

**MAY 16, 2018 CITY COUNCIL BRIEFING AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated May 16, 2018. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



T.C. Broadnax
City Manager

5/11/18

Date



Elizabeth Reich
Chief Financial Officer

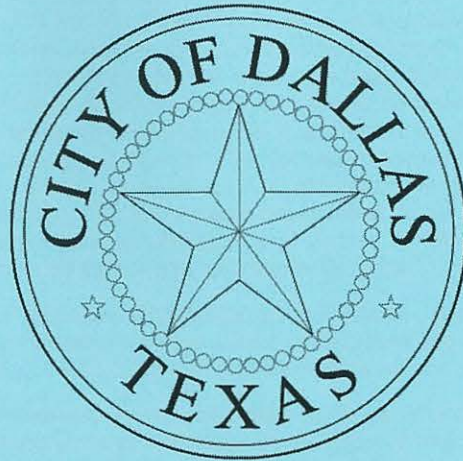
5-11-18

Date

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CITY SECRETARY
DALLAS, TEXAS



COUNCIL BRIEFING AGENDA

May 16, 2018
Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)
(La Información General Y Reglas De Cortesía Que Deben Observarse
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

If you need interpretation in Spanish language, please contact the City Secretary's Office at 214-670-3738 with a 48 hour advance notice.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-3738 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act.

The Council agenda is available in alternative formats upon request.

If you have any questions about this agenda or comments or complaints about city services, call 311.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Si necesita interpretación en idioma español, por favor comuníquese con la oficina de la Secretaría del Ayuntamiento al 214-670-3738 con notificación de 48 horas antes.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-3738 (aparato auditivo V/TDD). La Ciudad de Dallas está comprometida a cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistol oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, MAY 16, 2018
CITY HALL
1500 MARILLA STREET
DALLAS, TEXAS 75201
9:00 A.M.

9:00 am Invocation and Pledge of Allegiance 6ES

 Special Presentations

 Open Microphone Speakers

VOTING AGENDA 6ES

1. Approval of Minutes of the May 2, 2018 City Council Meeting
2. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

BRIEFINGS 6ES

- A. Parkland Dedication Ordinance
- B. Amendments to Article X Landscape and Tree Preservation Regulations

Lunch

Open Microphone Speakers 6ES

The above schedule represents an estimate of the order for the indicated briefings and is subject to change at any time. Current agenda information may be obtained by calling (214) 670-3100 during working hours.

Note: An expression of preference or a preliminary vote may be taken by the Council on any of the briefing items.

EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.086]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

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DEPARTMENT: City Secretary

AGENDA DATE: May 16, 2018

COUNCIL DISTRICT(S): N/A

SUBJECT

Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

Memorandum



CITY OF DALLAS

DATE May 11, 2018

TO Honorable Mayor and Members of the City Council

SUBJECT **Park Land Dedication Ordinance**

On Wednesday, May 16, 2018, you will be briefed on the Park Land Dedication Ordinance. The briefing material is attached for your review.

Please feel free to contact either myself, David Cossum, or Willis Winters if you have any questions or need additional information.

A handwritten signature in blue ink, appearing to read 'Majed Al-Ghafry'.

Majed Al-Ghafry
Assistant City Manager

[Attachment]

- c: T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Billerae Johnson, City Secretary
Daniel F. Solis, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Jo M. (Jody) Puckett, Assistant City Manager (Interim)
- Jon Fortune, Assistant City Manager
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M. Elizabeth Reich, Chief Financial Officer
Nadia Chandler Hardy, Chief of Community Services
Raquel Favela, Chief of Economic Development & Neighborhood Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

Park Land Dedication Ordinance

May 16, 2018

David Cossum, Director
Sustainable Development
and Construction

Willis Winters, FAIA, Director
Park and Recreation

Ryan O'Connor, Program Manager
Park and Recreation



City of Dallas

Presentation Overview

- Requested Action
- Ordinance Rationale
- Background
- Recommendation
 - Dedications and fees
 - Requirements
 - Offsets and credits



Requested Action

Recommend the proposed Park Land Dedication Ordinance as unanimously approved by the City Plan Commission with amendment in response to the Quality of Life, Arts and Culture Committee

Ordinance Rationale

- As Dallas experiences rapid growth, the park system is not growing at the same rate
 - Last significant increase to neighborhood and community park acreage occurred in 1980s and early 1990s
- A park land dedication ordinance ensures developers share the cost of providing new park land and amenities for new residents as opposed to fully burdening existing residents

Background

- First park land dedication ordinance in Texas – 1955 (Corpus Christi)
- Largest cities in Texas (Houston, Austin, San Antonio, Fort Worth, El Paso) have existing park land dedication ordinances
- Most surrounding DFW suburbs have existing park land dedication ordinances

Background (continued)

- The Park and Recreation Board was briefed on a park land dedication ordinance in November 2016
- The City Council Quality of Life Committee was briefed four times in 2017
- Five meetings were conducted with the Subdivision Review Committee of the City Plan Commission in Summer 2017
- The City Plan Commission was briefed twice in 2017
- The City Plan Commission approved the ordinance on December 14, 2017
- The Park and Recreation Board approved a resolution on January 4, 2018, supporting the action by the CPC
- The City Council Quality of Life, Arts and Culture Committee was briefed on February 12, 2018

Background (continued)

Staff convened a working group to discuss and make recommendations for the proposed ordinance:

- Comprised of members/representatives from TREC, Dallas Builders Association, AIA, multifamily developers, single-family developers and park system advocates (former City Council and Park Board members)
- Met five times in April and May of 2017

Proposed Ordinance Requirements and Fees

(as approved by CPC)

Requirements and Fees

- The dedication requirements and fees contained in the proposed ordinance are based on existing criteria and factors of the Dallas park system
 - Additional information and calculations can be found in the appendix
- Land dedication requirements and fee recommendations are not arbitrary
- Methodology uses best practices from other cities in Texas

Recommendation: Land Dedication

- Single-Family
 - 1 acre per 100 dwelling units
- Multifamily
 - 1 acre per 255 one-bed units
 - 1 acre per 127 two-bed units
- Hotel/Motel
 - 1 acre per 233 rooms

Recommendation: Total Fee

- Single-Family
 - \$1,165 per dwelling unit
- Multifamily
 - \$457 per dwelling unit, 1BR or less
 - \$917 per dwelling unit, 2BR or greater
- Hotel/Motel
 - \$500 per room
- Proposed fees are in line and competitive with surrounding communities
 - Range from \$325 (Rowlett) to \$1,802 (Colleyville)

Land Dedication and Fee Examples

- Single-Family
 - 20-home shared-access development
 - Land dedication: 0.2 acres (plus \$8,060 park development fee)
 - Or Fee: \$23,000
- Multifamily
 - 150-unit development (120 one-bed units and 30 two-bed units)
 - Land dedication: 0.71 acres (plus \$28,470 park development fee)
 - Or Fee: \$82,350
- Hotel/Motel
 - 150-room hotel
 - Land dedication: 0.64 acres (plus \$25,950 park development fee)
 - Or Fee: \$75,000

Additional Ordinance Components

(as approved by CPC)

Consensus recommendations of the
developer and park advocate working group

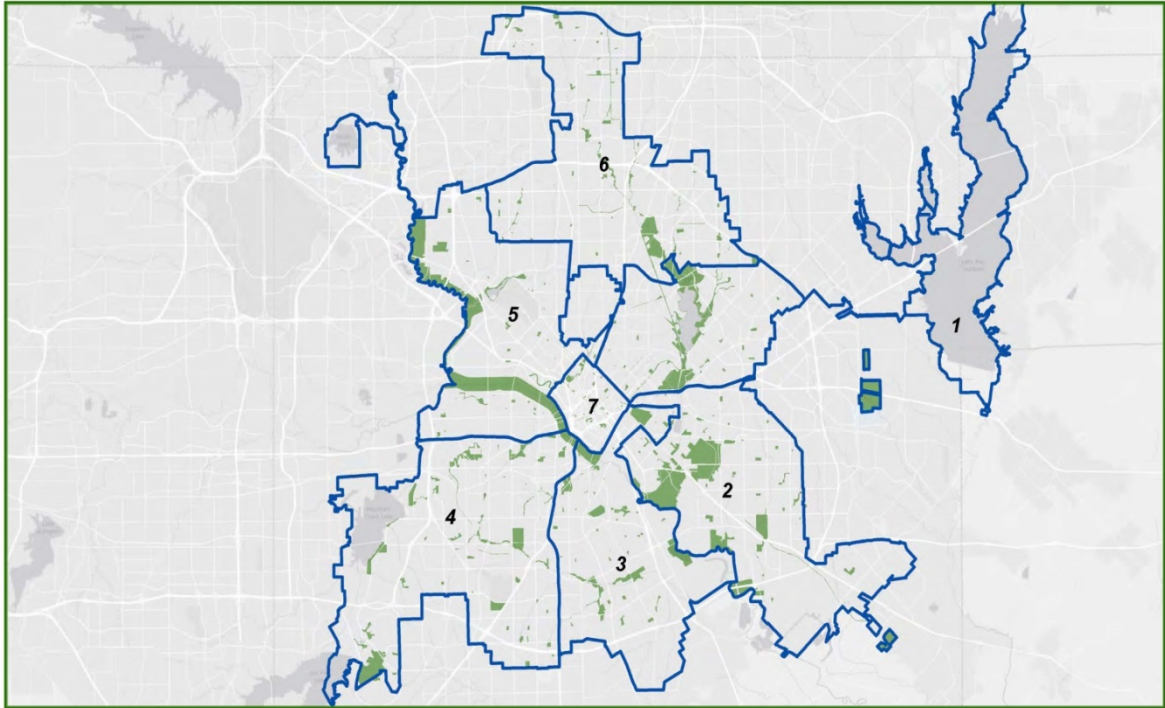
Recommendation:

