must be referenced on the plat, approved by the City, and filed with the plat in the County records. This information will be uploaded into AMAMDA to be used by the Austin Transportation Department (ATD) to create the SIF Invoice for the building permit.

#### 2.1.3 Single-Family Building Permit

When the plat is approved, ATD will evaluate the lot requesting a building permit and compare the conditions of the final plat to assure that the development matches the Formal SIF Calculation. After this verification, ATD will produce a Final SIF calculation and the SIF Invoice for each lot. The SIF Invoice must be paid to the Development Services Department (DSD) Development Assistance Center (DAC) to receive the building permit. The SIF collected for the building permit is deposited in the Service Area Account with property and ownership information.

#### 2.1.4 Single-Family Building Permit on a vacant lot

A single-family home on a vacant lot, that was not plated as part of a larger development that is subject to the Street Impact fee, is considered a stand-alone building unit and not required to pay the SIF because the use will produce less than 10 peak hour vehicle trips per day.

#### 2.1.5 Infill single-family development and ADUs

The subdivision or re-subdivision of a residential lot, platted prior to the SIF ordinance, where the combined lots and uses do not increase the peak hour vehicle trips per day beyond 10, will not be required to pay a SIF. To qualify, each lot must be restricted by plat note.

#### 2.2 Development Process – Multi-family and Commercial

For developments that require a site plan according to the LDC, the Formal SIF Assessment may occur with the final plat; however, the Formal SIF Calculation must be done with the specifics of the site plan. Offset Agreements may be created if roadway improvements to be constructed by the applicant are proposed with the plat.

#### 2.2.1 Commercial Subdivision Plat

The SIF Process begins with the final plat if an Offset Agreement is requested. If a qualifying offset improvement is proposed, an offset agreement may be created with the commercial final plat. The offset agreement must be noted on the plat, filed with the plat in the County records, and subsequently submitted as part of the multi-family or commercial site plan submittal.

#### 2.2.2 Site Plan

If there is no previously approved qualifying offset agreement with the final plat, the SIF process for the multi-family and commercial development starts with the site plan. An offset agreement may be created at this time. If there is an offset agreement was approved with the final plat, then the information contained must be included with the site plan submittal and referenced on the site plan. The site plan for both a multi-family and commercial development must have a SIF building

allocation chart identifying the Formal SIF Calculation for each building whether it has an approved offset agreement or not. A site plan for a multi-family or commercial development where an offset agreement has been approved must show the credit as applied to each building in the SIF allocation chart on the site plan. This information will be uploaded into AMAMDA by ATD and used to assess the Final SIF Calculation and SIF Invoice for the building permit.

#### 2.2.3 Commercial or Multi-Family Building Permit

As each building on the site applies for a shell building permit, the total SIF shown on the SIF allocation chart for that building will be invoiced and the fee must be paid prior to permit issuance. If a shell permit is not required, the SIF will be applied to the relevant building permit. The SIF collected for the building permit is deposited in the Service Area Account, with plat and site plan information and the street address. Developments with shell permits approved prior to June 2022 that require finish-out permits will not be required to pay the SIF for the initial finish out permit(s). If a change of use results in an intensity increase that exceeds 10 peak hour trips per day, applicability of SIF will be evaluated based on the new conditions.

#### 2.2.4 Change of Use

If a change of use is proposed, or redevelopment of a building is proposed, a SIF will not be required unless the change results in an increase of more than 10 peak hour vehicular trips per day.

#### 2.3 Service Area Map

The City of Austin is divided into 17 service areas, as shown in Figure 2 below. Each service area has an independent calculation of the maximum SIF based on specific land use assumptions and <u>Roadway</u> <u>Capacity Plan</u> (RCP) project needs; therefore, this map will need to be referenced in determining SIF for specific sites. This map may also be found in the <u>SIF Calculation Worksheet</u> on the <u>ATD SIF website</u>. This map is for illustrative purposes and should not be used for site-specific applicability to SIF.



Figure 2 - Service Area Map

# 3.0 Street Impact Fee Assessment (LDC 25-6-662)

## 3.1 SIF Maximum Rate

The SIF Assessment is an event that has occurred for final plats approved before the effective date of the SIF ordinance or that will occur at the first step in the development process required for a given development. This step simply "locks in" a maximum SIF amount that may not be exceeded, which is used as a measure of the "rough proportionality" of transportation-related items required as a condition of development approval for a specific type of development. This SIF maximum is locked-in until the land use or the intensity of development changes.

