

MOTION SHEET

I move to approve on second reading only the Brodie Oaks Redevelopment PUD, and to include for third reading language to accomplish the following:

- 11.6 acres will be dedicated as Parkland. Final boundaries of the Parkland to be established by the Landowner and subject to approval by the City.
- Parkland will be dedicated immediately after all improvements are accepted by the City. Improvements will be constructed in accordance with the PUD phasing plan described in a separate exhibit.
- If the Landowner provides at least 2.5 acres of open space via a public access easement instead of dedicating the land as Parkland (“open space area”), Landowner may reduce the amount of Parkland to be dedicated by a maximum of 2.5 acres. The open space area may not include Trailhead Overlook.
- The Landowner may completely close the open space area to the public for no more than 60 days a year with no more than 50 percent of those closures occurring on weekend days.
- In addition, the Landowner may close up to 50 percent of the open space area to the public for use by the Landowner at any time.
- Final boundaries of the open space area shall be established by the Landowner and subject to approval by the City.
- The public access easement for the open space area must be granted in a form approved by the City Attorney prior to issuance of certificate of occupancy for a development phase that includes the open space area. The public access easement will allow for the closures described above.
- A Park Maintenance and Operations Agreement is required when the Landowner dedicates Parkland. This Agreement must address

development, operation, and maintenance of the Parkland and other terms identified by exhibit.

- The Parkland Development Fee equals the Parkland Development Fee in effect during the 2022 - 2023 fiscal year plus \$700 per residential unit and per hotel unit.
- The amount of fee in lieu of Parkland Dedication equals the fee in lieu of Parkland Dedication in effect during the 2022 - 2023 fiscal year.
- The Parkland Development Fee is for amenities on the Parkland.
- If Landowner elects to provide open space area which results in the Landowner being required to provide fee in lieu for parkland dedication, any additional fee in lieu shall not be used for the Parkland within the PUD.
- The Landowner is not required to obtain BCCP approval of the trail master plan permit before submitting a site plan that includes vertical development.
- Provided the overall acreage dedicated for Parkland remains the same, a change in the Parkland boundaries is not a substantial amendment.
- Council finds participation in the Better Builder Program by Landowner a priority and an element of superiority.
- Update PUD Exhibits in accordance with these amendments.

Direction by Council:

Any shortfalls in funding for development of the Parkland, including those costs associated with off-site trail construction and maintenance related to the BCP Trail Master Plan permit, may be funded by Landowner or another mechanism including a public improvement district (PID).