

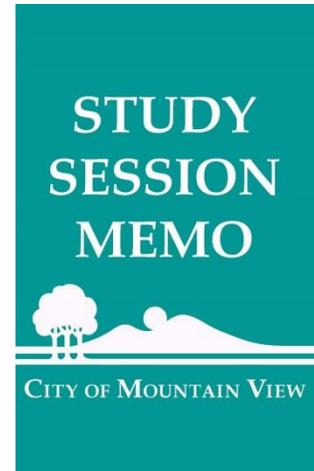
DATE: October 15, 2019

TO: Honorable Mayor and City Council

FROM: Brady Ruebusch, Senior Management Analyst
John R. Marchant, Community Services
Director

VIA: Daniel H. Rich, City Manager

TITLE: **Park Land Dedication Ordinance Review**



PURPOSE

The purpose of this Study Session is to review Chapter 41 of the City Code (“Park Land Dedication or Fees In Lieu Thereof”) and obtain City Council input on elements staff should further analyze.

BACKGROUND

In the Fiscal Year 2019-2021 Council Goals, Council included an item to review and update the Park Land Dedication Ordinance.

Currently, the Mountain View City Code requires residential developments to dedicate a certain amount of park land, and/or pay an in-lieu fee, based on the number of net-new, market-rate units (affordable units are exempt) in a proposed development. Chapter 41 sets forth the City’s processes for calculating, collecting, committing, and allocating in-lieu fees to parks and recreation projects. The Park Land Dedication Ordinance was first adopted in 1971 as part of the City’s Subdivision Ordinance pursuant to California Government Code Section 66477, known as the Quimby Act (see Attachment 1 – Chapter 41 of the City Code).

Because the City is built out and adequate land for parks is difficult to acquire, park land dedication from new development is an important tool in achieving and maintaining the City’s parks and open space goals. Alternatively, an in-lieu fee is required when: (a) park land is not dedicated as part of a residential development; (b) the proposed development is located where no park is planned or proposed in the General Plan, Precise Plan, or the Parks and Open Space Plan; (c) when dedication is impossible, impractical, or undesirable (as determined by the City’s Public Works Director, Zoning Administrator, or City Council as appropriate); or (d) the proposed residential development contains fifty (50) or fewer units or parcels. The intent of the

in-lieu fee is to offset the impacts on existing parks and open space facilities when adequate park land cannot be provided as part of a new residential development or subdivision.

Process for Expending Park In-Lieu Fees

City Council Policy K-15: Prioritization of Fees Received In Lieu of Land Dedication establishes the following prioritization for the use of park land dedication in-lieu fees:

1. Acquisition;
2. Development; and
3. Rehabilitation.

Within each priority, first consideration goes to parks, trails, and recreation projects that are located within one mile of an approved new development/subdivision generating the fee. Next, consideration goes to park or open space projects that provide a Citywide asset, which can be located anywhere in the City.

Every December, the Parks and Recreation Commission (PRC) receive a midyear update on in-lieu fees that have been received and the status of current and future park-related projects. Every spring, the PRC reviews staff's recommendation for committing park in-lieu fees to parks and recreation projects and forwards a recommendation to the City Council for consideration as part of the annual Capital Improvement Program (CIP). The City Council then approves commitment of the fees and gives authorization to transfer the funds from the Park Land Dedication Fund to the respective CIP.

Park in-lieu fees must be committed within five years of the date the City receives them per State law. The City collects the park in-lieu fee prior to building permit issuance. The PRC and Council cannot commit fees expected to be received at a future date because it may influence the Council's decision regarding a development proposal. Only Park Land Dedication funds that have been received can be committed to park and recreation-related projects.

However, through the CIP process, staff may identify unfunded projects that are anticipated to be funded by future Park Land Dedication In-Lieu fees. This allows Council and residents to be aware of upcoming capital projects and how they may factor into workload.

Previous Updates

2015 Affordable Unit Exemption and Size/Service Area Update

On October 13, 2015, Council adopted amendments to Chapter 41 to exclude affordable units as defined in Chapter 36 (Zoning) from the Park Land Dedication and In-Lieu Fee calculations. Because affordable housing is an important community need, the affordable housing units included in new residential developments shall not be included in the total number of dwelling units used to calculate the park land dedication requirement. However, these units are still used to determine the density level of the development when using the density formula. Affordable units provided pursuant to density bonus law are not included in the exemption.

The affordable housing exclusion was added to Section 41.11—Credit, which also establishes that a developer can apply for a maximum 50 percent credit to their park land dedication requirement or in-lieu fee when a historic resource is either preserved or rehabilitated as part of a development proposal.

In addition, the City Council amended the size and accompanying service area for City parks, specifically altering Table 41.3 of the City Code described later in this report.

2016 Companion Unit Modifications

On June 14, 2016, Council created a separate density formula of 0.0016 for determining the park land dedication requirement for companion units. In order to encourage the construction of companion units to diversify the City's housing supply, Council authorized a lower acreage requirement per dwelling unit for companion units. Previously, companion units had the same density formula as low density projects (0.0081 acre per unit), which was believed to be too burdensome. Since this amendment, the City has seen an increase in the number of companion units built.

2019 North Bayshore Precise Plan Update

The most recent update to the Park Land Ordinance was on April 9, 2019, when the City Council adopted an ordinance amending Chapter 41 to provide developers of net-new, market-rate residential units in the North Bayshore Precise Plan Area an opportunity to apply for a credit up to 75 percent of the value of the land towards their park land dedication requirement for providing publicly accessible private open space. Previously, the only open space credit was for private open space—whether publicly accessible or not—for a credit up to 50 percent of the value of the land.

DISCUSSION

Providing a range of housing options to meet the needs of Mountain View remains a top priority for the City Council. Precise Plans for the North Bayshore and East Whisman Areas plan for up to a combined total of 15,000 new residential units. Due to the anticipated growth in the City's housing supply, the City will continue to experience an increase in the number and size of residential developments. These new Precise Plans and high-density residential developments have raised questions regarding the effectiveness of the Park Land Dedication Ordinance at achieving the City's parks and open space goals versus creating a potential burden that limits residential development.

The following sections review individual elements of Chapter 41 of the City Code and provide options for deeper analysis of each section. Staff requests Council's input on which sections of Chapter 41 should be analyzed for possible modifications to address concerns related to residential development and park land.

Citywide Parkland Ratio: Section 41.5 – Land Requirement

Section 41.5 of the City Code establishes the requirement that at least 3 acres of property for each one thousand (1,000) persons residing within the City be devoted to public park and recreational facilities. In accordance with the Open Space Section of the Environmental Management Chapter of the Mountain View 2030 General Plan and the City's Parks and Open Space Plan, it has been determined the City currently meets and is in excess of this requirement with 13.4 acres per 1,000 residents; however, this determination is made only when Shoreline at Mountain View is included in the total inventory of parks and open space. When Shoreline at Mountain View is excluded, the park-to-population ratio is 2.6 acres per 1,000 residents. In compliance with State law, park-to-population ratio is determined using the most recent census data and park acreage across the entire City. Attachment 2 provides a map of the Parks and Open Space Plan planning areas and their current ratio for park acres per 1,000 residents. Planning Areas currently range from 0.44 acre of park land per 1,000 residents in the Rengstorff area to 6.42 acres of park land per 1,000 residents in the Miramonte area (excluding North Bayshore, which has a ratio of 983.1 acres of park land per 1,000 residents).

