



MEMORANDUM

Community Services Department

DATE: December 12, 2018

TO: Parks and Recreation Commission

FROM: J.P. de la Montaigne, Community Services Director

SUBJECT: Amendment to the Park Land Dedication Ordinance

PRESENTATION

This report and presentation is to inform the Parks and Recreation Commission (PRC) of a proposed ordinance amending Chapter 41 of City Code relating to Park Land Dedication or Fees In Lieu Thereof per City Council direction provided at the October 23, 2018 City Council meeting.

BACKGROUND

At the October 23, 2018 meeting, the City Council provided direction to staff to review the Park Land Dedication Ordinance and add an “Publicly Accessible Private Open Space” amendment to the Section 41.11 “Credit” in order to give the City Council flexibility to provide credits for private open space on a case-by-case basis in North Bayshore due to its proximity to Shoreline at Mountain View and the residential development goals of that planning area. The project which led Council to this direction is a mixed-use development by the Sobrato Organization in North Bayshore at 1255 Pear Avenue. The project will replace the existing industrial buildings at the site, provide 635 market-rate apartments, and add a new 231,000 square foot office building. In addition, the City will receive a 1.4-acre piece of land adjacent to the site to build 100 to 140 affordable units. The Park Land Dedication requirement only applies to the 635 market-rate apartments.

The proposed project received approval from Council as a Gatekeeper project in 2015, which allowed a rezoning of the site to residential. Since then, the project has been reviewed by the Environmental Planning Commission (EPC), Development Review Committee (DRC), Zoning Administrator, and five times by the City Council, including the original Gatekeeper approval in 2015.

At the September 4, 2018 meeting, the City Council reviewed information on the cost of residential development in the North Bayshore, specifically in regard to this project. A key outcome from the meeting was that land and construction costs and development requirements such as park land in-lieu fees and school contributions have made residential development increasingly difficult in the North Bayshore. Because this development achieves key goals in the 2030 General Plan and North Bayshore Precise Plan, such as adding housing units to a job-rich area and concentrating growth to support transit, the City Council is seeking ways to reduce the financial burden of the City's development requirements for this project.

ANALYSIS

The current ordinance provides an opportunity for a 50 percent credit for private open space (not publicly accessible) as long as the space is at least 1.0 acre of contiguous open space and possesses four of seven elements. The proposed ordinance will add a 75 percent credit for publicly accessible private open space located in North Bayshore as long as it is 1.0 acre of contiguous open space and possesses two of four elements. While the space will remain the responsibility of the future residents, the public will have access to the space either by an easement, covenant, or other mechanism guaranteeing public access.

This amendment provides an additional option for the City Council to address future developments on a case-by-case basis in North Bayshore while maintaining the current framework to help achieve the goals set forth in the Parks and Open Space Plan. Since this private space would be maintained by future residents but publicly accessible, the City Council recommended providing a 75 percent credit instead of the 50 percent credit currently in the ordinance.

Lastly, the amendment includes language for alternative mitigation so that a developer can propose another method for providing open space that may not be provided in the ordinance but still achieve the desired open space goals for a residential development.

According to the Parks and Open Space Plan, the North Bayshore Planning Area currently has 983.1 acres per 1,000 residents, which is well above the City's standard of 3 acres per 1,000 residents.

Instead of establishing a new framework and determining the appropriate application of it across the City, the City Council just wanted an additional option for flexibility on a case-by-case basis to address the residential growth as anticipated in the North Bayshore Precise Plan. This amendment still preserves our current calculations and standards.