



PUBLIC WORKS DEPARTMENT

CITY HALL

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CITY COUNCIL STAFF REPORT

Meeting: February 2, 2016

Subject

An ordinance amending sections 14.04.100 and 18.56.040 of the Cupertino municipal code to provide for a limited waiver of reimbursement requirements when a property owner dedicates right-of-way for a city street improvement or facility project.

Recommended Action

Conduct the second reading and enact the draft ordinance: "An ordinance of the City Council of the City of Cupertino amending sections 14.04.100 and 18.56.040 of the Cupertino municipal code to provide for a limited waiver of reimbursement requirements when a property owner dedicates right-of-way for a city street improvement or facility project," with an amendment directed by the City Council during the first reading of the ordinance amendment on January 19, 2016 to include a provision in the ordinance language such that the city council determines the percent of a waiver to offer for right of way acquisition for individual projects as they are approved during the CIP budget process, to facilitate the provision of sidewalks and street widening in certain areas where pedestrians and bicyclists are prevalent.

Discussion

Currently, almost all construction of new curb, gutter and sidewalk is achieved as standard requirements of new development. Especially in residential neighborhoods, this typically results in a slow, piecemeal buildout of the sidewalk network, leaving gaps where pedestrians walk from a short piece of sidewalk back into the street or dirt, and then back on another short piece of sidewalk. Bicyclists are also more constricted in the locations where the street widening has not occurred. While this situation exists in several areas of the City, it is very clearly illustrated in the school walking routes in the Monta Vista neighborhood just north of McClellan Road.

The subject sections of the municipal code provide that if the City or another property owner installs street improvements that benefit a property, the owner of the benefitted property is required to reimburse the City or the property owner for its reasonable share of the costs of such improvements when they seek a land use permit from the City. Section 18.56.040 of the City of Cupertino Municipal Code imposes a similar reimbursement requirement for street facilities in connection with subdivision maps.

There has been a strong desire to improve the walkability of routes to schools; particularly those areas lacking curb, gutter and sidewalk. Because the subject municipal code sections require property owners developing a property through subdivision, or increasing their residential square footage by over 25% reimburse the City for any costs advanced for these improvements, property owners are typically hesitant to dedicate the necessary right-of-way for the widening. In order to incent the dedication of land necessary to improve such routes, prior to an owner's application for a land use permit or subdivision map, this code amendment would provide a limited waiver of future reimbursement charges in exchange for an owner's dedication of land, at no cost, in connection with the City's commencement of a street improvement project.

With the first reading of the ordinance on January 19, 2016, Council directed to amend the ordinance at the second reading to include a provision in the ordinance language such that the City Council determines the percent of a waiver to offer for right of way acquisition for individual projects as they are approved during the CIP budget process.

Sustainability Impact

There is no sustainability impact resulting from this amendment.

Fiscal Impact

There is no fiscal impact resulting from this amendment. If, in the future, the City budgets a capital improvement project to improve certain streets with curb, gutter and sidewalk, there would be no future reimbursement expected from property owners if in advance of the project they enter into a limited waiver agreement with the City and dedicate their street frontage property at no cost to the City.

Prepared by: Timm Borden, Director of Public Works

Approved for Submission by: David Brandt, City Manager

Attachments:

A – Draft Ordinance

B – Redline Version of Draft Ordinance