

From: Bob Lev

Sent: Saturday, August 13, 2022 10:01 AM

To: Ross, Rebekah <rebekah.ross@sanjoseca.gov>; Mendez, Zacharias <Zacharias.Mendez@sanjoseca.gov>

Subject: My thoughts on POPS

Hello Rebekah & Zak,

The strategies proposed by the Parks Department during 6/16/22 committee meeting appeared to be an excellent step in the right direction. Allowing parkland credits for onsite amenities is an important tool for providing open space and recreation amenities to the residents of a development in a cost-effective manner.

The tools used to allocate credits must be applied with caution. The policies must be carefully crafted. Developers are in the business of making a profit. They will take full advantage of these tools to improve their bottom line. I have seen developers abuse the credits for private open space over and over again for example, claiming that the walkway between buildings or the greenspace between parking spaces as private open space. POPS requirements need to be objective with very little subjective wiggle room.

I agree with the majority of what staff proposes when it comes to POPS. I agree with all the *minimum requirements* identified on slide 5. I also agree with the information on slide 8 identifying what *will not* qualify for a credit.

The requirements staff presented concerning qualifying public recreation amenities I believe require additional clarification. I recommend the following:

- The number of amenities provided should be dependent upon the size of the lot. The minimum number of amenities, regardless of lot size, should be two.
- When two amenities are provided, one should be associated with a physical activity.
 - Walking over 1/4 mile can be considered a physical activity.
 - Performance areas would be considered a physical activity.
 - A developer can receive up to a 25% credit for open space when a physical activity amenity is not provided.
- When more than two amenities are required, one-third of the amenities should be associated with a physical activity.
 - One of which is a physical activity for adults
- Clear and specific guidelines should be provided when developers recommend walkways and landscaping as a POPS.
 - The areas should be a certain % above what is required by ordinance and should meet minimum width, length, and setback requirements.
 - Developers should not get credit for all space they recommend as POPS. They must conform to detailed and specific requirements.
- POPS should be open to the public from sunrise to 10PM 7 days a week
- A detailed list of passive and physical amenities is needed

There are two additional subjects within the staff recommendation that I believe require further review.

- Providing credits for the cost of improvements. I don't believe full credit should be provided for passive amenities and amenities that primarily benefit the businesses in the development.
 - Credit for active amenities (we want to encourage physical activity)
 - Limited credit for passive amenities
- Credits for private open space. There is an advantage to both the residents and public when actively used private open space is available to the residents of a development. The committee may want to consider providing a minimum credit for outside active private open space; amenities such as swimming pools, bocce ball courts, or pickleball courts. Indoor amenities should not be considered for credit.

Thank you for promoting this important effort and providing us with an opportunity to present our thoughts.

Best regards,
Bob Levy