

City Council Questions

October 27, 2020 Council Meeting

ITEM 3.1 Park Land Dedication Ordinance Update

1. What is the current requirement for common open space on a development? Is it 75 or 150 sgf per unit?

The amount of required common open space is based on the development standards of the zoning district in which the project is located and/or the type of development (e.g. rowhouse, small-lot single family, etc.). See summary table below.

Zoning District/ Development Type	Minimum Common Open Space Required
R3 Zone (R3D Zone)	55% of site area (35% of site area)
R4 Zone	30% of site area
Small-Lot, Single-Family	45% of site area
Townhouse	45% of site area
Rowhouse	35% of site area, min. 100 SF per unit
East Whisman Precise Plan	Min. 80 SF to 100 SF per unit
San Antonio Precise Plan	Mixed-Use Center - 15% of site area, min. 175 SF per unit Mixed-Use Corridor - 40% of site area, min. 175 SF per unit
North Bayshore Precise Plan	25% to 30% of site area, min. 80 SF per unit
El Camino Real Precise Plan	35% to 40% of site area, min. 150 to 175 SF per unit

2. Page 2-When was the city cost first brought to council as a consideration for giving Park Land Credit?

The City Council has reviewed the Credit Section of the Park Land Dedication Ordinance twice in the last two years. On April 9, 2019, the City Council adopted an ordinance creating the North Bayshore Precise Plan Publicly Accessible Privately Owned Open Space credit. This was the first time that a privately owned publicly accessible open space was explored by staff and reviewed by Council. The second review of the credit section by Council was on October 15, 2019 at the first Study Session of the current review process. Staff received direction to explore ways to modify the Credit section to provide additional open space to the City while considering the impact to the Park Land Dedication Fund for acquisition, design, and construction costs as well as ongoing operations and maintenance costs.

3. Page 7- I thought that the 75% credit was only for NBS? Is staff recommending it for the whole city?

Correct. Currently, the ordinance only allows for a privately owned, publicly accessible (POPA) open space credit of up to 75% the value of the land to be available in the North Bayshore Precise Plan Area.

Staff is proposing to make the POPA credit available citywide with a level of credit up to 75% the value of the land.

4. Page 4-For Land values was cost replacement a consideration for a geographic location.

The appraisal is not based on “cost replacement”, which in appraisal terms is what it will take to rebuild a home or other improvement in the same spot, same size and same quality of construction, at today's costs. The proposed appraisal study will be based on market value using a Sales Comparison Approach to establish a land value range for each density type. This land value range will take into account the variation of market value in different locations throughout the City.

5. Page 4-Staff recommendation is to have a 3rd party do annual appraisal, what would the RPPA add to the process?

The proposed annual appraisal study will provide a range of land values for each density type: low density, medium-low density, medium density, and medium-high and high density. The RPPA’s role will be to determine the specific land value within the appropriate range established for the density type based on the project’s location and other conditions.

6. Page 8-If giving developers a financial benefit a goal, what is the benefit to the City?

There are three main areas of financial obligations to consider when reviewing open spaces (Private, POPA, or Public): acquisition cost, design and construction cost, and operations and maintenance cost. When a developer dedicates land for a public park, most of the time it does not cover the entire park land requirement. Therefore, they pay a partial in-lieu fee as well. There are no acquisition costs for dedicated land, but the City uses the in-lieu fee for the design and construction costs. The City then uses the General Fund or Shoreline Community Fund, depending on location, to cover the maintenance and operations costs.

If a developer provides a POPA open space, staff anticipates that most of the time it would not cover their entire park land requirement and the City would still receive a partial in-lieu fee – like with dedicated land. However, the City would not have to use this in-lieu fee on the design and construction of the park. In addition, the City would not have to use the General Fund or Shoreline Community Fund for operations and maintenance of the open space. Table 3 in the report summarizes benefits to the City for POPA open spaces.

It should also be noted that the City will still reserve the right to require that land be dedicated as long as the open space aligns with the Parks and Open Space Plan, General Plan, or a Precise Plan.

In addition, providing developers some financial relief in exchange for open space makes residential development more feasible, which benefits the City by providing housing and facilitating the creation of POPA open space, dedicated land, or in-lieu fees that could be used for land acquisition.

7. Table 1-Was adding restrooms a consideration?

Staff expects that the POPA open spaces would follow the same guidelines as public parks, which only require a restroom if the space is over 3 acres in size. Because every POPA open space credit requires City Council approval, Council will be able to request a public restroom for spaces smaller than 3 acres if the elements and anticipated use call for a restroom onsite.

8. Page 10-How many tables are needed to sit 15 individuals?

Staff established minimum service requirements instead of minimum size requirements in order to provide developers with more flexibility to be creative in how the POPA open space is designed. To sit 15 individuals, a POPA open space could provide eight two-person tables or two larger eight-person tables depending on the size of layout of the space. Staff believe this will prevent “cookie-cutter” open spaces and allow for a larger variety of elements to be implemented across the POPA open spaces.

9. Page 10-Why was “standards of Professional association” used?

“Standards of Professional Association” allows for game courts of a variety of activities and sports to be provided while not requiring the City to establish guidelines for each type. This enables developers to provide game courts of various sizes (pickleball court vs tennis court vs basketball court) while being able to look up the dimensions and requirements.

