



**MEMORANDUM**

Community Services Department

**DATE:** October 14, 2020

**TO:** Parks and Recreation Commission

**FROM:** John R. Marchant, Community Services Director  
Brady Ruebusch, Senior Management Analyst  
Lindsay Hagan, Deputy Zoning Administrator  
Angela LaMonica, Real Property Program Administrator  
Diana Fazely, Senior Deputy City Attorney

**SUBJECT:** Park Land Dedication Ordinance Second Review of Modifications

**PURPOSE**

Provide input on proposed modifications to Chapter 41 of the Mountain View City Code ("Park Land Dedication or Fees in Lieu Thereof") since the Parks and Recreation Commission (PRC) February 12, 2020 meeting, including direction on a Private Open Space Credit.

**BACKGROUND**

In Fiscal Years 2019-21 Council Goals, the City Council included an item to review and update Chapter 41 of the City Code, also known as the Park Land Dedication Ordinance (Attachment 1). On October 15, 2019, staff presented the Park Land Dedication Ordinance at a City Council Study Session to receive direction on the types of amendments to study further. Council recommended a two-pronged approach to Chapter 41: (1) amendments to be considered after the 2020 U.S. Census is completed and data is available (in tandem with the Parks and Open Space Plan Update), and (2) amendments to explore in the current two-year Council Goals cycle this fiscal year. On February 12, 2020, the PRC reviewed proposed changes to the Park Land Dedication Ordinance recommended to be reviewed in the current two-year Council Goal cycle (Attachment 2). In the following months, staff met with members of the residential development community to gather input on the proposed changes. A summary of input staff heard from the development community includes:

- Uniform, set land values are important for evaluating the feasibility of a development project, including securing funding;

- “Lock in” the fee estimate for as long as project is under review and entitled; developer has limited control over how long the process takes. Changing the fee estimate at the end of entitlements can make a project suddenly infeasible;
- Support a clear review and approval process for park land credits;
- Desire flexibility in the list of elements for open space credit(s); list of elements is too restrictive. Some duplicity in elements may be appropriate;
- Incentivize Privately Owned/Publicly Accessible (POPA) credit at or near the same valuation (or more) as land dedication for it to be an attractive option as developer carries the cost of construction, ownership, and maintenance in perpetuity;
- Allow on-site common open space provided in a development project to count toward private open space credit;
- Allow bike or multi-use paths to count toward park land credits;
- Allow plazas or other similar open spaces to qualify for park land credit;
- Consider roof decks and podium outdoor spaces to count toward private open space credit; and
- Current park land requirements are approximately 10 percent of the estimated project costs and the largest cost item in a project’s development costs. The park land fee is too high.

At the February 12, 2020 meeting, staff recommended having one open space credit option for POPA open spaces. After meeting with developers and reviewing different residential development scenarios, staff is seeking further input on the Private Open Space Credit, in addition to modifications to the POPA credit option. Therefore, staff has additional modifications to the original February 2020 recommendations for PRC review and subsequent consideration for City Council. PRC input will be shared at a City Council Study Session tentatively scheduled for October 27, 2020.

## **DISCUSSION**

This section is divided into topics that were presented in February 2020 followed by staff’s current recommendation for that topic. The proposed changes are meant to ensure the ordinance continues to meet City expectations for achieving public open space while

adapting to residential development trends. In response to growing development costs (e.g., land costs, construction costs, and new or expanded City impact fees), private developers are looking for stability and flexibility in park land requirements. Additionally, the City is looking to improve the goal of 3 acres per 1,000 residents by encouraging private development to create more open space while carrying the long-term costs (e.g., maintenance, liability, etc.).