## 3.2 Timing (Ordinance 20201210-062 Part 25-6-662(A))

Formal SIF Assessment usually occurs at time of final plat application or commercial site plan application. Exceptions to this timing include:

- Final plats recorded prior to December 21, 2020, which were assessed at the maximum SIF in effect in the original fee ordinance dated December 10, 2020.
- Developments that are exempt from the platting process or the site plan process, in which case the assessment will occur simultaneously with the building permit collection process.

#### 3.3 Update to a SIF Assessment

Events that may require a new SIF Assessment include new applications for plat approval where the previous plat is withdrawn, or new commercial site plan applications on a legal lot or amended plat that increase vehicular trips beyond ten (10) PM peak hour trips per day.

# 4.0 Street Impact Fee Calculation (SIF Calculation Worksheet)

#### DOWNLOAD | Condensed SIF Calculation Worksheet Street Impact Fee Calculation Worksheet

ATD has developed two versions of the SIF Calculation Worksheet to help individuals determine the Street Impact Fee for a proposed development. The first, Condensed, has simplified input requirements for smaller projects that do not have complicated transportation issues, and the second is for larger developments that place a high demand on the transportation network. Both versions of the worksheet will generate the same SIF Calculation including the amount to be collected at the time of final plat or building permit. The designation of "smaller" project versus "larger" project has no effect on the calculations, only the complexity of the worksheet. Both versions of the worksheet can be found on the ATD SIF website using the links above. We have included an explanation for completing the larger development worksheet because it includes the entries for the small development worksheet as well as the additional project input needed for more complex developments.

A competed SIF worksheet that includes the project information and creates an estimated SIF for the development proposal must be submitted for review and approval with the specific development application (Final Plat, Site Plan or Building Permit). The city will review the information and make suggestions if corrections are needed to make sure the final worksheet values are correct. When this is completed, the City will approve the worksheet and it will become part of the permanent City record for the development.

The following sections will explain the various components of the worksheet for complex projects. The condensed worksheet will have a few overlaps with the full worksheet but will not be discussed in these guidelines.

# 4.1 Initial Information for the SIF Calculation Worksheet

The SIF Calculation Worksheet includes an instruction tab for completing the worksheet, and this section of the guidelines is intended to provide supplemental information for completing the worksheet. The SIF calculation is based on the net new service units (vehicle-miles) of demand generated by the new development. The SIF Calculation Worksheet allows for entry of both proposed land uses and existing land uses (if applicable) to determine the net demand impacts to the transportation network. Vehicular demand land use information necessary for the SIF Calculation Worksheet can be found in the Land Use Vehicle-Mile Equivalency Table (LUVMET) found in Appendix A.

## 4.2 Service Area Location

The Service Area may be determined by viewing the Service Area Map in Figure 2; note that Service Area K is split along Loop 360 due to different trip lengths on either side. In addition, developments within the University Neighborhood Overlay District (UNO) boundary may qualify for higher limits on reductions for a TDM Plan.

Locations to enter each of these pieces of information in the SIF Calculation Worksheet can be seen in Figure 3.



#### 4.3 Final Plat Approval Date

When selecting the final plat approval date from the worksheet, the current options, as illustrated in Figure 4, are only relevant to plats recorded prior to the ordinance effective date or after the effective date. The current fee ordinance does not have different collection rate schedules based on plat date, but this is a provision for any future changes where maximum SIF may need to be referenced if the Fee

Ordinance changes through an update to the SIF study which defines fee rates for the Service Areas. Date of Final Plat Approval: Date of Building Permit Issuance: Service Area (select from list): Date of Building Permit Issuance: Service Area (select from list):

Figure 4 – Final Plat Approval Field

#### 4.4 TIAs Approved Prior to December 21, 2020

In the top-right corner of the worksheet there is an option to select a checkbox, as seen in Figure 5, for TIAs approved before the effective date of the ordinance. TIAs approved, i.e., TIAs with a final TIA memo, prior to this date will have an extended grace period of 3 years from the SIF ordinance effective date to obtain building permits without being subject to SIF collection, per Fee Ordinance Part 2 (D)(2). All other development is subject to SIF collection based on the dates in the Fee Ordinance, per Part 2 (D)(1).

