



**DATE:** March 26, 2019

**CATEGORY:** Public Hearing

**DEPT.:** Community Services

**TITLE:** **Amendment to the Park Land Dedication Ordinance for the North Bayshore Area**

### **RECOMMENDATION**

Introduce an Ordinance Amending Chapter 41 of the Mountain View City Code to Provide a Credit for Publicly Accessible Private Open Space in the North Bayshore Precise Plan Area, to be read in title only, further reading waived, and set second reading for April 9, 2019 (Attachment 1 to the Council report).

### **BACKGROUND**

Chapter 41 of the Mountain View City Code, also referred to as the Park Land Dedication Ordinance, requires residential developments to dedicate a certain amount of park land, or pay an In-Lieu Fee, based on the net-new, market-rate units. Chapter 41 also dictates the City's processes for calculating, collecting, committing, and allocating Park Land Dedication In-Lieu fees to parks and recreation projects. The Park Land Dedication Ordinance was adopted in accordance with California State Government Code Sections 66475 through 66478, commonly known as the Quimby Act.

At the September 4, 2018 meeting, the City Council reviewed information on the cost of residential development in the North Bayshore. A key outcome from the meeting was that the increased costs of land and construction as well as development requirements such as Park Land Dedication and In-Lieu fees and local school strategies have impacted the feasibility of residential development in the North Bayshore.

At the October 23, 2018 meeting, the City Council provided direction to staff to review the Park Land Dedication Ordinance and draft an amendment to allow a "Publicly Accessible Private Open Space" credit that only applies to residential developments in the North Bayshore Precise Plan area. The project which led Council to this direction is the mixed-use development by the Sobrato Organization in North Bayshore at 1255 Pear Avenue. This project includes 635 market-rate apartments and a dedication of land for affordable housing. The project was approved by the City Council at their

October 23 meeting. As part of their approval for this project, the City Council noted that to address the financial feasibility of residential projects in the North Bayshore Precise Plan Area, the project should be provided an open space credit of up to 75 percent for the approximate 1.0 contiguous acre of publicly accessible private open space between the new office and residential units on the southern portion of the project site. This area is a landscaped promenade connecting La Avenida with Pear Avenue and includes an active sport court turf area (volleyball court); a picnic area with benches and tables; and other smaller passive, landscaped areas. The City Council also directed that the applicant work with staff to maximize the size of active areas in this space during review of the building permit plans.

The Parks and Recreation Commission reviewed the proposed changes to the ordinance at their December 12, 2018 meeting. They were in favor of updating the ordinance for publicly accessible private open space in the North Bayshore Precise Plan Area. They requested staff work with developers to ensure adequate signage is provided so that the public is aware of the access to the private open space.

### **ANALYSIS**

The Park Land Dedication Ordinance currently provides an option for a maximum credit of 50 percent of the value of the land for private open space. Currently, to qualify for a private open space credit, the space must be at least one contiguous acre and contain four of the following seven elements as provided in the City Code:

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 credit is applied for the value of the land devoted to private open space. The credit can be applied to any residential development in the City.

At the direction of the City Council, staff has drafted an amendment that creates a similar credit for publicly accessible private open space and a maximum credit of up to 75 percent of the value of the land devoted to publicly accessible private open space. It is recommended that this space would need to be at least one contiguous acre and contain three of the following five elements:

1. Turfed 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, or it will not be eligible for the credit. The open space will be required to comply with the City's guidelines for restroom buildings in City parks and include signage to provide notice regarding the public access to the open space. The open space shall be publicly accessible during normal City park hours. Finally, the right of the public to access the private open space would be recorded against the property in the form of an easement, covenant, or other restrictions subject to the City Attorney's review and approval.

The draft ordinance also allows a developer to request a credit for publicly accessible open space that may contain other elements if it provides public benefits equal to or greater than the criteria outlined above.

Since the space would be maintained by future owner(s), but publicly accessible, the City Council recommended providing a maximum 75 percent credit instead of the 50 percent credit provided for private open space. As drafted, the credit for publicly accessible private open space is only applicable to developments in the North Bayshore Precise Plan Area.

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 and includes Shoreline at Mountain View Regional Park. Even when excluding Shoreline at Mountain View Regional Park in the calculation, the acres per 1,000 residents significantly exceed the standard at 61.4 acres per 1,000 residents. If fully built out as stated in the Environmental Impact Review (EIR) with 9,850 units, equating to 17,327 persons, the North Bayshore Planning Area would have approximately 44.26 acres per 1,000 residents when including Shoreline at Mountain View Regional Park.

This amendment provides additional options for the City Council to address future developments in North Bayshore on a case-by-case basis when weighing the needs for housing and costs of land and development requirements.

### **FISCAL IMPACT**

It is difficult to estimate the potential impact of this credit due to the number of variables that would go into calculating the amount based on a particular proposal. However, approval of this ordinance would likely result in an increased number of requests for private open space credits, affecting the total funding received by the Park Land Dedication Fund for the North Bayshore Planning Area in the future.

### **ALTERNATIVES**

1. Provide additional direction to staff regarding modifications to the Park Land Dedication Ordinance.
2. Do not make changes to the Park Land Dedication Ordinance.

**PUBLIC NOTICING**

Agenda posting and a notice was mailed to property owners in the North Bayshore Area.

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240-03-26-19CR  
190194

Attachments: 1. Proposed Ordinance  
2. October 23, 2018 Council Report  
3. September 4, 2018 Council Study Session Memo