### **Topic 1: Establishing Fee Certainty with Land Value**

#### *February 12, 2020 Recommendation*

At the February 12 meeting, the PRC provided input on establishing fee certainty with land value. Staff recommended a third-party annual appraisal study to guide the final determination of land values in each parks and open space area by various densities listed in Chapter 41 of the City Code. This study will be conducted annually and would be expected to be adopted in tandem with the City's annual budget. Using this study, the Real Property Program Administrator proposed to provide the estimated land value for a project within the first 30 days of receipt of a formal development application as part of the City's standard review process. Under this proposal, the estimation would remain throughout the application process (as it is today), based on the applicant diligently moving through the development review process with a stable project scope. Additionally, following approval of a new development, the City would continue to request all park land requirements be met prior to issuing the building permit.

#### *Modifications/Additional Direction*

To provide more certainty, staff recommends updating the City's standard Condition of Approval to identify the project-specific park land requirements. Currently, the park land Condition of Approval does not include a dollar amount for land value, amount of land dedication, in-lieu fees, or any combination thereof. Instead, it highlights a general range of cost per unit and the steps to execute the park land dedication obligations. By introducing the project-specific requirements, it increases clarity for everyone by explicitly incorporating the project-specific fee estimate, land value, and land requirement into the project entitlements. The entitlements are valid for a two-year period during which an applicant must be issued a building permit and start construction. By including the project-specific park land requirements into the Condition of Approval, it effectively "locks in" the requirements for the duration that the entitlements are valid.

It is important to note that "locking in" the park land fee for the two-year duration of entitlement deviates from how other development impact fees are calculated in the City.

Other development fees applied to residential projects (such as Below-Market-Rate fees, sewer or utility capacity fees, and Citywide transportation fee) are all calculated and collected prior to building permit issuance based on the adopted fee schedule in place at time of fee payment. So, the estimate provided during the review of a project may be different than what is paid at building permit one or two years later. However, these other development fees either are adjusted incrementally each year by a nominal amount (Consumer Price Index) or through an updated nexus study, both of which are driven by known market conditions. The park land fee is based on land value, which can fluctuate dramatically year-to-year based on unknown market conditions. By tying the specific park land requirements to the project's entitlement, the City would effectively be stabilizing the park land project-specific fee (and land value) for two years.

### **Topic 2(A): Establishing a Privately Owned/Publicly Accessible (POPA) Open Space Credit**

#### *February 12, 2020 Recommendation*

The PRC reviewed consolidating the existing two open space credits (Private Open Space and North Bayshore Precise Plan Publicly Accessible/Private Open Space) into one credit for Privately Owned/Publicly Accessible (POPA) open space that would be available to developments anywhere in the City. The proposed POPA credit would have two credit thresholds: up to 50 percent, the value of the land for POPA open space that is one acre or less in size; and up to 75 percent, the value of the land for POPA open space that is greater than one acre. Table 1 outlines the proposed POPA credit that was presented to the PRC on February 12.

**TABLE 1: FEBRUARY 12 PROPOSAL – POPA CREDIT REQUIREMENTS**

Size	Maximum Credit	Minimum Requirements
One acre or less	Up to 50% with a minimum of two elements	<ul style="list-style-type: none"> <li>• A contiguous piece of land;</li> <li>• Prominent frontage on the development property (e.g., a public street);</li> </ul>
Greater than one acre	Up to 75% with a minimum of three elements	<ul style="list-style-type: none"> <li>• Minimum dimension of 100' in width and length;</li> <li>• Comply with City guidelines for park restrooms, hours of operation, signage; and</li> <li>• Must be maintained and publicly accessible in perpetuity.</li> </ul>

In addition, the proposed credit would have an updated table of elements with specific size and service levels as shown in Attachment 1. Instead of requiring a minimum size for the open space, the requirement of at least two elements required the space to be at least 0.3 acre, based on the size requirements of the elements.

As part of the credit request, staff recommended requiring the developer to: (1) submit a written description of the park credit request and how the proposed open space achieves the requirements; (2) provide dimensioned plans that detail the proposed open space and amenities design; and (3) conduct an analysis of elements at the five closest public parks or POPA open spaces to their project site.

