

PARD RESPONSE TO RECA'S EMAILED CONCERNS AFTER SEPT 17 COUNCIL MEETING



RECA: We understand that the fees will increase, and we'd hope to see a more moderate increase than the current formula lays out. In any case, the changes below would help to mitigate some of the increase and we hope you'll consider them.

RECA CONCERNS:

1) Early determination, prior to site plan submittal, of whether land or fees-in-lieu will be requested. This would entail a process similar to Alternative Equivalent Compliance (AEC) to Subchapter E process. The process would be initiated by the Applicant completing a simple Request for Determination with a short list of basic supporting documents (rough site plan, summary of project, map showing locations of nearby parks, etc.). RECA members are willing to help with implementation if desired.

PARD: PARD agrees with this. Legal is drafting language to add into 25-1-605, a new Subsection C that will require PARD to make a determination, good for one year, at the request of an applicant.

2) Timeliness provision: staff would have 30 days from the date of the request to determine the required land or fees. If staff is late with that determination, the fee should be allowed by default. This allows predictability so that developers would be able to accurately account for parkland early in their plans.

PARD: The Subchapter E AEC process does not have a timeframe and staff will make every effort to respond in a reasonable amount of time. However, PARD needs much information to make a determination. The information is dependent on the applicant's provision of information and determinations needed from other City departments, so PARD does not advise a time period. It should be noted that the current and proposed ordinances are written such that the default for parkland dedication is land. So the applicant should assume that land is desired.

3) Parkland dedication amount to remain 5 acres instead of 9.4 acres within the urban core. The cost of land would make many developments infeasible at 9.4.

PARD: Legally, it is possible to have different service levels for different parts of town. However, after analyzing that idea for the Planning Commission, PARD determined that creating different "zoned" acreages and fees would result in a widely varying impact, perpetuate continued poor acreage in some parts of town, and make fees intolerable in the downtown area due to very high land prices there. PARD recommends 9.4 as the neighborhood park level of service for the entire City. That being said, downtown projects due to their limited total land acreage, rarely are required to provide land. Paying fees at a level that meets costs may allow PARD to purchase its own acreage in the urban core. It should be noted that the high-density fee would be a moderate increase from \$650 to \$943 per unit.

4) Sites under 6 acres always allow fee-in lieu.

PARD: The Department does not agree with this change because City policy, including Imagine Austin, calls for pocket parks and green space in close proximity to all residents. Pocket Parks can be as small as ¼-acre in size. Also land may be needed on small projects for critical connections or gaps in our system that are needed. For example, PARD just required land on a project of only 5 units due to a connection desired to a new park adjacent to the project.

5) Automatic waiver of the net site area requirement per unit when donating land. (If you have to dedicate a portion of your land, the calculation of possible units on the site based on net site area requirements should be made *including* the dedicated land.)

PARD: The Department agrees that parkland dedication should not affect FAR and density calculations for development; that those should be calculated and approved prior to the land being dedicated. This may require a change to 25-2 and such a change is not currently posted. PARD will continue to pursue such language and is also bringing this point up in the CodeNEXT process. Often this is not a big problem since at least some of the acreage being given for parks would not have been developed with units anyway. We are similarly trying to address impervious coverage rights in the CodeNEXT process. PARD must have some impervious cover rights left on the land dedicated, but PARD doesn't need as much impervious cover as a typical development. Legal has drafted language into the proposed ordinance that says "the director may require a reasonable allocation of impervious cover that allows for construction of parkland amenities without unduly impacting development of the proposed site plan." Amounts of impervious cover rights are negotiated with the applicant on a case by case basis.

6) Full credit for on-site park/open space amenities

PARD: Current parkland dedication administration allows the developer to get full credit when park amenities are built on land that is deeded to the City. No credit is currently given for amenities on private parkland, even if it is open to the public. The proposed code would allow ½ credit of the new parkland development fee for amenities built on private lands open to the public for that type of flexibility desired by applicants.

7) Given that parks maintenance is a significant concern, could developers get credit/waivers/some incentive for providing maintenance for set periods of time?

PARD: Parkland dedication fees may not be used for maintenance. Parkland dedication fees can only be utilized for capital cost. Case law to date has only established a relationship between land and park amenities owed to a municipality for added density, and has not established that same nexus for maintenance. Therefore, the use of parkland dedication fees for maintenance could be challenged in a court of law.