

Austin Parks and Recreation Department

# Appeal of the Parkland Dedication Land Requirements for Koenig Multifamily (SP-2020-0419C)

Parks and Recreation Board

September 14, 2021

Robynne Heymans, Senior Planner, Parks and Recreation Department



# Overview

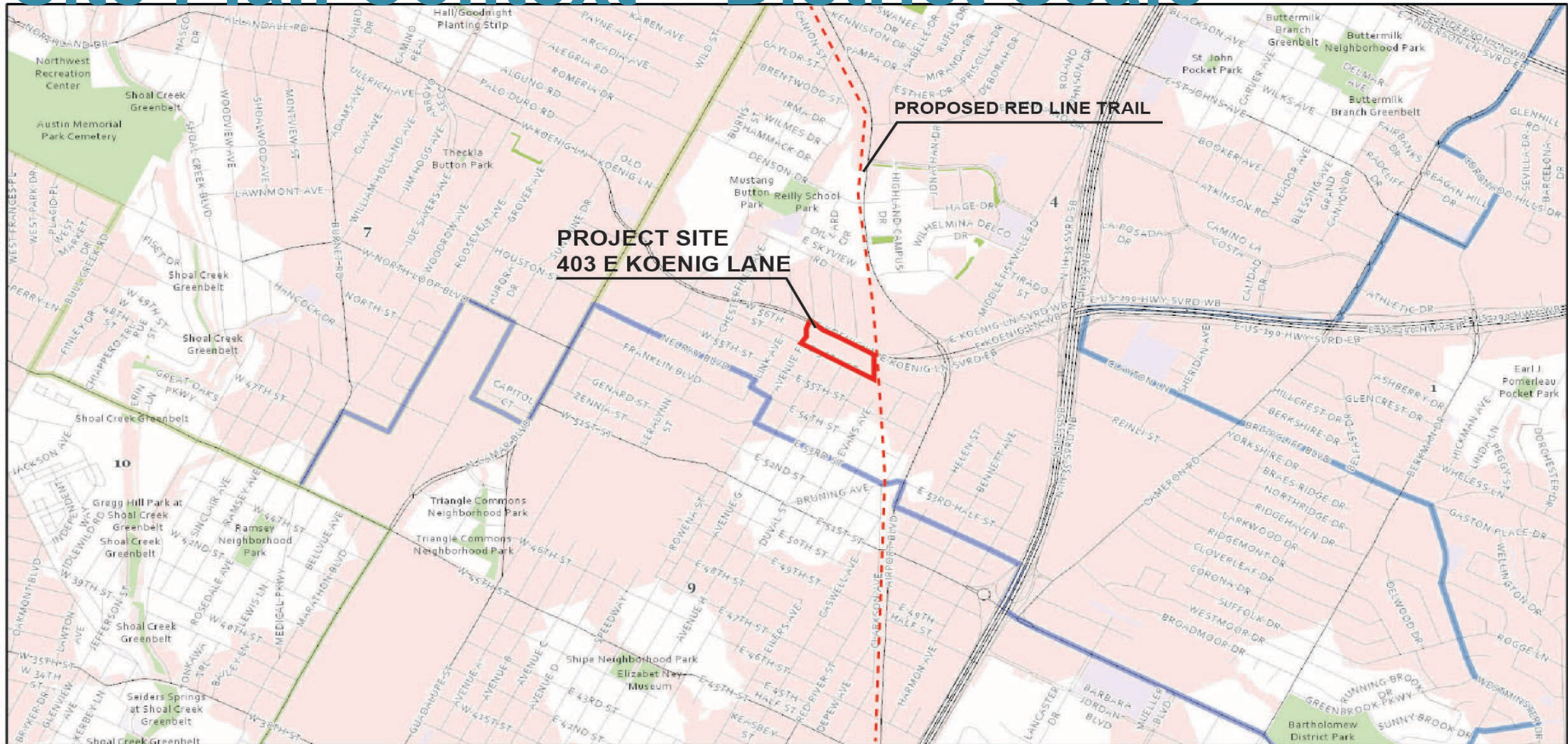
- Consider an Appeal by the Applicant.
- **PARD is requiring land dedication. The developer requests to pay fee in-lieu.**
- PARD Recommendation to Parks and Recreation Board and Planning Commission: **Support PARD's request for land dedication and deny the applicant's request to pay fee in lieu (of land dedication).**
  - Code Context
  - Site Plan Context
  - Application of Code Criteria
  - Additional Considerations
  - Park Alignments
  - Recommendation to Planning Commission

# Code Context

- City Code 25-1-605 (B) lists **criteria** for PARD's requirement to dedicate parkland vs. pay fee in lieu.
  - **Based on these criteria, PARD must require land, and does not have the authority to accept fee in lieu.**
- City Code 25-1-605 (F) indicates that PARD's decision may be **appealed** to the Land Use Commission, and that PARD shall first present the case to the Parks and Recreation Board for a recommendation.
- Applicant has appealed the decision.



