

Parkland Dedication Rules Review

Rules	Date Received	First & Last Name	Comment
14.3.1 (Purpose):	7/7/2016	Michael Tracy	When are you going to repair the Velloway? I keep hearing the same thing from Robert Brennes, who is the "Project Manager." He should run for office. "Tell me what you want to hear and I'll say it."
	7/7/2016	Rick Blakely	A preamble surely would have been helpful. I read through 3/4 or the rules before it seemed to make any sense at all. It apparently deals with developers needing to either set up some parkland on their own or pay the city a fee in lieu of setting up their own parks. It seems to be written so that you need 1 or more attorneys and a CPA to determine what is needed. I have a MBA and a pretty good understanding of contract law. It would take a few days and some real life examples to give you a credible opinion of the proposed rule. I think this is one of those situations that developers bemoan - a costly rule with lots of details that takes considerable time and effort to interpret and lots of money and effort in order to comply. Is it good that the ratio of people to parkland be maintained as the city grows and more land is developed, but isn't there an easier way to do this?
	7/23/2016	Donna Morrow	Please reserve & retain allocated funds for EROC to be used within that area & not dispersed elsewhere. It could be used to keep a pool open, maintain trees, etc.
14.3.2 (Applicability):			
14.3.3 (Deficient Park Area Map):			

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<p>14.3.4 (Parkland Dedication Review and Submittal Requirement):</p>	<p>7/20/2016</p>	<p>Jeff Howard</p>	<p>The Proposed PDOP Exceeds the Rulemaking Authority in Section 1-2-1(B) of the Austin City Code. The Code only allows a department to make rules that "implement, administer, enforce, or comply with the Code" and a department may not legislate through rule making per Section 1-2-1 of the Austin City Code. If these comments are not addressed, I will likely appeal the rule as provided in the Code. The proposed PDOP does this in several particular ways:</p> <ul style="list-style-type: none"> • Section 25-1-609(B) prescribes the items that may be covered in the PDOP. Sections 14.3.4(D) and 14.3.9 exceed the items authorized by City Council to be included in the PDOP. These sections deal with PUD Superiority. PUD Superiority is addressed in Section 25-1-602(I). Section 2-1-609(B) only gives rule making authority with respect to (i) Deficient Park Area Map, and (ii) subsections 603, 605, 606 and 607. • Section 25-1-602(I) clearly leaves PUD superiority to the discretion of Council (and not staff) as it provides that a PUD may be subject to additional parkland requirements (without specifying how much) "if required by the ordinance adopting the PUD" which ordinance is adopted by Council. • PUD Superiority is determined by Council applying the rules in another Chapter of the Land Development Code administered by the Planning and Zoning Department (PZD) – Chapter 25-2, Subchapter B, Division 5. The proposed PDOP proposed by the Parks Department intrudes on both the authority of the PZD to make rules to enforce PUD Superiority, but also amounts to legislation and not rule making intruding on Council legislative authority to decide what constitutes PUD Superiority. • If Council had intended for 10.4 acres per 1000 residents to constitute PUD Superiority for parks, it should post that Code amendment for adoption and adopt it after meeting due process requirements of notice, public hearing and public vote. • The proposed rules that the 15% cap on parkland does not apply to PUDs directly conflicts Section 25-1-602(J). Nothing in that section provides that the cap does not apply to PUDs. PUDs are not required to meet parkland superiority. PUDs are allowed to simply meet Code requirements. As a result a PUD could still be approved by Council even if it only meets the 15% cap. The proposed rule alters City Code by essentially removing the ability of a PUD to simply comply with Code requirements on Parkland and meet superiority in other ways. While the ordinance adopted by City Council adopting may require additional parkland, the proposed rule essentially requires that it do so and states an extremely high amount that Council was clearly concerned about. Adopting a rule that provides this exception clearly conflicts with the Code and exceeds rule making authority. • The provisions of Ex. A attached to Ordinance 20160128-086 do not appear to be fully adopted in the PDOP as directed by Council. Council intended Exhibit A to be a starting point for a PDOP in Part 4 of that ordinance. Specifically, the standard of impact on affordable housing and several other items do not appear to be included.
	<p>7/20/2016</p>	<p>Jeff Howard</p>	<p>The Proposed PDOP Conflicts with Imagine Austin by Discouraging PUDs in the Urban Core PUDs are one of the only ways that the City can require mandatory affordable housing and other community benefits in excess of City Code. Imagine Austin calls for higher density in the urban core to encourage compact and connected development of "complete communities" which greater housing supply and diversity. Council recognized this concern and adopted a 15% land area cap within the urban core. A 10.4 acre per 1000 residents requirements only for PUDs, will greatly exceed the 15% cap adopted by Council and severely reduce the density that can be obtained on an urban core site. As a result, no developer in their right mind would pursue a PUD if this is required. If developer's don't pursue PUDs in the Urban Core, we will miss great opportunities for affordable housing and other community benefits. This is exactly the reason why the City Council created urban core rules in the first place!</p>
	<p>7/20/2016</p>	<p>Jeff Howard</p>	<p>The Proposed PDOP Includes Items Not Discussed with Stakeholders and Conflict with Intent of Discussions or Conflicts with the City Code.</p>
<p>14.3.5 (Binding Parkland Determination Prior to Submittal of</p>			