Park Dedication Zones

- Use six existing park districts and create a new zone for downtown and the surrounding neighborhoods (as defined by Downtown360 Plan) for a total of seven zones
- Park Dedication Zone rationale:
 - Zones are established and do not require the creation of new arbitrary boundaries
 - Zones are large enough for the Park and Recreation Department to acquire land and expend fees
 - Zones are small enough to be responsive to individual developments but large enough to provide land dedication options to developers
 - Zones have roughly the same number of park acres and amenities (with the exception of the downtown zone)

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Park Dedication Zones

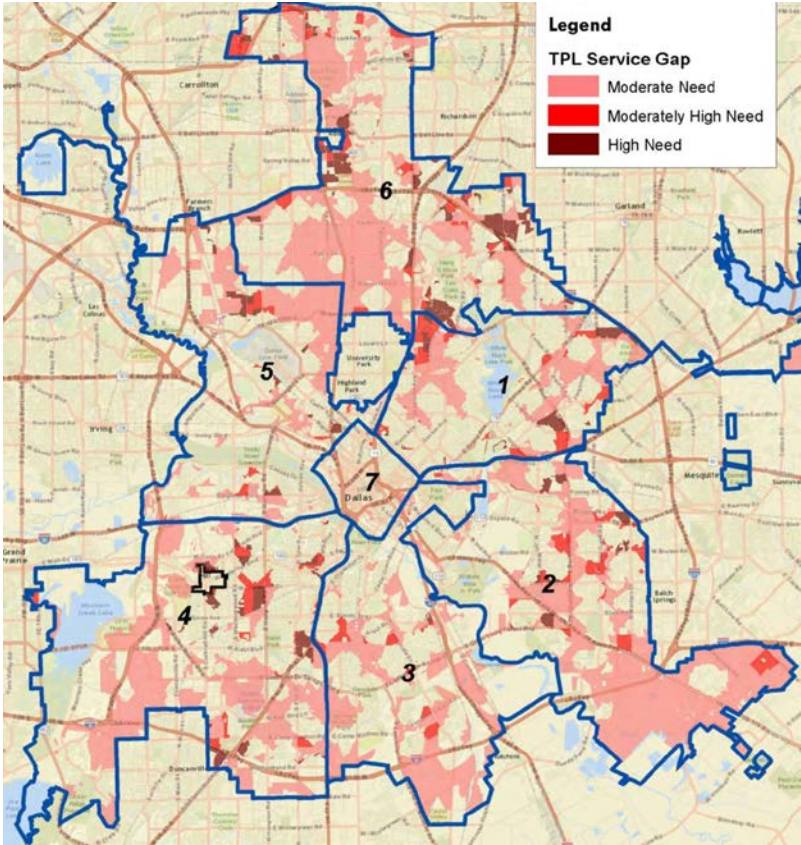


Park Nexus Zones



November 12, 2017

Park Dedication Zones



Recommendation: Add'l Components

- Time limit for expending fees
 - 10 years
- Minimum dedication size
 - One acre with allowance for exceptions by Park and Recreation Director
- Fee adjustment review
 - Annually with escalator based on Dallas Central Appraisal District (DCAD) Single-Family Residential (SFR) value with maximum increase/decrease of 5%

Recommendation: Add'l Components

- Change of density/teardowns
 - Use delta for a period of five years, after which full number of units are assessed
 - Example:
 - Developer buys property with 100 apartment units and intends to replace with 200-unit complex
 - Only charged fees based upon new 100 units if work commences within five years
 - If work does not commence within five years, developer would be charged fees based upon the full 200 units
- Ordinance implementation on January 1, 2019 (CPC recommendation)

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Recommendation: Land Acceptance Standards

- Connectivity to a public street appropriate for the size and use of the park
- Cleared of any non-vegetative material
- No severe slope or extreme topography inconsistent with the intended recreational use
- No water detention or retention areas
- Free of adverse environmental conditions
- Does not exceed 50% floodplain designation

Recommendation: Developer Options

- Adjacency to park or trail
 - 100% credit applied to park development fee for capital improvements made to an existing park or trail if designed/built according to park standards
- Private parks
 - 100% credit applied to park land dedication and park development fees if parks and amenities are accessible to public and designed/built according to park standards
 - 50% credit for private parks not accessible to public; must be located at grade and of appropriate size for development

Recommendation: Developer Offsets/Credits

Dedicated park land may be used to meet tree mitigation requirements in accordance with Article X Landscaping and Tree Preservation if it meets specific requirements:

- Contains protected trees
- Suitable size, dimension, and topography
- Documentation provided describing legal and physical characteristics of land
- Meets publicly accessible private park standards (detailed in slide 19)

Recommendation: Developer Offsets/Credits

Common area in a community unit development (allows reduced lot sizes for dedicated common area) may be used to meet park land dedication requirements as allowed for private parks or public parks if dedicated as park land

Quality of Life, Arts and Culture Committee

- The committee inquired if the downtown park zone could be allocated into the other districts or support the park system in other areas
- Staff proposal:
 - In downtown park dedication zone, allow fees generated to make capital improvements in the downtown zone or the citywide trail network. Options include:
 - Making key connections and improvements to trail network will benefit new residents of zone
 - Downtown zone is hub of trail network
 - Limited land availability for acquisition of new parks in zone
 - Priority trail segments would be identified through an update to the Trail Network Master Plan, which would be approved by Park and Recreation Board and City Council

Requested Action

Recommend the proposed Park Land Dedication Ordinance as unanimously approved by the City Plan Commission with amendment to expand the use of fees generated in the downtown zone to support city-wide trail system.

Park Land Dedication Ordinance

May 16, 2018

David Cossum, Director
Sustainable Development
and Construction

Willis Winters, FAIA, Director
Park and Recreation

Ryan O'Connor, Program Manager
Park and Recreation



City of Dallas

Appendix

Land Dedication Methodology

- Establish baseline level of service
 - Population/acreage of applicable parks = existing level of service
 - $1,197,816/4,276.9 = 280$ residents per acre, or 3.57 acres per 1,000 residents
- Establish land dedication requirement for development type
 - Residents per acre/census dwelling unit density = dwelling unit acreage requirement
 - SF = 2.8
 - MF 2+ beds = 2.2
 - MF 1 bed = 1.1
 - Hotel/Motel = 1.2

Fee-in-Lieu Methodology

- Determine value per square foot to acquire park land
 - \$1.75 per square foot = \$76,230 per acre
 - Park land acquisition typically ranges between \$0.50 and \$5.00 per sq. ft.
- Identify unit-level price per development type
 - Single acre price/unit count per acre dedication requirement
 - Single-family example: $\$76,230/100 = \762 per dwelling unit

Park Development Fee Methodology

- Establish cost to develop park land: \$600,000
- Determine number of people per park
 - Population/number of applicable parks
 - $1,197,816/287 = 4,174$
- Determine cost per person to develop a park
 - $\$600,000/4,174 = \144
- Determine cost per development type
 - Census density value x cost per person to develop a park
 - Single-family example: $2.8 \times \$144 = \403

Recommendation: Fee-in-Lieu

- Single-Family
 - \$762 per dwelling unit
- Multifamily
 - \$299 per 1-bedroom dwelling unit
 - \$600 per 2+ bedroom dwelling unit
- Hotel/Motel
 - \$327 per room

Recommendation: Development Fee

- Single-Family
 - \$403 per dwelling unit
- Multifamily
 - \$158 per 1-bedroom dwelling unit
 - \$317 per 2+ bedroom dwelling unit
- Hotel/Motel
 - \$173 per room

Park Land Dedication Research

- Dr. John Crompton, Distinguished Professor, Texas A&M University has conducted definitive research on park land dedication ordinances in Texas
- Published two academic papers that thoroughly detail dedication requirements and fees-in-lieu around the state
 - An Analysis of Parkland Dedication Ordinances in Texas
 - Parkland Dedication Ordinances in Texas: A Missed Opportunity?

