

Interim Uses on Private Land Policy & Implementation Challenges

1. Preventing nuisance is the baseline; Interim use raises the bar.
2. Economic reality: Who pays and how?
3. People's Park Paradox: success increases risk.
4. Good PR now, bad PR later.
5. Increased public access = increased liability.
6. Avoiding interim use creep
7. CEQA?



The Green Development Agreement: An Elegant Policy Solution

What is a Development Agreement?

- **A contract between a city and a developer that results in a legally binding promise for mutual benefits.**
- **Primary benefit: greater security and flexibility to both parties.**
- **City must demonstrate that the DA would result in greater public benefits than what could be achieved through application of existing ordinances and regulations.**



The Green Development Agreement: An Elegant Policy Solution

Benefits:

1. Real value proposition: greater certainty in exchange for tangible interim public benefits. Increased certainty may convince skittish investors to spend scarce funds on interim use improvements.
2. Strong legal protection against the People's Park Paradox.
3. Ability to enforce specifics: timing, maintenance, hours of operation.
4. Commission retains full discretion over approval of interim use.

Potential Drawbacks:

5. No protection from the PR dilemma.
6. City loses discretion over altering land use for the duration of the GDA. (A mixed bag)
7. GDA proposal may evolve into yet another costly requirement imposed on new development.



The Green Development Agreement: Next Steps

1. **Ordinance amending Admin Code to create a “GDA fast track” approval process for interim uses on vacant lots with previously entitled projects.**
2. **Ordinance approving a “Pilot Project” GDA for the 399 Fremont development site.**