Lastly, any credit towards park land requirements and/or in-lieu fees would need City Council approval.

*Modifications/Additional Direction*

Staff recommends four modifications to the February 12 POPA credit proposal, including:

1. Increase Minimum Size and Remove Number of Elements: Staff recommends increasing the minimum size of a POPA open space to 0.4 acre rather than size

depending on the elements chosen. Stating a minimum size sets a clearer expectation for developers and is consistent with the size of multiple public park lands that the City has accepted for dedication in residential projects over the last five (5) years.

Staff also proposes to remove the requirements for a minimum number of elements in the open space in order to allow for more flexibility and creativity in elements proposed in the open space. Instead, staff proposes to establish service objectives or, in some cases, prescriptive objectives, for each element to establish clear expectations of function and purpose.

2. Modify Tiered Framework: Staff recommends modifying the tiered credit framework for the POPA section to include one universal credit category for open spaces under one acre or smaller in size and a separate category for spaces larger than one acre in size under an Alternate Proposal section, which is discussed later in this report. Staff proposes this approach as the majority of open space credits anticipated to be proposed will be under one acre in size. So, simplifying the requirements to highlight the common application provides the greatest clarity while also allowing separate consideration of larger open spaces.
3. Revise Elements and Element Framework: The list of elements has been updated to have minimum service objectives rather than minimum size requirements. This approach allows for greater flexibility in defining elements within an open space and does not presume the same elements are always of equal size, such as a play structure or game court. In addition, staff is recommending to redefine the element of “parklike quiet area,” while also limiting the amount of space utilized for that element.

With this modified framework, the entire open space must be comprised of a combination of elements listed in Table 2, meeting the minimum requirements. No more than 25 percent of the open space can be used as “Landscaped, Parklike Quiet Area.” Staff believes this allows for some natural spaces and tree preservation but provides clear direction on what qualifies for this element versus others.

**Table 2: New Proposal Elements**

<b>Element</b>	<b>Minimum Requirements</b>
Open, Usable Field	Must be level, with proper irrigation and water amenities to support active recreation. Minimum total area must be 0.3 acre with a minimum of 60' for any side of the element.
Dog Park	Have separate areas for large dogs and small dogs. Adequate amenities that will be maintained such as bag dispensers and dog-friendly hydration stations. Minimum total area must be 0.25 acre for the Dog Park with a minimum of 60' for any side of the element.
Game Courts	Must contain at least one full court that meets the standards of professional association for the type of activity.
Playgrounds	Must have at least two structures (climbable apparatus): one for tots (ages 2 to 5) and one for youth (ages 5 to 12).
Picnic Area	Must be able to sit at least 15 individuals and have one barbecue for every two tables. Must be distinguishable from other elements.
Exercise Area	Must be able to support 10 people using equipment at the same time and have ADA-accessible equipment.

Element	Minimum Requirements
Park Trail	<p>Must be a designated, multi-use, Class 1 Trail as listed in the <i>Caltrans Highway Design Manual – Bikeway Designations</i> for the entire length of the proposed trail. The trail must provide a clear and direct path, with appropriate signage, through the project site, connecting any of the following:</p> <ul style="list-style-type: none"> <li>• Existing or planned public facilities (e.g., public buildings, transit stops and centers, schools, parks, etc.).</li> <li>• Expand, or allow for future expansion of, the existing City park trail network (e.g., Stevens Creek, Permanente Creek, Whisman T.O.D., Hetch Hetchy, and Bay Trails). Provides more than new creek crossings or trail heads from private property.</li> <li>• A new connection that expands an identified network in the City’s Bicycle and Pedestrian Master Plans to a major public facility or major public street or significantly reduces the time or length of travel by providing an alternative connection from an identified network in the City’s Bicycle and Pedestrian Master Plans.</li> </ul>
Landscaped, Parklike Quiet Area	<p>Should have seating, shade, and be distinguishable from other elements of the open space. Any open space that does not meet the minimum requirements of other listed elements will be assumed to count towards Landscaped, Parklike Quiet Area.</p>

Only the open, usable field and dog park elements have minimum size requirements as a determinant of their service levels. Staff believes this approach will help prevent “cookie-cutter” open spaces from occurring because there is more flexibility in how the elements are designed and applied to the open spaces while also ensuring they meet minimum expectations.