Fee Benchmarking

- Arlington
 - Residential fee: \$1,257 to \$1,391 per unit
- Austin
 - Residential fee: \$1,075 to \$1,771 per unit
 - Hotel/Motel fee: \$837 per room
- Colleyville
 - Residential fee: \$1,802 per unit
 - Commercial fee: \$800 per acre
- Frisco
 - Residential fee: \$1,561 per unit

Fee Benchmarking

- Fort Worth (under revision – fees likely to increase)
 - Residential fee: \$500 per unit
 - Park development fee: \$30,000 per acre
- Grapevine
 - Residential fee: \$1,416 per unit
- Houston
 - Residential fee: \$700 per unit
- Lancaster
 - Residential fee: \$1,400 per unit
- Lewisville
 - Park development fee: \$750 per unit

Fee Benchmarking

- McKinney
 - Residential fee: Based on appraisal district value or independent appraisal of land
- San Antonio
 - Residential fee: Based on fair market value but “shall not exceed \$50,000 per acre”
 - Park development fee: Number of dwelling units x \$250
- Southlake
 - Residential fee: Based on annual land appraisal approved by City Council
 - Commercial fee: \$8,000 per acre

- **Recent Development Community Feedback**

The Real Estate Council (TREC) Formal Comments and Downtown Park Dedication Zone

TREC Comments

- TREC has written a letter of support for the ordinance with 10 clarifications/conditions
 - Objective criteria for when Park Department will accept a land dedication
 - Staff comment: If land meets all ordinance requirements (land acceptance standards) and is not within 0.5 miles of a Metro or Regional park, then land will be accepted
 - Apply Chapter 245 of Local Government Code exempting certain projects that have already vested prior to adoption of this ordinance
 - Staff comment: Local Government Code will be followed without exception

TREC Comments

- Confirm fees will be prorated for private open space that is less than 1 acre
 - Staff comment: Private park land that is not accessible to the public will be credited at 50% for any size as long as it meets the other provisions of the ordinance
- Amend definition for “at grade” requirement to provide that publicly accessible private land above or below grade is acceptable as long as it is accessible to pedestrians from ground level. Credit for non-accessible private park land should not have a grade requirement
 - Staff comment: projects will be evaluated on a case by case basis in order to ensure that public access is reasonable

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TREC Comments

- Extension of the implementation date from 12 months from the date of approval to 18 months from approval
 - Staff comment: CPC approved January 1, 2019. Staff has no objection to implementation 12 months from date of approval
- Relief or total exemption for affordable units
 - Staff comment: Will be considered as the comprehensive housing policy and corresponding ordinances are implemented
- Any dedication of park land should occur at the time of approval of the final plat or issuance of building permit, whichever come first
 - Staff comment: Proposed ordinance allows for either

TREC Comments

- Eliminate the ability to adjust the fee 5% (up or down) annually. Recommend adjustment every five years at a rate of 5%.
 - Staff comment: Staff could support either the methodology.
- Specificity and certainty for when private park land will be eligible to receive credit. Current draft ordinance is too subjective.
 - Staff comment: all dedications will be reviewed individually but in all cases it must contain recreational amenities and have recreational value in order to meet the intent of the ordinance

TREC Comments

- Clarify the delivery timeline of park land both for the City and developers dedicating land
 - Staff comment: For conveyance of land to the City through the platting process, land will be maintained once legal documents are finalized and deeds filed and land will be open to the public within 3 months of filing with the County.
 - For publicly accessible private parks, land will be accessible within 6 months of either issuance of the Certificate of Occupancy for multifamily or hotel/motel projects or first final inspection for single family developments

Memorandum



DATE May 11, 2018

TO Honorable Mayor and Members of the City Council

SUBJECT **Amendments to Article X Landscape and Tree Preservation Regulations**

On Wednesday, May 16, 2018, you will be briefed on proposed amendments to Article X “Landscape and Tree Preservation Regulations” of the Development Code. The briefing material is attached for your review.

Please feel free to contact either myself or David Cossum if you have any questions or need additional information.



Majed A. Al-Ghafry
Assistant City Manager

[Attachment]

c: T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Billierae Johnson, City Secretary
Daniel F. Solis, Administrative Judge
Kimberly Bizar Tolbert, Chief of Staff to the City Manager
Jo M. (Jody) Puckett, Assistant City Manager (Interim)

Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
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Raquel Favela, Chief of Economic Development & Neighborhood Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

Amendments to Article X Landscape and Tree Preservation Regulations

**City Council Briefing
May 16, 2018**

**David Cossum, Director
Sustainable Development and
Construction Department**



Presentation Overview

- Background
- Key Amendments
- Next Steps



Background

Need for Landscape and Tree Conservation

- Mitigate affect of urban heat islands
- Air purification
- Oxygen regeneration
- Ground-water recharge
- Storm water runoff retardation and filtration
- Buffering and abatement of noise, glare and wind
- Aesthetics
- General benefits to quality of life

Background

Need for Amendments

- Viable and flexible solutions are necessary to address issues which have required a variance or exception from the Board of Adjustment
 - Time period needed to comply with landscaping and mitigation requirements
 - Utility conflicts
 - Alternative mitigation methods
- Need for additional alternatives to meet objectives of tree preservation/conservation while allowing for flexibility and desired development



Background

Need for Amendments

- Need to incentivize sustainable site development and enhance the public realm and streetscape
- Local studies have increased awareness of the role trees play relative to air quality, urban heat islands, storm water and quality of life issues

Background

- Article X, the landscape and tree ordinance, was first established in 1994 by adding provisions on tree preservation, removal and replacement
- City Council established an Urban Forest Advisory Committee (UFAC) in 2005
- Discussions on possible amendments to Article X date back to 2009 and 2010
- Continued dialogue over the next 5 years

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Background

Zoning Ordinance Advisory Committee

- In February 2015, the Zoning Ordinance Advisory Committee (ZOAC) first began deliberating possible amendments to Article X
- ZOAC had more than 40 meetings in two years focused on education, public input, discussion and evaluation of options and proposals
- February 16, 2017: ZOAC recommended the proposed amendments to City Plan Commission (CPC) along with the recommendation that a Neighborhood Forest Overlay (NFO) tool be created in the future

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Background

City Plan Commission

- April 27, 2017: CPC received the first of eight briefings to review ZOAC recommendations
- December 14, 2017: CPC recommended approval of the ZOAC proposed amendments and recommendation to develop an NFO
- February 26, 2018: Quality of Life, Arts, and Culture Council Committee was briefed on the proposed amendment and moved the proposal as recommended by CPC to full Council for briefing with the addition that if a Planned Development is deviating from Article X, a $\frac{3}{4}$ vote by Council is required.