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14.3.6 (Supplemental Criteria for Evaluating Fee In-Lieu Requests):	7/16/2016	Larry Sunderland	The Proposed PDOP Conflicts with Imagine Austin by Discouraging PUDs in the Urban Core PUDs are one of the only ways that the City can require mandatory affordable housing and other community benefits in excess of City Code. Imagine Austin calls for higher density in the urban core to encourage compact and connected development of “complete communities” which greater housing supply and diversity. Council recognized this concern and adopted a 15% land area cap within the urban core. A 10.4 acre per 1000 residents requirements only for PUDs, will greatly exceed the 15% cap adopted by Council and severely reduce the density that can be obtained on an urban core site. As a result, no developer in their right mind would pursue a PUD if this is required. If developer’s don’t’ pursue PUDs in the Urban Core, we will miss great opportunities for affordable housing and other community benefits. This is exactly the reason why the City Council created urban core rules in the first place!
	7/20/2016	Jeff Howard	The Proposed PDOP Includes Items Not Discussed with Stakeholders and Conflict with Intent of Discussions or Conflicts with the City Code
14.3.7 (Supplemental Standards for Dedicated Parkland):			
14.3.8 (Parital Credit for Dedication and Easement Acreage):	7/20/2016	Jeff Howard	The Proposed PDOP Includes Items Not Discussed with Stakeholders and Conflict with Intent of Discussions or Conflicts with the City Code Section 14.3.8 should recognize that areas of steep slopes and significant environmental benefits may be fully credited for parkland as originally proposed in Paragraph 5 of the draft PDOP considered at the time of City Council.
14.3.9 (Determining Superiority):	7/20/2016	Jeff Howard	My comments are generally as follows: The Proposed PDOP Exceeds the Rulemaking Authority in Section 1-2-1(B) of the Austin City Code. The Code only allows a department to make rules that "implement, administer, enforce, or comply with the Code" and a department may not legislate through rule making per Section 1-2-1 of the Austin City Code. If these comments are not addressed, I will likely appeal the rule as provided in the Code. The proposed PDOP does this in several particular ways.
14.3.10 (Standards for Private Parkland):	7/16/2015	Larry Sunderland	Section 25-1-609(B) prescribes the items that may be covered in the PDOP. Sections 14.3.4(D) and 14.3.9 exceed the items authorized by City Council to be included in the PDOP. These sections deal with PUD Superiority. PUD Superiority is addressed in Section 25-1-602(I). Section 2-1-609(B) only gives rule making authority with respect to (i) Deficient Park Area Map, and (ii) subsections 603, 605, 606 and 607.
	7/20/2016	Jeff Howard	Section 25-1-602(I) clearly leaves PUD superiority to the discretion of Council (and not staff) as it provides that a PUD may be subject to additional parkland requirements (without specifying how much) “if required by the ordinance adopting the PUD” which ordinance is adopted by Council.
14.3.11 (Use and Expendicure of Parkland Fees):	7/15/2016	Malcolm Yeatts	PUD Superiority is determined by Council applying the rules in another Chapter of the Land Development Code administered by the Planning and Zoning Department (PZD) – Chapter 25-2, Subchapter B, Division 5. The proposed PDOP proposed by the Parks Department intrudes on both the authority of the PZD to make rules to enforce PUD Superiority, but also amounts to legislation and not rule making intruding on Council legislative authority to decide what constitutes PUD Superiority.
	7/16/2016	Larry Sunderland	If Council had intended for 10.4 acres per 1000 residents to constitute PUD Superiority for parks, it should post that Code amendment for adoption and adopt it after meeting due process requirements of notice, public hearing and public vote. <ul style="list-style-type: none"> • The proposed rules that the 15% cap on parkland does not apply to PUDs directly conflicts Section 25-1-602(J). Nothing in that section provides that the cap does not apply to PUDs. PUDs are not required to meet parkland superiority. PUDs are allowed to simply meet Code requirements. As a result a PUD could still be approved by Council even if it only meets the 15% cap. The proposed rule alters City Code by essentially removing the ability of a PUD to simply comply with Code requirements on Parkland and meet superiority in other ways. While the ordinance adopted by City Council adopting may require additional parkland, the proposed rule essentially requires that it do so and states and extremely high amount that Council was clearly concerned about. Adopting a rule that provides this exception clearly conflicts with the Code and exceeds rule making authority.