# Site Plan Context – District Scale



## Koenig MF Park



23 August 2021 heymanstr

0 500 1,000 2,000 Feet



- Parkland Deficient Area
- Project Site
- Redline Trail

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the Parks and Recreation Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



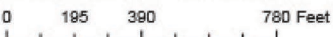
# Site Plan Context – Neighborhood Scale



## Koenig MF Park



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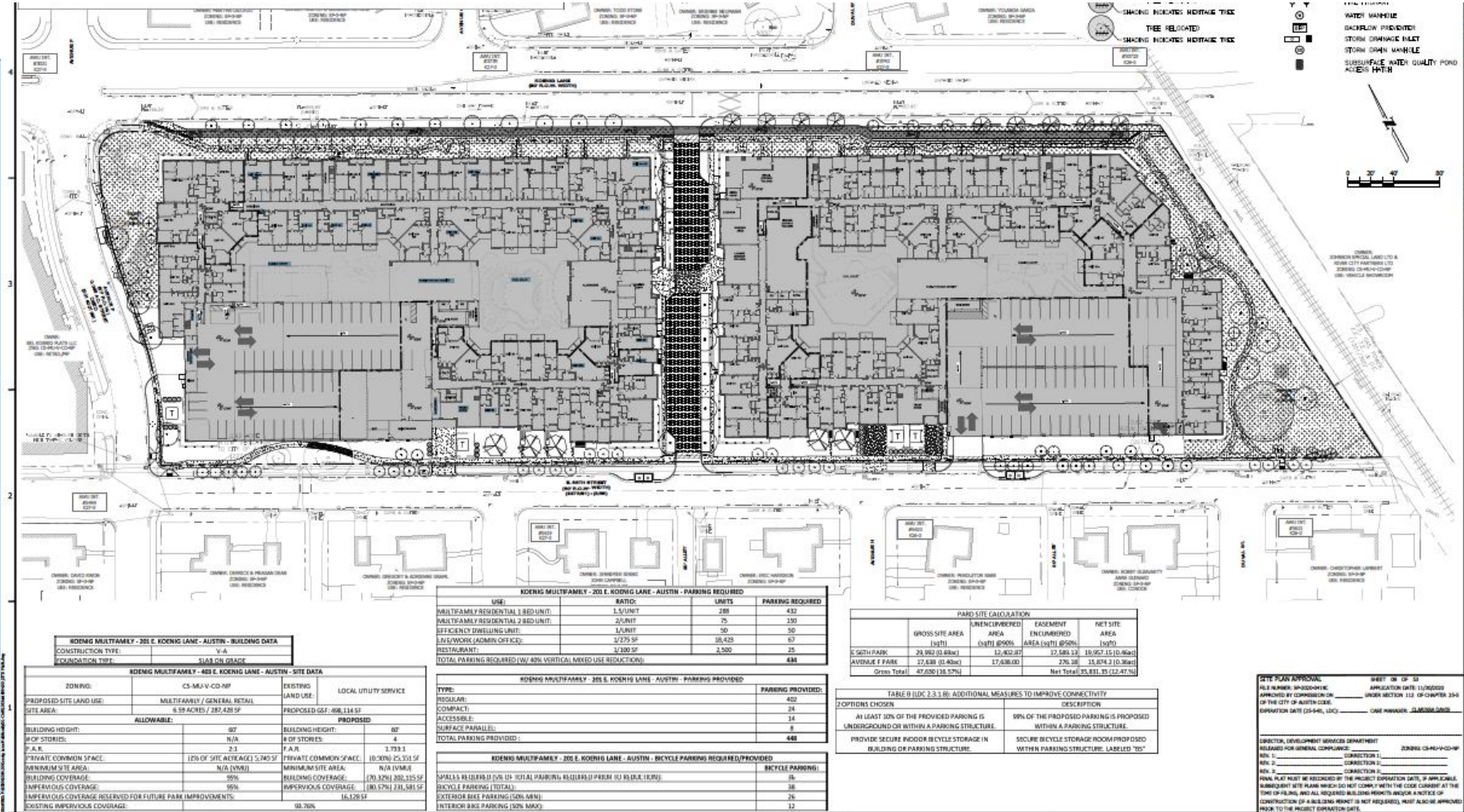


