

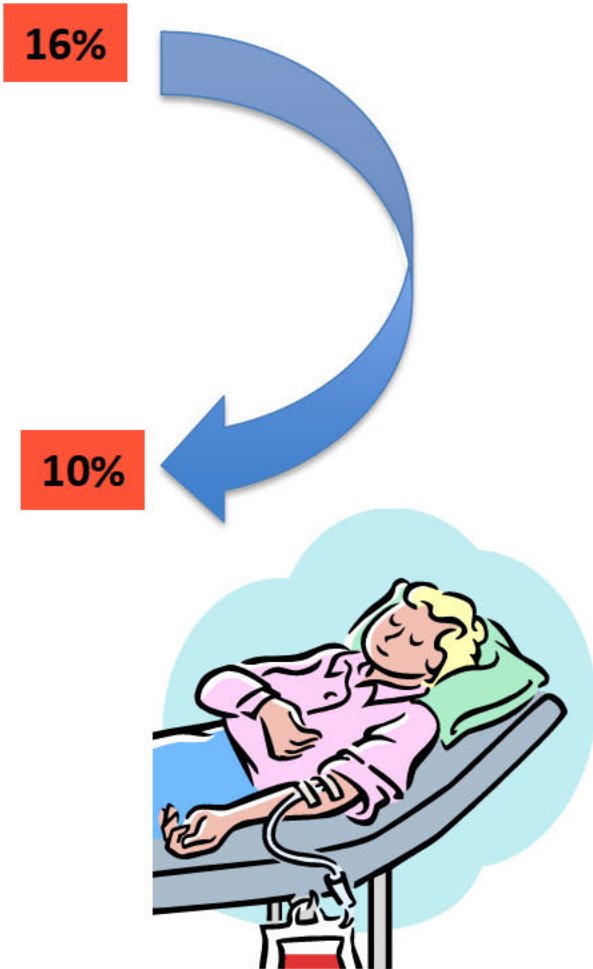
Quimby Act Compliance Analysis

Speaker: Chris Bencher

Contact: 

Summary

- ❑ North Blaney & Valco neighborhoods are at **16% of target allocation for parklands.**
- ❑ The proposed Housing Element and General Plan Amendment will result in **33% reduction of park-land ratio.**
- ❑ Result will be North Blaney & Valco end at **only 10% of target allocation for park lands.**



Cupertino City Targets for “Quality Growth Conditions”

Cupertino Municipal Code: “Park land Dedication Requirement”

18.24.040 General Standard.

The public interest, convenience, health, welfare and safety require that three acres of property for each one thousand persons be devoted for neighborhood park and recreational purposes.

California Assembly Bill 1359: “Revision to Quimby Act”