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	7/16/2016	Wynne Hexamer	The provisions of Ex. A attached to Ordinance 20160128-086 do not appear to be fully adopted in the PDOP as directed by Council. Council intended Exhibit A to be a starting point for a PDOP in Part 4 of that ordinance. Specifically, the standard of impact on affordable housing and several other items do not appear to be included.
	7/26/2016	Greg Steinberg	Please adjust rules to allow the use of fees to upgrade parks in areas where land is not available for purchase. For example in the Williamson Creek Watershed where the residents would greatly benefit from the development of trails/park areas within the land on each side of Williamson Creek.
	7/25/2016	Toni House	<p>Please do not shift the Parkland Development Fees collected from new developments located in neighborhoods identified as “Parkland Deficient Areas” to neighborhoods outside the affected parkland deficient neighborhood planning area. Transferring the development-generated funds will ensure that underserved neighborhoods will continue to lag far behind in the provision of recreational amenities enjoyed by the majority of Austin neighborhoods. Most of the E. Riverside/Oltorf Combined Neighborhood Planning Area (“EROC”) falls within a “Parkland Deficient Area.”</p> <p>This proposal conflicts with what we were told during the EROC NP and E. Riverside Corridor Master and Regulating Plan (“ERC”) planning processes. If this proposal is approved, it is a clear indication that the neighborhoods that have to suffer the adverse effects of the increased density will never reap the benefits we were told to expect.</p> <p>I also ask that the appropriate neighborhood plan contact team be notified whenever Paragraph 4.3.1.11(B) and/or (C) are utilized and advise the team of how and where the funds will be spent. Thank you for your time and consideration.</p>
	7/27/2016	Richard Madness	I would like the fees generated to be deducted to areas it was generated and The solution to this transfer of park funds out of this area is to make paragraph 14.3.11 (B) 4 the second option (in the situation where no suitable land is available for purchase), rather than the last option. The funds should be spent on improvements to existing area parks that are not yet developed
	7/28/2016	Gloria Guzman	Make paragraph 14.3.11 (B) 4 the second option (in the situation where no suitable land is available for purchase), rather than the last option. I believe that if no flat land is found to make a new park....then those funds should be used to improve the existing parklands in those areas instead of being transferred out. Thank you.
	7/28/2016	Caitlin Admire	I am not understanding the order of priorities in Paragraph 4.3.11(B). The following makes more sense to me: (1) Attempt to buy land within ½ mile (for parkland or to increase connectivity to existing parks) (2) Make upgrades to existing parks within ½ mile (3) Attempt to buy land or make upgrades to parks within 2 miles (4) Attempt to buy land anywhere in the Parkland Service Area (5) Make upgrades to existing parks anywhere in the Parkland Service Area. In addition, I would like for PARD to consider broadening their definition of what they deem suitable parkland. While open, flat lawns with playgrounds are great recreational amenities, there are many other land features that are just as valuable and should also be preserved as parkland. Greenbelts along streams comes to mind. So when going through this process I urge PARD to keep an open mind, assess each case via its unique situation, and be a bit more creative about what is or could be a “park”.
14.3.12 (Methodology for Determining Fees):	7/16/2016	Larry Sunderland	The Proposed PDOP Conflicts with Imagine Austin by Discouraging PUDs in the Urban Core PUDs are one of the only ways that the City can require mandatory affordable housing and other community benefits in excess of City Code. Imagine Austin calls for higher density in the urban core to encourage compact and connected development of “complete communities” which greater housing supply and diversity. Council recognized this concern and adopted a 15% land area cap within the urban core. A 10.4 acre per 1000 residents requirements only for PUDs, will greatly exceed the 15% cap adopted by Council and severely reduce the density that can be obtained on an urban core site. As a result, no developer in their right mind would pursue a PUD if this is required. If developer’s don’t pursue PUDs in the Urban Core, we will miss great opportunities for affordable housing and other community benefits. This is exactly the reason why the City Council created urban core rules in the first place!