- PARK DEFICIENT AREA
- PROJECT SITE
- WALLER CREEK
- DISTRICT BOUNDARY
- PLANNED REDLINE TRAIL

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- Proposing 434 Units, 10% affordable under VMU
- Parkland demand generated by development: **6.93 acres**
- Site is 6.5 acres: 15% urban core cap is **0.98 acres**



# Application of Code Criteria – Fee in-lieu

## § 25-1-605 (A) - FEE IN-LIEU OF PARKLAND DEDICATION

(A) The director may require or allow a subdivision or site plan applicant to deposit with the City a **fee in-lieu of parkland** dedication under Section 25-1-602 (Dedication of Parkland) if:

- (1) the director determines that payment of a fee in-lieu of dedication is justified under the criteria in Subsection (B) of this section; **and**
- (2) the following additional requirements are met:
  - (a) **less than six acres** is required to be dedicated under Section 25-1-602 (Dedication of Parkland); or
  - (b) **the land available for dedication does not comply** with the standards for dedication under Section 25-1-603 (Standards for Dedicated Parkland).

## § 25-1-605 (B) - FEE IN-LIEU OF PARKLAND DEDICATION

- (1) is located within the **Deficient Park Area Map**;
- (2) is adjacent to existing parkland;
- (3) has **sufficient acreage to meet the standards for dedicated parkland under the Parkland Dedication Operating Procedures**;
- (4) is needed to address a critical need for parkland or to remedy a deficiency identified by the **Deficient Park Area Map**; or
- (5) would provide increased connectivity with existing or planned parks or recreational amenities

**Based on these criteria, PARD must require land, and does not have the authority to accept fee in lieu.**

# Application of Code Criteria- Parkland Standards

## § 25-1-603 (B) – Dedication of Parkland

A subdivision or site plan applicant shall provide for the parkland needs of the residents by the dedication of ***suitable land for park and recreational purposes*** under this article

## City Code § 25-1-603 Standards for Dedicated Parkland

(B)The director shall determine whether land offered for dedication complies with the standards for dedication under Subsection (A)

## City Code § 25-1-604 Private Parkland

(D)**Yards, setback areas**, and private personal open spaces required by this title **may not be counted as private parkland under this section**, except for a required setback or yard that includes a public trail.

## PDOP 14.3.7 Supplemental Standards for Dedicated Parkland

(3) The proposed land **shall not be encumbered by recorded easements**, or easements proposed to be recorded, such that it prevents construction of recreation amenities desired on the parkland.

(7) If the Parks Department finds it necessary for optimum park placement, tracts to be dedicated may be split into two (2) or more separate park sites as long as:

(a) **No site is less than ¼-acre in size**



# Application of Code Criteria- Parkland Standards

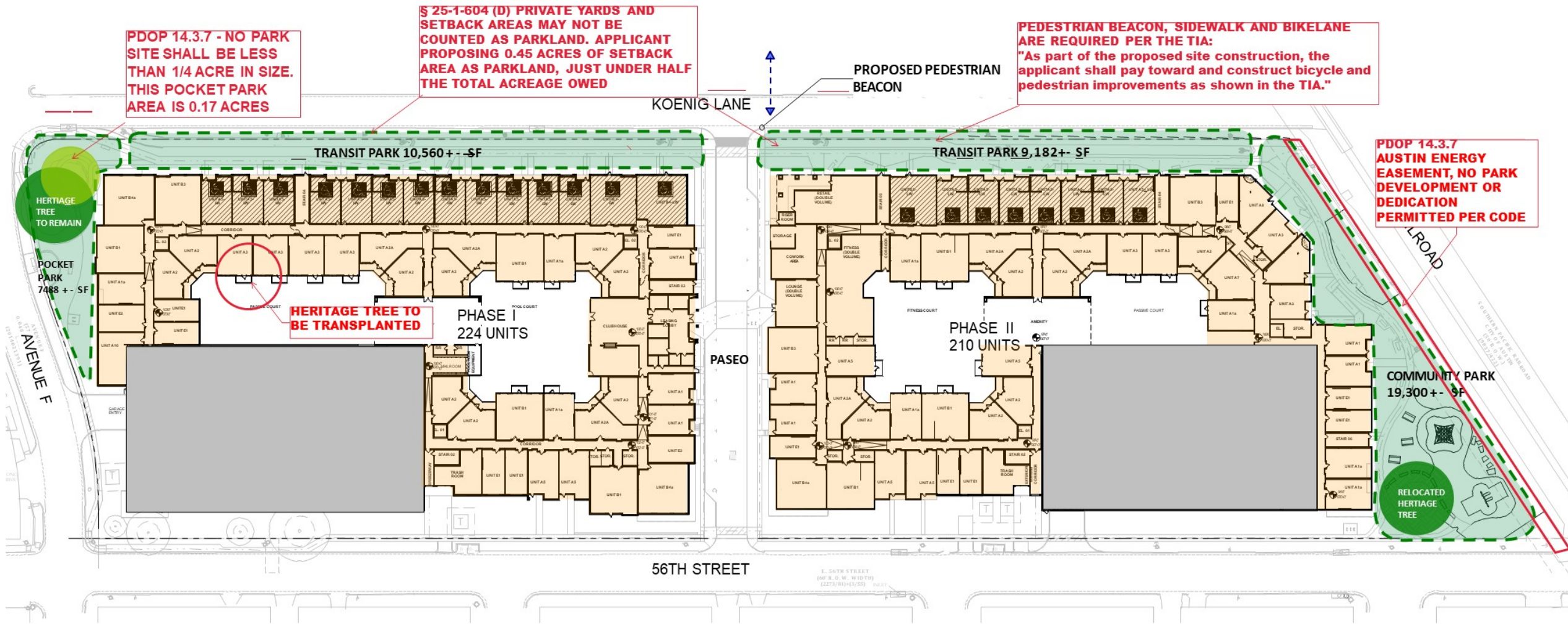


FIGURE A - CURRENT PROPOSED SITE PLAN / PARK PLAN

- MULTI-FAMILY BUILDING FOOTPRINT
- PARKING GARAGE
- PROPOSED PARKLAND DEDICATION



# Additional Considerations

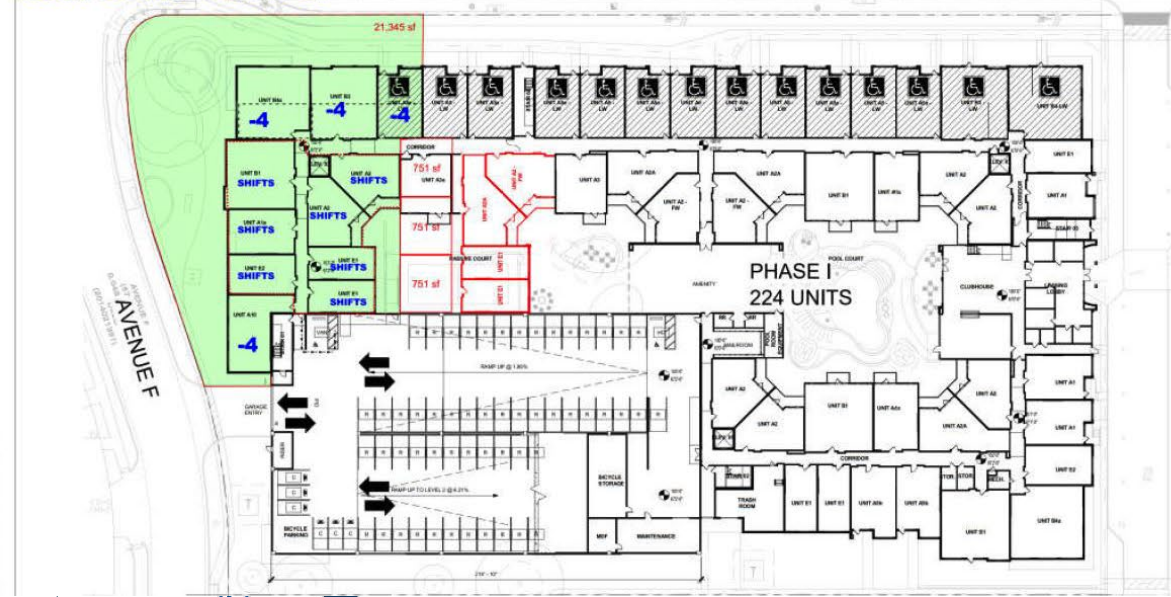
- Applicant is satisfying parkland dedication with a combination of land dedication and fees in-lieu as authorized under City Code § 25-1-605(E). **The majority (86%) of their parkland requirement will be met with fees in-lieu due to the 15% Urban Core cap.**
- No available land to purchase for parkland within a quarter mile of the site - 100% fees-in-lieu not useful for land acquisition in this neighborhood.
- Impact to non-SMART affordable units is not a code criterion related to parkland dedication requirements. Applicant could increase density and affordable housing in neighborhood with Affordability Unlocked program.
- Paseo required as an internal circulation route - not required to have vehicular use, only pedestrian and bicycle.
- **The Director is not authorized to accept in-kind land donations in lieu of land dedication requirements. In-kind land donations are not code criteria listed in current code 25-1-605 B for considering whether land or fee may satisfy parkland dedication.**



