

City Council Questions

April 13, 2021 Council Meeting – Part 2

ITEM 4.8 Lot 12 – Appropriation of Predevelopment Funding

1. The October 13, 2020 staff report indicated that “staff anticipates returning to Council regarding terms and authorization to enter the DDA and ground lease early in the first quarter of 2021.” This staff report says that “...a New Business item in fall 2022 for Council to approve the DDA and design and to authorize the developer to submit a formal planning entitlement application to begin the project approval process.” What happened that caused this substantial delay?

The staff report should have said “a New Business item in fall 2021 for Council to approve...”, not 2022. The delay from the first quarter of 2021 to fall 2021 is due to additional time needed by the developer to update development costs and determine the potential subsidy request from the City, given the increase construction costs, market fluctuations, and uncertainty in external funding sources. Additional time was also needed for the developer to modify the architecture and other design elements based on initial informal review by staff regarding the project. These elements form the basis of the project’s deal terms/DDA and design that would be part of the New Business item.

ITEM 6.1 Minor General Plan, Precise Plan, and Zoning Amendments

1. Can staff provide a list of other parcels that have zoning inconsistent with the General Plan LUD? Will the City be realigning these parcels as well? For instance:
 - a. A portion of the property at the terminus of Central Ave, adjacent to the Stevens Creek Trail, that has Public Facility (PF) zoning, but Medium Low-Density Residential LUD;
 - b. A parcel on Washington St (adjacent to CSA) zoned R2, but with a Mixed-Use Corridor LUD;
 - c. The parcels at the intersection of Old Middlefield Way and Rengstorff Ave, which are zoned Commercial-Service (CS) but have a General Mixed-Use LUD, which allows residential;
 - d. A parcel at the terminus of Yuba Dr, adjacent to SR85, zoned R3-1, but with a Regional Park LUD;
 - e. The strip mall on Moffett Blvd (adjacent to the mobile home park), which is zoned Commercial-Neighborhood (CN) but has a Mixed-Use Corridor LUD;
 - f. The properties around Lotus Lane, Granada Dr, Canna Ct, and Poppy Place, which are zoned R1 but have a Medium-Density Residential LUD;
 - g. The remaining remnant parcel on Moorpark Way on the other side of the onramp to 237, which also has an Agriculture zoning but Medium Low-Density Residential LUD.

The intent of these “clean-up” amendments was to look for minor inconsistencies that:

- would not have any potential growth impacts, and
- could be done within the framework of existing Zoning districts, and
- would not require additional analysis or fact-finding.

Some areas were not included in the staff recommendation because additional analysis is necessary, and therefore wouldn’t be considered a minor “cleanup” which has been the focus of this work. Some of these areas include:

- A - because it is unknown at this time whether there is a PG&E or Valley Water easement restricting development at that site,
- B & E – because they could be included in a Moffett Precise Plan or other Change Area or Village Center policy or plan,
- C – because General Plan Village Center policies do not have a Zoning District,
- Other areas that require more analysis or result in more growth.

Other areas were not included because they are unlikely to include new development in the near future. For example, some of these properties are common lot developments (F), while others are public- or utility-owned (D & G).

Staff is not planning on bringing these forward with any proposed legislative changes unless a property owner or other stakeholder requests a legislative change and/or development permit application, or Council includes it in staff's work plan.

2. The staff report says, "While there are other new parks under development in the City, Wyandotte Park is the only site that does not allow residential uses." What does this mean? How do other parks allow residential uses?

In many cases, residential developments dedicate part of their site to the City for a park. Examples include the Mora project on Ortega Avenue and South Whisman. In other cases, such as Heritage Park on North Rengstorff Avenue, the City acquired land for a park on a site where residential is an allowed use in the General Plan. The underlying Zoning Districts and General Plan designations allow residential uses on these park sites. If the City rezoned these park sites to the PF district, residential uses would no longer be allowed, and under SB 330, the City cannot rezone or amend the General Plan on a site where residential is an allowed use, such that the allowed density is decreased. Since the City controls this land, no residential development will occur, but SB 330 does not include such a caveat.