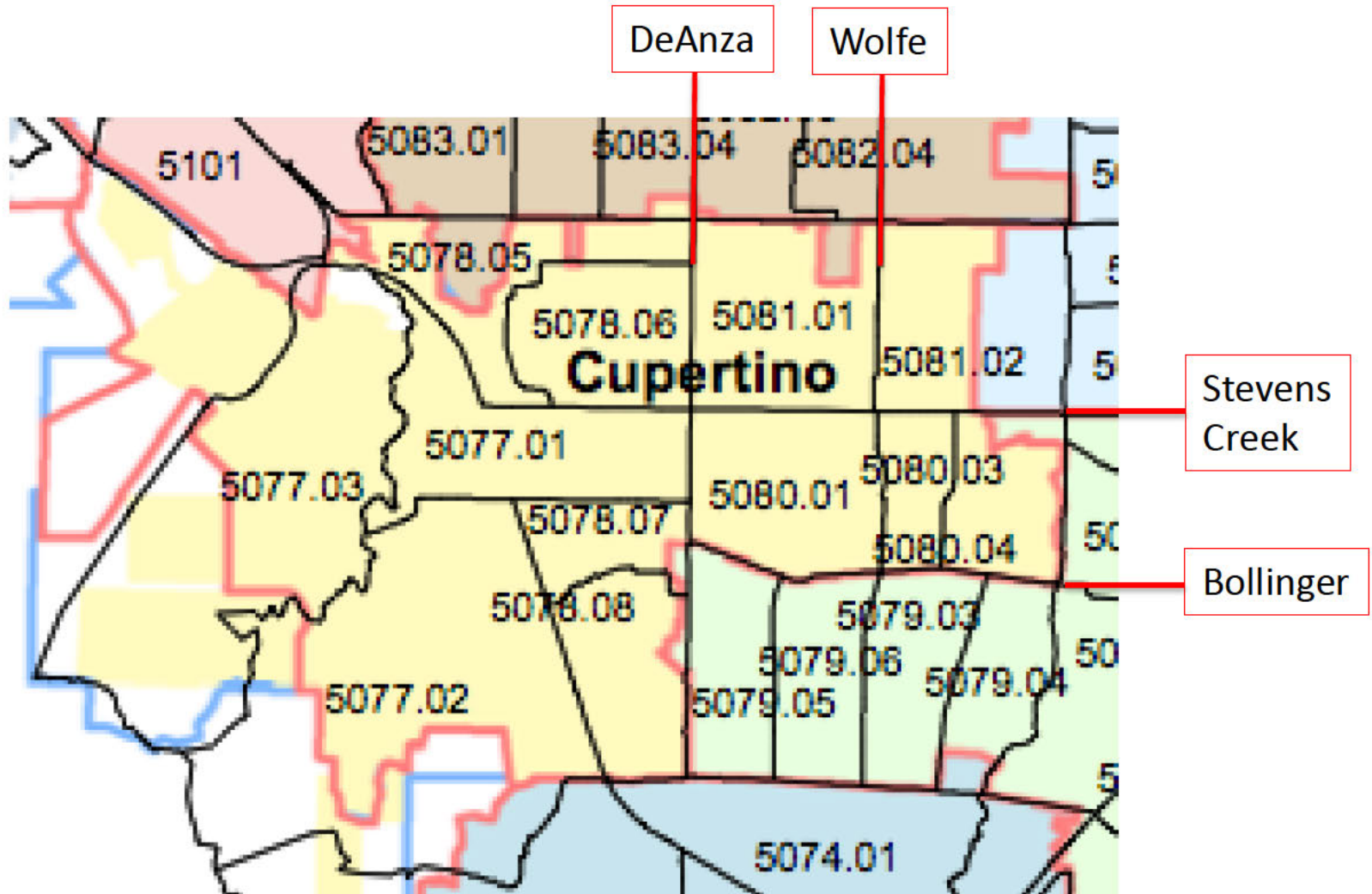
(A) The park area per 1,000 members of the population of the city, county, or local public agency shall be derived from the ratio that the amount of neighborhood and community park acreage bears to the total population of the city, county, or local public agency as shown in the most recent available federal census

Source:

[http://www.amlegal.com/nxt/gateway.dll/California/cupertino/cityofcupertinocaliforniamunicipalcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:cupertino_ca](http://www.amlegal.com/nxt/gateway.dll/California/cupertino/cityofcupertinocaliforniamunicipalcode?f=templates$fn=default.htm$3.0$vid=amlegal:cupertino_ca)
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1359