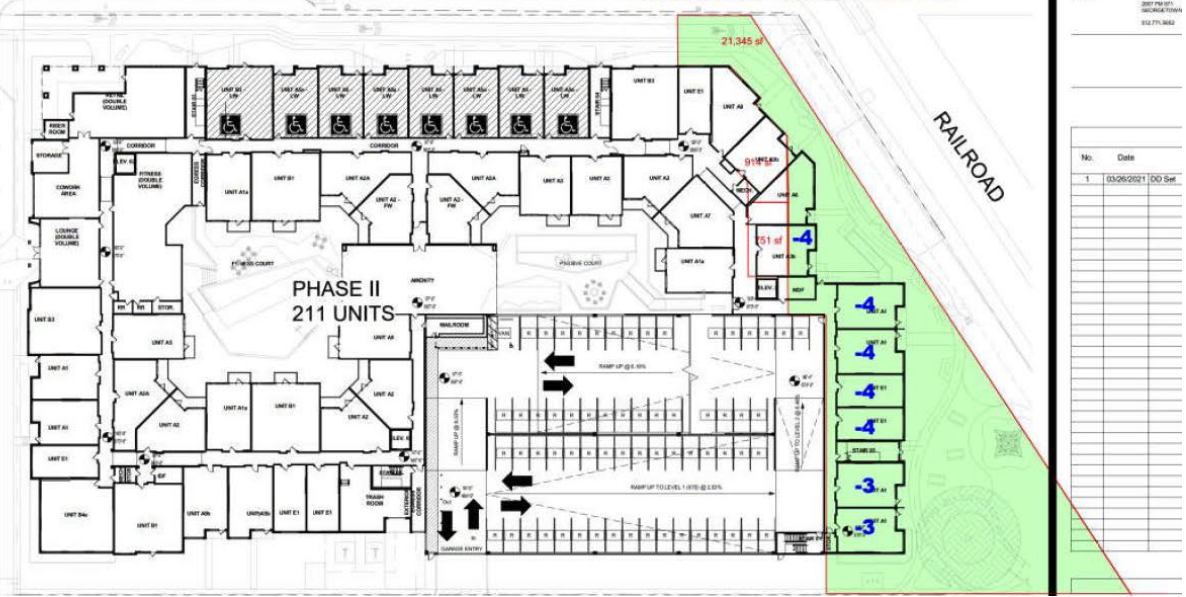
# Applicant Prepared/PARD Approved Alignment

- The applicant prepared this proposed alignment.
- PARD approved the alignment as it satisfies the parkland dedication standards outlined in code and the parkland/recreational needs of the neighborhood stakeholders.
- Applicant is not willing to comply with this parkland alignment and is instead appealing the land dedication requirements.

1 ACRE = 43560 SF  
43560 SF \* .49 = 21345 SF



1 ACRE = 43560 SF  
43560 SF \* .49 = 21345 SF



# Recommendation

- **Make a recommendation to Planning Commission to deny the applicant's request to exclusively pay fee in lieu of land dedication for Koenig Multifamily (SP-2020-0419C).**
- **This development adds 434 units and about 737 new residents to this already park deficient neighborhood.**
- **Accepting applicant's appeal request would result in no parkland being dedicated with this site development.**

