

## Parkland Dedication 23-3B

### Planning Commission Groupings; 16.1 through 16.28

**High level** – In 2014, Council initiated a Code change process for the Parkland Dedication Ordinance. This was a collaborative process that was designed to precede CodeNEXT to allow for a thorough 18-month input process for new concepts that would allow the parkland dedication ordinance to better implement Imagine Austin. Key stakeholders in this process were: Real Estate Council of Austin(RECA); Downtown Austin Alliance (DAA); Austinites for Urban Rail Action (AURA); Evolve Austin; Home Builders Association of Greater Austin (HBA); Austin Apartment Association; Argyle Residential; 4T Reality; The Trail Foundation; Austin Parks Foundation; Waller Creek Conservancy; Shoal Creek Conservancy; Parks and Recreation Board; Parks and Recreation Department; Affordable Housing advocates; and the City’s Neighborhood Housing and Community Development Department.

City Council approved the Parkland Dedication Ordinance 20160128-086 on January 28, 2016 with substantial changes that addressed the concerns of the development community. Staff disagrees with additional substantial changes to the compromises embedded in the 2016 Parkland Dedication Ordinance. The current code is working well, and it provides staff and the development community with predictable methods for determining parkland dedication early in a development process. Under the current code, the City has been able to acquire several pocket parks and trail easements that provide essential greenspace in an ever more urbanizing city.

#### PARD disagrees with changing the following in 23B:



#### **Decreasing park service levels from today’s 9.4 acres per 1,000 people.**

16.6; 16.10 and 16.15: If the land dedication cap is changed from 15% in the urban core to 10% we will continue to decrease park acreage per persons in Austin. The 15% cap is already effectively changing the amount of new land provided from 9.4 acres per 1,000 to 1.4 acres per 1,000, meaning that maintaining levels of service will be dependent on available bond funds and parkland dedication fees in lieu of land which are not sufficient due to the high price of land.

16.21 and 16.24: Removing the requirement that if a project owes at least 6 acres of parkland (376 + MF units or 250 + SF units) they have to give some land. If you owe the size of a neighborhood park, you should have to give some land.

16.11, 16.12, 16.16, 16.27: Requiring that all corridor projects be allowed to pay fees and give no land. PARD disagrees. Parkland is needed on the corridors to make density livable. This is part of Imagine Austin. Often, the corridors are the only re-developing land in the area, making it doubtful that land dedication will be able to be received elsewhere nearby.



### **Increasing difficulty in administering 23-3B.**

16.3; 16.4; 16.7, 16.26; 16.23, PARD disagrees, none of these are feasible due to legal issues related to proportionality and impact fees and/or staff administration process time.

### **PARD agrees with clarifying the following in 23-3B:**

- ✓ **Clarifying** early determination process: 16.9, 16.18, 16.28

This can be easily fixed by changing 23-3B-3010 ( C ) Review Procedure to the following:

**(C) ~~Review~~ Early Determination Procedure:** The director shall, at the request of an applicant, determine whether payment of a fee in lieu of parkland dedication will be allowed prior to formal submittal of a site plan or subdivision application. ~~The director may establish requirement for obtaining the determination in the Parkland Dedication Operating Procedures and may require an applicant to provide information relevant to the criteria in Subsection (B). A determination issued under this Subsection is valid for a period of one year from the date of issuance.~~

(1) The director may establish requirements for obtaining the determination in the Parkland Dedication Operating Procedures and may require an applicant to provide information relevant to the criteria in Subsection (B).

(2) A binding determination issued under this section shall apply to any development application submitted within 1-year from the date the determination is issued, provided that the number of units has not changed by more than 10% from the number of units originally provided by the applicant and relied upon by PARD to make the determination.

- ✓ **Clarifying** that impervious cover and FAR shall be calculated on the gross site area prior to the parkland dedication: 16.8, 16.25 by adding (3) to 23-3B-2010 Dedication of Parkland

PARD suggests also adding to 23-3B-2010 ( C ) (4): Future recreation development on parkland dedicated after completion of a site plan does not alter the non-dedicated area of the site plan.