United States Census Tracts for Cupertino

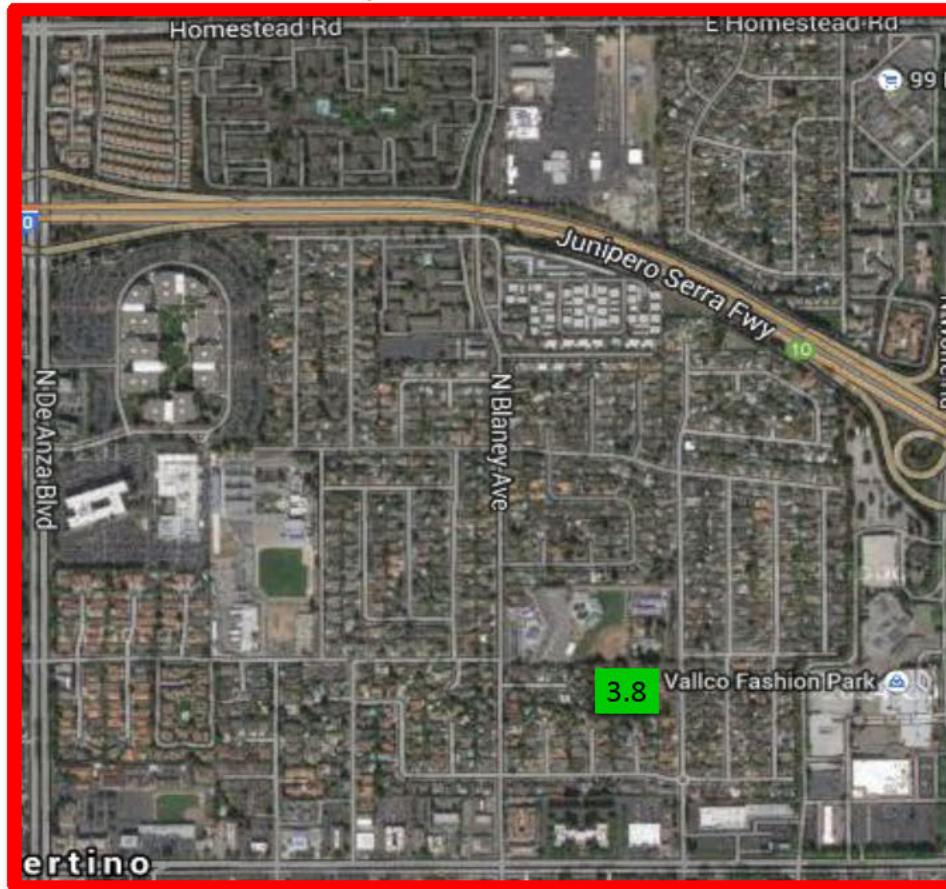
4 Major Census Tracts (5077, 5078, 5080, 5081)



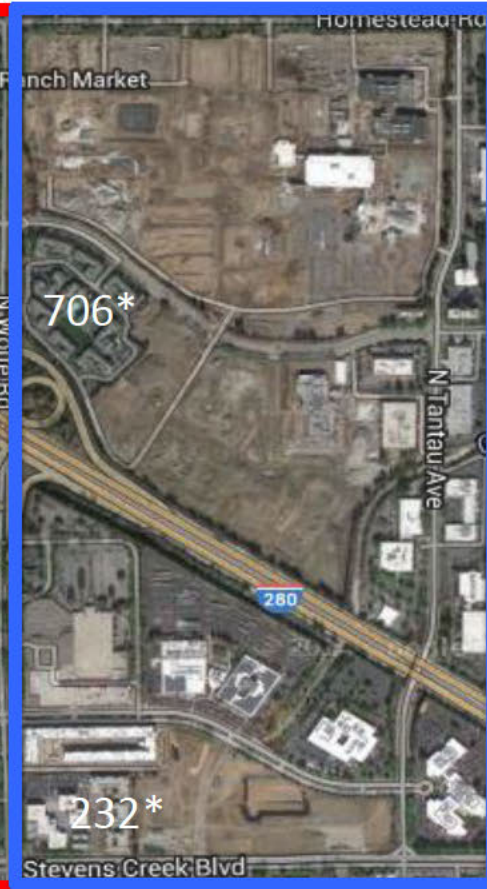
Census Tract 5081

| | |
|--------------------------------------|-------|
| 2010 Census Population | 7,678 |
| Required Acres per chapter 18.24.040 | 23.0 |
| Actual Acres | 3.8 |
| % of Requirement | 16% |

5081.01 "North Blaney"



5081.02 "Valco"



Census Tract 5080

| | |
|---|---------------|
| 2010 Census Population | 13,948 |
| Required Acres per chapter 18.24.040 | 41.844 |
| Actual Acres | 36.1 |
| % of Requirement | 86% |