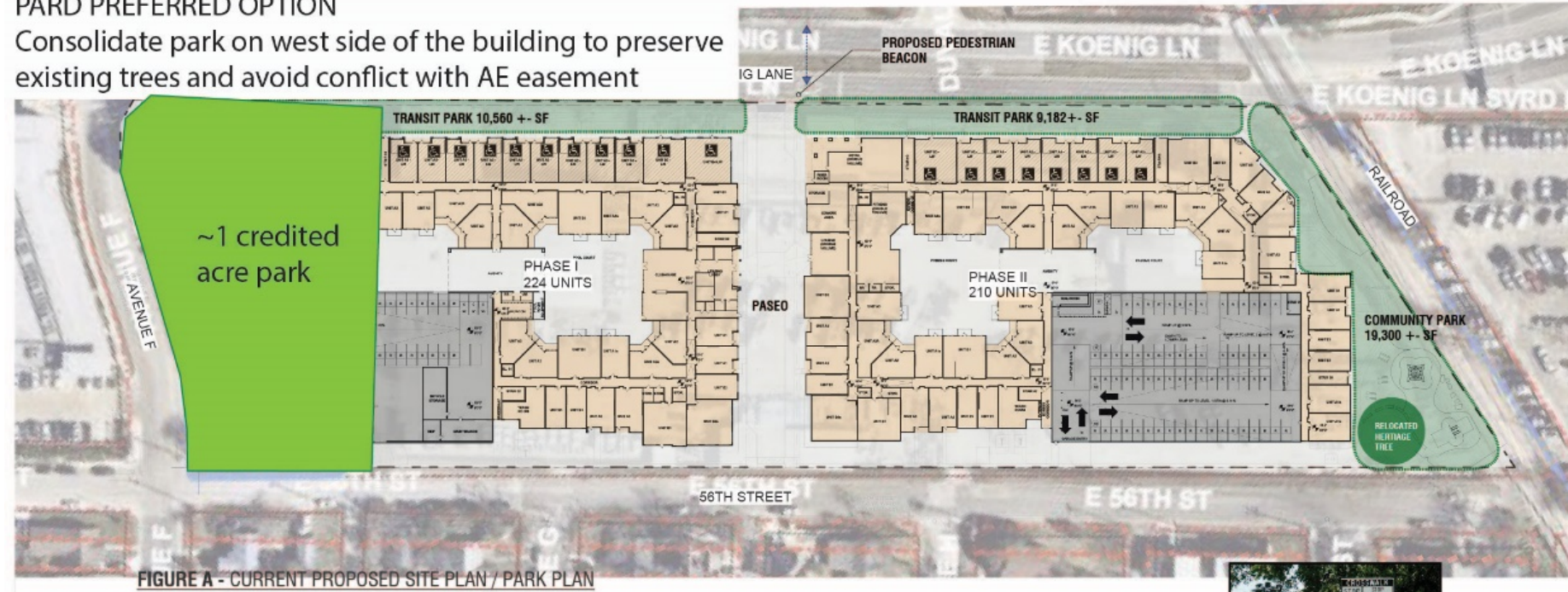


# Alternate Site Layouts

PARD presented several acceptable options for park alignment in order to minimize impact to buildable site area. PARD preferred a consolidated park, but is authorized to accept two parks under PDOP 14.3.7 (7)

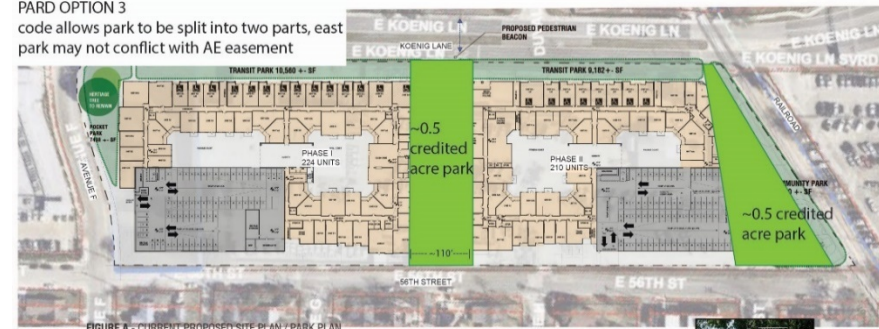
## PARD PREFERRED OPTION

Consolidate park on west side of the building to preserve existing trees and avoid conflict with AE easement



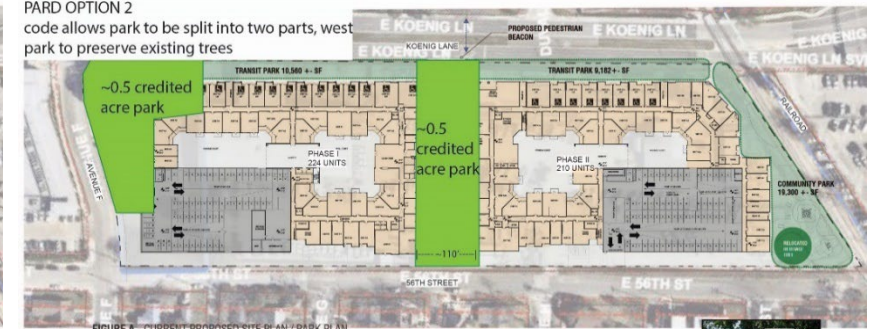
## PARD OPTION 3

code allows park to be split into two parts, east park may not conflict with AE easement



## PARD OPTION 2

code allows park to be split into two parts, west park to preserve existing trees



