



## **MEMORANDUM**

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TO: General Plan Advisory Committee

FROM: Troy Fujimoto, Planning Division

DATE: April 22, 2021

SUBJECT: Other Jurisdictions Public/Community Benefit Overview

### **Background**

The City has recently been reviewing multiple projects that have included a request for either a General Plan Amendment and/or a Planned Unit Development (PUD) Zoning Designation to allow deviations from various development standards. As part of the review process, the City is required to make positive findings for both types of requests. One of the findings for a General Plan Amendment that is required to be made is that the Amendment is being done in the public's best interest. One of the findings for a PUD approval is that the proposed deviations from the base district regulations are justified by compensating benefits of the PUD plan or specific plan. Thus, the proposed project would have to identify public benefits that justify potential approval of the project. Past public benefits approved by the City have included affordable housing, increased revenue for the City as a result of the project, a monetary contribution to be used by the City of public improvements or provision of affordable housing, and public infrastructure improvements.

As part of the development application process, a clear public benefit option and method to determine adequacy, does not exist. Currently, Staff reviews each project on a case by case basis and recommends/determines what would be an appropriate public benefit. This would then be presented to the City decision-makers for final action. Through this process, concerns have been raised by the development community including uncertainty with what might be required, including both timing and costs. It has also been noted that by not knowing what might be required it creates a project feasibility issue as they are not able to factor in these costs into the project until later in the process.

Due to these concerns, staff reviewed how other bay area jurisdictions handled public benefits related to requests for land use changes and increases in development intensities (such as density and building heights). A summary is provided in this memorandum. The General Plan Advisory

Committee is requested to review the following information and provide any comment and feedback to staff.

### **Community Benefits Programs**

Other cities in the Bay Area have adopted Community Benefit Programs for assessing appropriate levels of community benefits for various types, and levels, of development bonus allowances over base district provisions. In many cases, a developer who is taking part in a Community Benefit Program is required to enter into a binding agreement with the City that specifies the community benefit that will be provided. A developer may be required to provide one, or a combination of, community benefits in relation to the land use request(s).

Examples of Community Benefits required by other jurisdictions include the following:

- Child Care Facility
- Publicly Accessible Open Space and Active Recreational Uses
- Shared Parking (with other use types)
- Affordable Housing
- Community Facilities
  - Public Parks or Outdoor Play Areas
  - Public Plaza's
  - Transit Improvements (bus shelters)
  - Public Safety Improvements
- Neighborhood Improvements
  - New Streets/Pathways
  - Streetscape enhancements
- Utility Undergrounding
- Measures/Programs aimed at reducing Greenhouse Gases
  - Zero Net Energy Projects
- Economic Development
  - Sponsorship of a Downtown Special Event
  - Sponsor Business Façade Improvements
- Flexible Community Benefits
- Non-Profit Commercial Space
- Financial Contribution
  - Payment into a fund for future public improvements

Community Benefit Programs may be categorized by project site size (i.e. small project site = 15,000 s.f. or less) or other pre-qualifying criteria. Many of the Community Benefit Programs are designed as a “point-based system” examples from four Bay Area cities are provided in the following pages:

City of Emeryville

The City of Emeryville incorporates a point based system to grant development bonuses, including increase floor area ratio, height and/or residential density. The calculation of points needed for the increase is based on the percentage of the amount of increase by the maximum increase allowed per zone. This fraction multiplied by 100, will identify the number of points that is necessary to grant the development increase. The following provides a summary of the points for a specific type of community benefit.

