



Planning Commission Agenda Correspondence

DATE: October 26, 2021

TO: Chair and Commissioners

FROM: John Rickenbach, Contract Planner / Rachel Cohen, Associate Planner

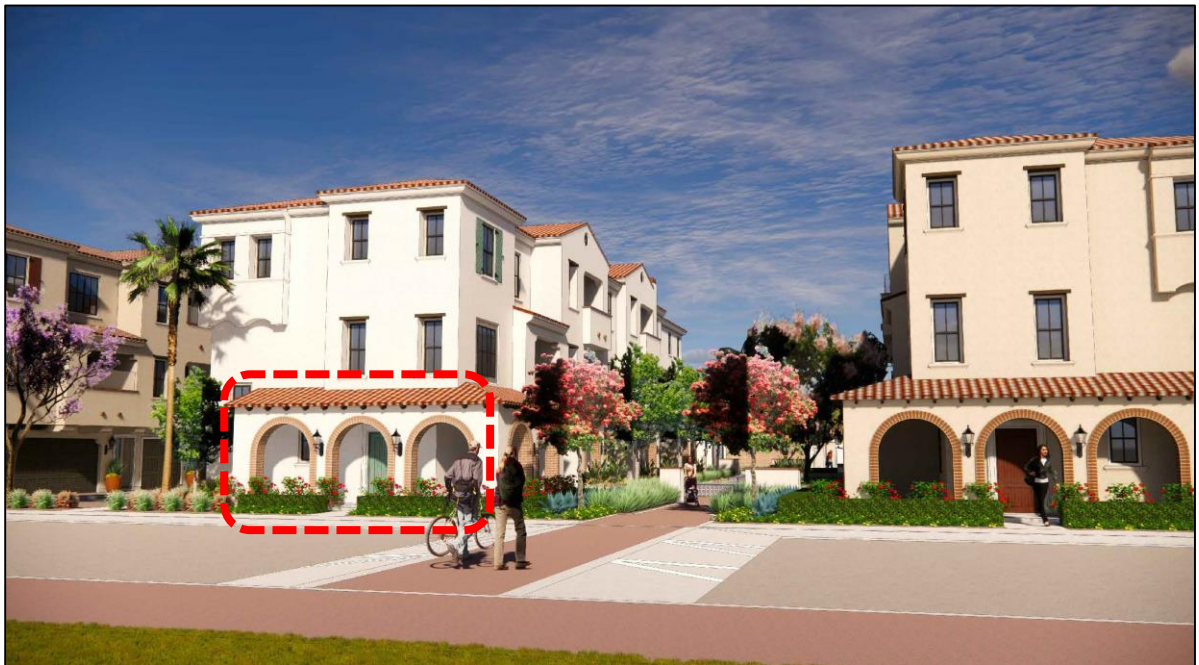
VIA: Tyler Corey, Deputy Community Development Director

SUBJECT: ITEM 3A - BULLOCK RANCH (ARCH-0489-2020) LOCATED AT 3580/3584 BULLOCK LANE

Corrections to Agenda Report

The following are corrections to the agenda report for Item 3a (Bullock Ranch):

1. Replace Figure 5 with the corrected figure below. The updated figure shows an updated covered patio with materials that reflect the direction of the Architectural Review Commission.



2. Replace a portion of Figure 11 with the corrected figure. The detail shows a more accurate rendering of the proposed balcony configuration reflecting the direction of the Architectural Review Commission.



3. The applicant's plan calculated the motorcycle parking requirement incorrectly, and this was not corrected in the agenda report. The Municipal Code requires 1 motorcycle space per 20 car spaces, which in this case would be 20 motorcycle spaces (based on 5% of 399 car spaces). To address this, the applicant is prepared to increase the number of motorcycle parking spaces, as shown below. The attached plan shows five locations within the plan (in light blue) where four motorcycle spaces would be included within each. Here is a revised parking summary as now proposed:

	Current	Proposed	Comments
Total Required Parking	399	399	No change
Total Provided Parking	412	410	2 current open parking stalls replaced with 10 motorcycle stalls
Motorcycle Parking Required	16	20	Based on 399 x 5%



Requested Modifications to Conditions of Approval

The applicant has requested the proposed changes below to the Conditions of Approval (COA) to the Draft Resolution (Attachment A). These changes are being proposed to provide clarification to the COA. Changes are indicated in red or with strikethrough text.

