



DATE: April 9, 2019

CATEGORY: New Business

DEPT.: Community Development and
Community Services

TITLE: **1255 Pear Avenue – Park Land
Dedication Credit Request**

RECOMMENDATION

Adopt a Resolution Granting Park Land Dedication Credit for the Mixed-Use Development Project at 1255 Pear Avenue in the North Bayshore Precise Plan Area, incorporating the attached findings, to be read in title only, further reading waived (Attachment 1 to the Council report).

BACKGROUND

The City Council approved the mixed-use office and residential development project at 1255 Pear Avenue (Planned Community Permit PL-2017-380) on October 23, 2018. The project site is located in the North Bayshore Precise Plan Area.

The approved project included a Public Works Department condition regarding requiring compliance with the City's Park Land Dedication Ordinance. At the October 23, 2018 City Council meeting, the Council directed staff to draft proposed amendments to the City's Park Land Dedication Ordinance to allow a developer park land credit for private open space in North Bayshore that is publicly accessible for their consideration.

At the March 26, 2019 City Council meeting, an ordinance was introduced to amend the City's Park Land Dedication Ordinance to allow up to a 75 percent credit for projects at the discretion of the City Council that satisfy the open space credit requirement enumerated in the ordinance. The Council also recommended two changes to the draft ordinance, including only allowing either a private open space or publicly accessible open space credit per project site, and also adding language that the local school strategy could be a factor in determining whether to grant the open space credit.

The developer of 1255 Pear Avenue, The Sobrato Organization, has submitted a request for a credit for the publicly accessible private open space in the project based on the amendments to the ordinance (see Exhibit A to Attachment 1 of the Council report).

ANALYSIS

This section of the report analyzes the proposed request from The Sobrato Organization in relation to the specific criteria in the recently introduced City's Park Land Ordinance amendments, Section 41.11, B, North Bayshore Precise Plan Area and publicly accessible private open space. The applicable standards are noted in bold, with staff analysis in italics.

Park Land Ordinance Standards

1. a. Open space areas must be maintained by property owner.

Staff Analysis: An improvement agreement will be recorded against the property to ensure the open space area is maintained by the property owner. The agreement will specify the exact area limits of the maintenance and the type and frequency of maintenance required. Typical maintenance items will include regular turf and landscape maintenance (watering, trimming, replacement of dead or dying plants) and routine maintenance of pathways, benches, lighting, etc., to ensure these areas can be enjoyed by the public.

b. The public right to access and utilize the open space is recorded against the property.

Staff Analysis: Public access to the open space will be recorded against the property via an easement. Signage to the area at the Pear Avenue and La Avenida entry points will include some text that clarifies the public's right to access this area.

c. Open space improvements shall be constructed prior to Certificate of Occupancy.

Staff Analysis: A Final Certificate of Occupancy will not be granted until all open space improvements are completed.

d. Open space must contain at least three of the five elements:

(1) Turfed play field.

(2) Landscaped, park-like quiet area.

(3) Family picnic area.

(4) Game court area.

(5) Children’s playground or play structure.

Staff Analysis: The open space area includes three of the above elements: a landscaped, park-like quiet area; a family picnic area; and a game court area (see Exhibit A to Attachment 1 of the Council report).

The park-like quiet area includes pedestrian pathways, landscaping, and a small turf area. The family picnic area includes benches and turf areas. The game court area is sized for volleyball.

In addition to the above, the project includes a publicly accessible gaming area deck (see Exhibit A to Attachment 1 of the Council report) with moveable tables and chairs.

e. Open space area shall be a minimum of 1.0 acre and shall be a single, contiguous unit of land.

Staff Analysis: The size of the publicly accessible open area is 1.03 acres and is a single continuous area located between the south parcel residential units and the two office buildings at the site as noted in Exhibit A to Attachment 1 of the Council report.

f. The shape and location of the open space shall provide the greatest utility and accessibility possible to the greatest number of residents of the development and the public.

Staff Analysis: The open area is configured to be directly accessible from the adjacent approved apartments and is connected by public streets (La Avenida and Pear Avenue). It is connected with pedestrian pathways throughout. It also incorporates elements such as picnic areas, quiet park areas, game court area, and other elements that are sized and designed to fit the open space areas between the office and residential buildings.

- g. The publicly accessible open space includes signage visible from the public right-of-way approved by the Community Services Department.**

Staff Analysis: Signage will be placed at the La Avenida and Pear Avenue entrances to the open space area and will be approved by the Community Services Department.

- h. The open space shall be publicly accessible during the City's park hours.**

Staff Analysis: The times for the public to access the open area will be during the City's park hour times and will be included on the signage to the areas.

Additionally, The Sobrato Organization has reached tentative agreement with the local school districts on the local school strategy related to their 1255 Pear Avenue project in the form of a financial contribution. This voluntary contribution was based in part on the applicant receiving a 75 percent publicly accessible private open space credit.

Because the proposed publicly accessible private open space meets the Chapter 41 standards as noted above, and the credit helps fund the voluntary school contribution from the developer to the school district, staff recommends that The Sobrato Organization receive a 75 percent credit for the publicly accessible private open space included in the 1255 Pear Avenue project.

FISCAL IMPACT

The project requires a park land dedication fee of \$38,100,000. If the 75 percent credit for the 1.03 acre of publicly accessible private open space is granted by the City Council, then this fee would be reduced to \$30,384,750. For any park land fee required by the City Council, the applicant would pay the fee prior to issuance of any building permits and prior to approval of the final map as applicable.

ALTERNATIVES

1. Approve a credit in an amount less than 75 percent.
2. Do not approve a credit.
3. Provide other direction to staff.

PUBLIC NOTICING

Agenda posting and notices sent to all property owners within 750' of the project site.

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Attachment: 1. Resolution