

TO: Development community

FROM: Randy Scott, Park Planning Program Manager

DATE: April 16, 2020

SUBJECT: Parkland Dedication Code Interpretation

INTERPRETATION NUMBER: CI2020-1001

TITLE: Park Deficiency as a Factor in Requiring Land or Fees

CODE SECTION: § 25-1-605 - FEE IN-LIEU OF PARKLAND DEDICATION (B)

PURPOSE: What does it mean for a site to be located in a “Deficient Park Area” and how will it affect a determination of parkland dedication or fees-in-lieu?

A site’s location within a Deficient Park Area is one of several guiding considerations in determining a land or fee in lieu requirement under 25-1-601. The “Deficient Park Area”, as defined in the Parkland Dedication Operating Procedures, Section 14.3.3., is where there is no parkland within walking distance to serve the people in that area. Potential greenways and corridors that would provide increased connectivity with existing or planned parks or recreational amenities are also included in the “Deficient Park Area”.

The Deficient Park Area Map is publicly available via the parkland deficiency layer on Property Profile Viewer and through ArcGIS Online. Walking distance is defined by Council Resolution 20091119-068, with guidance from the Trust for Public Land, as a half (1/2) mile outside of the urban core and a quarter (1/4) mile inside of the urban core.

Walking distance to the nearest park is calculated using the following:

- Street connectivity
- Accessible sidewalks
- Protected pedestrian crossings
- Distance from a park along a sidewalk
- Barriers such as railroads, bodies of water, major roadways

Major roadways are defined as roads with a speed limit equaling or greater than 45 miles an hour and are considered unsuitable for all ages and abilities. Protected crossings on major roadways include traffic signals complete with ADA Accessible pedestrian continental crosswalks with walk signals and Pedestrian Hybrid Beacons.

Prior to 2019, the Deficient Park Area was calculated as the grackle flies in a spatial buffer. A park’s service area was a circle with a ¼ or ½ mile radius. This method did not account for factors such as park entrances, sidewalks or street connectivity, resulting in an



incomplete picture of a park's accessibility on foot. In 2019, to fully comply with Council Resolution 20091119-068 to provide parks within a walking distance of all of the people of Austin, PARD staff updated the map to reflect ¼ mile and ½ mile walk sheds using a GIS-based network analysis. The revised map represents a more accurate simulation of walkability to parkland. The new park deficiency boundary is updated regularly on Property Profile Viewer and ArcGIS Online when new parks are made public through dedication or acquisition.

In sum, a site's location in a park deficient area is a guiding factor as to whether land will be required to satisfy parkland dedication, should the site be suitable for parkland and able to provide a connection and/or amenity to remedy the park deficiency in the area. Other factors include those listed in City Code 25-1-605 § (B).



TO: Development community

FROM: Randy Scott, Park Planning Program Manager

DATE: April 16, 2020

SUBJECT: Parkland Dedication Code Interpretation

INTERPRETATION NUMBER: CI2020-1002

TITLE: Park Adjacency as a Factor in Requiring Land or Fees

CODE SECTION: § 25-1-605 - FEE IN-LIEU OF PARKLAND DEDICATION (B)

PURPOSE: What does it mean for a site to be located in adjacent to parkland and how will it affect a determination of parkland dedication or fees-in-lieu?

Sites subject to parkland dedication may owe land if they are adjacent to parkland. This decision is made by the Parks and Recreation Department review staff if the adjacent parkland has a need for additional connectivity, expansion related to impact of increased density and use of the park, improvements associated with accessibility or other needs identified in an adopted park Master Plan, Urban Trails Master Plan, Council or Parks Board Direction, the Parks Long Range Plan, Neighborhood and Regulating plans, or as identified by the Director. This is consistent with requirements described in 25-1-605 (B) and in the Parkland Dedication Operating Procedures, Section 14.3.6 (A)

In all cases, sites adjacent to parkland will be asked to provide a connection to the parkland for the occupants of their development in the form of a trail or, at minimum, a gate when applicable. Sites adjacent to parkland will be asked to screen trash and utility service areas from the view of parkland to preserve the nature of the park experience. Sites adjacent to parkland will also be reviewed for encroachments on parkland as well as for drainage and utility infrastructure that shares a property boundary or drains onto parkland.

Sites adjacent to parkland may also have the opportunity to use their dedication and development fees toward building park amenities and facilities. If the park has an approved site plan, a revision or correction may be made to add park amenities such as trails, play grounds and parking spaces in accordance with the master plan for the park (if applicable). The development community benefits by using fees to provide recreational amenities directly to their residents on public land rather than utilizing land on their own site. In these cases the developer must enter into a Park Improvement Donation Agreement and have the Director's approval for the infrastructure. Should the improvements be considered major, approval from the Parks and Recreation Board may be required.