1. COA #42a: The shared sitework improvements such as driveways, utilities, and landscaping on each lot of Tract 3136 until the first certificate of occupancy for the lot provided that the Developer shall **substantially** construct Sponza Place including its utilities **and adjacent landscaping** prior to issuance of a building permit for the Project.
2. COA #80e: The City shall ~~take the lead with~~ obtaining all approvals, easements, access agreements, dedications, and/or license agreements needed from the UPRR for the extension of the Railroad Safety Trail, including the bike/ped bridge, with the exception of any permits or approvals required by the construction contractor hired by the Developer to construct the Bike Path. The Developer will not be required to obtain any other approvals, easements, access agreement, dedications, and/or license agreement from the UPRR for the Bike Path or any other purpose except that prior to subdivision plan approval or commencement of construction the City may require the Developer to obtain UPRR approval for any substantial alterations proposed by the Developer to the existing drainage outlets on the UPRR property along the Project's frontage, including an increase in the volume or rate of storm water calculated to pass through the drainage outlets after the completion of the Project. The City ~~will begin~~ **began** negotiations with UPRR in earnest **in September 2021 upon with** receipt of preliminary design drawings that identified path details at a sufficient level to confirm right-of-way needs from UPRR. The Developer shall make a good faith effort to provide engineering plans, design information and design revisions in a timely manner to address design review questions and comments submitted to the City by UPRR. The City shall make a good faith effort to obtain all approvals and agreements required by UPRR for construction of the Bike Path in a timely manner and to include Developer's representatives in relevant communications between the City and UPRR.

3. COA #80h: Unless otherwise approved by the Public Works Director, Developer shall be responsible for funding and ~~initiating constructing construction of~~ the Bike Path improvements ~~within 12 months of upon~~ City receipt of fully-executed UPRR right-of-way agreements. ~~The Developer shall complete and~~ Bike Path construction ~~shall be completed~~ within 18 months ~~following of~~ City receipt of fully-executed UPRR right-of-way agreements ~~this date~~ or City issuance of first building permits for the Project (whichever comes later).
4. COA #83: Transportation Impact Fees – Prior to issuance building permits, the project applicant shall pay all required transportation impact fees (TIF) minus any approved fee credits associated with construction of the Bike Path ~~and Bullock Lane to the north of 3540 Bullock Lane~~. Applicable TIF fees include participation in the Citywide Transportation Impact Fee (TIF) Program and Orcutt Area Specific Plan (OASP) TIF Program. Participation in these TIF programs shall satisfy the Project's fair share contribution towards future and in-progress off-site transportation improvements, including the Tank Farm/Orcutt roundabout and future capacity improvements to the Orcutt/Laurel/Bullock intersection. ~~Design, permitting and construction costs for Bullock Lane improvements north of the 3540 Bullock Lane frontage are eligible for Transportation Impact Fee credits or reimbursement (with a public reimbursement agreement approved by the City Council).~~
5. COA #92: ~~Unless waived in writing by the Utilities Director,~~ Water service meter(s) shall be adequately sized to serve the project's proposed units. Residential units shall be separately metered from the non-residential/commercial units, and service lines shall not cross parcel boundaries per MC 13.04.120, ~~unless waived in writing by the Utilities Director.~~

Responses to Commissioner Questions

The following responds to questions received from a Commissioner, with questions indicated in italics.

CONDITION 80: NEXUS AND ROUGH PROPORTIONALITY

1. *I'm wondering how Condition 80 meets the legal tests for "nexus" and "rough proportionality," as it requires the applicant to fund the design, permitting, construction and possible right-of-way acquisition for about 1,700 feet of an off-site and regional bike path and related improvements.*

Response: This condition meets the "nexus" and "rough proportionality" test, because required improvements are based on the project's contribution to increasing demand on the City's bikeway system, and after reimbursement as described below, will not exceed the project's total impact on the system. As noted in COA #80, Subsection i, the costs related to design and construction of the Bike Path are eligible for reimbursement. The extent of the regional Bike Path is included in the OASP Transportation Impact Fee Program and the Citywide

