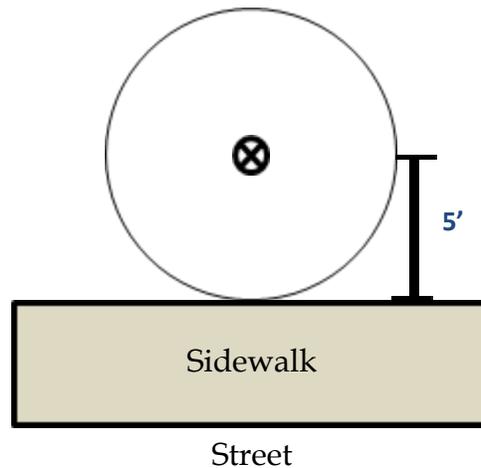


PARKS AND RECREATION COMMISSION QUESTIONS
February 12, 2020 MEETING

Item 5.1 – Heritage Tree Appeal – 1859 Elsie Avenue

1. The sidewalks on Elsie are rolled and very narrow. Is the street considered as having no street trees or possibility thereof?

Elsie has street trees and the tree in question is a street tree. Street trees are owned by the property owner. The street tree measurements are taken from the back edge of the sidewalk towards the home.



Here are the street trees in the immediate area.

2. Also, the Google Maps street view of Elsie is dated March 19. Did construction on the house at 1859 proceed even though a heritage tree appeal was filed on May 24?

The best person for the start date of construction would be the owner. Staff did the initial review on April/May time frame and the owner stated that the construction started in line with that time frame.

3. Has any consideration been given to pruning the tree to enable easier access for the camper?

The issue is the tree trunk itself and the location of the tree in relation to maneuvering a vehicle with camper. Pruning would not solve the owner's desire for a straight line to garage or significantly improve the approach to the garage.

4. If the plans are amended for a straight driveway, would that amendment need to be approved by City Planning?

This question will be addressed at the meeting.

5. For clarification going forward, on a Residential development or modification, should the building plans/permits be approved by the City before or after Heritage Tree decisions and appeals have reached their conclusion? In other words, do all tree decisions need to reach terminus prior to the City approving construction plans, or can the City Planners approve the tree removal as part of plan approval? (only asking as this pertains to Residential projects).

CSD staff along with other department staff agreed that starting on January 1st, the goal is to resolve any and all potential heritage tree issues in advance of approving plans. New processes have been put in place for better communication between departments to ensure tree issues are resolved before a permit is approved.

Item 5.2 – Park Land Ordinance Review of Modifications

1. Has there been discussion of whether private owners can limit activities (define behavioral rules for users), prioritize users, limit hours of use on the POPAs? How would such areas be announced to the public/transparent about their ownership?

The ordinance will contain language stating that POPAs must follow the guidelines and rules of the City's public parks, including minimum hours of operation, available to the public (no prioritization), etc. In addition, the ordinance will include language about signage clearly indicating that it is a publicly accessible open space. Staff are also including language that requires the park have prominent frontage to the main right of way so that an open space will not qualify for the POPA credit if it is in the middle of a development and not easily accessible.

In addition to ordinance language, a public access easement or other legally document will be required to be recorded on the property to maintain the rules and regulations established for the open space. And, any POPA open space that is approved for a credit

will appear in City-issued materials and plans that show the park and open space network in the City. So, from a public user perspective, it would be clear that the space is open to public use and enjoyment.

2. Does State law today still specify a three acres per thousand standard?
Yes; however, in certain circumstances a higher standard may be applied, not to exceed five acres per thousand residents.

3. As it relates to the issue of developer uncertainty emanating from fluctuating land values in the in-lieu calculation, what % of the total cost of a development project is attributable to the potential in-lieu contribution portion of the investment? I recognize this varies by project and would be a bit of a 'swag', but for example, do the "uncertain" in-lieu fees make up 25% of the total project cost? 5%? Less than 2%?
The percentage of park land fees to total project cost varies by each development. A huge portion of the total cost is based on outside market factors like construction cost, labor cost, administrative costs, and other costs not directly associated with City permit, development, or impact fees.