10. Page 11-Please clarify what a “requests for an alternate element would be limited to one per Open Space credit”

If a developer wants to provide an element as part of their open space that is not listed in the ordinance, they can request to provide an “Alternate Element” as part of their credit application. Developers will only be allowed to request one alternate element per development project. The remainder of the POPA Open Space will need to include elements listed in the ordinance. The purpose of this option is to provide a method for staff and Council to address unique circumstances while still clearly setting expectations for the open space with the other elements listed.

11. Page 15-Is “offering some financial relief to the developer by reducing the park land requirements” the opposite of the Council goal of increasing open space? On development cost recovery, is the fact that rents go up over time a consideration for the developer, not the city?

The Private Open Space Credit (Private Credit) is an avenue to consider greater common open space within a residential development to count towards the development’s park land requirement, with the idea that creating greater quality open space on-site (beyond the zoning requirements) provides recreation on site and decreases the demand for public park land elsewhere in the City. The Private Open Space Credit does not decrease open space requirements of the development, but it does not add publically-accessible open space to the development.

Per the Quimby Act, which is the legal basis by which a City can require parkland dedications and/or in-lieu fees, the park land requirements set by a City are to address new demand on existing public recreation facilities generated by new residents from a new development. The Council has directed staff to look at how to turn that requirement outward to the greatest extent feasible to encourage publically accessible open spaces that serve residents within the area, not only the new development. A Private Credit would not achieve more publically accessible open space. However, the Private Credit does encourage greater quality open space on-site for residents of new development to enjoy, while also offering a credit toward park land requirements, decreasing some of the financial costs of residential development.

Due to the lower credit level being proposed, staff do not anticipate developers providing private open space instead of POPA open space. Rather, it is expected that it would address more unique situations when providing quality private open space to residents makes the most sense; and this open space is acknowledged by the City as offsetting impacts to neighboring parks by following the guidelines proposed by staff to be public parklike space.

Rental income is part of the developer’s consideration in pursuing a development proposal. The City does not review long-term rental income, or return-on-investments, when implementing the park land requirements.

ITEM 4.2 Rengstorff Park Aquatics Center Replacement, Design, Project 18-38—Approve Schematic Design and Other Actions

1. Are the 2 warm up lanes include in the project that the PRC asked for?

Yes. The project includes two shallow 25-yard lanes in the recreational (fun-water) pool that can serve multiple functions such as warm-up lanes during competitions and water exercise areas for seniors, swim lessons, and youth recreational swimming. PRC also expressed interest in having the project include additional lanes; therefore, two additional warm-up lanes are included as add-alternates in the design for a total of 4 warm-up lanes as part of the recreational pool. Through review of add-alternate pricing at the time of bids, Council will be able to make a decision to add or not based on bids received. For location of the planned warm-up lanes, please refer to project element "9a" in Figure 6 of the Item 4.2 Council report.

2. What is not being funded from the CIP to allocate additional funds to this project?

The estimated costs can be covered by in-lieu fees in the Park Land Fund without impacting other projects scheduled in the CIP. Projects in the San Antonio Parks and Open Space Planning Area that will require funding commitments in the future include the construction costs for the maintenance and tennis building renovations at Rengstorff Park as well as design and construction costs of the two acre park that will be adjacent to the Los Altos School District site.

ITEM 6.1 Zoning Ordinance Amendments Pertaining to Accessory Dwelling Units (ADUs)

1. For ADU studios (no bedroom), no parking required, is this state law or staff recommendation?

This is required by state law.

2. On parking, are there any ADA requirements?

There are no ADA parking requirements for ADUs.

3. Deed restrictions- state law or staff recommendation?

This is required by state law.

4. What is meant by “all applicable requirements shall be reviewed ministerially as a building permit?

This means that no discretionary planning permit is required for an ADU and they are reviewed and approved through a building permit based on the objective ADU development standards.

5. On Multi-family ADU’s, what section of state law are you referring too?

Multi-family ADUs are permitted under Government Code Section 65852.2.

6. Page 17 of attachment 1, Sec36.12.100 exceptions is that state law or staff recommendation?

This is required by state law.

7. Regarding setbacks, the staff report says, “State law mandates that local jurisdictions require no more than a 4’ side and rear setback for all ADUs.” Does this apply to JADUs too or only ADUs?

A JADU is only allowed within the walls of a single family home. Therefore, the setback requirements for the single family home will apply.

8. Is there no longer any rear yard coverage maximum with staff’s proposal? If there is, what is it?

In an effort to remove potential barriers to ADU construction, staff is no longer recommending a maximum rear yard coverage requirement for ADUs. The maximum 30% rear yard coverage will still apply to non-ADU accessory structures.

ITEM 7.1 Agreement with Recology Mountain View for Recyclable Materials, Organic Materials, and Solid Waste Collection Services

1. PAGE 5-Textiles, do that mean cloths?

Textiles include clothes, shoes and household linens (towels, sheets, blankets, etc.).

2. The staff report says, “All recycling and organics carts must be replaced for compliance with SB 1383 mandated colors.” What is the deadline for this? Would it be possible to do replacement only when carts wear out and still comply with SB 1383? Is this for consistency statewide or just for our city or for consistency for Recology staff?

The City has until 2035 to come into compliance with SB 1383. This is for consistent messaging statewide, so no matter where you live or work, container colors are the same. The reasons we are proposing replacing all carts at once are: 1) our existing carts are old and beyond their normal life span; 2) it is difficult to do outreach messaging when people have different colored carts; 3) better pricing on bulk purchases; and 4) less third-party distribution assistance costs.