

May 10, 2018

Dallas City Council
1500 Marilla Street
Dallas, Texas 75201

Dear Mayor Rawlings and Members of the Dallas City Council:

The Real Estate Council (TREC) and its members have spent many months working with City staff and community leaders to help fine-tune a park land dedication ordinance that is intended to provide new residents and visitors with recreational amenities and green infrastructure. TREC has always been dedicated to making Dallas a better place to work, live and play, and we see great value in green space and the positive impact it can have in any community.


For an industry that thrives on entrepreneurial spirit and free-market opportunities, we are naturally reticent to support regulations that will make it harder to do our business. With regard to the park land dedication ordinance, however, we believe the benefits have the potential to outweigh the regulatory impact as long as it is written clearly and objectively, treats our industry fairly, and provides ample time for our industry to prepare for its implementation. As such, we would like to offer our support of this ordinance with the inclusion of the following proposed changes. We have shared these recommendations with staff and appreciate their positive feedback.

- (1) Clear and objective criteria for when the Park & Recreation Department will accept a dedication of land.
- (2) Clarity both for the City and developers dedicating land regarding the timeline for publicly accessible park land to be delivered and ready for use.
- (3) Specificity and certainty for when private land will be eligible to receive credit. The current ordinance is too subjective as it relates to the land size, landscaping, and recreational amenities required for credit as well as aggregation of separate land areas for credit.
- (4) Amend "at grade" requirement to provide that publicly accessible private land above grade or below grade is acceptable as long as it is pedestrian-accessible from the ground level. Credit for non-publicly accessible private park land should be exempt from any "grade" requirement as public access is not applicable.
- (5) Any identification / dedication of the required amount of public, on-site, or private park land should occur at the time of final plat or building permit, whichever comes first. This timing should be consistent throughout the ordinance and parkland-related requirements at preliminary plat should be removed as this stage does not typically include a site plan, development plan or other vehicle that contains the complete design of the building (e.g. in section 51A-4.1004(b)(d) and (g)(2), and 51A,4,1005(b)).
- (6) Relief or total exemption for affordable housing units.
- (7) Apply Chapter 245 exempting certain projects that have pulled building permits prior to the adoption of this ordinance.
- (8) Confirm fees will be prorated for private open space that is less than 1 acre.
- (9) Eliminate the ability to adjust the fee annually with a 5% cap. Consider adjusting fee every 5 years with a 5% cap. Otherwise, if done annually, this fee could outpace the market and deter development.
- (10) Extension of the implementation date to 18 months instead of 12 months.

We understand that no one can predict the comprehensive impact of any ordinance, and thus, this list should not be considered exhaustive of all our concerns. In addition to clarity on the list above, we look forward to understanding in greater detail how this ordinance will be implemented in practice including how it will be staffed. If this ordinance is approved, we would like to continue partnering with the City to share our positive and/or negative experiences over time to ensure that the ordinance is meeting its desired purpose without causing unintended consequences.

We want to take this opportunity to thank you, the City staff, and the community leaders who have worked with us to get to this point. Dallas will continue to solidify its place as the world-class city that it is when we all work together to achieve our common goals.

Sincerely,

A handwritten signature in black ink that reads "Linda McMahon". The signature is written in a cursive, flowing style.

Linda McMahon
President & CEO, The Real Estate Council

Cc: Members of the Quality of Life, Arts & Culture Committee
T.C. Broadnax, City Manager
Majed Al-Ghafry, Assistant City Manager
Robert Abtahi, President, Dallas Park & Recreation Board
Willis Winters, Director, The Dallas Park & Recreation Department
Ryan O'Connor, Strategic Planning & Special Projects, The Dallas Park & Recreation Department
Larry Casto, City Attorney