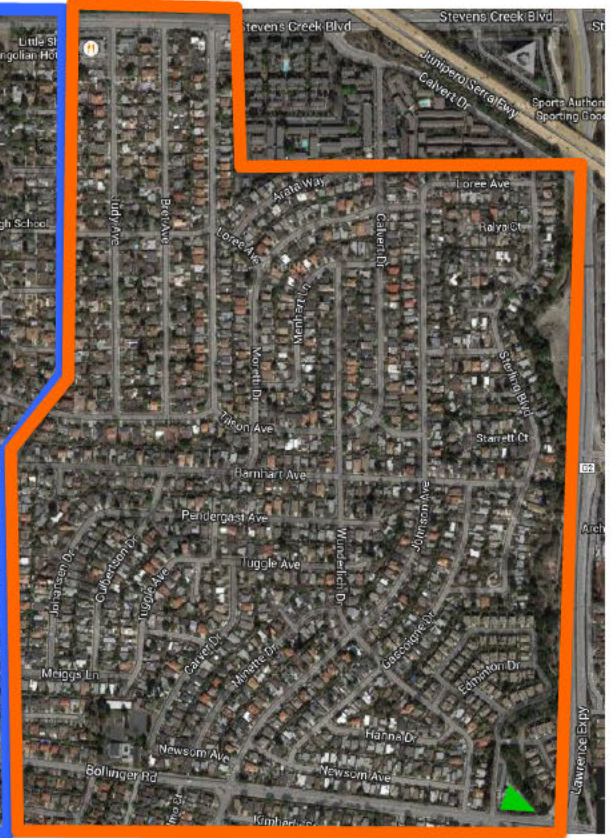
5080.01 "Wilson"



5080.03 "Fairgrove"

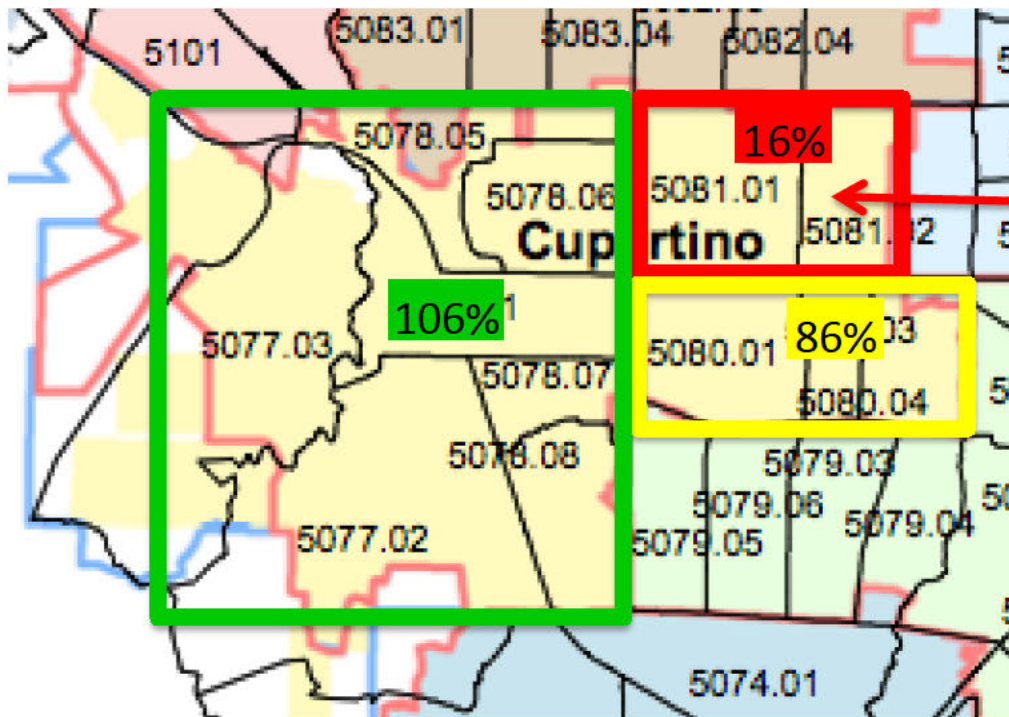


5080.04 "Rancho"



Park Land Dedication Rates by Census Tracks

| Census Track | 5081 | 5080 | 5077 & 5078 | All Cupertino |
|------------------------------|-------|--------|-------------|---------------|
| Existing Population | 7,678 | 13,948 | 36,676 | 58,302 |
| Required Acres per 18.24.040 | 23.0 | 41.8 | 110.0 | 174.9 |
| Actual Acres | 3.8 | 36.1 | 117.0 | 156.9 |
| % of Requirement | 16% | 86% | 106% | 90% |



- Track 5081 has a severe park-land dedication gap
- General Plan and Housing Plan should address before any re-zoning.