4. Modify Credit Application Requirements: Staff recommends modifying the analysis of the surrounding parks and open spaces for application of a park land credit in two ways: (a) add a maximum radius of one mile when analyzing the five closest public parks; and (b) add a demographic analysis.

With further review, staff realized that with no maximum distance in reviewing the five closest parks, projects could be assessing parks and open spaces that are not



within walking distance of the project site to reasonably serve the residents. Therefore, to align with the size and service areas currently listed in the Park Land Ordinance, a maximum radius of one mile of the five closest parks is recommended for the elements analysis.

Also, the additional demographic analysis will help determine the types of amenities that may be most beneficial to the nearby population, including the anticipated demographics of the new development. In addition, if a project area has few current residents and/or limited nearby parks or open spaces, this demographic analysis can aid in identifying potential populations to be served by the new open space and help guide the design. This demographic analysis, in combination with the assessment of nearby parks and open space, can provide a foundation for assessing specific park design needs during the public review process of the larger development project.

*Question 1: Does the PRC support the proposed modifications to the POPA Open Space Credit from the February 12, 2020 meeting summarized in Table 3?*

**Table 3: Summary of Changes under New Proposal for POPA Credit**

February 12, 2020 Proposal	New Proposal
One acre or less requires two elements	Minimum requirement of 0.4 acre with no minimum element requirement
Minimum Requirements include: <ul style="list-style-type: none"> <li>• Contiguous piece of land</li> <li>• Prominent frontage on the development property (e.g., a public street)</li> <li>• Minimum dimension of 100' in width and length</li> <li>• Comply with City guidelines for park restrooms, hours of operation, and signage</li> </ul>	No change
Greater than 1 acre can receive credit up to 75% the value of the land	Open space greater than one acre is addressed in Alternate Proposal Section and can receive up to an additional 25% credit for the open space

February 12, 2020 Proposal	New Proposal
<p>Elements</p> <ul style="list-style-type: none"> <li>• Have minimum sizes</li> <li>• Included community gardens</li> </ul>	<p>Elements</p> <ul style="list-style-type: none"> <li>• Have minimum service levels</li> <li>• Added park trails</li> <li>• Removed community gardens</li> <li>• Redefined parklike quiet place</li> <li>•</li> </ul>
<p>Alternate Element can be provided for any one element listed as long as amenity is comparable to the function or utility of a listed element or provide unique amenity to the community that would not otherwise be met.</p>	<p>No change</p>
<p>Surrounding Area Analysis</p> <ul style="list-style-type: none"> <li>• Elements at five closest parks</li> </ul>	<p>Surrounding Area Analysis</p> <ul style="list-style-type: none"> <li>• Elements at five closest parks within one-mile radius of proposed open space</li> <li>• Demographic analysis of one-mile radius to be included with elements analysis</li> <li>•</li> </ul>
<p>Other Credit Details</p> <ul style="list-style-type: none"> <li>• POPA open space must only apply to the open space credit for purposes of park land requirements and cannot satisfy other zoning requirements of development</li> </ul>	<p>No Change</p>

**Topic 2(B): Alternate Proposals in the POPA Credit**

*February 12, 2020 Recommendation*

The Alternate Proposal option was applicable to open spaces greater than one acre in size that met the minimum requirements of the POPA credit and were located within a Master Plan area with a significant residential land use.