# Application of Code Criteria- Parkland Standards

## PDOP Supplemental Criteria for Evaluating Fee In-Lieu Requests 14.3.6

(3) onsite parkland would further goals of the Imagine Austin Comprehensive Plan by providing:

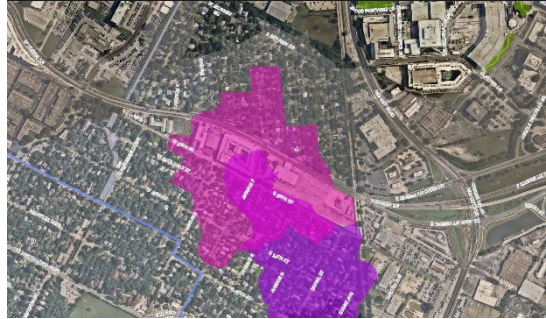
- (a) gathering areas and outdoor play in corridors and centers;
- (b) opportunities for health-enhancing activities for residents;
- (c) green infrastructure with recreation amenities, or
- (d) increased connectivity for pedestrian and bicycle traffic

**Parkland should provide *increased* connectivity. The bike lane and sidewalk required by the TIA does not provide sufficient *increased* connectivity. There are no opportunities for group gathering, outdoor play or health-enhancing activities that the required sidewalk doesn't already provide**

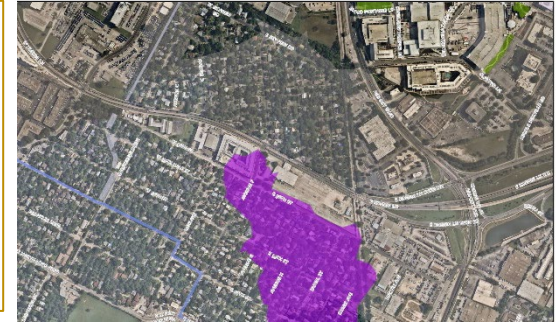


# PARD vs Applicant Alignment

PARD approved alignment provides parkland on the North West corner of the site and a much larger park service area.



Applicant proposal includes only one park on the South East corner of the site and no parkland at Koenig and Ave F.





# AFFORDABILITY STUDY

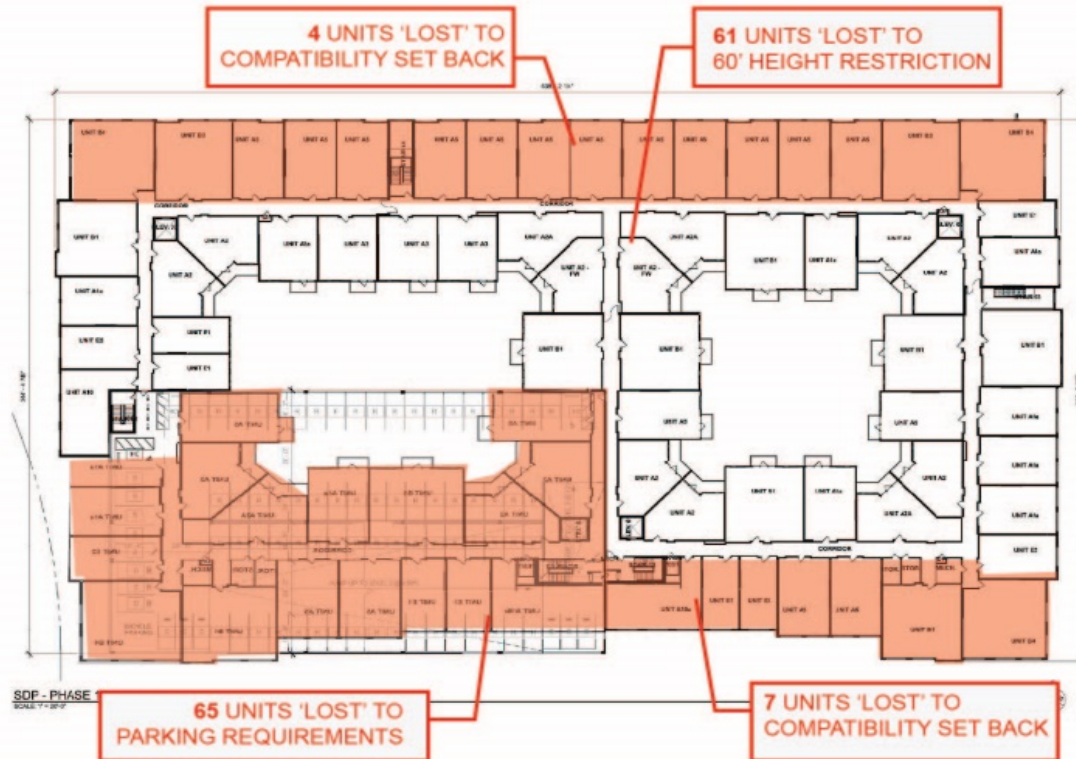
SCENARIO: APPLICANT APPLIES FOR AFFORDABILITY UNLOCKED

**PROPOSING:**  
434 UNITS  
43 AFFORDABLE  
391 MARKET RATE

VS.