Impacts since 2010 Census & Effects of New Proposals

| Census Track | 5081 | 5080 | 5077 & 5078 | All Cupertino |
|--------------------------------------|-------|--------|-------------|---------------|
| Existing Population | 7,678 | 13,948 | 36,676 | 58,302 |
| Required Acres per chapter 18.24.040 | 23.0 | 41.8 | 110.0 | 174.9 |
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| % of Requirement | 16% | 86% | 106% | 90% |

Projects coming on-line



| | | |
|--|------|------|
| Population growth from current projects (Rose Bowl, Main Street, 20030 Stevens Creek) | 907 | 283 |
| Required Acres after current construction | 25.8 | 42.7 |
| % of Requirement | 15% | 85% |

Newly Proposed Projects



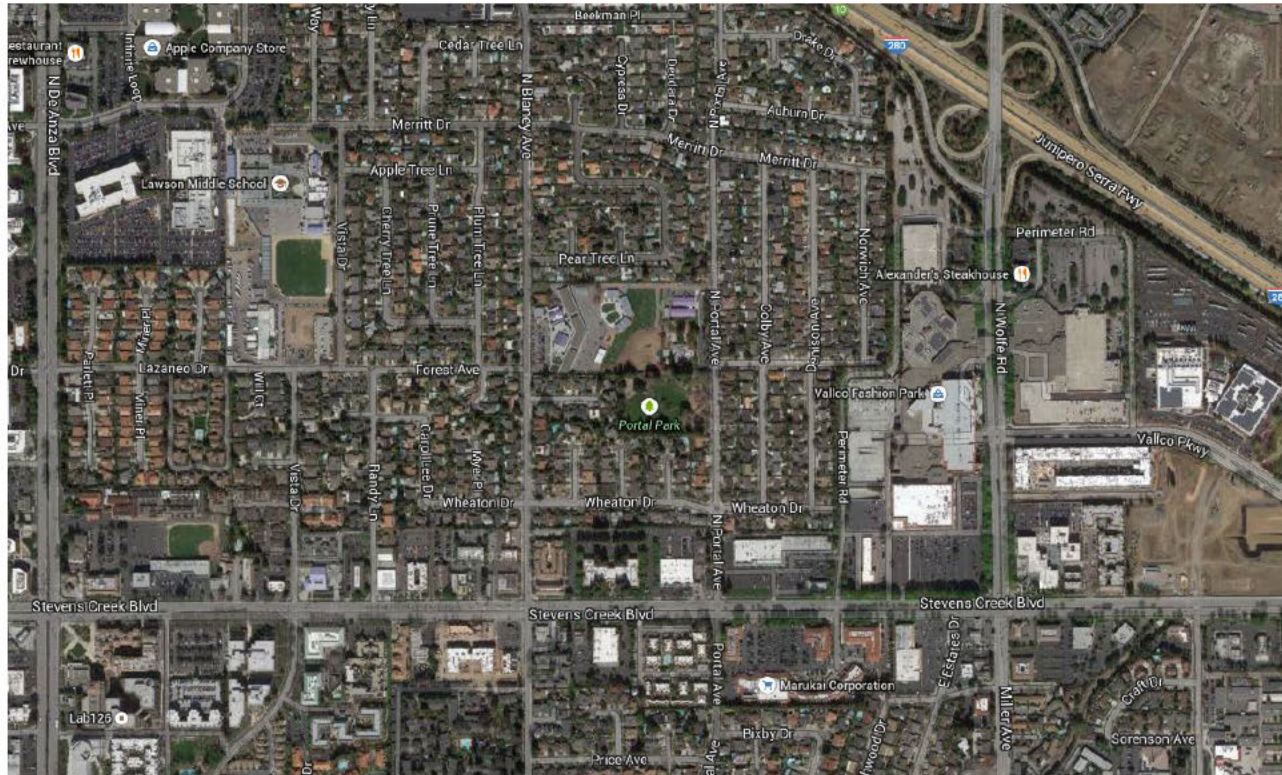
| | | |
|---|-------|------|
| Population growth from proposed projects (Hamptons, Valco, United Furniture) | 3,774 | 288 |
| Required Acres after proposal | 37.1 | 43.6 |
| % of Requirement | 10% | 83% |