In addition to setting the requirement for park and recreation facilities within the City, the land requirement ratio is used to calculate the acreage requirement in the Density Formula described in the next section. According to State law, the City cannot lower the ratio below 3 acres per 1,000 residents because we are currently achieving this goal with the inclusion of Shoreline at Mountain View. The City could increase the land

requirement ratio. However, any increase in this ratio, such as 5 acres per 1,000 residents, would directly result in an increase in the acreage requirement per dwelling unit, thereby requiring more park land and higher fees for new residential development.

With the release of the 2020 U.S. Census (Census) next year, the City will have updated population data to compare the City’s current and projected park acreage. Staff anticipates starting the update of the Parks and Open Space Plan in Fiscal Year 2020-21, where this land requirement will be analyzed using the new population data from the Census.

Calculating Land Dedication Requirement Per Unit: Section 41.6 – Density Formula

The density formula establishes the ratios and assumptions used to calculate the park land dedication requirement for a new residential development. Table 41.6 prescribes how the density formula is implemented.

Table 41.6 DENSITY FORMULA			
DWELLING DENSITY	DWELLING UNITS PER ACRE	DENSITY OF PERSONS PER DWELLING UNIT	ACREAGE REQUIREMENT PER DWELLING UNIT WITH SUBDIVISION
Low	1 – 6	2.7	.0081
Medium-Low	7 – 12	2.3	.0069
Medium	13 – 25	2.0	.0060
Medium-High and High	26+	2.0	.0060
Mobile Homes	7 – 14	1.5	.0045
Companion Unit	-	-	.0016

When a residential development includes net-new, market-rate units, the above table dictates the process for determining the acreage requirement per dwelling unit, which is used to calculate the park land dedication requirement and/or in-lieu fee. If a residential development includes affordable units as part of the project, the cumulative total of units is used to calculate the density per Table 41.6, but those units are not subject to providing park land or payment of an in-lieu fee. The prescribed “persons per dwelling unit” for each density level is based on the City’s General Plan and U.S. Census data.

In reviewing Table 41.6, there are narrow gradients in the Dwelling Units per Acre with 26+ dwelling units per acre being the highest density category. When the Park Land Dedication Ordinance was first adopted in 1971, these density categories reflected the types of residential developments occurring at that time. However, many of the recent residential developments proposed are at higher densities with 50 to 100 units per acre and include on-site amenities.

Calculating Dedication and/or In-Lieu Fee Requirement: Section 41.9 – Calculation of Requirement

Using the density formula described above, Section 41.9 of City Code provides the methodology for calculating the park land requirement for developments with net-new, market-rate units using the following formula:

Land Dedication Calculation

$$A \times B = L$$

Where:

A = the park land dedication acreage required per dwelling unit calculated using the density formula described above.

B = the number of net-new, market-rate dwelling units in the proposed residential development.

L = the land required for dedication.

In-Lieu Fee Calculation

If an in-lieu fee is to be paid instead of dedicating land, the following formula for calculating the fee is governed by State law (the Quimby Act) and is as follows:

$$A \times B \times C = F$$

Where:

A and B = the same variables as described above.

C = the fair market value per acre of land in the proposed residential development.

F = the in-lieu fee required.

The fair market value per acre of land is calculated separately for each development by the City’s Real Property Program Administrator.

Example Projects Calculations

Example 1: 100-unit Residential Project

For example, a residential development proposes 100 net-new, market-rate units on a 5-acre project site. This equates to a density of 20 units per acre, which falls within the Medium dwelling density in Table 41.6. Medium dwelling density estimates an average of two persons per dwelling unit. Using an average of two persons per dwelling unit, the calculation for the park land acreage requirement for each dwelling unit is (2 persons x 3 acres)/1,000 residents, which equals .0060 acre/unit. Therefore, a developer must provide .0060 acre of park land for each net-new, market-rate unit at the density level expected for the development, or 0.60 acre of land (.0060 acre/unit x 100 new units) for the development. This is 12 percent of the five acres in this example.

To calculate the in-lieu fee in this example, the same density formula would be used multiplied by the number of net-new, market-rate units multiplied by the fair market value of the land. Assuming the fair market land value is \$8 million per acre, the calculation would be .0060 acre/unit x 100 new units x \$8 million land value for an in-lieu fee of \$4.8 million, or \$48,000 per unit.

High-density residential developments and general real estate trends, particularly along major thoroughfares and in the North Bayshore Area, have caused a dramatic increase in per-acre land values with high-density residential land selling for more than \$12 million per acre. This has had a dramatic effect on park in-lieu fees. For comparison, the park in-lieu fee for the 100-unit example project would be:

Land Value Comparison of Example Project Calculation

Time Frame	Land Value	In-Lieu Fee Calculation	Total In-Lieu Fee/ Per-Unit Fee
Prior Years	\$8 million per acre	.0060 acre x 100 units x \$8 million	\$4.8 million/ \$48,000 per unit
Current	\$12 million per acre	.0060 acre x 100 units x \$12 million	\$7.2 million/ \$72,000 per unit

In this example, if the in-lieu fee was provided at the estimated land cost of \$12 million per acre, the city would receive a \$7.2 million in-lieu fee. Because the cost of land is estimated at \$12 million per acre for this area, the City would be able to purchase

0.6 acre to provide park land within one mile of the 100-unit development to provide parks and open space to the estimated 200 residents (two persons per unit x 100 units).

Example 2: 500-unit Residential Project

For another example, a residential development proposes 500 net-new, market units on a 5-acre project site. Using the same assumptions of the previous example, this development has a density of 100 units per acre, which is comparable to larger housing developments currently being proposed and built in Mountain View. At 100 units per acre, this development falls within the Medium-High and High dwelling density in Table 41.6. High dwelling density estimates an average of two persons per dwelling unit, which equates to a total of 1,000 new residents for the development. High dwelling density has an acreage requirement per dwelling unit of .0060 acre/unit. Therefore, this higher density development would be required to provide 3 acres for the estimated 1,000 new residents, which is 60 percent of the 5-acre project site.

At a cost of \$12 million per acre, the total in-lieu fee, assuming that the development did not provide any park land, would be \$36 million (\$12 million x 3 acres). If the development was able to dedicate 0.5 acre for park land, the park land deficiency would be 2.5 acres or an in-lieu fee of \$30 million (\$12 million x 2.5 acres). Because the cost of land is estimated at \$12 million per acre, the City would be able to purchase 2.5 acres with the \$30 million in-lieu fee to provide a park within one mile of the development.

Comparison of Calculation Adjustments

Attachment 3 provides a preliminary comparison of three calculation adjustments for park land requirements using recent developments that were required to dedicate park land, provide an in-lieu fee, or a combination of both. All calculations assume a land requirement of 3 acres per 1,000 residents, but change the assumptions for the number of new residents by utilizing different methodologies for calculating the density. The Current Ordinance column shows the land and/or in-lieu fee that was actually provided based on the current density formula from Table 41.6 in Chapter 41. This provides a baseline for comparing the other calculations.

All of the developments in Attachment 3 fall within the medium-high and high density category, which assumes 2.0 persons per dwelling. The Lower Density Ratio column follows the same methodology as the Current Ordinance, but assumes 1.5 persons per dwelling unit for the developments – reflecting fewer residents per unit for studio, one-, and two-bedroom unit mixes seen in recent developments. With an assumption of 1.5 persons per dwelling unit, the park land requirement and/or in-lieu fee is lowered. Staff could explore a different Density of Persons per Dwelling Unit for the existing

density levels in Table 41.6. Staff could also explore separating medium-high and high density developments in Table 41.6 or adding a very-high density level that would utilize a different Density of Persons per Dwelling Unit, such as 1.5 persons instead of 2.0 persons. By adding or splitting up the existing category to establish a separate very-high density category may better reflect the persons per unit mix seen in higher density developments that differs from lower density development.