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Structure of Article X

- General
 - Purpose and Definitions
 - Planting and irrigation requirements
 - Maintenance
- Landscaping
 - Applicability
 - Site, parking lot and street trees
 - Landscape design standards
- Tree Preservation
 - Applicability
 - Tree removal and methods of tree replacement
 - Protection during construction
 - Defenses to prosecution for tree removal

Key Amendments

Amendments introduced to incentivize sustainable site development by providing:

- Greater landscape flexibility and adaptability
- Updated tree establishment (planting area and soil conditions) and preservation regulations
- Additional and reasonable means of tree replacement and mitigation
- Supplemental landscape and tree manual

Key Amendments

General

- Rename Article X: “Landscape and Tree Conservation Regulations”
- Authorizes development of Landscape and Tree Manual to support Article X
- Improved soil and planting area requirements and tree location requirements
- Flexibility in plant irrigation requirements

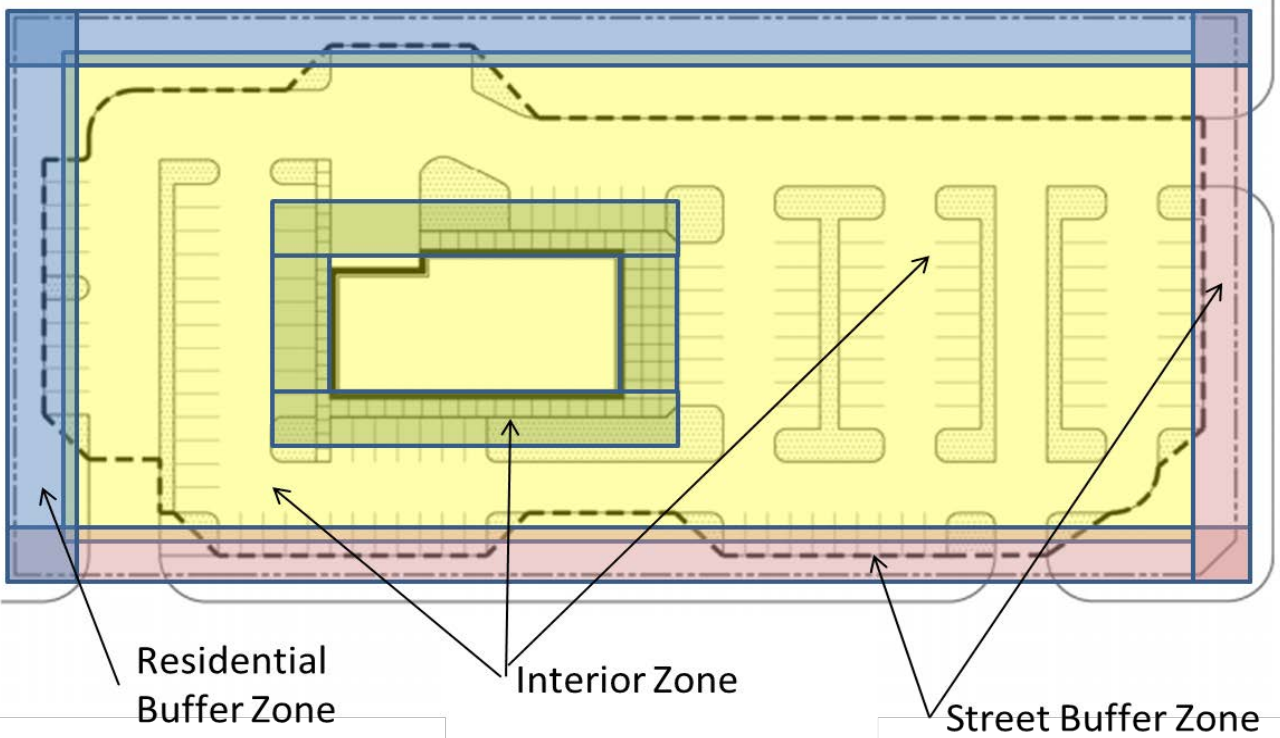
Key Amendments

Landscape

- Landscape requirements based on zones of the site
 - Street buffer zone
 - Residential buffer zone
 - Interior zone
- Planting requirements to provide tree canopy coverage in parking lots
- Design options created using a point system

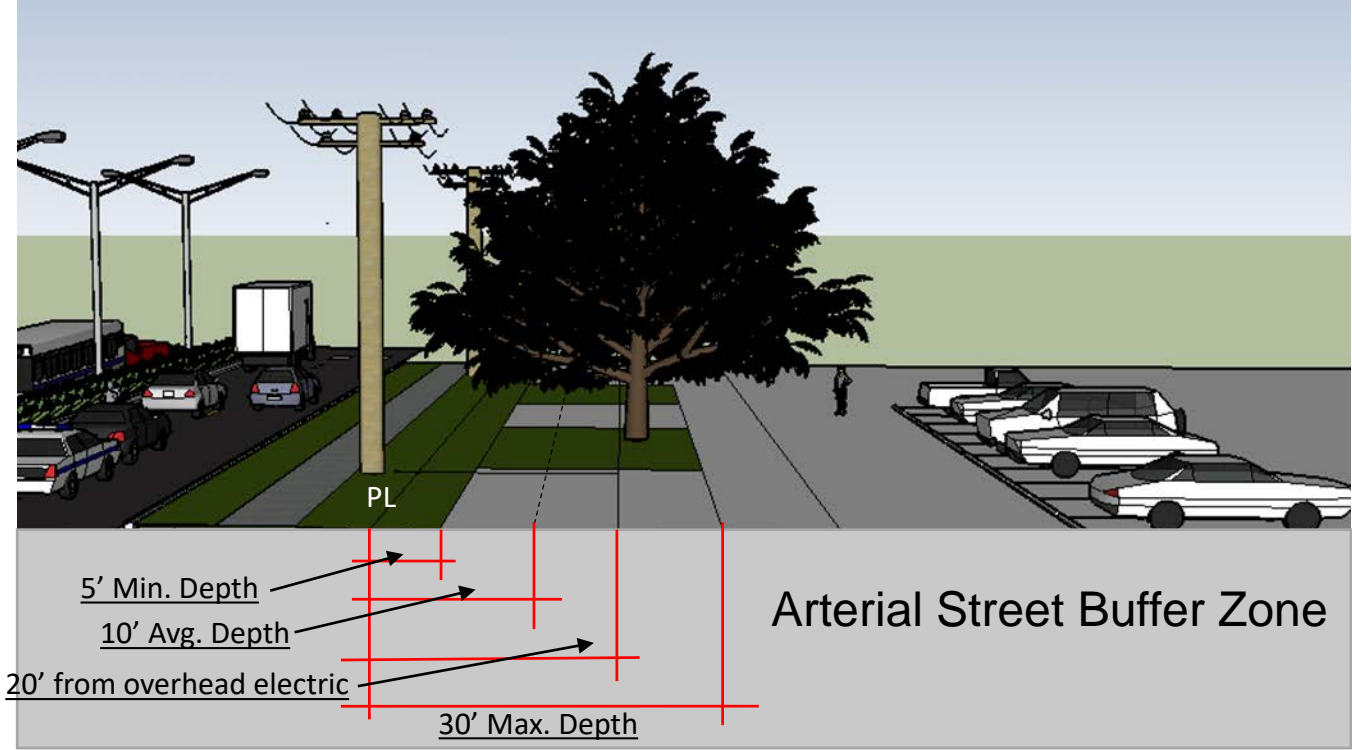
Key Amendments

Landscape Section – Zones



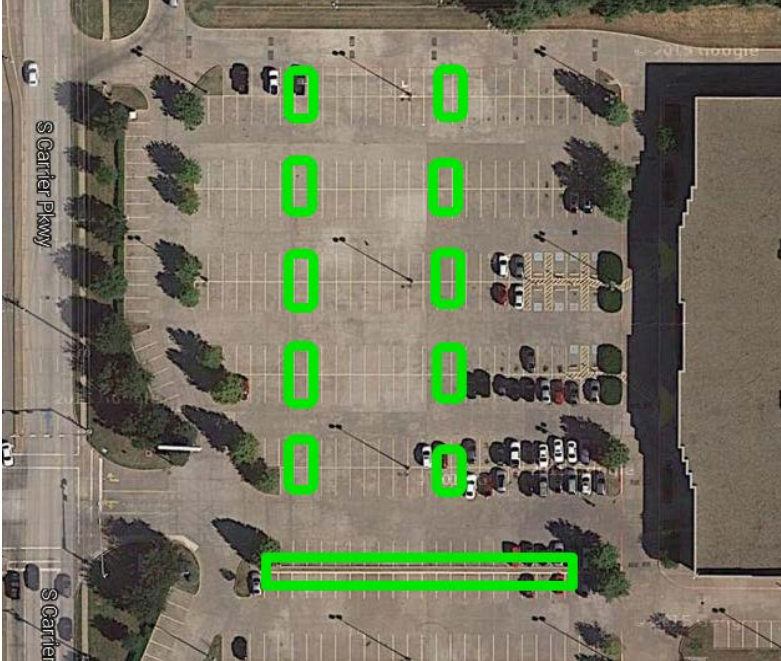
Key Amendments

Landscape – Zones



Key Amendments

Landscape – Zones



Example: Interior Zone surface parking requirements

Key Amendments

Tree Conservation – Approach

- Balance the desire for new development with the need to conserve and regenerate the urban forest
- Tree replacement and mitigation options based on incentives, reductions, and credits, taking into consideration future tree growth
- Flexibility in options for mitigation with greater potential for tree growth and retention of existing tree canopy
- Align with adopted plans and goals of the City