	Oily of Austin, Texas
	http://www.austintexas.gov/department/street-impact-fee
Staff Initals:	
	TIA Approved prior to December 21, 2020?
	Redevelopment Project?

City of Austin Texas

#### Figure 5 – TIA Approval Date Checkbox

## 4.6 Eligibility for Reductions (LDC 25-6-667)

New development or redevelopment may qualify for reductions related to provisions of affordable residential units, mixes of land use that internally capture trips, proximity to transit, or that provide a reduced parking supply. Further details regarding reductions are highlighted in Section 5.0 Reductions.

Appropriate reductions are entered in the SIF Calculation Worksheet as shown in the section illustrated in Figure 6. Questions regarding the applicability of and amount for each reduction should be directed towards TDS staff.

Collection Rate Reductions	Notes			Collection Rate Reductions	
Reductions: Internal Capture / Mixed Use Reduction. The amount of street impacts fees	Land Use (Affordable)	# Units			
can be reduced up to 20% per LDC 25-6-667. <u>Transit Proximity Reduction</u> . The amount of street impacts fees can be reduced up to 20% per LDC 25-6-667.				Affordability Related Reductions (\$):	s -
Parking Reduction. The amount of street impacts fees can be reduced up to 20% per LDC 25-6-67. <u>Affordability Related Reduction</u> : Reduction \$ Amount is equal to # Affordable Units multiplied by "Impact Fee for Development Unit" above per LDC 25-6-			POTENTIAL	SIF COLLECTION AMOUNT AFTER AFFORDABILITY REDUCTIONS:	
668. Confirm with Staff # of Affordable Units that meet criteria for reduction			Internal Capture (IC) Reduction:	SIF IC Reduction:	0%
			Transit Proximity (TP) Reduction:	SIF TP Reduction:	0%
			Parking Reduction:	SIF P Reduction:	0%
			Mobility Related	Street Impact Fee Reductions (%):	0%
			Mobility Relate	Street Impact Fee Reductions (\$):	<b>\$</b> -
Applicant must provide proof of reductions.					

#### Figure 6 – Documenting SIF Reductions

#### 4.7 Presence of Offset Agreement

If an Offset Agreement is in place at time of SIF collection associated with the proposed building permits, offsets may be applied as defined in the agreement. Offset amounts may be entered into the SIF Calculation Worksheet in the beige cell below the reductions section prior to final output. A discussion of offsets and Offset Agreements can be found in Section 6.

#### 4.8 Initial Fee Calculation

The SIF collection amount is determined by staff and can also be obtained by an applicant by using one of the SIF Calculation Worksheets found on the ATD SIF website. This calculation is considered the baseline that will be used if reductions or offsets are proposed later in the development process.

## 4.9 Custom Land Use Requirements

Alternative calculation of service units is allowed under LDC 25-6-665 if an equivalent land use is not found in the LUVMET identified in the Fee Ordinance and included in Appendix 1.

Custom land uses may be used if a trip generation study is provided as defined by the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The trip rate shall be the PM peak hour average rate for the peak hour of adjacent street traffic and trip length shall use a similar land use from the LUVMET table then in effect in the fee ordinance.

# 5.0 Street Impact Fee Reductions (LDC-25-6-666)

The SIF Ordinance identifies specific measures that will allow for a reduction in the Street Impact Fee. These measures are all designed to reduce the impact to the transportation network by reducing vehicle trips.

# 5.1 Transportation Demand Management (TDM)

A reduction to the SIF collection amount is available for specific TDM techniques used in the design and operation of a proposed development. To be eligible for these reductions, a TDM Plan must be approved by ATD at the time of site plan; note that this is available for any development even if a TIA is not required. To achieve this reduction without a TIA, an applicant proposing a development under 2,000 daily trips can submit a modified TDM Plan that provides verifiable methods to reduce vehicular demand, show proximity to transit facilities, and reduce parking below required amounts. A memorandum of understanding will be issued from ATD identifying TDM components and related SIF reduction amounts.

Table 1 includes the percent reductions in SIF collection amount based on meeting minimum requirements identified in the Transportation Criteria Manual (TCM) and additional percent reductions for including specific parking measures and amenity measures in an approved TDM plan.