The Residents/Bedroom column provides another methodology for calculating the density and number of net-new residents. Instead of utilizing a Density of Persons per Dwelling Unit, it assumes a Density of Persons per Bedroom multiplied by the number of bedrooms provided by each development. In Attachment 3, the Residents/Bedroom column assumes one person per bedroom. This assumption is then multiplied by the total bedrooms to determine the net-new residents. For instance, the 277 Fairchild Development (a 26-unit rowhome project) provided 90 net-new, market-rate bedrooms. Assuming one person per bedroom, 277 Fairchild has 90 new residents who need park land at a ratio of 3 acres per 1,000 residents. Applying that ratio to the 90 residents, 277 Fairchild needs to provide 0.27 acre of park land or an in-lieu fee of \$999,000. This methodology may allow a finer grain application of the park land requirements by utilizing bedroom counts, instead of per unit. It would place greater park land requirements on developments with higher bedroom counts per unit as opposed to an average person per unit applied in all developments under the current requirements.

If Council is interested in staff analyzing this methodology further, staff would need to explore the best practices for calculating density based on bedrooms, as none of the neighboring cities utilize a person per bedroom methodology. Attachment 4 provides a comparison of how other neighboring cities calculate their park land dedication and in-lieu fee requirements.

After this preliminary review and based on recent trends of higher-density development and the general real estate market, City staff could explore modifications to the density formula and/or park land dedication/in-lieu fee calculations, including:

- a. Review the Dwelling Density, Dwelling Units Per Acre, and/or Density of Persons per Dwelling Unit in the density formula to determine if these variables are realistic and consistent with best practices;

- b. Review adding a Dwelling Density for very high-density development that may average less than 2 persons per dwelling unit to reflect larger residential developments; or
- c. Review modifying the density calculation to be based on bedrooms instead of dwelling units.

Council Question No. 1: Does the City Council want staff to further explore modifications to the calculations for the Density Formula or Park Land Dedication and/or In-Lieu Fees?

Thresholds for Park Service Areas/Size: Section 41.3 – Park Type, Service Area, and Size

In 2015, the City Council amended the size and service area for City parks outlined in Chapter 41, which is reflected in Table 41.3 of the City Code as shown below.

Table 41.3 PARK AND SERVICE AREA AND SIZE				
PARK TYPE	SERVICE AREA		DESIRABLE AREA	
	Prior to 2015	Current	Prior to 2015	Current
Mini-Park	1/2 mile	1 mile	Up to 3 acres	Up to 1 acre
Neighborhood Park	1 mile	1 mile	3 to 15 acres	1 to 5 acres
Community Park and/or Recreational Facility	Entire City	Entire City	>15 acres	>5 acres
Stevens Creek Trail	Entire City	Entire City	N/A	N/A

According to State Law and Chapter 41, Park Land Dedication In-Lieu fees are to be used only for the purpose of providing park or recreational facilities to serve the subdivision or development from which fees are collected. Therefore, the park’s “service area” establishes the radius of persons served by the park site and determines the basis by which park in-lieu fees are eligible to fund a project for the acquisition, development, or rehabilitation of a park or recreation site. If a park up to one acre is located within one mile of a new residential development, then the Park Land Dedication In-Lieu fee from that development can be used towards the acquisition, development, or rehabilitation of that park or recreation project because the future residents will be served by the project being located within one mile of it.

Given the limited availability of suitable land and the desire to develop new parks, Council modified the sizes and service areas in 2015 to provide greater flexibility in application of in-lieu fees. The justification is that smaller parks are serving broader areas due to increased population and limited park resources.

If Council believes that the application of the Park Land Dedication In-Lieu fees is too restrictive, staff could explore modifying the size and service area for each park type.

Council Question No. 2: Does City Council want staff to explore modifying the service area and size thresholds of the City's park types to be less restrictive?

Considering Open Space Credits: Section 41.11 – Credit

Section 41.11 outlines guidelines for two types of credits: (1) Private Open Space (Citywide); and (2) North Bayshore Precise Plan Area Publicly Accessible Private Open Space. An applicant can only apply for one open space credit per project. The Private Open Space credit requires an applicant to provide one contiguous acre of land and contain four of the following seven elements:

1. Turfed play field: The play field shall be a single unit of land which is generally level and free of physical barriers which would inhibit group play activities;
2. Children's play apparatus area;
3. Landscaped, park-like quiet area;
4. Family picnic area;
5. Game court area;
6. Swimming pool; and
7. Recreation center buildings and grounds.

As long as the designated space meets the criteria, the applicant is eligible for a maximum credit of up to 50 percent of the value of the land, which must be approved by the City Council. The Private Open Space credit does not have any geographical restrictions, so any development in the City subject to park land requirements can apply for this credit. In the past five years, only one project has applied and been approved

for the 50 percent private open space credit (777 West Middlefield Road). There are a number of projects currently exploring this option with Planning staff.

North Bayshore Credit

The most recent update to the Park Land Ordinance in April 2019 provided applicants of new residential developments in the North Bayshore Precise Plan an option to apply for a credit towards their park land dedication requirement for providing publicly accessible private open space. The credit for the publicly accessible private open space can be up to a maximum of 75 percent of the value of the land, which must be approved by the City Council. The space needs to be a minimum of one acre of contiguous land and contain at least three of the following five elements:

1. Turf play field: The playing field shall be a single unit of land which is generally level and free of physical barriers which would inhibit group play activities;
2. Landscaped, park-like quiet area;
3. Family picnic area;
4. Game court area; and
5. Children's playground or play structure.

The shape and location of the open space must be conducive for public use, comply with the City's guidelines for restroom buildings, include signage regarding available public access, and be publicly accessible during City park hours (sunrise to one-half hour after sunset).

As part of the North Bayshore Precise Plan Publicly Accessible Private Open Space credit, Council included a section for Alternate Proposals. This allows developers of residential and mixed-use residential developments within the North Bayshore Precise Plan to submit a request for a credit for providing publicly accessible private open space and elements other than those listed in Chapter 41. At the sole discretion of the City Council, the request may be granted if it is found that the alternative will further the goal of providing publicly accessible private open space in the North Bayshore Precise Plan area.

If Council is interested in exploring the application of park land dedication credits, the following are modifications that staff could analyze:

- a. Requiring all private open space to be publicly accessible private open space;
- b. Expanding the maximum 75 percent credit for publicly accessible private open space to be eligible Citywide (not just the North Bayshore Precise Plan);
- c. Changing the 50 percent/75 percent of the value of the land thresholds;
- d. Changing the types of elements to be included in the open space that qualify for a credit;
- e. Changing the one contiguous acre requirement or the size and specifications of the different elements that must be included in the open space credits; or
- f. Allowing the Alternate Proposals section of Chapter 41 to expand to alternate proposals for the Private Open Space credit throughout the City instead of just in the North Bayshore Precise Plan area.

Council Question No. 3: Does City Council want staff to explore modifying the credit section of Chapter 41?

Timing of Chapter 41 Modifications

As previously stated, an update to the Parks and Open Space Plan is anticipated to begin in Fiscal Year 2020-21 based on new population data from the upcoming 2020 U.S. Census. This update process will analyze the City's current and projected park acreage, as well as confirm whether set goals and policies identified in the Plan are being achieved. As part of the update, staff could include the review of modifications to Chapter 41 heard by Council tonight. It is important to note that the Plan Update is tied to the release of Census data. If Council is interested in staff beginning analysis prior to the Plan Update, it would be without the benefit of new population data.