Key Amendments

Tree Conservation - General

- Rename section: Urban Forest Conservation
- Timing requirements increased for mitigation compliance to coincide with the completion of development
- Establishment of tree classification system
 - *Significant*: Rated for significant size or species that cannot be readily replaced (mitigation at 1.5:1)
 - *Class 1*: Rated for location in environmentally sensitive land area (mitigation at 1:1)
 - *Class 2*: Rated for the benefits provided in the urban environment (mitigation at 0.7:1)
 - *Class 3*: Rated for general condition and growth habits (mitigation at 0.4:1)

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Key Amendments

Tree Conservation – Mitigation Tools (New)

- Development impact area waiver: Except for significant trees, mitigation may be waived for trees located in a development impact area when the project is designed in accordance with sustainable landscape design
- Transplanted tree credits: Up to 5” credit for each inch of a transplanted protected tree, dependent on size of tree
- Forest Stand Delineation (FSD): Can reduce or remove mitigation requirement on “old field sites”
- Legacy tree credits: Legacy tree planted will receive 12” of credit for as small as a 2” tree planted

Key Amendments

Tree Conservation – Mitigation Tools (New)

- Habitat preservation credit: 1,200 s/f of protected habitat area can receive a 12” tree credit
- Sustainable development incentives: Credit can be received depending on sustainable landscape design and canopy preservation
- Park land dedication: Credit received for each protected tree in park land dedication area
- Tree canopy cover: Credit for single family and duplex uses with a goal of 40% canopy cover
- Unrestricted zone exemption for single family and duplex properties exempts certain areas not in required setbacks

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Key Amendments

Tree Conservation – Reforestation Fund

- Expanded use of Reforestation Fund to:
 - Purchase trees to plant on public property
 - Create an urban forest master plan and update periodically
 - Fund a staff position to manage and direct the fund for planting and urban forest education
 - Acquire conservation easements or wooded property

Key Amendments

Tree Conservation – Enforcement Tools

- Use of Forest Stand Delineation (FSD) to identify and enforce penalties against tree removal without permit or physical evidence of the removed trees by use of aerial imagery and other resources
- Demolition permit issuance will establish termination of single family use in determining when single family exemption is applicable

Stakeholder Input on Final Proposal

- Concerns expressed to CPC include:
 - Use of Planned Development districts to modify Article X tree conservation provisions
 - Compliance with HB 7 passed in the last special legislative session
 - Inclusion of hackberry's and other less desirable trees on protected tree list even at a substantially reduced rate
- Generally supportive of the compromises reached on balancing the need for development with the need to address environmental concerns

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Recommendation

- Staff recommends approval of the City Plan Commission recommendations



Next Steps

- Schedule for full City Council consideration
- Complete “Landscape and Tree Manual”
- Process proposal for “Neighborhood Forest Overlay”

Amendments to Article X Landscape and Tree Preservation Regulations

**City Council Briefing
May 16, 2018**

**David Cossum, Director
Sustainable Development and
Construction Department**



Appendix

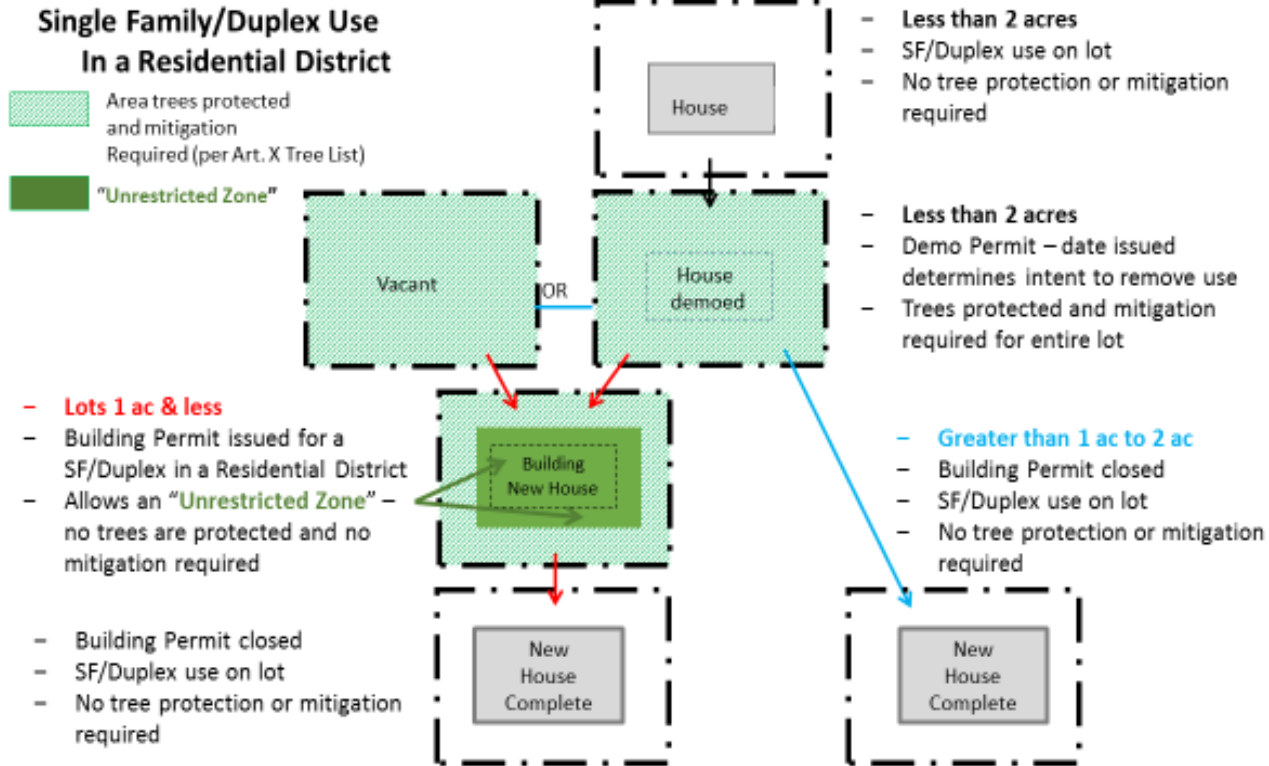
Tree Conservation Section – Tree Classification

- **Historic Trees:** (mitigated at 3:1)
 - Only established by Council resolution designating a tree or grove of trees as historic
- **Significant Tree:** (mitigated at 1.5:1)
 - At 12" or greater; Post Oaks
 - At 24" or greater; American elm, bois d' arc, cedar elm, chittamwood, common persimmon, eastern red cedar, green ash, all other oaks, pecan, all walnut species, and white ash
- **Class 1 trees:** (mitigated at 1:1)
 - Trees located in primary natural area or geologically similar area
- **Class 2 trees** (mitigated at 0.7:1)
 - Protected trees that is not otherwise classified
- **Class 3 trees** (mitigated at 0.4:1)
 - Arizona ash, black willow, cottonwood, hackberry, honey locust, mesquite, mimosa, mulberry, ornamentals, pinus spp., Siberian elm, silver maple, sugarberry, or a small tree

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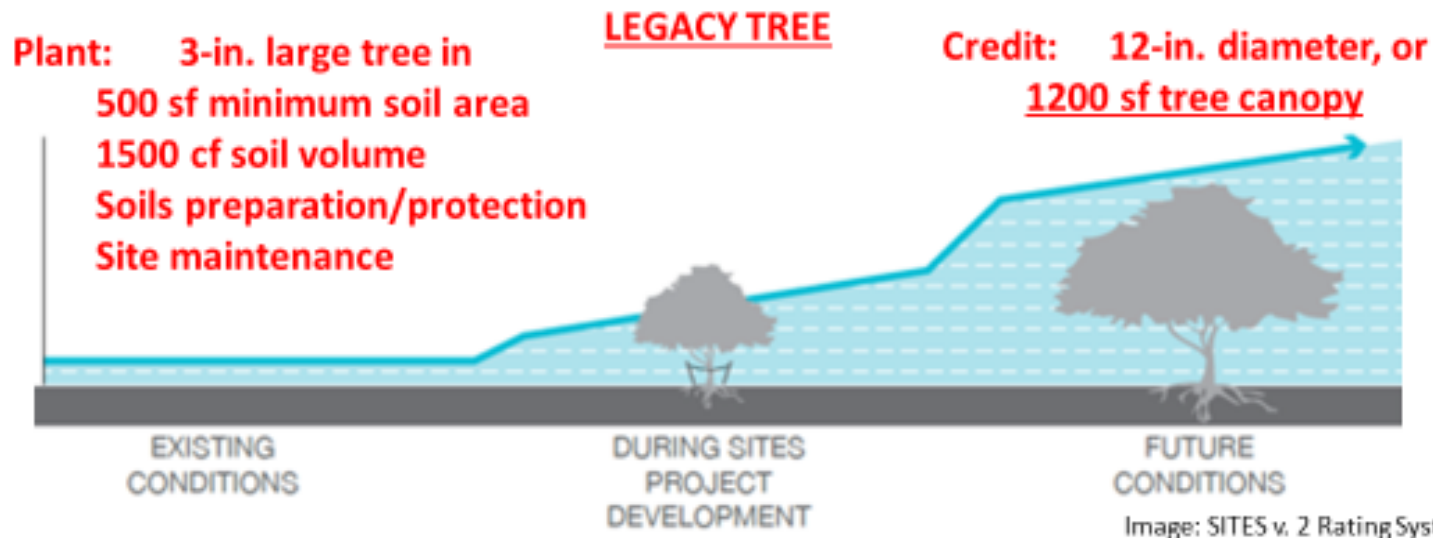
Appendix