TO: Development community

FROM: Randy Scott, Park Planning Program Manager

DATE: April 16, 2020

SUBJECT: Parkland Dedication Code Interpretation

INTERPRETATION NUMBER: CI2020-1003

TITLE: Sufficient Acreage to Meet the Standards for Dedicated Parkland as a Factor in Requiring Land or Fees

CODE SECTION: § 25-1-605 - FEE IN-LIEU OF PARKLAND DEDICATION (B)

PURPOSE: What does it mean for a site to have sufficient acreage to meet the standards for dedicated parkland and how will it affect a determination of parkland dedication or fees-in-lieu?

Section § 25-1-603 – Standard for Dedicated Parkland of the land development code describes the minimum standards for dedicated parkland.

The Parkland Dedication Operating Procedures § 14.3.7 Supplemental Standards for Dedicated Parkland (A) further describes the standards for dedicated parkland. Considerations include:

- A park should include a minimum of $\frac{1}{4}$ acre of unencumbered land. Encumbrances include floodplain, easements, and slopes steeper than 10%.
- Right of way frontage to allow for access and visibility of the parkland
- Topography, slope and suitability for active play for the parkland provided
- Encumbrances that limit opportunity for active play on parkland
- Ability of PARD to connect parkland to utilities such as potable water
- Location of parkland central to occupants of the site

If doing so would achieve greater consistency with the standards in Subsection (A), PARD may allow an applicant to dedicate parkland required for a subdivision at another site owned by the same applicant. § 14.3.7 Supplemental Standards for Dedicated Parkland (B) allows for the dedication of land at another site within a $\frac{1}{4}$ or $\frac{1}{2}$ mile of the development. The offsite dedication must meet the criteria in 25-1-603 as well as the supplemental standards described above.



TO: Development community

FROM: Randy Scott, Park Planning Program Manager

DATE: April 16, 2020

SUBJECT: Parkland Dedication Code Interpretation

INTERPRETATION NUMBER: CI2020-1004

TITLE: Addressing Critical Need for Dedicated Parkland as a Factor in Requiring Land or Fees

CODE SECTION: § 25-1-605 - FEE IN-LIEU OF PARKLAND DEDICATION (B)

PURPOSE: What does it mean for a site to be needed to address a critical need for parkland or to remedy a deficiency identified by the Deficient Park Area Map and how will it affect a determination of parkland dedication or fees-in-lieu?

Sites subject to parkland dedication may owe land if this land is needed to address a critical need for parkland or to remedy a deficiency identified in the Deficient Park Area Map. The area is determined to be deficient if there is no parkland within walking distance to serve the people of that area. In some cases an area might densify rapidly and exceed the service capacity of an existing park, creating a critical need for additional parkland. The park reaches capacity when the area's density exceeds 9.4 acres of parkland per 1,000 people, when PARD receives notifications of chronically overcrowded park facilities, or when park facilities cannot be maintained at a level that protects the health, safety and welfare of its users due to overuse.

For more information on the Deficient Park Area Map please see code interpretation CI2020-1001 *Park Deficiency as a Factor in Requiring Land or Fees*



TO: Development community

FROM: Randy Scott, Park Planning Program Manager

DATE: April 16, 2020

SUBJECT: Parkland Dedication Code Interpretation

INTERPRETATION NUMBER: CI2020-1005

TITLE: Providing Increased Connectivity with Existing Parks as a Factor in Requiring Land or Fees

CODE SECTION: § 25-1-605 - FEE IN-LIEU OF PARKLAND DEDICATION (B)

PURPOSE: What does it mean for a site to be needed to provide increased connectivity with existing or planned parks or recreational amenities and how will it affect a determination of parkland dedication or fees-in-lieu?

Sites subject to parkland dedication may owe land if this land needed to provide increased connectivity with existing or planned parks or recreational amenities. In some cases an area can be deficient due to lack of access to an existing park. Adding an access point or trail through a development provides increased access to parkland. One example would be a pedestrian trail to divide a long block that would otherwise be a barrier to accessing nearby or adjacent parkland. In other cases, the site may be a critical piece in a planned trail network.

In cases where connectivity to an existing park is the only consideration, PARD may consider a dedication less than 15% of the site in the Urban Core so long as the area to be dedicated is sufficient for PARD to construct a trail outside of the floodplain.

If the land is dedicated for connectivity, the developer may use their park development fee to construct a minimum 8' wide concrete trail and other appurtenances. The width, cost and material surface of the trail must be approved by PARD prior to the approval of the development application.

