

CODE INTERPRETATION

Code or Manual Reference No.: Title 25-2, Zoning, Subchapter E: Design Standards & Mixed Use

Description: Application of Partial Compliance to City of Austin Parks & Rec. Dept. (PARD) Projects

Issue Summary:

Many public parks projects consist of localized development surrounded by large expanses of undeveloped land that must be included in a site development permit for purposes of compliance. As provided in the Land Development Code, City-owned projects are exempt from subdivision regulations thus excluding an important land development process that is used to trigger various ordinance requirements and limit the size of a tract. Exasperating these challenges, there have been several resolutions passed initiating sidewalk requirements that provide further challenges to PARD park projects due to project scale.

Imagine Austin's Priority #48 in Building Block City Facilities and Services states, "Maintain existing partnerships and develop new relationships among COA departments, regional governments, community organizations, and volunteers to support recreational services and achieve higher levels of service." In 2016, aligned with this priority, the Development Services Department (DSD) Assistant Director and Principal Planner met with the Parks and Recreation Department (PARD) staff, the City Architect in Public Works, and the Design Commission to discuss the challenges associated with the resolutions. The solution was to develop an understanding of how the existing language within Partial Compliance (Section 1.2.3) may assist in the completion of PARD projects.

Fact Summary/ Background:

Resolution 20071129-046 requires all City buildings and associated site development to comply with Subchapter E, and sites within the Urban Roadway boundary must include Core Transit Corridor Sidewalks.

Resolution 20100923-086 requires that for municipal buildings and associated site development, Alternative Equivalent Compliance (AEC) requests are reviewed by the Design Commission.

Section 1.2.2 of 25-2, Subchapter E states that Full Compliance [with Subchapter E] only applies to "new construction on previously undeveloped land; and new construction or site development where the Director determines that all buildings on the site have been or will be demolished."

Section 1.2.3 of 25-2, Subchapter E states that Partial Compliance is for all projects not subject to 1.2.2 (Full Compliance) and "the Director shall determine which standards of this Subchapter apply to the project or a portion of the project..."

Section 1.1 of 25-2, Subchapter E encourages flexibility and site context in practical application.

Section 1.2.4.A.1 of 25-2, Subchapter E exempts all developments that do not require a site plan under Chapter 25-5, except that Section 2.5 (Exterior Lighting) shall apply.

Interpretation:

Resolutions 20071129-046 and 20100923-086 only apply to City of Austin sites with a building (and associated site development), but does not apply to site development that does not have a new building.

Park projects experiencing requests for full Subchapter E compliance, including Subchapter E sidewalks along the entirety of a park's street frontage qualify to utilize Partial Compliance.

Park projects that are not new construction on previously undeveloped land or demolishing all buildings fall within Partial Compliance with Subchapter E.

Alternative Equivalent Compliance (AEC) is not required because partial compliance is considered as compliant with Subchapter E requirements.

Due to the context of COA park projects and their general size compared to proposed improvements and the flexibility allowed, PARD projects will be reviewed for compliance with Subchapter E only within the site's Limits of Construction. This policy applies only to existing City parks proposing improvements; therefore, Section 2.2 sidewalk requirements are not required as related to Subchapter E requirements.

Rationale:

Subchapter E was written to provide flexibility and encourage context review primarily for private developments. This interpretation will clarify and provide consistency in COA staff's application of Subchapter E as related to public park projects to allow PARD to move forward with the efficient planning, design, and permitting of much-needed public parks improvements.

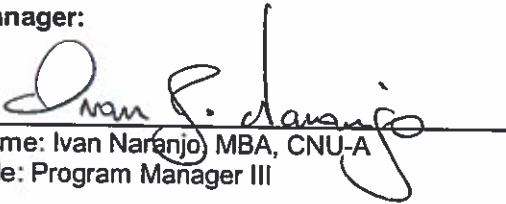
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****Attach staff signatures for all who have accepted.**