Tree Conservation Section – Single Family / Duplex



Appendix

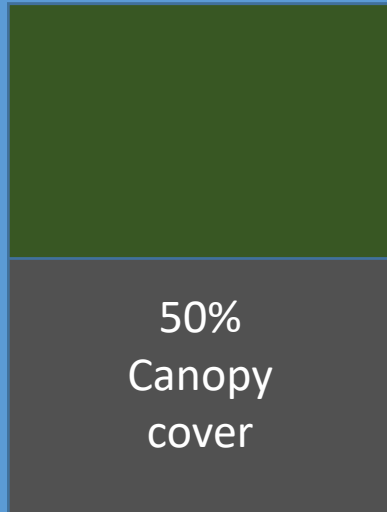
Tree Conservation Section – Legacy Tree Credit



Appendix

Sustainable Development Incentive Process

Pre-Development

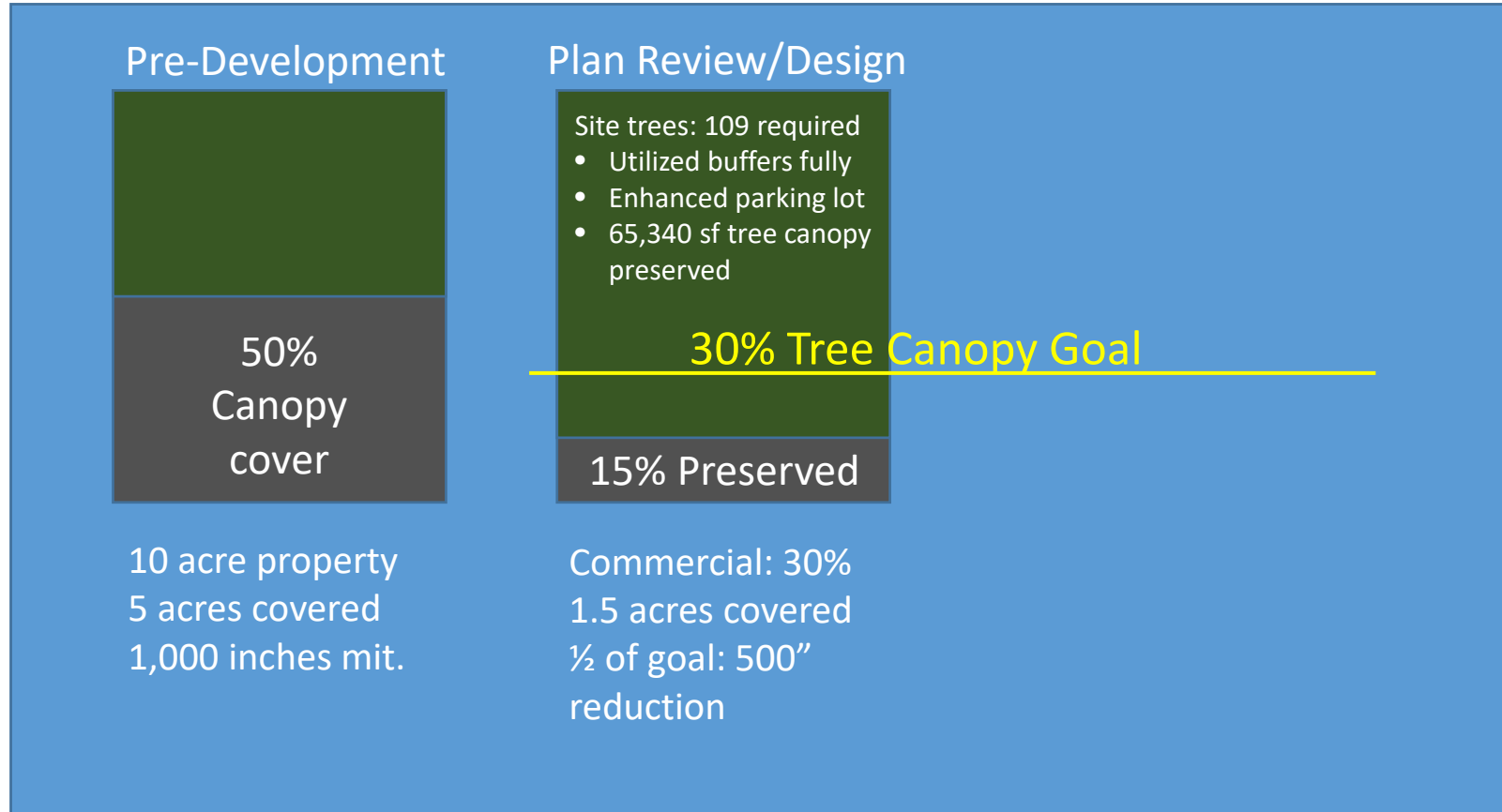


10 acre property
5 acres covered
1,000 inches mit.

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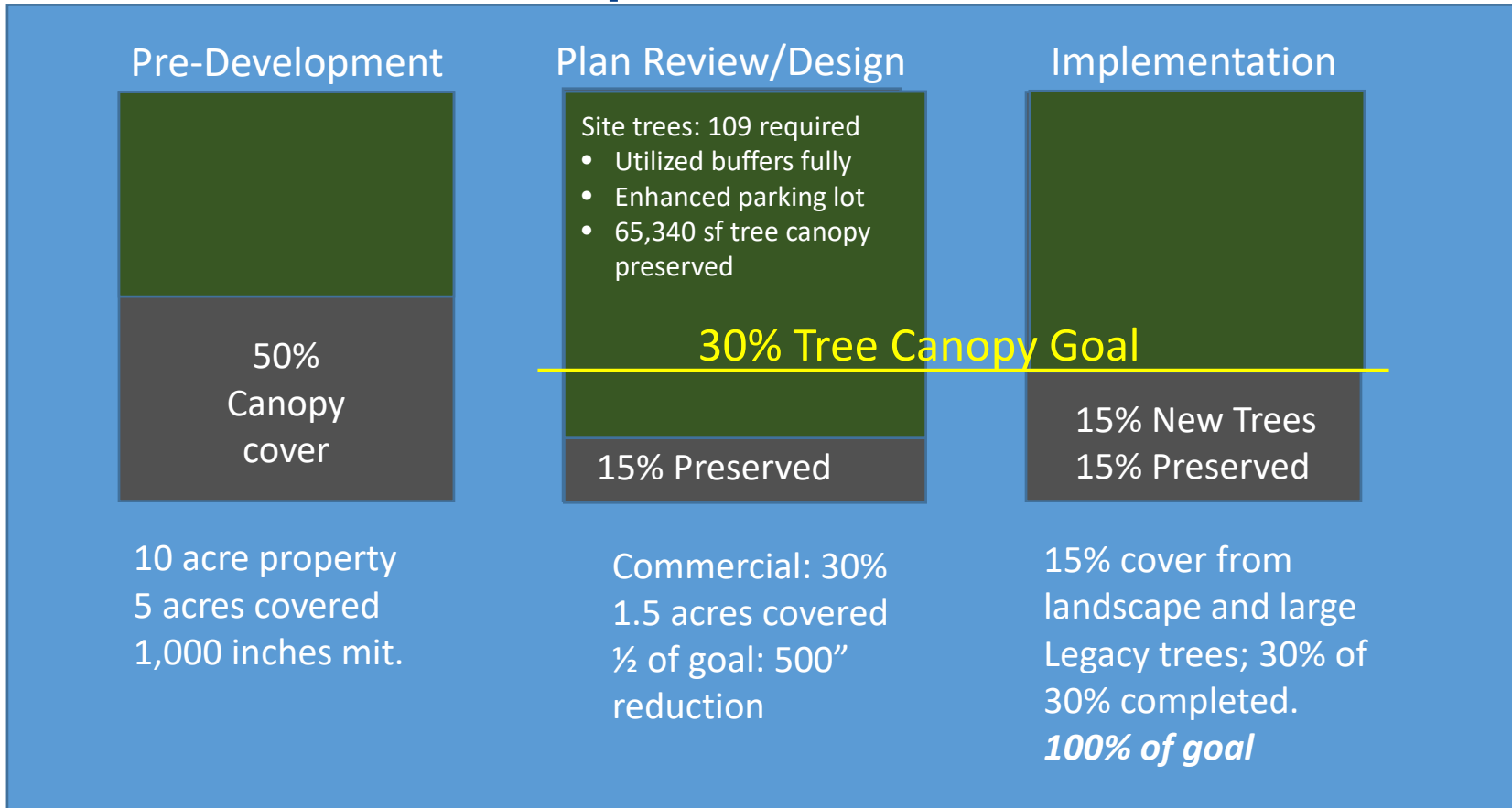
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Sustainable Development Incentive Process