*Modification/Additional Direction*

As previously stated, staff recommends removing the tiered POPA credit approach and instead address open spaces greater than one acre in the Alternative Proposal section. The Alternate Proposal section is proposed to be modified to remove the requirement

that a development be located within a Master Plan area as it limits possible qualifying locations in the City.

In addition, by providing greater than one acre of open space, staff recommends an additional 25 percent credit for a maximum possible park land credit of 75 percent of the value of the land for POPA open space when greater than one acre.

### **Topic 3: Private Open Space Credit**

#### *February 12, 2020 Recommendation*

In the proposal presented by staff in February, the Private Open Space credit was recommended to be removed from the Park Land Dedication Ordinance by consolidating it into one POPA Credit to be applied Citywide. At the time, staff believed the greatest barrier to use of the credit was the minimum size requirement of one contiguous acre. Therefore, staff proposed to reduce that threshold in exchange for the space to be publicly accessible so it could be counted towards the City's open space goal of 3 acres per 1,000 residents.

However, after conversations with developers and reviewing various development projects and scenarios, staff is seeking input from the PRC on the Private Open Space Credit.

#### *Modifications/Additional Direction*

Staff is seeking input on the PRC's preferred option from the three options discussed below for the Private Open Space Credit. Overall, the objective of the Private Open Space Credit is to establish an avenue to consider additional private open space on-site with new residential development (above and beyond minimum zoning requirements) to count toward the City's park land requirements as the space reduces the demand for public recreational facilities nearby.

The different options being proposed take into account different adjustments to the following factors:

- Need for an alternative open space credit from POPA;
- Level of credit (percentage of value of land);

- Size of open space (minimum or maximum); and
- Facilitating residential development.

For Options 2 and 3, the Private Open Space Credit is proposed to utilize the same list of elements as the POPA credit.

#### Option 1: Eliminate Private Open Space Credit

This option was presented to the PRC in February. By eliminating the Private Open Space Credit, the ordinance would have only one open space credit, the POPA credit. The POPA credit, as proposed, would allow publicly accessible open space with a minimum of 0.4 acre and a credit of up to 50 percent of the value of the land. While eliminating the credit does not hinder the City's objective for publicly accessible open space, the Private Open Space credit does provide some financial relief to residential developers in paying the entire park land dedication in-lieu fee. Additionally, these spaces do provide some relief from recreational demands on nearby parks. Overall, this approach would reduce the available credit options to only publicly accessible open space, highlighting the City's interest in public spaces, while decreasing the credit options for developers.

#### Option 2: Lower Percentage

This option keeps the current Private Open Space Credit, which requires one contiguous acre of open space, but lowers the credit percentage from 50 percent to 25 percent of the value of the land. This approach would maintain a large minimum size for open space, relieving more recreational demand for public open space. Additionally, by lowering the credit percentage to 25 percent and offering a greater credit percent on POPA credits (50 percent), it establishes a clear preference by the City for publicly accessible open space. Based on the minimum one-acre size, a challenge with this option is the credit's limited applicability—only housing developments on five-plus acres can typically consider one acre of open space beyond the minimum zoning requirements. Most of the residential development applications under review by the City are for project sites under five acres in size. Lastly, these private open spaces do not contribute to the City's goal of three acres of publicly accessible open space per 1,000 residents.

#### Option 3: Align Private Open Space Credit with POPA Credit

This option reduces the size requirement of the Private Open Space Credit from its current minimum of 1 acre to 0.4 contiguous acre and aligns the requirements of the credit to match the POPA open space credit, in terms of size, elements, and expectations. Additionally, the credit percentage would be reduced to 25 percent, which is a lower

percentage than the POPA credit as it is less desirable as private space by the City. By having the same requirements as the POPA credit, the open spaces would have the same design parameters that result in spaces of similar quality to dedicated public park space. In addition, this approach would enable more residential developments to qualify for the credit due to the reduced minimum size threshold, which may provide some financial relief to a greater range of residential developments. However, this option would reduce land dedication and/or in-lieu fees collected by the City for public parks and would likely result in more private open spaces Citywide.