To provide some reference point, staff has estimated the total cost of construction for two sample projects: 2296 Mora Drive (75 rowhomes) and 400 San Antonio Rd (582 apartments). For the Mora Drive rowhomes project, the parkland fee would be approximately 2.7% of the total cost per unit and the San Antonio Road apartment project would be approx. 7% of the total cost per unit. The term "would be" is used because both developments provided some dedicated park land and then paid a park in-lieu fee to satisfy the rest of their required park land. Therefore the percentage provided is as though they were paying the entire park land dedication fee.

4. To confirm, is the recommendation for Topic 1 (Establishing Fee Certainty) proposing to establish land market values annually by Open Space Plan Area (for example, Whisman, Rengstorff, etc), and then, within each of those planning area by Low Density, Medium-Low Density, Medium Density, Medium High & High Density?
That is correct. Staff believes that this approach provides greater certainty to developers while providing adequately frequent updates to ensure that land value estimates keep up with the market. The Real Property Program Administrator will have final say of any park land requirement or dedication in-lieu fee when necessary.
5. Under the Topic 1 proposal, could a developer retract and resubmit a development application (if still early enough in the project process) if land values drop and the developer wants to lock in a newer and lower land value

(for in-lieu calculations) for the next 2 years? Is this any different (for example more or less likely) than what developers can do under the current regulations? *Yes, a developer could re-submit an application to try to use a lower land value for the calculation of their in-lieu fee. Currently, developers can ask the Real Property Program Administrator to reconsider the estimate for a park in lieu fee if a significant change, or comparable, has hit the market. However, because the land values would be updated on an annual basis it allows for developers to plan their application. It is anticipated that if a developer expects a large drop in land values, they would most likely wait for the next appraisal study to set the lower value rather than go through two application submittals. Likewise, it is unlikely a developer will submit an application and go through 1-12 months of discussions with staff to simply re-submit an application and start all over. However, in the unlikely case that an extenuating circumstance would greatly adjust the land value within a year for a development, the Real Property Program Administrator will have some discretion to adjust the final fee for these rare instances.*

6. Under the Topic 2(A) proposal, how many of the proposed Credit Elements within Table 4 need to be contained in a project? (as compared with 4 of 7 in today's 50% projects and 3 of 5 in today's 75% projects)

For POPAs that are one acre or less (50% credit), they must provide at least two elements. For POPAs greater than one acre (75% credit), they must provide at least three elements.

7. Under the Topic 2(B) proposal, who approves whether an Alternate Element can be used?

If a developer proposed an alternate element, it would first be reviewed by Community Development and Community Services staff with a recommendation ultimately coming from the Community Services Director. However, City Council would have final approval for any POPA credit and alternate element that is proposed.

8. Under the topic 2(B) proposal, can you provide an example of an Alternate Proposal? (fictional or non-fictional is ok)

This is an entirely hypothetical example scenario. A developer submits an application to the Community Development Department for a Master Plan for a mix of uses (residential, office and retail) over 30 acres in the North Bayshore Precise Plan area. Based on the number of net-new residential units in the Master Plan, it is determined the developer needs to dedicate 3.0 acres of open space for a public park or pay the in-lieu fee. The Master Plan area happens to be adjacent to a future school site. If the developer partnered with the School District to provide 4.0 acres to them for the track, field, and gym, for a new school that is being built adjacent to the Master Plan area, the applicant may request a parkland credit up to 75% the value of the land for providing the open space for the school site.

Since the land would be owned by the school district, it would not qualify as a City park or qualify for the POPA credit under 2(A). However, under the 2(B) Alternate Proposal,

the City could award the 75% credit since it is providing 4 acres of open space and recreational facilities, so long as the City maintains its current agreement with the school district for shared use of facilities and fields. Through the development review process, City staff would have discussions with the applicant regarding other desires and requirements such as the location of the open space, the need for the school to be built concurrently with the open space, and that the City maintains its agreement with the school district for joint use of facilities and fields. With all these considerations, the request would then go before City Council for final consideration and approval as part of the Master Plan.

Staff does acknowledge that any Alternate Proposal project will likely be complicated and may come with trade-offs on other development requirements, but it can increase opportunities for larger open spaces with a 75% credit than may otherwise be feasible in the current ordinance.