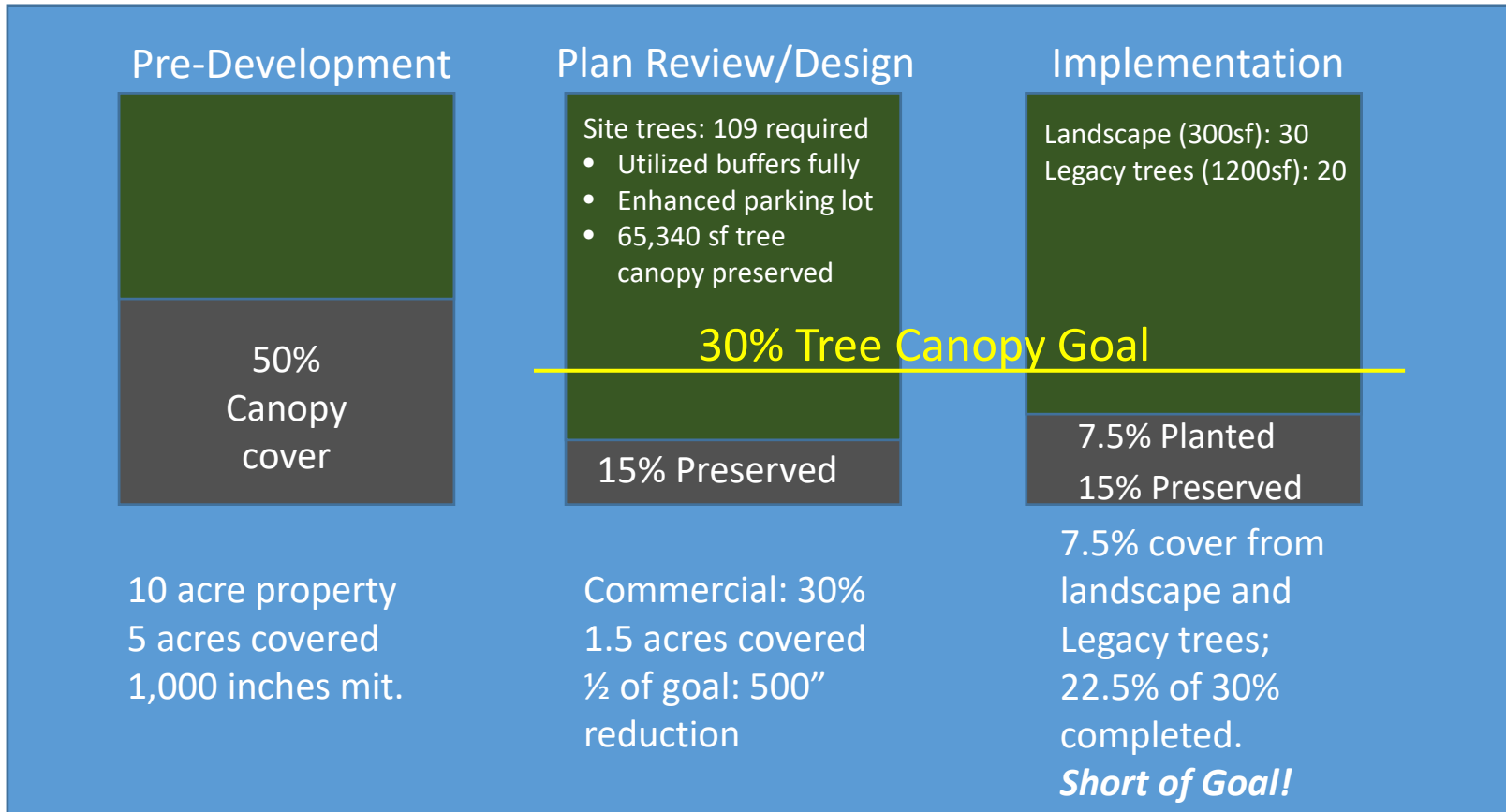
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Sustainable Development Incentive Process



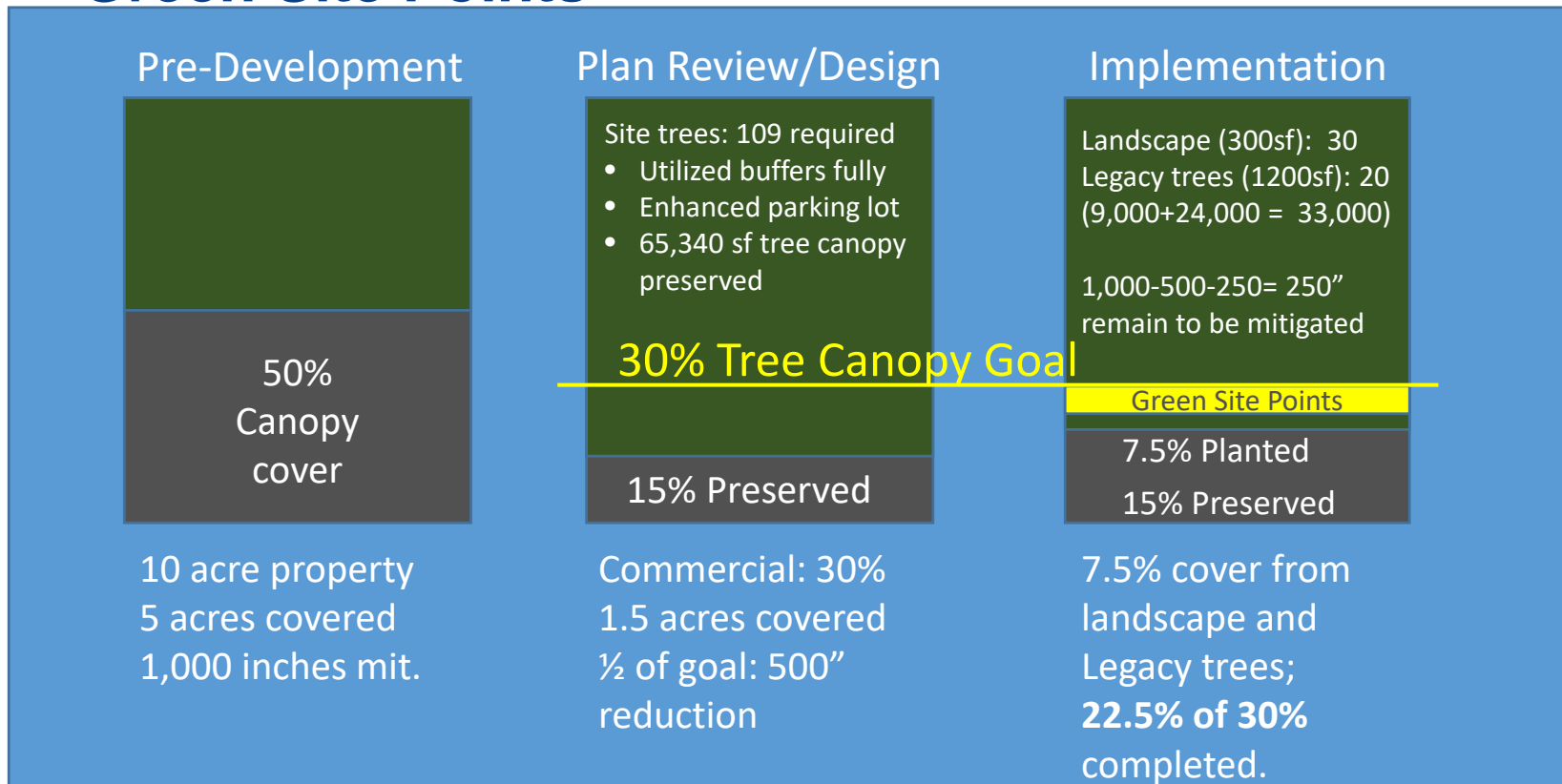
Appendix

Sustainable Development Incentive Process



Appendix

Sustainable Development Incentive Process with Green Site Points



Appendix

Sustainable Development Incentive Process with Green Site Points

Pre-Development

Point total for lots over 3 acs is based on 50 points or a greater tree canopy cover prior to review.