Council Question No. 4: Does City Council want staff to begin analysis on potential modifications to Chapter 41 now or wait until the Parks and Open Space Plan Update in Fiscal Year 2020-21?

Council Question No. 5: Does City Council have any other comments or direction regarding the review of the Park Land Dedication Ordinance?

RECOMMENDATION

Staff recommends the City Council provide direction to City staff on whether further analysis should be conducted regarding the issues noted in this report.

NEXT STEPS

For the items indicated by Council, staff will further review what surrounding cities are doing, determine fiscal impacts, and ensure any recommended changes are compliant with State law. This item is tentatively scheduled to come back to Council in December of this year. However, depending on the answers to the questions and the amount of analysis required, more time is likely going to be needed.

PUBLIC NOTICING

The Council's agenda is advertised on Channel 26, the agenda and this report appear on the City's Internet website and were posted in accordance with the Brown Act. A link to the report was also provide to the PRC.

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- Attachments:
1. Chapter 41 of City Code
 2. Parks and Open Space Planning Area Map and Assessment
 3. Park Land Dedication and In-Lieu Fee Calculation Comparison
 4. Comparison of Neighboring Jurisdictions

CHAPTER 41 - PARK LAND DEDICATION OR FEES IN LIEU THEREOF

Sections:

SEC. 41.1. - Findings and purpose.

The city council hereby finds that development of residential subdivisions as well as single-family dwellings, duplex dwellings, multiple dwellings, apartments, mobile homes, townhouses, companion units and other dwelling units have a significant effect on the use and availability of park and recreation space and facilities, and that the limited open space and recreation amenities provided by these residential developments are insufficient to meet the needs of the residents for open space and recreational facilities. The intent of this chapter is to require that such developments contribute their fair share toward the purchase, development and/or improvement of park and recreational facilities. The provisions of this chapter are enacted pursuant to the Charter, the open space section of the environmental management chapter of the general plan and the park and open space plan of the city as well as Sections 66477 and 66479 of the Government Code of the State of California, as may be applicable.

(Ord. No. 4.97, 3/25/97; Ord. No. 7.15, § 1, 10/13/15)

SEC. 41.2. - Definitions.

As used in this chapter:

"Affordable housing" for purposes of this chapter shall mean housing which costs a very low-, low- or moderate-income household no more than approximately thirty (30) percent of its gross monthly income as defined in Section 36.40.05 of Chapter 36, Article XIV of the City Code.

"Community park" shall include, but is not limited to, shoreline at Mountain View Regional Recreation and Wildlife Area.

"Land dedication," "dedicate land," or "land to be dedicated" and other such references to land dedicated pursuant to this chapter shall mean, for purposes of this chapter, land dedicated to the city in fee simple ownership.

"Subdivider" shall mean a person, firm, corporation, partnership, or association who proposes to divide, divides, or causes to be divided real property into a subdivision.

"Subdivision" shall mean the same as defined in Section 66424 of the California Government Code.

"Subdivision map" shall mean any map filed pursuant to any proceedings for subdivision as defined in Chapter 28 and this chapter.

(Ord. No. 4.97, 3/25/97; Ord. No. 7.15, § 1, 10/13/15)

SEC. 41.3. - Requirements for single-lot development projects.

As a condition of approval to construct any new single-family dwelling, duplex dwelling, multiple dwelling, apartment building, mobile home, townhouse, companion unit and other dwelling unit other than a subdivision (hereinafter referred to as "residential development" in this chapter), the owner and/or developer shall dedicate land, pay a fee or both at the option of the city, for park or recreational purposes. The terms "single-family dwelling, duplex dwelling, apartment, mobile home, townhouse, companion unit and other dwelling unit" shall be as defined in Chapter 36 of this Code. Said land dedication or fee payment, or both if required, shall be a condition precedent to the issuance of any required building, electrical, plumbing or mechanical permit for new residential development, except as otherwise provided in Government Code Section 66007(a) and (b), and in the event of deferred fee payment, the owner and/or developer shall enter into a recordable agreement pursuant to Government Code Section 66007(c) and subject to the approval of the city.

- a. **Dedications of sites.** Where a park or recreational facility has been designated in the open space section of the environmental management chapter of the general plan, a precise plan or the park and open space plan of the city, and the park or facility is to be located in whole or in part within a proposed residential development, to serve immediate and future needs of residents of the residential development, the owner and/or developer may be required to dedicate land for park and recreational facilities sufficient in size to serve the residents of the residential development. The park land to be dedicated shall conform to locations and standards set forth in the general plan, a precise plan, if applicable, and the park and open space plan of the city. The slope, topography and geology of the site, as well as its surroundings, must be suitable for the intended park or recreation purpose. The amount of land to be provided shall be determined pursuant to the standards set forth in Section 41.5 through 41.9 of this chapter establishing the formula for land dedication or for payment of fees in lieu thereof. Any land offered for dedication to the city that creates new parcels or alters existing property lines shall comply with the subdivision regulations required in Chapter 28 of this code.
- b. If park land is dedicated in accordance with this section, the development standards for a project, as set forth in Chapter 36 of the City Code or an adopted precise plan, shall be calculated to include the dedicated park land.
- c. **Fees in lieu of land dedication.** If there is no public park or recreational facility designated or required in whole or in part within the proposed residential development, which meets the requirements set forth herein, the owner and/or developer shall be required to pay a fee in lieu of land dedication equal to the value of the land as determined by Section 41.5 through 41.9 of this chapter.

A fee in lieu of land dedication hereunder shall be required when:

1. An applicant is developing land on which no park is shown or proposed in the general plan, a precise plan or the park and open space plan; or
 2. Dedication is impossible, impractical or undesirable as determined by the public works director, zoning administrator or city council as appropriate; or
 3. The proposed residential development contains fifty (50) or fewer units.
- d. **Dedication and fees required.** In certain residential developments in excess of fifty (50) units, a combination of land dedication and fee payments may be required. These shall be residential developments in which:
 1. Only a portion of the land to be developed is proposed in the general plan, a precise plan or park and open space plan as the location for a park or recreational facility, in which case that land, or a portion thereof within the residential development, shall be dedicated for park purposes, and a fee shall then be required in lieu of any additional land that would have been required to be dedicated under this chapter; or
 2. A major part of the park or recreation site falling within the residential development has already been required, and only a small portion of the land is needed from the applicant to complete the park or recreation site, in which case, the land needed shall be required for dedication, and a fee shall then be required in lieu of the additional land that would have been required to be dedicated under this chapter.
 - e. **Use of and basis for in-lieu fees.** The fees collected pursuant to this chapter are to be used only for the purpose of providing park or recreational facilities to serve the residential development from which fees are collected in accordance with the service area requirements as shown in Table 41.3 of this chapter. Fees so collected shall be used to purchase land, buy equipment, construct improvements or rehabilitate a proposed or existing mini-park, neighborhood park, community park, recreational facility, Stevens Creek Trail, community gardening facility or combination thereof serving said residential development. The fee so required shall be based on the fair market value of the land that otherwise would have been required for dedication.

Table 41.3 PARK SERVICE AREA AND SIZE		
PARK TYPE	SERVICE AREA	DESIRABLE SIZE
Mini-Park	1 mile	Up to 1 acre
Neighborhood Park	1 mile	1 to 5 acres
Community Park and/or Recreational Facility	Entire city	>5 acres
Stevens Creek Trail	Entire city	N/A

(Ord. No. 4.97, 3/25/97; Ord. No. 7.15, § 1, 10/13/15)

SEC. 41.4. - Requirements for residential subdivisions.