The suggested re-zoning will make it worse

Proposed housing in Track 5081 will decrease park land ratio by 33%

Park Lands Acreage Gap: Current, Future, Proposed

| | Census Tract | 5081 | 5080 |
|--|--|-----------|----------------|
| | Current Gap (Acres) | 19 | 6 acres |
| | New Gap (after current projects complete) (Acres) | 22 | 7 acres |
| | Potential Gap after proposed rezoning (Acres) | 33 | 7 acres |



Where does City propose these 20-40 acres will come from ?

What will be left when this is over ?

Current Gap: 20 Acres inside Tract 5051.

Future Gap: 40 Acres inside Tract 5050/5081

Conclusion

- Cupertino Park Land Dedication was written for the Health, Welfare & Safety
- Census track 5081 is at only 16% of target → 10% with the proposed plan.
- Delay the General Plan Amendment until the park-land equalization strategy is in-place.
- Delay all re-zoning in Track 5080/5081 until you have a PLAN.

We Need City Council to Fight for the People and Close our Park Land Gap

Back-Up Material

Cupertino Municipal Code: Park Land Dedication Requirement

Chapter 18:24

18.24.060 Formula for Fees in Lieu of Land Dedication.

A. General Formula. If there is no park or recreation facility designated in the open space and conservation element of the General Plan to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, **in lieu of dedicating land, pay a fee equal to the market value of the land** prescribed for dedication in Section 18.24.080, Valuation of the land described above shall be determined, for in lieu fee purposes, under the procedures described in Section 18.24.080.

C. Use of Money. The money collected shall be paid to the treasurer of the City or his or her authorized agent. Such money shall be **placed in a special revenue fund** which is hereby created and which shall be known as the **"park dedication in-lieu fee fund."** Money within this fund shall be used and expended solely for the acquisition, improvement, expansion or implementation of parks and recreational facilities reasonably related to serving the public by way of **the purchase of necessary land**, or, if the City Council deems that there is sufficient land available for this use, then secondly this money shall be used for improving such land for park and recreational purposes.

Source:

[http://www.amlegal.com/nxt/gateway.dll/California/cupertino/cityofcupertinocaliforniamunicipalcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:cupertino_ca](http://www.amlegal.com/nxt/gateway.dll/California/cupertino/cityofcupertinocaliforniamunicipalcode?f=templates$fn=default.htm$3.0$vid=amlegal:cupertino_ca)

Cupertino Municipal Code: Park Land Dedication Requirement

Chapter 18:24

TABLE 18.24.050
Park Land Dedication Formula Table

| Types of Dwellings | Density DU/acre | Average Household Size/DU | Average Acreage Requirement/DU, Based on 3-acre Standard |
|----------------------|-----------------|---------------------------|--|
| Single-Family | 0--5 | 3.5 | .0105 |
| Duplex, medium low | 5--10 | 2.0 | .0060 |
| Cluster, medium | 10--20 | 2.0 | .0060 |
| Cluster, medium high | 20 + | 1.8 | .0054 |
| Apartments | 10 + | 1.8 | .0054 |

| Project | Dwellings | Formula Rate | acres |
|---------------------|-----------|--------------|-------------|
| Rose Bowl | 204 | 0.0054 | 1.10 |
| Main Street | 120 | 0.0054 | 0.65 |
| 20030 Stevens Creek | 101 | 0.0054 | 0.55 |
| Metropolitan | 107 | 0.0054 | 0.58 |
| | | | 2.87 |