*Question 2: Which is the PRC's preferred option for the Private Open Space Credit?*

### **Update on Term and Maintenance for Proposed Open Space Credits**

At the February 12 meeting, the PRC inquired how staff can guarantee publicly accessible open spaces remain accessible in perpetuity. In response, staff has outlined the proposed approach to terms and maintenance requirements of private and publicly accessible open spaces.

#### Private Open Space

If the Private Open Space Credit is retained in the ordinance, staff recommends requiring the open space to be maintained to a standard consistent with our City parks and remain available to residents for the life of the residential project. Note: these spaces do not count toward the City's park land goals as they are not publicly accessible. Therefore, there is no need to retain the space in perpetuity. Should the project site be redeveloped or the open space be developed on, then new park land requirements would be determined on the proposed redevelopment.

#### POPA Open Space

For open space that is provided through the POPA Credit, staff recommends requiring the space to be maintained to a standard consistent with our City parks and remain publicly accessible in perpetuity through public access easement or future land dedication. In order for the space to count toward the City's park land goals of 3 acres per 1,000 residents, it must remain publicly accessible in perpetuity. Additionally, staff is considering to require the owner to enter into a long-term maintenance agreement, such that any violations to maintain the open space can be reported to the City and may result in penalties.

If a property with a POPA redevelops, staff recommends the developer be required to retain the same total area and function as the existing open space credit area, even if it is

adjusted in shape or location on-site. The redesigned open space would need to meet the requirements of the Park Land Ordinance in place at time of redevelopment and be approved by the City Council. The updated POPA open space would count towards the redevelopment project's new Park Land requirements.

#### **Topic 4: Percentage/Value of Open Space Credits**

##### *February 12, 2020 Recommendation*

At the February meeting, staff proposed offering the POPA credit at 50 percent of the value of the land for open space that is one acre or less and 75 percent of the value of the land for open space that is greater than one acre. At that meeting, there was no proposal for a Private Open Space Credit.

##### *Modifications/Additional Direction*

If the PRC and City Council recommend to include a Private Open Space Credit in the amendment, staff recommends the Private Open Space Credit be 25 percent of the value of the land. Should a developer provide private open space that meets the requirements for an alternate proposal, the space would be able to apply for the additional 25 percent credit for a possible total of 50 percent of the value of the land. Because this open space will only be available to residents and not count towards the open space goals of 3 acres per 1,000 residents for the City, staff believes the credit should be lower than credit for publicly accessible open space. This illustrates the priority for the City is to get publicly accessible land.

For the POPA credit, staff recommends increasing the percentage of credit from the proposal of 50 percent to up to 75 percent of the value of the land for open space that is one acre or less. This would subsequently allow for 100 percent of the value of the land under the Alternate Proposal section. Staff believes that a higher level of credit is warranted than 50 percent due to the benefits to the City that a POPA open space provides. When determining the level of credit that should be provided, staff weighed the benefits to the City, the benefits to the developer, and possible negatives about open space credits.

For the City, the POPA open space credit:

- Reduces impacts of new residents on the existing parks and open space in the City;
- Does not require City funding for design and construction of the open space;

- Does not require City funding for ongoing maintenance of the open space;
- Provides open space for the public that is designed based on analyses of nearby demographic and existing park elements; and
- Counts toward the open space goal of 3 acres per 1,000 residents in parks and open space planning areas.

Private open space achieves the first three benefits but does not provide open space for the public and, therefore, does not help the City achieve its open space goals. Thus, staff is recommending a lower credit for this reason.