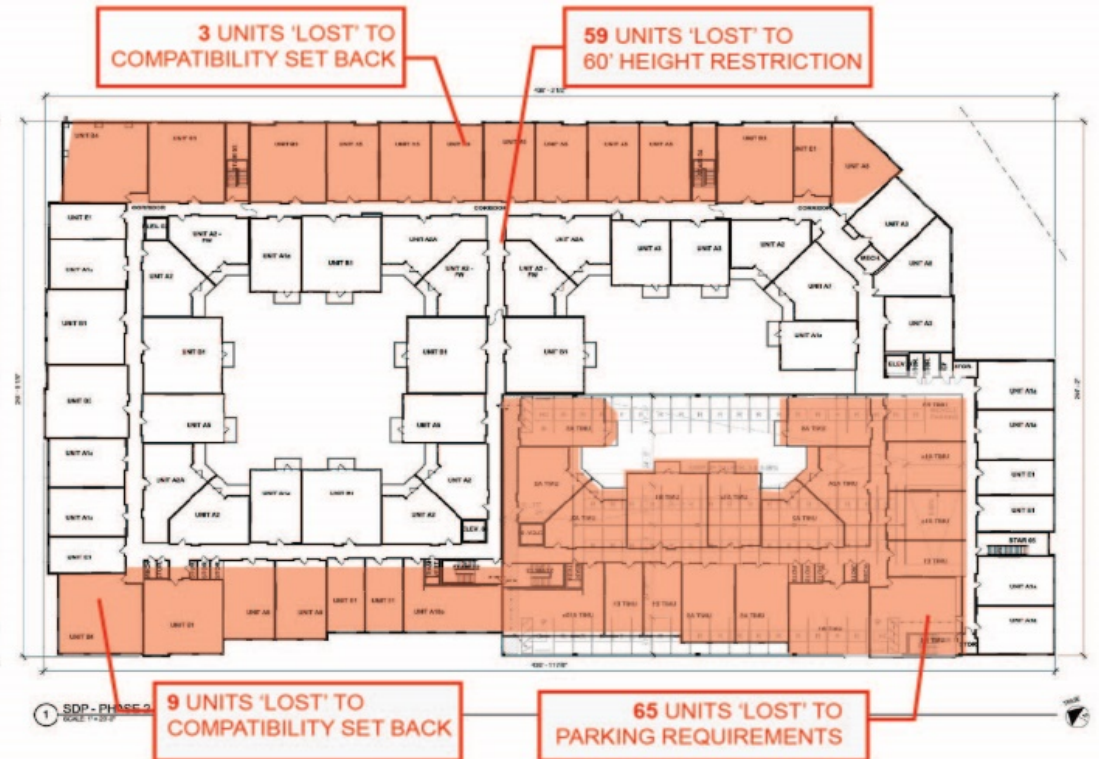
**AFFORDABILITY UNLOCKED:**  
743 UNITS (GAIN 309 UNITS)  
372 AFFORDABLE (GAIN 329 AFFORDABLE)  
371 MARKET RATE (LOSS 20 MARKET RATE)

## PARD Prepared Affordability Study



**PHASE 1:**  
**PROPOSING:** 224 UNITS  
23 AFFORDABLE  
201 MARKET RATE

**AFFORDABILITY UNLOCKED:**  
NO COMPATIBILITY SETBACK: + 11 UNITS  
NO PARKING REQUIREMENTS: + 65 UNITS  
1.25 MAX HEIGHT (5 STORIES): +79 UNITS  
**TOTAL PHASE 1 GAIN: +155 UNITS**



**PHASE 2:**  
**PROPOSING:** 210 UNITS  
21 AFFORDABLE  
189 MARKET RATE

**AFFORDABILITY UNLOCKED:**  
NO COMPATIBILITY SETBACK: + 12 UNITS  
NO PARKING REQUIREMENTS: + 65 UNITS  
1.25 MAX HEIGHT (5 STORIES): +77 UNITS

**TOTAL PHASE 2 GAIN: +154 UNITS**