We should already have money in the “Park Dedication Fund” for 2.87 acres @ market rate

| Project | Dwellings | Formula Rate | acres |
|------------------|-----------|--------------|-------------|
| Vallco | 600 | 0.0054 | 3.24 |
| United Furniture | 103 | 0.0054 | 0.56 |
| Hamptons | 748 | 0.0054 | 4.04 |
| | | | 7.84 |

Three proposed projects will provide “in-lieu-of fund” for additional 7.84 acres @ market rate

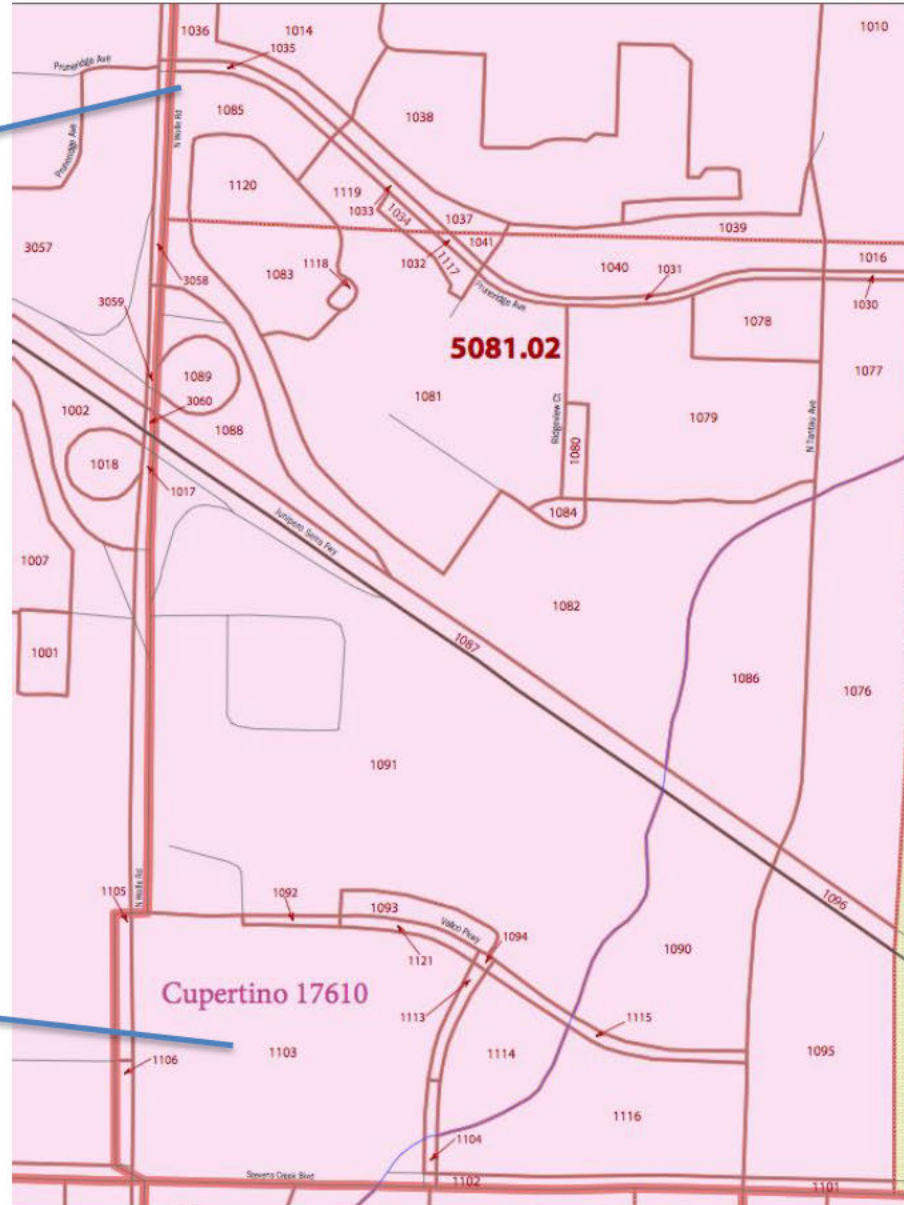
10.6 acres (2.8+7.8) of reserved park lands @ market rates should be achievable