As a condition of approval of any final subdivision map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the city, for park or recreational purposes according to the following standards:

- a. **Dedication of sites.** Where a park or recreational facility has been designated in the parks and recreation section of the open space section of the environmental management chapter of the general plan, a precise plan or the park and open space plan of the city, and the park or facility is to be located in whole or in part within the proposed subdivision, to serve the immediate and future needs of the residents of the subdivision, the subdivider shall be required to dedicate land for park and recreational facilities sufficient in size to serve the residents of the subdivision area. The park land to be so dedicated shall conform to locations and standards set forth in the general plan, a precise plan, if applicable, and the park and open space plan of the city. The slope, topography and geology of the site, as well as its surroundings, must be suitable for the intended park or recreation purpose. The amount of land to be provided shall be determined pursuant to the standards set forth in Sections 41.5 through 41.9 of this chapter establishing the formula for land dedication or for payment of fees in lieu thereof.

If park land is dedicated in accordance with this section, the development standards for a project, as set forth in Chapter 36 of the City Code or an adopted precise plan, shall be calculated to include the dedicated park land.

- b. **Fees in lieu of land dedication.** If there is no park or recreational facility designated or required in whole or in part within a proposed subdivision which meets the requirements set forth herein, the subdivider shall be required to pay a fee in lieu of land dedication equal to the value of the land as determined by Sections 41.5 through 41.9 of this chapter.

A fee in lieu of land dedication hereunder shall be required when:

- 1. A subdivider is subdividing land on which no park is shown or proposed in the general plan, a precise plan or the park and open space plan; or

2. When dedication is impossible, impractical or undesirable as determined by the subdivision committee or city council as appropriate; or
 3. When the proposed subdivision contains fifty (50) parcels of land or less.
- c. **Dedication and fees required.** In certain subdivisions in excess of fifty (50) parcels of land, a combination of land dedication and fee payment may be required. These shall be subdivisions in which:
1. Only a portion of the land to be subdivided is proposed in the general plan, a precise plan, or the park and open space plan as the location for a park or recreational facility, in which case that land, or a portion thereof within the subdivision, shall be dedicated for park purposes, and a fee shall then be required in lieu of any additional land that would have been required to be dedicated under this chapter; or
 2. A major part of the park or recreation site falling within the subdivision has already been acquired, and only a small portion of land is needed from the subdivider to complete the park or recreation site, in which case the land needed shall be required for dedication, and a fee shall then be required in lieu of the additional land that would have been required to be dedicated under this chapter.
- d. **Use of and basis for in-lieu fees.** The fees collected pursuant to this chapter are to be used only for the purpose of providing park or recreational facilities to serve the subdivision from which fees are collected in accordance with the service area requirements as shown in Table 41.3. Fees so collected shall be used to purchase land, buy equipment, construct improvements or rehabilitate a proposed or existing mini-park, community park, neighborhood park, recreational facility, Stevens Creek Trail, community gardening facility or combination thereof serving said subdivision. The fee so required shall be based on the fair market value of the land that otherwise would have been required for dedication.

(Ord. No. 4.97, 3/25/97; Ord. No. 7.15, § 1, 10/13/15)

SEC. 41.5. - Land requirement.

In accordance with the open space section of the environmental management chapter of the Mountain View general plan, it is hereby found and determined that the city currently provides park and recreational facilities to its residents at a ratio in excess of the three (3) acres per thousand standard set forth in state law. The public interest, convenience, health, welfare and safety require that three (3) acres of property for each one thousand (1,000) persons residing within the city be devoted to public park and recreational facilities.

(Ord. No. 4.97, 3/25/97; Ord. No. 7.15, § 1, 10/13/15)

SEC. 41.6. - Density formula.

In calculating dedication and in-lieu fee requirements under this chapter, the following table, derived from the density assumptions of the general plan, shall apply:

Table 41.6 DENSITY FORMULA			
DWELLING DENSITY	DWELLING UNITS PER ACRE	DENSITY OF PERSONS PER DWELLING UNIT	ACREAGE REQUIREMENT PER DWELLING UNIT WITHIN

			SUBDIVISION
Low	1—6	2.7	.0081
Medium-Low	7—12	2.3	.0069
Medium	13—25	2.0	.0060
Medium-High and High	26+	2.0	.0060
Mobile Homes	7—14	1.5	.0045
Companion Unit	-	-	.0016

(Ord. No. 4.97, 3/25/97; Ord. No. 7.15, § 1, 10/13/15; Ord. No. 10.16, § 1, 6/14/16.)

SEC. 41.7. - Procedure.

The public works director, zoning administrator, subdivision committee or city council, as appropriate, shall, upon approving a residential development or subdivision map, determine the conditions necessary to comply with the requirements for park land dedication or fees in lieu thereof as set forth in this chapter, and said conditions shall be attached as conditions of approval. The establishment of said conditions for projects other than a subdivision map shall comply with Government Code Section 66001.

(Ord. No. 4.97, 3/25/97; Ord. No. 7.15, § 1, 10/13/15)

SEC. 41.8. - Calculation of fair market value.

At the time of submission of a completed application for a building permit or the filing of a final subdivision map for approval, whichever applies, the city shall, in those cases where a fee in lieu of dedication is required either in whole or in part, determine the fair market value of the land in the proposed residential development, and this determination shall be used in calculating the fee to be paid. If the developer objects to the fair market value, the city, at developer's expense, shall obtain an appraisal of the property by a qualified independent real estate appraiser, agreed to by the city and the developer, and the value established by said appraiser using standard recognized appraisal techniques to establish fair market value will be accepted as the fair market value of the land in the proposed development. Alternatively, the city and the developer may agree as to the fair market value.

(Ord. No. 4.97, 3/25/97; Ord. No. 7.15, § 1, 10/13/15)

SEC. 41.9. - Calculation of requirement.

For the purpose of the formula established by this section, the following definition shall apply:

"A" equals the park land dedication acreage required per dwelling unit within the proposed residential development for park and recreational facilities as set forth herein and in Section 41.6 of this chapter.

"B" equals the number of new dwelling units in the proposed residential development.

"C" equals the fair market value per acre of land in the proposed residential development.

"F" equals the in-lieu fee required.

"L" equals the land required for dedication.

The following formula shall be used in calculating the land required for the dedication under this chapter:

$$A \times B = L$$

The following formula shall be used in calculating the in-lieu fees required to be paid under this chapter:

$$A \times B \times C = F$$

(Ord. No. 4.97, 3/25/97; Ord. No. 7.15, § 1, 10/13/15)

SEC. 41.10. - Commencement of development.

Any fees collected for these purposes shall be committed within five (5) years after payment of such fees or issuance of building permits on one-half of the units of the residential development, whichever occurs later. The requirements of this section as they relate to fees collected from developments other than subdivisions shall be consistent with Government Code Section 66001.

(Ord. No. 4.97, 3/25/97; Ord. No. 7.15, § 1, 10/13/15)

SEC. 41.11. - Credit.

a. **Private open space.** Where private open space is provided in a proposed residential development, a maximum credit of fifty (50) percent of the value of the land devoted to private open space that is eligible for credit may be given against the requirement of land dedication or fees in lieu thereof required by this chapter, if the following standards are met and it is in the public interest to do so.