In addition to the lowered dedication requirement and/or in-lieu fees, the open space credits provide the following benefits to developers:

- Construct the open space in conjunction with the residential development so it is available to use at occupancy of the project;
- Incorporating the open space design into the overall project design for continuity and coordination of land uses;
- One public input process for the design of the open space and development;
- Allows greater flexibility for construction of the development by being retained as private property, for which underground parking or utilities can be located below the open space (which the City prohibits underneath dedicated park land); and
- The open space can also typically be built at less cost than the City because construction activity and material sourcing is already occurring with the residential development, so there is little additional administrative overhead required.

*Question 3: Does PRC support adjusting the percentage of the value of the land per credit: 25 percent for private open space, 75 percent for POPA open space, and adding 25 percent for Alternative Proposals?*

### **FISCAL IMPACT**

The fiscal impact of the annual appraisal study is approximately \$6,000 and will be funded from the Biennial Real Estate and Legal Service CIP. The impact of setting land values also remains the same as presented in February. The proposed amendments to setting land values are intended to provide greater certainty to developers for their park

land dedication in-lieu fee amounts but could cause a nominal loss on individual fees due to the land value being set for one year. Similarly, the fiscal impact of the proposal for the POPA credit is the same as February where it could reduce the amount of park land dedication in-lieu fees received from future residential developments, but will also provide publicly accessible open space.

Depending on which option is recommended for the Private Open Space Credit, the impact to park land dedication in-lieu fees will vary. The greatest impact to in-lieu fees would come from aligning the Private Open Space Credit with the POPA Credit since the lowered minimum acreage would encourage more developments to pursue the credit. However, this would lower the fiscal barrier to residential development while providing open space of public park quality to a development's residents through the parameters in the ordinance. Keeping the Private Open Space at its current minimum acreage of one acre but lowering the percentage would have minimal impact to in-lieu fees since very few of these applications are currently received and the credit requirements would remain the same but with a lower available credit percentage. Eliminating the Private Open Space Credit and only having one open space credit for POPA open space will not change the fiscal impact from what was presented in February.

### **REQUEST FOR INPUT**

*Question 1: Does the PRC support the proposed modifications to the POPA Open Space Credit from the February 12, 2020 meeting summarized in Table 3?*

*Question 2: Which is the PRC's preferred option for the Private Open Space Credit?*

*Question 3: Does the PRC support adjusting the percentage of the value of the land per credit: 25 percent for private open space, 75 percent for POPA open space, and adding 25 percent for Alternative Proposals?*

### **SUMMARY**

On February 12, 2020, staff presented the PRC with a proposal for amending the Park Land Dedication Ordinance to provide greater certainty to residential developers and amend the credit section to expand the opportunity for open space credits while continuing to improve the 3 acres of open space per 1,000 residents goal. In the months following the meeting, staff held meetings with residential developers to further review the proposal. From the review, staff modified the original proposal in the following ways.



- Include explicit language about land value, park land requirement, and in-lieu fees in the Conditions of Approval for each development, “locking in” the requirement for the two-year duration of entitlement;
- Recommend a minimum of 0.4 acre to qualify for a POPA credit instead of dependent on the elements chosen;
- Review all credits for open spaces larger than one acre in the Alternative Proposal Section;
- Open space elements have minimum service level requirements instead of size requirements;
- Instead of a minimum number of elements, the open space must be entirely comprised of elements at the minimum service levels, with no more than 25 percent of the space being parklike quiet area; and
- Alternate Proposals are no longer limited to developments located within a Master Plan.

In addition to the recommended changes listed above, staff is seeking direction on whether to continue to provide a Private Open Space Credit and how it should be modified. The three options for the Private Open Space Credit take four factors into consideration and adjust the factors to determine the effects on open space, residential development, and in-lieu fees. Staff is also seeking direction on the level of credit that should be provided for the different open space credit options.

JRM-BR-LH-ALM-DF/4/CSD

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- Attachments:
1. Chapter 41 of Mountain View City Code (Park Land Dedication Ordinance)
  2. Item 5.2 from February 12, 2020 PRC Meeting