Threshold for Receiving SIF Reduction	Service Area DT OR UNO District	Service Areas F, I, J, L, parts of K	All other Service Areas
Minimum Requirement, per TDM Measures for SIF Reduction Guidelines	5.0%	2.5%	1.0%
Minimum Requirement, plus TDM Plan includes one TCM 10.3.5.2 parking measure <u>OR</u> TCM 10.3.5.3 Measure API-5 <u>OR</u> API-6	10.0%	5.0%	2.5%
Minimum Requirement, plus TDM Plan includes one TCM 10.3.5.2 parking measure <u>AND</u> TCM 10.3.5.3 Measure API-5 <u>OR</u> API-6	20.0%	10.0%	5.0%

#### Table 1 - Transit Proximity Reductions by Context Area & Implementation Level

## 5.2 Internal Capture of Vehicle Trips

To qualify for this reduction, the applicant must provide documentation of trip capture percentage in an approved TIA or TA; the reductions will then be applied to the SIF collection amount according to Table 2 below:

Trip Capture	Street Impact Fee Reduction
5% - 9%	5%
10% - 14%	10%
15% - 19%	15%
20% or greater	20%

Table 2 - Internal Capture Reduction Maximums

For projects which are not required to submit a TA/TIA, but still desire to gain an internal capture reduction, please contact a member of TDS in order to determine whether that is applicable or not.

#### 5.3 Affordable Housing

The SIF Ordinance identifies housing affordability as an allowable reduction to the SIF collection amount. If the affordability criteria is met, the reduction in the SIF is 100%. To qualify for this reduction, an applicant must obtain a letter from the City of Austin Housing and Planning Department which verifies that the development meets the criteria for affordability. This SIF reduction applies only to rental units that are offered at a rate no higher than 60% of the Median Family Income (MFI) for affordability for terms no less than 40 years, of for ownership units at 80% MFI for 99 years.

Affordability-related reduction shall be applied only to units that meet the criteria. Any other reductions the development may be eligible for (e.g., transit proximity) shall be applied to the remaining land uses and associated SIF collection amount after subtracting the affordability reduction. Reductions cannot be applied retroactively.

For example, a proposed development has 10 residential units at or below 60% MFI and 100 residential units that do not qualify for the affordability reduction, includes 10,000 square feet of retail space, and it also qualifies for a 50% SIF reduction from other ordinance allowable reductions. First, the 10 affordable units would get a 100% reduction for their portion of the SIF collection amount. Then, after subtracting the associated SIF collection amount of those 10 affordable units, the 50% SIF reduction would be applied to the remaining land uses to determine the ultimate SIF collection amount. Please contact TDS staff if you would like to discuss the application of the affordable housing reduction for specific developments.

# 5.4 Transit Proximity Reduction (LDC 25-6-667)

A reduction to the SIF is identified in the ordinance for properties that develop close to transit facilities to help promote multi-modal transportation alternatives. The following are conditions where the reduction can be realized:

- At least half of the development falls within a quarter mile of a high-capacity transit stop, or an eighth mile of a high frequency (every 15 minutes) transit stop.
- At least half of the development site falls within a quarter mile of a of a high-capacity transit stop, or an eighth mile of a high-frequency (15 minutes or less) transit stop; and a complete sidewalk network is in place between the development site and the nearest transit stop. AND at least one point is also received for any Parking measure OR for either API-5 or API-6.
- At least half of the development site falls within quarter mile of a of a high-capacity transit stop, or an eighth mile of a high-frequency (15 minutes or less) transit stop; and a complete sidewalk

network is in place between the development site and the nearest transit stop. AND at least 1 point is also received for any Parking measure AND for either API-5 or API-6

TDM Category	Service Area DT OR UNO District	Service Areas F, I, J, L, parts of K	All other Service Areas
Transit Proximity	20%	10%	5%

Table 3 - Transit Proximity Reduction Maximums

## 5.5 Parking Reductions

A SIF collection reduction can be given for developments that reduce the parking supply beyond the minimum requirements of the LDC for the proposed use. This reduction will be given for any size development that implements a reduced parking scheme.