50%
Canopy
cover

10 acre property
5 acres covered
1,000 inches mit.

SDI: Reduced requirements
by 75% (**250" remain**)

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Appendix

Sustainable Development Incentive Process with Green Site Points

Pre-Development

Point total for lots over 3 acs is based on 50 points or a greater tree canopy cover prior to review.

50%
Canopy
cover

10 acre property
5 acres covered
1,000 inches mit.

SDI: Reduced
requirements by
75% (**250" remain**)

Plan Review/Design

- Sustainable Landscape Plan – 5 pts.
- Tree Preservation Plan – 5 pts.
- #2 Enhanced buffer zone increase – 15 pts.
- #5 Parking lots – 20 pts.
- #7 Public deed restriction – 5 pts.
- 50 points attained.

Appendix

Sustainable Development Incentive Process with Green Site Points

Pre-Development	Plan Review/Design	Implementation
<p>Point total for lots over 3 acs is based on 50 points or a greater tree canopy cover prior to review.</p> <p>50% Canopy cover</p>	<ul style="list-style-type: none"> Sustainable Landscape Plan – 5 pts. Tree Preservation Plan – 5 pts. #2 Enhanced buffer zone increase – 15 pts. #5 Parking lots – 20 pts. #7 Public deed restriction – 5 pts. 50 points attained. 	<p>250” remain to be mitigated.</p> <p>-25”</p> <p>-25”</p> <p>-75”</p> <p>-100”</p> <p>-25”</p> <p>Total: 250”</p>
<p>10 acre property 5 acres covered 1,000 inches mit. SDI: Reduced requirements by 75% (250” remain)</p>		<p>Complete!!</p>

Appendix

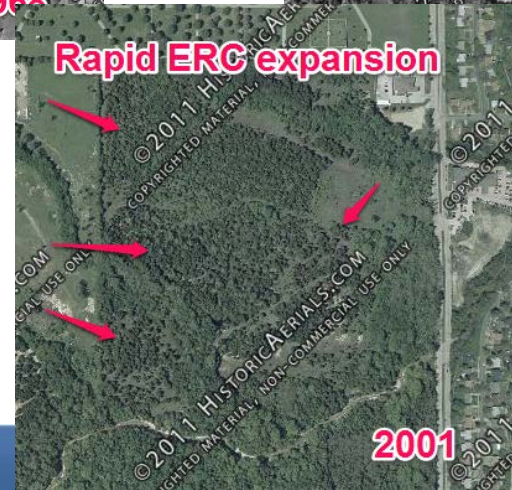
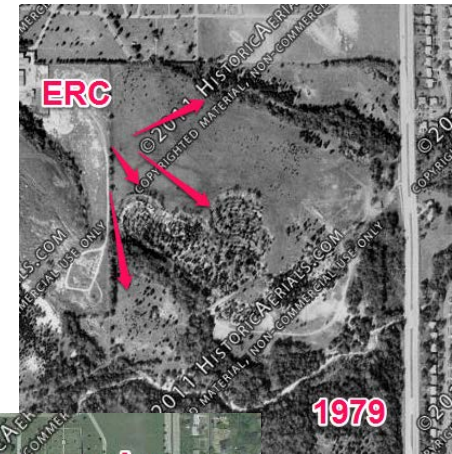
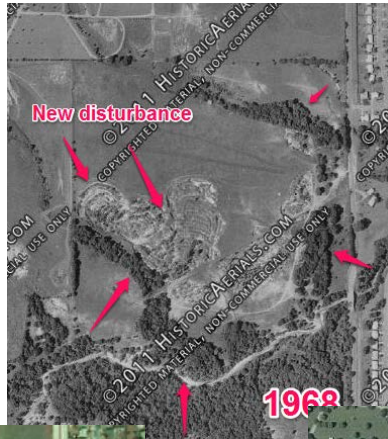
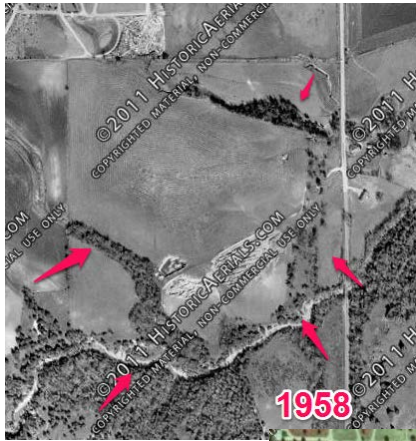
Tree Conservation – Old Field Lots Forest Stand Delineation (FSD)



- The 2015 Google Earth view shows the existing conditions on the property.
- An FSD can distinguish predominant young juniper stands from older stands, or stands of other species.
- Field assessment is needed to establish the boundaries of the stratified forest survey.
- Historical ground and aerial imagery provides confirmation on the age and history of the tree stand.

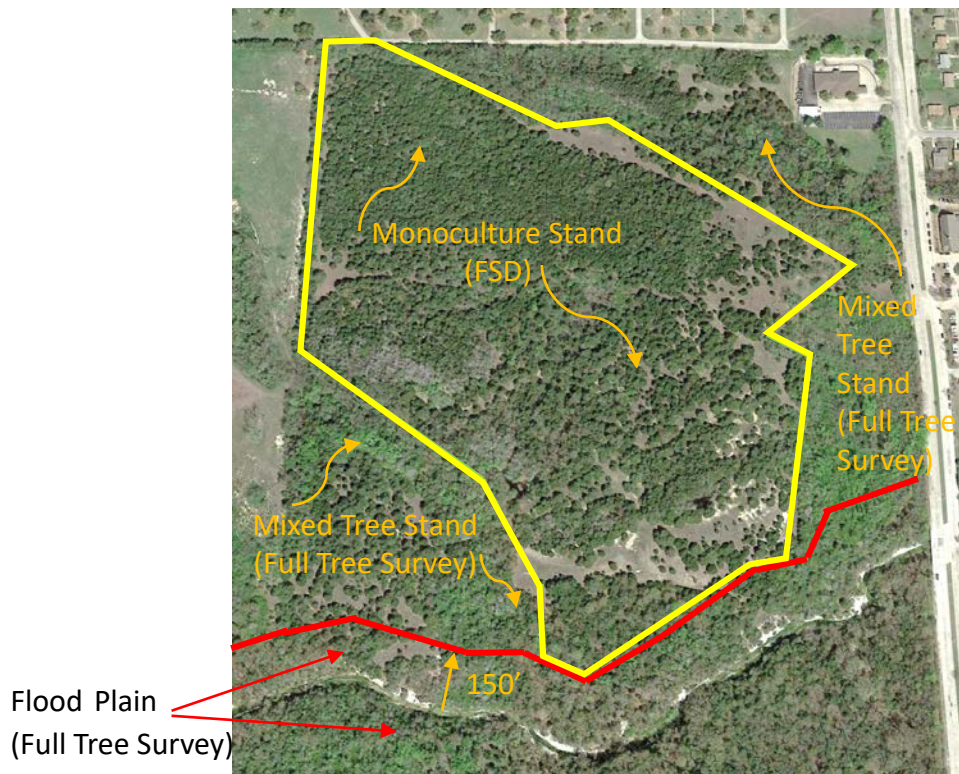
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Tree Conservation – Old Field Lots Forest Stand Delineation (FSD)



Appendix

Tree Conservation – Old Field Lots Forest Stand Delineation (FSD)



- Based on the historical aerials, the area outlined in yellow could be largely exempt from tree mitigation as an “old field”
- If any trees meeting the definition of a “significant tree” were in the area, they would require mitigation

Appendix

Interaction with Park Land Dedication Ordinance

- A developer may receive credit for all protected trees in dedicated park land as they would if the land were in a dedicated conservation easement for tree mitigation purposes
- A developer may receive park land dedication credit for land that is dedicated as a conservation easement