For more information on sites adjacent to parkland please see code interpretation CI2020-1002 *Park Adjacency as a Factor in Requiring Land or Fees*



TO: Development community

FROM: Randy Scott, Park Planning Program Manager

DATE: July 27, 2021

SUBJECT: Parkland Dedication Code Interpretation

INTERPRETATION NUMBER: CI2020-1006

TITLE: Specificity of Early Determination Letters

CODE SECTION: § 25-1-605 - FEE IN-LIEU OF PARKLAND DEDICATION (C)

PURPOSE: What can be specified in the parkland dedication early determination letters? Can the letters specify parkland dedication requirements beyond whether fees will be authorized?

PARD is authorized to issue parkland early determinations (PEDs) to applicants at a pre-submittal stage per § 25-1-605 (C). Currently, the code states that these are determinations of whether fees in-lieu of land or dedication of land will be required. It does not specify that PEDs will include standards, designs, or configuration of any such dedicated parkland. In the interest of assisting applicants, and getting park planning underway, PARD can provide informal, non-binding comments on concepts and sketches; however, such comments may not be included in a PED letter as binding.

If the PED letter states that parkland dedication is required, PARD suggests a meeting or informal discussion with applicants to consider the site and proposed development, as well as natural features and more. If after these discussions, the applicant would like to receive more formal comments, PARD recommends either the Concept Site Plan or Project Assessment. Such applications provide detailed comments, and involve all disciplines, and in this way, PARD reviewers will have greater context in order to issue more detailed comments.



TO: Development community

FROM: Randy Scott, Park Planning Program Manager

DATE: November 8, 2021

SUBJECT: Parkland Dedication Code Interpretation

INTERPRETATION NUMBER: CI2020-1007

TITLE: Fifteen Percent Gross Site Area Cap in Urban Core

CODE SECTION: § 25-1-602 - DEDICATION OF PARKLAND (J)

PURPOSE: How is parkland calculated when determining the fifteen percent gross site area cap?

This section of code states that:

“the amount of parkland required to be dedicated within the Parkland Dedication Urban Core may not exceed 15% of gross site area for the development required to provide the dedication except upon consent of the applicant or as authorized under this subsection.”

The amount of “dedicated parkland” provided by a development is inclusive of the assigned crediting as laid out in Code Section § 25-1-603 and PDOP 14.3.8.

Parkland is defined and credited in the context of the entire article of the City Code. The credited value of parkland is established in Section § 25-1-603 Subsection (C)¹, as well as in the Parkland Dedication Operation Procedures (PDOP) under § 14.3.8².

This crediting accounts for the develop-ability of the land, and for the impacts to recreational value that certain encumbrances have on said land (such as the 25-year floodplain). This crediting system affects how developments are “fulfilling the requirements of **this article**” [emphasis added] per § 25-1-603 Subsection (C), and how developments are “meeting the parkland dedication requirement under City Code 25-1-602”. As such, the amount of “dedicated parkland” provided by a development is inclusive of the assigned crediting as laid out in Code Section § 25-1-603 and PDOP 14.3.8.

Thus, the cap establishes the amount of required net parkland acreage as it relates to the gross area of the site under development, but does not otherwise affect the credit assigned to proposed parkland, or the gross park acreage.

Example

A ten acre site is being redeveloped in the urban core. Three acres are in the 100-year floodplain. The development proposes 500 dwelling units. In all, the development owes approximately 8 acres of parkland - see § 25-1-602 (E) and (F) for calculating required parkland.

Fifteen percent of the gross site area equals 1.5 acres, thereby establishing the amount of required parkland, with the rest to be fulfilled through fees in-lieu. PARD requires that the floodplain is to be dedicated. Because the floodplain is only worth fifty percent credit, its 3 acres equal 1.5 acres of parkland. Therefore, PARD has not exceeded the fifteen percent cap, since the 3 acres of floodplain only equal 1.5 acres of parkland as authorized under 25-1-603 (C).

Endnotes:

¹ 25-1-603 (C) *Unless otherwise required under the Parkland Dedication Operating Procedures, fifty percent of acreage in the 100 year floodplain that is dedicated as parkland may be credited toward fulfilling the requirements of this article if any adjoining land within the 25 year floodplain is also dedicated as parkland. The land within the 25 year floodplain may not be credited toward fulfilling the requirements of this article.*

² PDOP 14.3.8 (A) *This subsection describes the circumstances in which PARD will count an acre of land at 50% credit for purposes of meeting the parkland dedication requirement under City Code § 25-1-602 (Dedication of Parkland)."*