Table 4 includes the specific reductions based on the level of implementation of reduced parking supply, per TCM 10.3.5.2 Measure P-1, and the context area:

Table 4 - Parking Reductions by Context Area and Implementation Level

Implementation Level	Service Area DT OR UNO District	Service Areas F, I, J, L, parts of K	All other Service Areas
51% to 80% of the Parking Required by the LDC	4.0%	2.0%	1.0%
21% to 50% of the Parking Required by the LDC	10.0%	5.0%	2.5%
1% - 20% of the Parking Required by the LDC	16.0%	8.0%	4.0%
No Parking Supply	20.0%	10.0%	5.0%

# 5.6 Existing Trip Reduction (LDC-25-6-669)

A SIF collection reduction may be granted if there are existing uses that are generating vehicular trips prior to the new development or redevelopment. The existing trip total will be subtracted from the new trip count and will decrease the SIF collection amount accordingly.

# 6.0 Offset Agreement Process (LDC 25-6-669)

The SIF ordinance allows the City to give offset credit for roadway improvements, completed by a developer, to reduce the SIF collection amount if an agreement is entered into with the City. Because this agreement will run with the land, until development identified in the agreement is completed, the City will require that the agreement signed by both parties be recorded in the County records and noted on the plat or site plan.

The offset agreement process begins based on the type of development proposed. For single-family development, an offset agreement can be requested when the final plat is submitted for approval. Upon approval of an offset agreement by the City, the agreement must be filed by the applicant in the County records prior to the final plat approval. This requirement assures that future buyers of lots are aware of the available credit against their SIF collection amount when obtaining a building permit.

For commercial and multi-family development, an offset agreement can be requested when a site plan is submitted for approval. Upon approval of the offset agreement by the city, the agreement must be filed by the applicant in the County records prior to the approval of the site plan. This requirement assures that future buyers of lots or applicants for building permits are aware of the available credit against their SIF collection amount when obtaining a building permit.

# 6.1 Offset Qualification (LDC 25-6-669)

Construction improvements identified in, or that could be included in future updates to, the Roadway Capacity Plan are eligible for possible offset to the required SIF collection amount. This includes construction of improvements connecting roadway segments that will eventually be in the RCP. The construction must be completed prior to SIF collection for the credit to be given unless the improvement is identified on an approved site plan or subdivision final plat. If a development has an approved final plat or site plan without an Offset Agreement, an offset may still be granted if staff approves an Offset Agreements built prior to the passage of the SIF ordinance qualify for an offset if no previous compensation by the City was given (density bonus for dedicated Level 1 street would not qualify for offset).

The following is a list of construction improvements that can qualify for an offset supporting the RCP:

- Turn lanes, thru lanes, new road segments
- Signals, PHBs, intersection improvements
- Back-of-curb improvements associated with an <u>Austin Strategic Mobility Plan</u> (ASMP) street cross-section
- New bus stop (hardscape only, not amenities)
- Bus stop relocation that adds capacity (e.g., constructing bus pull-out, moving from near-side to far-side. Would not include simply shifting existing stop to accommodate new driveway)
- Previously paid Fee-In-Lieu dollars applied in the same SIF Service Area, unless otherwise approved by the Director.

The following is a list of construction improvements that do not qualify for an offset:

- Construction of improvements not supporting the RCP
- ROW dedications required by the LDC
- Construction of an urban trail that is not adjacent to an ASMP roadway segment
- Non-capacity-related transit improvements
- Construction of Level 0 and Level 1 Streets that are not capable of being added to the RCP

To receive this offset credit, the proposed improvement must be captured in an Offset Agreement and is required to be built prior to obtaining a building permit.

#### 6.2 When Are Offsets Applied

The value of the offset will reduce the amount of the SIF collection amount based on the dollars spent on the improvements as identified in the Offset Agreement. This reduction will be outlined in the SIF Invoice and any remaining fee shall be paid prior to obtaining a building permit. Please contact TDS staff for help with drafting an Offset Agreement or for assistance with specific project requirements.

#### 6.3 Offset Agreement Components

An Offset Agreement template web link is provided in Appendix D of this document and the template identifies the required information necessary to obtain offset credit. Besides the legal description and ownership documentation, the agreement must have a specific project description and a summary of expenses for the construction costs that will be used to determine the value of the credit.

In cases where numerous Building Permits will be issued and credit given with an applied Offset Agreement, an Allocation Agreement will also need to be provided. The Allocation Agreement will dictate how offsets are granted. Two cases are envisioned to be most common:

- 1. <u>First-in-first-out</u>: In this case, after an improvement is constructed and can be credited as an offset, individual building permit SIF Collection amounts are reduced to zero until the offset credit has been exhausted. After that time, every subsequent building permit application would incur a full SIF Collection amount as if no offset was granted.
- 2. <u>Evenly Distributed</u>: In this case, after an improvement is constructed and is eligible for credit as an offset, individual building permit SIF Collection amounts are reduced evenly across the site. In this instance, all SIF Collection amounts would be reduced by the same amount (or percentage).