Transportation Impact Fee Program – based on initial estimates, the Developer's TIF obligations would exceed the total anticipated cost to construct the Bike Path; thus, their form of reimbursement is anticipated to be administered in the form of TIF fee credits. Essentially, they would receive credits towards their TIF fees up to the anticipated cost of the Bike Path, so they would not pay any TIF fees at building permit issuance until they've exhausted all credits related to the Bike Path. City and Developer are working on a Public Credit/Reimbursement Agreement currently and plan to have the agreement in place by the time the project goes to City Council for approval in early 2022. I'll also note that City is taking the lead with right-of-way acquisition with Union Pacific Railroad, including all costs associated with this acquisition. Developer is taking the lead with the acquisition of property needed along the Pratt property frontage, which is required not only for the Bike Path but to connect Bullock Lane to the north, which is the last remaining backbone street connection identified in the OASP.

- a. *Has this condition been applied to any other nearby projects, which may generate similar or even greater needs for alternative transportation? If not, why is the condition applied only to this project?*

Response: Yes, each of the previously approved Tracts in the OASP have had similar obligations to construct backbone transportation infrastructure, taking reimbursement for costs exceeding their fair share in the form of TIF credits. Righetti Ranch (304 total units) constructed several backbone streets and ped/bike paths (Righetti Ranch Road, Tiburon, a portion of Ranch House Road, Tank Farm/Righetti Ranch Roundabout, 2 internal roundabouts, 3,400 feet of new Class I Bike/Ped Paths within OASP Area). Similarly, the West Creek Development (172 units) funded and constructed significant improvements along Orcutt Road, a new roundabout at Orcutt/Ranch House Road, and a portion of Ranch House Road. The Taylor Ranch/South Morros development (53 units) constructed several new public streets and significant frontage improvements along Orcutt Road. As the last large tract within the OASP with any development activity, the Bullock Ranch project would be completing the last remaining gaps in the Railroad Safety Trail (connecting north from Tiburon to Orcutt Road) and Bullock Lane.

- b. *Does paragraph i of Condition 80 mean that the developer may, or that the developer will ultimately be reimbursed so that the developer is responsible only for the "fair share" of the costs of the bike path project? Are the costs of right-of-way acquisition reimbursable (they are not mentioned in paragraph i)?*

Response: As mentioned above, the Developer will be reimbursed for costs associated with designing and constructing the Bike Path through Transportation Impact Fee Credits. The City is taking on the cost and responsibility of acquiring the right-of-way needed from Union Pacific Railroad. The remaining right-of-way needed to connect Bullock Lane from the Pratt property is the responsibility of the Developer to acquire, including costs. Depending on the terms of the ultimate

agreement between the Developer and the adjacent property owners, these property acquisition costs could potentially be reimbursable via Private Reimbursement Agreement (i.e. if the Pratt's ultimately redevelop their property, they would need to reimburse the Bullock Ranch developer for costs related to their frontage improvements per terms of Private Reimbursement Agreement). However, Developer's design, permitting and construction costs for Bullock Lane improvements north of the 3540 Bullock Lane frontage are eligible for Transportation Impact Fee credits or reimbursement (with a public reimbursement agreement approved by the City Council).

c. Is the applicant in agreement with Condition 80?

Response: Yes, the final language in Condition 80 the COAs was refined in coordination with the applicant over the past year.

CONNECTIONS TO TRACT 3111, PRATT

2. *The Master Site Plan appears to show a planned connection from "Court 10" to a street in adjacent Tract 3111, the Pratt project. In addition, the landscaping plan shows sidewalk connections from "Court 11" and "C Street" to the Pratt project. Are these connections part of the project? I didn't see any reference to them in the Conditions of Approval.*

Response: Yes, there are connections indicated between the Bullock Ranch site and the adjacent Tract 3111. Private reciprocal access easements were previously shown as part of Tract 3111 and reflected on project plans and the VTTM (see Sheet C-2 of the project plans); thus, they were not reflected in the COAs.

MOTORCYCLE PARKING

3. *This isn't a very big concern, but I'm curious how the requirement for 16 motorcycle parking spaces is calculated. Wouldn't the standard of 1 motorcycle space per 20 car spaces, applied to 399 required car spaces, result in 20 required motorcycle spaces instead of 16?*

Response: See the discussion at the beginning of this memorandum related to motorcycle parking (Item 3 of "Corrections to the Agenda Report").