1. **Standards.**

- (a) Yards, court areas, setbacks, decorative landscape areas required with residential site design and other open areas required to be maintained by a precise plan, zoning and building ordinances and regulations shall not be included in the computation of such private open space.
- (b) The private open space shall be devoted to active recreational uses, as defined below, and shall be wholly or partially owned and maintained by the future residents of the development. The private ownership and maintenance of the open space shall be restricted for said use by recorded written agreement, conveyance or restrictions subject to the review and approval of the city attorney.
- (c) The space shall be reasonably adapted for use for recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location, and the developer must propose and agree to design and construct the necessary recreational and park facilities and improvements associated with each element of the private open space set forth below; said facilities and improvements shall be constructed prior to the issuance of an occupancy certificate for the units that are receiving the credit.

- (d) Facilities proposed for the open space shall be in substantial compliance with the provisions of the open space section of the environmental chapter of the general plan.
- (e) The open space must contain at least four (4) of the following seven (7) elements:
 - (i) **Turfed play field.** The play field shall be a single unit of land which is generally level and free of physical barriers which would inhibit group play activities;
 - (ii) Children's play apparatus area;
 - (iii) Landscaped, park-like quiet area;
 - (iv) Family picnic area;
 - (v) Game court area;
 - (vi) Swimming pool;
 - (vii) Recreation center buildings and grounds.

The combined minimum acreage for a facility is one (1.0) acre and shall be a single, contiguous unit of land.

- (f) The shape and location of the open space shall provide the greatest utility possible to the greatest number of residents of the development for which credit is sought. If limited access recreation areas are proposed, their credit value can only be applied against the park fee obligation generated by those residents with access to the said recreation area.
- (g) Irregularly shaped pieces of property of less than optimum utility or burdened by topographic considerations that render them unsuitable for active recreational uses shall not be eligible for credit.

b. **North Bayshore Precise Plan Area and publicly accessible private open space.** Where publicly accessible private open space is provided in a proposed residential or mixed-use residential development within the North Bayshore Precise Plan Area, a maximum credit of seventy-five (75) percent of the value of the land devoted to publicly accessible private open space that is eligible for credit may be given against the requirement of land dedication or fees in lieu thereof required by this chapter, if the following standards are met and it is in the public interest to do so.

1. **Standards.**

- (a) The publicly accessible private open space shall be devoted to active and passive recreational uses, as defined below, and shall be wholly or partially owned and maintained by the owner (in the case of a rental development) or homeowner association (in the case of an ownership development) of the development.
- (b) The right of the public to access and utilize the open space shall be recorded against the property either by an easement, covenant or restrictions subject to the review and approval of the city attorney, and such right shall run with the land in perpetuity.
- (c) Improvements associated with any of the elements of the publicly accessible private open space set forth above shall be constructed prior to the issuance of a certificate of occupancy for the units that are receiving the credit and shall be in substantial compliance with the provisions of the parks, open space and community facilities chapter of the general plan.
- (d) The publicly accessible open space must contain at least three (3) of the following five (5) elements:
 - (i) **Turfed play field.** The play field shall be a single unit of land which is generally level and free of physical barriers which would inhibit group play activities;
 - (ii) Landscaped, park-like quiet area;
 - (iii) Family picnic area;

- (iv) Game court area; and
 - (v) Children's playground or play structure.
 - (e) The size of the publicly accessible open space shall be a minimum of one (1) acre and shall be a single, contiguous unit of land.
 - (f) The shape and location of the open space for which credit is sought shall provide the greatest utility and accessibility possible to the greatest number of residents of the development and the public.
 - (g) Irregularly shaped pieces of property of less than optimum utility, accessibility or burdened by topographic considerations that render them unsuitable for active recreational uses shall not be eligible for credit.
 - (h) The publicly accessible open space complies with the city's guidelines for restroom buildings in city parks.
 - (i) The publicly accessible open space includes signage that is visible from the public right-of-way and is approved by the community services department.
 - (j) The open space shall be publicly accessible during the city's park hours.
 - (k) The local school strategy will be a factor considered when determining any credit.
2. **Alternate proposals.** As an alternative to the publicly accessible private open space credit standards listed in subsection b.1., developers of residential and mixed-use residential developments within the North Bayshore Precise Plan Area may submit a request for a credit for providing publicly accessible open space and elements other than those listed in subsection b.1. Such requests may be granted at the sole discretion of the city council, if the city council makes a finding that such alternative will further the goal of providing publicly accessible private open space in the North Bayshore Precise Plan Area and the request provides benefits equal to or greater than the criteria in subsection b.1.
- c. **Historic resource.** Where a historic resource is preserved or rehabilitated as part of a residential development, a credit may be given against the requirement of land dedication or fees in lieu due on the residential development, required by this chapter, up to a maximum of fifty (50) percent of the value of the land dedication or fees in lieu thereof required by this chapter. This section may also apply to the relocation of an historic resource provided it is preserved or rehabilitated in conjunction with the relocation. The developer, as part of the application for a credit, shall file an application for a historic preservation permit pursuant to Sec. 36.54.45 et seq. Credit may be awarded pursuant to subsection d. of this section when it is in the public interest to do so.
- d. **Affordable housing.** Because affordable housing is an important community need, the affordable housing units included in new development projects shall not be included in the total number of dwelling units used to calculate the park land dedication requirement set forth in Sec. 41.5 through 41.9. This exemption shall not include affordable housing units provided pursuant to density bonus law (under state law and as set forth in Chapter 36, Article IV, Division 11 of the City Code).
- e. **Process.**
1. To request a credit pursuant to this section, the developer shall submit a written request specifying the credit being sought, in conjunction with the development or building permit applications submitted.
 2. The credit may be awarded when the public works director, community development director, community services director, subdivision committee or city council, as appropriate to the application, makes written findings that the applicable requirements are met. A credit for publicly accessible private open space may only be granted by the city council.
 3. The timing for the credit determination depends on the type of permits and entitlements sought. Upon their request, the developer(s) will be advised as part of the application process as to when the determination will be made.

4. Only one (1) open space credit may be awarded for a project; either private open space or publicly accessible private open space.