Both approaches result in the same total SIF being collected for the site as a whole and must be captured in an Offset & Allocation Agreement.

#### 6.4 Phased Developments

Phased developments that will construct over many years will be required to provide an Offset Agreement for each phase. Offset credits will be applied to SIF building permit invoices as outlined in the Offset Agreement for the phase indicated.

#### 6.5 Timing of Offset Agreements

Agreements shall be deemed created when the offset agreement is executed by both the city and the developer, and the agreement is filed in the County records. Unless otherwise indicated in these guidelines, the improvements must be completed and accepted by the city for the credit to be given

#### 6.6 Offset Documentation Requirements

An agreement between the developer constructing a system facility and the city for a SIF offset, known as an Offset Agreement, shall detail the eligible facility's:

- Construction status (accepted, guaranteed, or proposed)
- Property ID and boundary
- Verified value of the offset for each eligible facility in dollars
- Demand associated with any developed parcels within the property in dollars (calculated as SIF max amount of all developed lots)
- Resulting Offset Credit and how it will be applied to the buildings

An Offset Agreement template can be found in on the Street Impact Fee website and the link is provided in Appendix D.

#### 6.7 First-In, First-Out Building Permits (LDC 25-6-669)

This ordinance requirement refers to the application of offset credits to building permits associated with an offset agreement. The agreement will indicate how the offset credit is applied and should be applied to the first buildings in the development to be constructed first. The SIF Invoice process will follow the order of credits according to the agreement.

# 7.0 Street Impact Fee Payment Process (LDC-25-6-663-B)

Buildings either shown on a single-family plat or a commercial site plan will be invoiced for the SIF Final Calculation prior to the completion of the building permit plan review process. The applicant will be required to pay the SIF Invoice to complete the building permit process.

# 8.0 Refunds and Rebates (LDC-25-6-660)

Refunds are the return of previously collected impact fees, with interest, to the property owner of record by the City if the City does not use the funds for the intended Service Area projects within the ordinancemandated 10-year timeframe. To receive the refund, the property owner of record must submit a request for refund to the Director of ATD within 60 days after the end of the 10-year deadline. The fee will only be refunded to the property owner of record.

Rebates for the purpose of this section are the return of previously collected impact fees to the payee by the City due to the withdrawal of a permit, an error in fee calculation by the City, or if an appeal is granted. A rebate can be requested either by the entity that paid the fee via written letter request to the Director of ATD or from City staff. In either instance, the letter must include the following information:

- Request date and name of the requestor
- The building permit number and the SIF Invoice number
- The property address
- The reason for the rebate
- The amount paid

# 9.0 Appeals (LDC-25-6-660)

The City Council adopted the Street Impact Fee (SIF) ordinance on December 20, 2020, with collection of the fee to begin on June 22, 2022. The Ordinance provides for a process to appeal the decision of the staff under specific conditions. The Transportation Development Services (TDS) Division within ATD is charged with administration and implementation of the ordinance in the city development process from the Fee Assessment stage to issuance of the SIF Invoice for payment at the Building Permit stage and is the processing division for an appeal.

#### Staff review and SIF Invoice Issuance

In the process of reviewing a project for permits, the TDS staff will determine the amount of SIF to be invoiced for each building permit and create the SIF invoice for payment prior to the issuance of the building permit.

If an applicant wants to appeal the staff determination of the SIF invoiced amount, they will have to formally make the appeal to the Director of the Austin Transportation Department by completing the appeal forms provided in Appendix D. The building permit will not be issued until the appeal process has been exhausted and a decision by the City is final. The applicant may, however, choose to pay the fee to obtain the building permit while on appeal, and if the appeal is granted, the SIF will be refunded as appropriate.

Because the SIF appeals process potentially includes consideration by the Land Use Commission and the City Council, it will be necessary to coordinate with both entities to schedule hearings. It is also necessary to meet deadlines associated with the public posting of agendas and back-up information related to the appeals case. Because of these requirements of those other entities, ATD staff cannot provide an estimate as to how long it will take to consider and finalize a SIF appeal.