Census Tract 5081.2 Detail

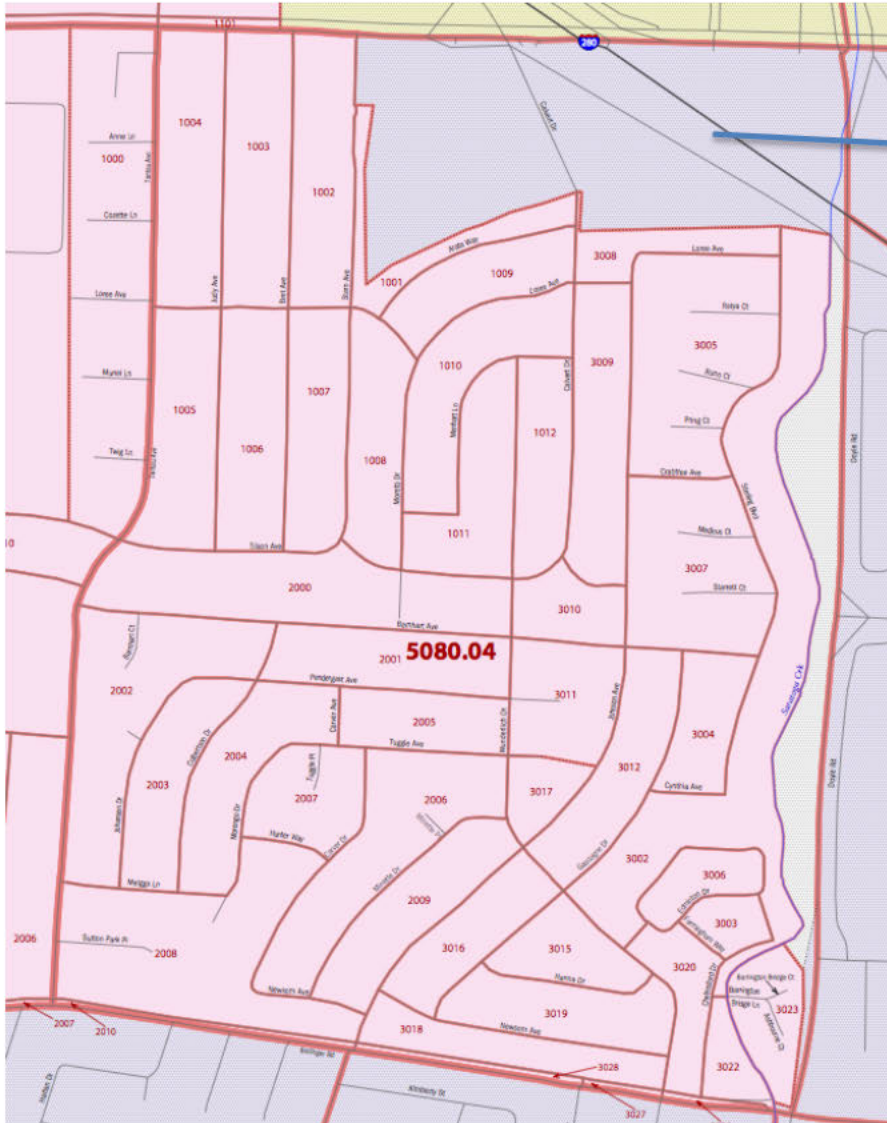
Block 1085: 706
(current Hamptons)

Note:
For 5081.2 one must adjust
census data to include only the
Cupertino blocks, and ignore
the Santa Clara blocks.

Block 1103: 232
Current Metropolitan and
neighboring apartment.



Census Tract 5080.4 Detail



Block 1000: 1268

Block 3001: 473



Note:
For 5080.4 one
must adjust census
data to remove San
Jose blocks 1000
and 3001.