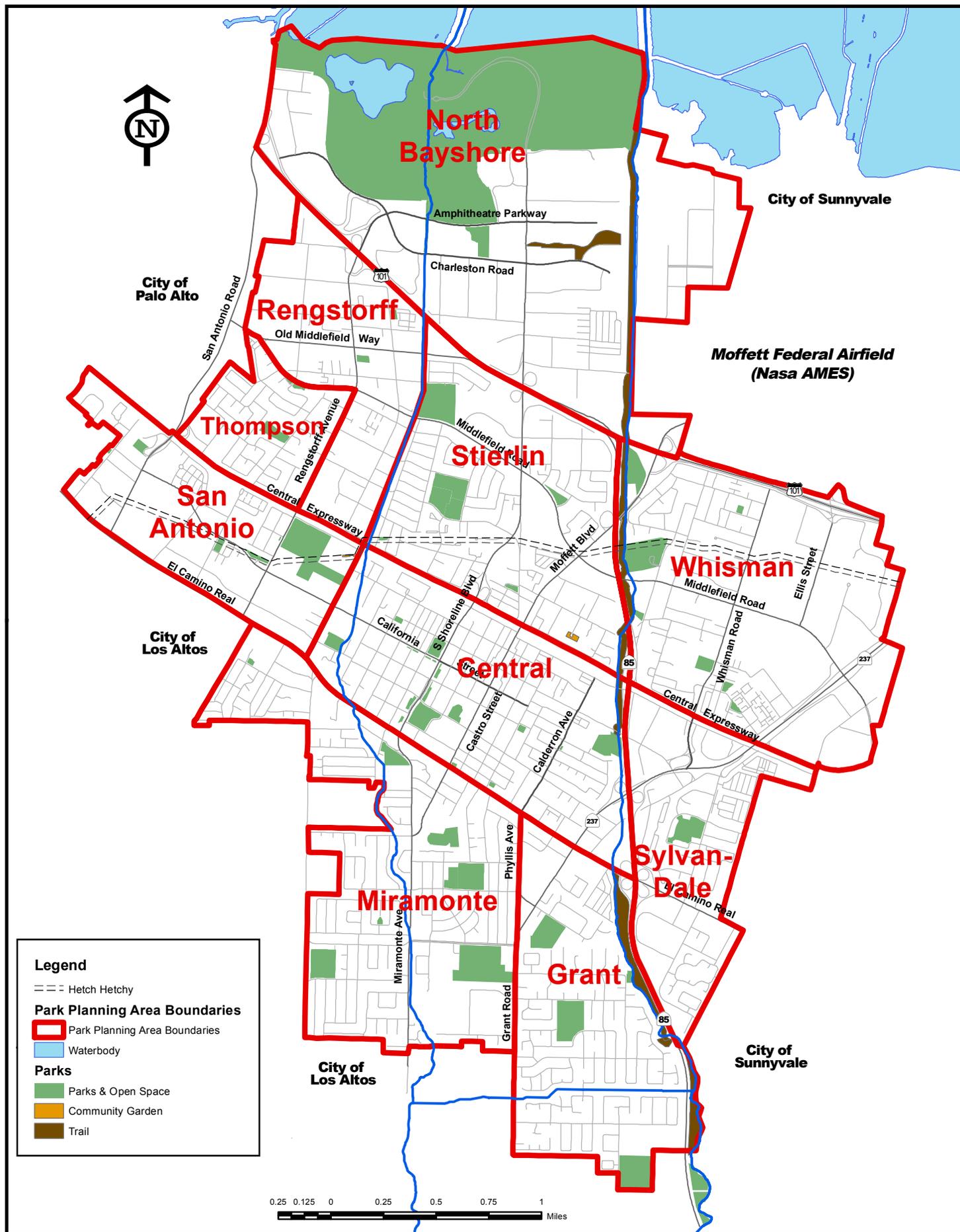
(Ord. No. 4.97, 3/25/97; Ord. No. 4.07, 6/12/07; Ord. No. 2.12, § 3, 2/14/12; Ord. No. 7.15, § 1, 10/13/15; Ord. No. 2.19, § 1, 4/9/19.)

SEC. 41.12. - Exclusions.

- a. The requirements established in Section 41.3 relating to single-lot development projects shall not apply to the subdivision of land as defined by the Subdivision Map Act of the State of California; nor shall they be construed to limit the city's power to require fees or land dedication for park or recreation purposes as a condition of approval of a tentative map or preliminary parcel map pursuant to the Subdivision Map Act of the State of California or Chapter 28 of this Code; nor shall they apply to the repair of damages caused by natural disasters such as earthquakes, floods or fires as determined by the city; nor shall they apply to the construction of any nonresidential buildings or structures; nor shall they apply to any unit for which the park and recreation fee has been paid based on the fee density formula established on July 28, 1971; nor shall they apply to an existing building that is altered or expanded where no additional residential units are created and where the use is not changed; nor shall they apply to the first single-family dwelling unit in a single-family residential district (R1) as defined in Chapter 36 of the Mountain View City Code; nor shall they apply to single room occupancy (SRO) living unit facilities as defined in Chapter 36 of the Mountain View City Code.
- b. The requirements established in Section 41.4 relating to subdivisions shall not apply to commercial or industrial subdivisions, nor do they apply to nonresidential condominium units, nor do they apply to projects or stock cooperatives which consist of the subdivision of air space in an existing apartment building which is more than five (5) years old when no new dwelling units are added, nor do they apply to parcel maps for a subdivision containing less than five (5) parcels and not used for residential purposes; nor do they apply to a maximum of two (2) dwelling units that exist on a property if, at the time the subdivision is approved, the existing units are to remain on the property, nor do they apply to any units for which the park and recreation fee had been paid based on the density formula established on July 28, 1971.

(Ord. No. 4.97, 3/25/97; Ord. No. 7.15, § 1, 10/13/15)

Planning Area Boundaries



PARK/SCHOOL OPEN SPACE LOCATION, ACREAGE AND ACRES PER PERSON

Planning Area	2010 Pop Estimate	Existing Parks/ School Sites Future Parks/ School Sites	Type of Park	Total Open Space Acres	Open Space Acres Owned by City	Open Space Acres owned by School District	Acres per 1,000 persons
Central	11,318	Castro	School/Park	4.18	0.00	4.18	2.06 (2.03)
		Dana	Mini	0.42	0.42	0.00	
		Eagle	Neighborhood	5.17	5.17	0.00	
		Fairmont	Mini	0.34	0.34	0.00	
		Landels	School/Park	8.49	3.27	5.22	
		Mariposa	Mini	0.61	0.61	0.00	
		Mercy/Bush	Mini	0.65	0.65	0.00	
		Pioneer	Neighborhood	3.15	3.15	0.00	
		Villa Street	Mini	0.40	0.40	0.00	
				23.41	14.01	9.40	
Grant	5,424	Cooper	School/Park	11.01	5.19	5.82	6.34
		Huff	School/Park	6.50	0.00	6.50	
		Mountain View	School	16.86	0.00	16.86	
		High		34.37	5.19	29.18	
Miramonte	9,657	Gemello	Mini	0.48	0.48	0.00	6.42
		Bubb	School/Park	9.18	3.45	5.73	
		Cuesta	Community	32.56	32.56	0.00	
		Graham	School/Park	9.54	2.89	6.65	
		McKelvey	Neighborhood	4.27	4.27	0.00	
		Springer	School/Park	5.50	0.00	5.50	
		Varsity	Mini	0.48	0.48	0.00	
				62.01	44.13	17.88	
North Bayshore (Regional)	817	Dog Park	Dog Park	0.59	0.59	0.00	983.1
		Charleston	Neighborhood	6.48	6.48	0.00	
		Shoreline	Regional	753.00	753.00	0.00	
		Stevens Creek	Regional				
		Trail		43.13	43.13	0.00	
		803.20	803.20	0.00			
Rengstorff	6,577	Sierra Vista	Mini	0.80	0.80	0.00	0.44 (0.31)
		Heritage	Mini	1.22	1.22	0.00	
		Wyandotte	Mini	0.88	0.88	0.00	
				2.90	2.02	0.00	
San Antonio	13,951	Del Medio	Mini	0.38	0.38	0.00	1.95 (1.34)
		Klein	Mini	1.36	1.36	0.00	
		Rengstorff	Community	16.92	16.92	0.00	
		Fayette	Mini	1.30	0.00	0.00	
		Mora-Ortega	Mini	0.80	0.80	0.00	
		400 San Antonio	Mini	0.40	0.40	0.00	
		LASD Fields	School/Park	4.00	0.00	4.00	
		CA/Showers	Mini	2.00	2.00	0.00	
				27.16	21.86	4.00	
Stierlin	9,083	Crittenden	School/Gym	7.72	00.0	7.72	2.31 (2.15)
		Jackson	Mini	0.77	0.77	0.00	
		Rex Manor	Mini	0.41	0.41	0.00	
		San Veron	Mini	2.08	2.08	0.00	
		Stevenson/ Theuerkauf	School/Park	8.54	1.20	7.34	
		555 Middlefield	Mini	1.48	1.48	0.00	
				21.00	5.94	15.06	
Sylvan/ Dale	6,396	Sylvan	Neighborhood	8.37	8.37	0.00	1.41 (1.31)
		355 Evelyn	Mini	0.68	0.68	0.00	
				9.05	9.05	0.00	