#### Step 1 – Complete SIF Appeal Packet (see Appendix D):

To initiate an appeal of a SIF invoice, the owner or their representative must complete a packet of information containing the following items:

- A letter from the owner or their representative to the Director of ATD that identifies the Invoice and the amount of the SIF, the property address and relevant development process case numbers, and why they feel the fee should be modified.
- A copy of the city-issued SIF invoice

• An SIF Ordinance Findings of Fact sheet that identifies the six ordinance sanctioned reasons an appeal can be considered, with the applicant explaining how at least one or more of the reasons are applicable.

#### Step 2 – Director (or Designee) Consideration of the Appeal:

The applicant, upon completing the packet documents, may either have them delivered by mail or may provide a PDF of the completed and signed packet documents emailed to the Transportation Development Services division SIF email address (<u>StreetImpactFee@austintexas.gov</u>).

Upon acceptance of the completed appeal documents, a meeting with the Austin Transportation Director will be scheduled within ten business days. The applicant will be notified of the scheduled meeting by email using the email indicated in the submitted appeal documents.

The meeting with the Director is held with the applicant and the Director will render a decision within five business days after the appeal meeting, and the Directors office will inform the applicant of the decision in writing by email.

#### **Director Approves the Appeal**

If the Director approves the appeal, the invoice is modified or made null, and the building permit will be issued accordingly. If the applicant has already paid the fee while the appeal was in process, the fee will be refunded.

#### **Director Denies that Appeal**

If the Director denies the appeal, the applicant may request that the appeal be forwarded to the Land Use Commission (Planning Commission). The applicant will have to submit the administrative fee for processing the appeal through the Commission prior to the scheduling on the agenda. The appeal will be placed on the next available Planning Commission agenda based on the back-up material deadline submittal requirements. Because the appeal to the Commission will be a public hearing, the length of time for a decision to be rendered is not certain.

#### Step 3 – Planning Commission Consideration of the Appeal:

The Planning Commission (Land Use Commission) receive the appeal packet submitted by the applicant and the Directors written decision. The staff will present the Directors recommendation and the applicant will present their case. After consideration, the Planning Commission will render a decision either approve or deny the appeal based on the documents presented and forward that recommendation to Council for action.

#### Step 4 – City Council Consideration of the Appeal:

Once the Planning Commission has heard the appeal and offered a recommendation to the City Council, the Director's office will coordinate the appeal with the City Manager's office and the City Clerk's office to schedule the appeal on a Council Agenda that would allow for hearing the appeal. The applicant will be notified of the proposed City Council agenda date.

Because an appeal consideration by Council is a public hearing, the length of time for a decision to be rendered is not certain. Council will either direct staff to approve or deny the appeal.

#### Step 5 – Final Processing

If Council approves the appeal, staff will issue a SIF refund check to the applicant in the appropriate amount. The SIF ordinance does not allow for the creation of an account for the owner to carry the refund about as a credit for future SIF payments.

If Council denies the appeal, the owner must pay the balance of the SIF invoice for the applicable building permits to be pulled unless the SIF invoice was paid prior to the appeals process.

#### Appeals Packet – Sample Letter to the Director

Richard Mendoza

Interim Director, Austin Transportation Department

Property Owner's Name:

Property Owner's email address:

Property Address of SIF Invoice:

COA Case Number:

Date:

I am appealing the decision of the Austin Transportation Department staff's assessment of the Street Impact Fee for my property because I believe they have calculated the fee in error. I have attached a copy of the invoice in question, and the Ordinance Findings of Fact Worksheet that explains the details of the error, as well as our understanding of what the Street Impact Fee should be for this development.

Please review our case and consider our position on this matter promptly.

Respectfully,

**Owners Name or Agent** 

# Appendix A -- Glossary of Terms

**Allocation Agreement** – an allocation agreement is a designation on a site plan the assigns applicable offset credits to specific buildings on a multiple building multi-family or commercial development.

**Applicant** – an owner or authorized agent of an owner, who submits an application for a permit under this division.

**Assessment SIF** – amount of the maximum street impact fee per service unit imposed on new development.

**Billed To** – an owner or authorized agent of an owner, who pays the review fees or SIF fees under this division.

**Capital Improvement** – a roadway facility with a life expectancy of at least three years, to be owned and operated by or on behalf of the city including a newly constructed roadway facility or the expansion of an existing roadway facility necessary to new development.

**Development Unit** – a measure of each land use used to determine number of service units. The development unit is identified in the Land-Use, Vehicle-Mile Equivalency Table.

**Effective Date** – Date the original ordinance went into effect. In this case the date referenced is December 21, 2020.

Engineer - the authorized designer, who designs and/or seals plans for review under this division.

**Final Plat Approval** – when the plat has been released by the City for filing with the County. This term applies to both original plats and replats.

**Formal SIF Calculation** – initial calculation of SIF fees for a site at the building permit level, including applicable reductions and Offset Agreements. Formal SIF Calculation can be conducted with a Final Plat, Land Status Determination, Site Plan or Building permit application. This calculation is what the Final SIF Calculation will be checked against at the time of Building Permit application.

**Final SIF Calculation** – final calculation of SIF Fees for a site at the building permit level so an invoice can be issued to and paid by the applicant. This is essentially a 'check', or verification that the assumptions documented with the Formal Calculation are still valid. The calculation and documentation will be shown on the invoice.

**Impact Fee Study** – the study that includes the land use assumptions, designation of street impact fee services areas, roadway capacity plan, the vehicle-mile equivalency table, and the computation of maximum street impact fees per service unit for each service area.

**Land Use Assumptions** – a description of the service areas and the projections of population and employment growth and associated changes in land uses, densities, and intensities adopted by the City.

**LUVMET or Land Use Vehicular-Mile Equivalency Table** – the table set forth in the street impact fee study that provides the standardized measure of use of roadway facilities attributable to a new development, in terms of vehicle miles per development unit.

**Inside Loop Service Areas** – those service areas located within the highway boundaries of SH 71, US 183, and SL 360.

**Maximum Street Impact Fee (SIF MAX)** – the street impact fee that is established for each service area. The maximum assessable street impact fee shall be established and reflected in the street impact fee study.

**New Development** – a project which requires either the approval of a plat or the issuance of a building permit.

**Offset** – the amount of the reduction of a street impact fee to reflect the value of any construction of or contributions to a system facility, or dedications of an offsite system facility, and which are identified on or eligible for inclusion in the roadway capacity plan.

**Offset Agreement** – an offset agreement is a documented agreement between a developer and the City that outlines the credit given by the City against a Street Impact Fee for construction of transportation infrastructure. The agreement is signed by both parties and filed in County records.

**Outside Loop Service Areas** – those service areas located outside the highway boundaries of SH 71, US 183, and SL 360.

**Recoup** – to reimburse the city for capital improvements which the City has previously installed or caused to be installed.

**Roadway Capacity Plan (RCP)** – the capital improvements or roadway facility expansions and associated costs for each service area that are necessitated by and which are attributable to new development within the service area, for up to ten years.

Roadway Facility – an improvement or appurtenance to a street.

**Street Impact Fee (SIF)** – a fee, charge, or assessment for roadway facilities imposed on new development by the city to recoup all or part of the costs of capital improvements or facility expansion necessitated by and attributable to such new development.

**Service Area** – the geographic area within the City's corporate limits and within the geographic area street impact fees for capital improvements will be collected for new development.

Service Unit – one vehicle mile of travel in the afternoon peak hour of traffic.

System Facility – an improvement to the transportation network, not part of a site.

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Appendix B – Land Use / Vehicle-Mile Equiv	alency (LUVMET) Table
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 Appendix 1 - Land Use / Vehicle-Mile Equivalency Table (LUVMET)

Land Use Category	Lind Code	Deve lopment Unit	Trip Cèn Rate (PM)	Pars- by Rate	Pass-by Source	Trip Rate	Trip Leugth Inside Loop (mi)	Trip Length Outside Loop (mi)	Su A	Adj Trip Length Inside Loop (mi)	Adj. Trip Length Oustide Loop (m)	Max Trip Leugth Inside Loop (mi)	Mar Trip Length Oustide Loop (mi)	Veh-Mi Per Dev- Linit Inside Loop	Veh-Mi Per Der- Uhit Outside Loop
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Appendix 1 (Cont'd)- Land Use / Vehicle-Mile Equivalency Table (LUVMET)

Jan. 31, 2023

# Appendix C – SIF Estimator Worksheet Links

Street Impact Fee Calculation Worksheet Condensed Street Impact Fee Calculation Worksheet

# Appendix D – Offset Agreement Template

Street Impact Fee Offset Agreement Form