ATTACHMENT 2

PARK/SCHOOL OPEN SPACE LOCATION, ACREAGE AND ACRES PER PERSON

Thompson	2,541	Monta Loma Thaddeus	School/Park Mini	5.67 <u>0.83</u> 6.50	0.00 <u>0.83</u> 0.83	5.67 <u>0.00</u> 5.67	2.56
Whisman	8,627	Whisman Slater Magnolia Chetwood Creekside Devonshire Evandale S Whisman 355 Middlefield	School/Park School/Park Mini Mini Mini Mini Mini Mini Mini	8.60 3.39 0.92 0.86 0.78 0.86 <u>0.40</u> 2.76 <u>0.40</u> 18.97	4.35 0.00 0.92 0.86 0.78 0.86 <u>0.40</u> 2.76 <u>0.40</u> 11.33	4.25 3.39 0.00 0.00 0.00 0.00 <u>0.00</u> 0.00 <u>0.00</u> 7.64	<u>2.15</u> (1.79)
TOTAL w/ North Bayshore	74,391			1,008.57 (993.07)	917.56 (908.24)	88.83 (84.83)	13.55 (13.35)
TOTAL w/o North Bayshore	73,574			205.37 (189.87)	114.36 (105.04)	88.83 (84.83)	2.79 (2.58)

Variables	Development	Requirements and Fees	Current Ordinance	Lower Density Ratio	Residents/ Bedroom
			0.006	0.0045	1
Address	277 Fairchild	Park Land Requirement	0.144	0.108	0.27
Planning Area	Whisman	Total In-Lieu Fee	\$532,800	\$399,600	\$999,000
Existing Units	2				
New Units	26				
Net-New Units	24	Actual Acres Dedicated	0	0	0
Affordable Units	0	Actual Fee Paid	\$532,800	\$399,600	\$999,000
Fee Units	24				
Density Level	Medium-High				
Land Value per Acre	\$3,700,000				
Number of Bedrooms	90				
Variables	Development	Requirements and Fees	Current Ordinance	Lower Density Ratio	Residents/ Bedroom
			0.006	0.0045	1
Address	2296 Mora Drive	Park Land Requirement	0.45	0.3375	0.657
Planning Area	San Antonio	Total In-Lieu Fee	\$1,867,500	\$1,400,625	\$2,726,550
Existing Units	0				
New Units	75				
Net-New Units	75	Actual Acres Dedicated	0.45	0.45	0.45
Affordable Units	0	Actual Fee Paid	\$0	-\$622,500	\$859,050
Fee Units	75				
Density Level	Medium				
Land Value per Acre	\$4,150,000				
Number of Bedrooms	219				
Variables	Development	Requirements and Fees	Current Ordinance	Lower Density Ratio	Residents/ Bedroom
			0.006	0.0045	1
Address	400 San Antonio	Park Land Requirement	3.492	2.619	2.49
Planning Area	San Antonio	Total In-Lieu Fee	\$28,983,600	\$21,737,700	\$20,667,000
Existing Units	1				
New Units	583				
Net-New Units	582	Actual Acres Dedicated	0.5	0.5	0.5
Affordable Units	0	Actual Fee Paid	\$24,900,000	\$23,450,267	\$16,517,000
Fee Units	582		\$24,833,600		
Density Level	High	Acreage Needed	2.992		
Land Value per Acre	\$8,300,000	Cost for Need	\$24,833,600		
Number of Bedrooms	830				

Unit Mix	# Unit Type	No. of Bedrooms
2 Bed	3	6
3 Bed	0	
4 Bed	21	84
Total	24	90

*Two existing units are assumed to be 2 bedroom units.

Unit Mix	# Unit Type	No. of Bedrooms
2 Bed	6	12
3 Bed	69	207
Total	75	219

Unit Mix	# Unit Type	No. of Bedrooms
Studio	54	54
1 Bed	320	320
2 Bed	168	336
3 Bed	40	120
Total	582	830

48 BMR units

*One existing units are assumed to be 2 bedroom unit.

Variables	Development	Requirements and Fees	Current Ordinance	Lower Density Ratio	Residents/ Bedroom
			0.006	0.0045	1
Address	2268 W El Camino	Park Land Requirement	1.146	0.8595	0.753
Planning Area	Central	Total In-Lieu Fee	\$8,022,000	\$6,016,500	\$5,271,000
Existing Units	3				
New Units	204				
Net-New Units	201	Actual Acres Dedicated	0	0	0
Affordable Units	10	Actual Fee Paid	\$8,022,000	\$6,016,500	\$5,271,000
Fee Units	191				
Density Level	High				
Land Value per Acre	\$7,000,000				
Number of Bedrooms	251				
Variables	Development	Requirements and Fees	Current Ordinance	Lower Density Ratio	Residents/ Bedroom
			0.006	0.0045	1
Address	1255 Pear Ave	Park Land Requirement	3.81	2.8575	2.682
Planning Area	NBS	Total In-Lieu Fee	\$38,100,000	\$28,575,000	\$26,820,000
Existing Units	0	Private Open Space Credit	\$7,715,250.00	\$6,858,000.00	\$5,229,900.00
New Units	635				
Net-New Units	635	Proposed Acres Dedicated	1.03 POPAS	1.03 POPAS	1.03 POPAS
Affordable Units	0	Proposed Fees to be Paid	\$30,384,750	\$21,717,000	\$21,590,100
Fee Units	635				
Density Level	High				
Land Value per Acre	\$10,000,000				
Number of Bedrooms	894				

Unit Mix	# Unit Type	No. of Bedrooms	
Studio	27	27	6 BMR units
1 Bed	124	124	
2 Bed	50	100	
3 Bed	0		
Total	201	251	

*Three existing units are assumed to be 2 bedroom units.

Unit Mix	# Unit Type	No. of Bedrooms
Studio	22	22
1 Bed	354	354
2 Bed	259	518
3 Bed	0	
Total	635	894

City	Land Requirement	Density Formulas				Land Value Calculation	Credits	
		Level	DU/ Acre	Persons/DU	Ac/DU		Credits	Percent
Mountain View	3ac/1,000 Residents	Low	1-6	2.7	0.0081	Each Development	Private Open Space	50%
		Med-Low	7-12	2.3	0.0069			
		Med	13-25	2	0.006			
		Med- High & High	26+	2	0.006			
		Mobile Homes	7-14	1.5	0.0045			
		Companion Unit	-	-	0.0016			
Cupertino	3ac/1,000 Residents		0-5	3.5	0.0105	Annually Citywide	Private Open Space	50%
			5-10	2	0.006			
			10-20	2	0.006			
			20+	1.8	0.0054			
			10+	1.8	0.0054			
		Senior Housing		1	0.003			
Los Altos	3ac/1,000 Residents	Single Family/Detached		2.7	0.0081	Annually - where existing park lands	N/A	N/A
		Multiple Family/ Attached		1.7	0.51			
Palo Alto	5ac/1,000 Residents	Single Family/Detached		2.44	0.0122	Each Development	N/A	N/A
		Multiple Family/ Attached		1.68	0.0084			
Santa Clara	3ac/1,000 Residents	Single-Family Dwellings		2.9	0.0087	Annually - set average per acre land vaule by Zip Code	Private Open Space	50%
		Duplex Dwellings & Multiple Dwellings						
Sunnyvale	5ac/1,000 Residents	Low	7 or fewer		0.01375	Annually Citywide	N/A	N/A
		Low-Med	8-14		0.0125			
		Med	15-27		0.009			
		High	Over 27		0.009			