Community Benefit	Maximum Points	Point Calculation	Misc. Requirements
Public Open Space	50	15% of site area or 2,000 s.f., whichever is greater: 50 points  10% of site area or 1,500 s.f., whichever is greater: 35 points	Contribution shall be made prior to issuance of a building permit.
Zero Net Energy	50	100% of energy load (zero net energy): 50 points	Percent of total building energy load measured as kilowatt per s.f. provided by solar panels, wind turbines, or other renewable resources
Public Improvements	50	10 points for every 1% of project construction valuation up to 50 points	Does not include improvements along project frontage that are normally required.
Utility Undergrounding	50	Contribution to Citywide Underground Utility Fund: 10 points for every 1% of project construction valuation up to 50 points	Does not include utility undergrounding that is normally required.
Additional Family Friendly Units	50	5 points for each additional 5% of total units that have 2 or more bedrooms, or which at least 1% of total units must have 3 or more bedrooms	2 and 3 bedroom units are in addition to any other standard requirements.
Small Businesses	50	Contribution to Citywide Fund to support small local-serving businesses: 10 points for every 1% of project construction valuation up to 50 points	Contribution must be made prior to issuance of a building permit.
Flexible Community	50	The City Council shall determine	Currently undefined

Benefit		the number of points to grant for the proposed community benefit based on 10 points for every 1% of project construction valuation.	community benefit proposed by the applicant that is significant and substantially beyond normal requirements.
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City of Redwood City

The City of Redwood City approved a Community Benefits program for their mixed use transitional zoning district. This would allow increased height and density in exchange of various community benefits. A project may be eligible provided that it complies with the following:

Points System:

- a. Small Projects: A minimum of 4 points is required to qualify for one of the Community Benefits standards (height or density). Each additional standard requires 2 points thereafter. For example, if a developer wanted increased density and height, a total of 6 points is required.
- b. Large Projects: A minimum of 6 points is required to qualify for one of the Community Benefits standards (height or density). Each additional standard requires 4 points thereafter. For example, if a developer wanted increased density and height, a total of 10 points is required.

Process: The applicant is required to request a 4-point benefit or 2-point benefit with the option to add-on 2 additional points as applicable, and provide sufficient documentation to support the request. The City has the discretion to determine eligibility for the point value requested by the applicant, and level of documentation required to satisfy the requested benefit.

Community Benefit	4 Points	2 Points	Add-Ons (+2 Points)
Child Care Facility	Serving at least 60 children and minimum interior space of 8,000 s.f.	Serving at least 30 children and minimum interior space of 4,000 s.f.	Specialized programming including language immersion facilities, care for children with special needs, or other specialized program.
Publicly Accessible Open Space	0.25 acres or 10% of project area, whichever is greater, on projects greater or equal to 2 acres	10% of project area on projects less than two acres	Donate land or build public facilities on City-owned land
Shared Parking	Available to the	Available to the	Link private parking

	public at all times	public on evenings and weekends  10% of the spaces leased to off-site employees of nearby businesses	lots for improved access and circulation
Housing	At least 50% of the project is used for housing	At least 25% of the project is used for housing	At least 20% 2-bedroom & 10% 3-bedroom
Affordable Housing	5% above City standards	2.5% above city standards	
Community Facilities		eight times per calendar year	
Live/Work Units		5% of the total unit count	Adapt or re-purpose existing building(s) that provide neighborhood character
Active Uses	80% along major street(s) ground floor frontage with a depth of 40-feet or more	Corner uses – ground floor frontages with a depth of 40-feet or more	
New Streets/Pathways	New streets that result in blocks less than 400-feet or as identified by the City	New publicly accessible bicycle & pedestrian pathways – 8-foot side minimum	
Business Façade Improvements	Frontage Improvements to at least five nearby storefronts	Frontage Improvements to at least 3 nearby storefronts	
Neighborhood Improvements		Install traffic calming features above and beyond nexus driven improvements required by the City	
Non-Profit Commercial Space		15% of gross floor area at a subsidized leasing rate	

City of Walnut Creek

The City of Walnut Creek has a Community Benefit Program to provide developers the opportunity to secure additional development intensity in exchange for additional development intensity (that must be consistent with the General Plan). One development bonus equals one increment of all three regulations (in this case - height, density and/or FAR: Floor Area Ratio). The community benefit points required to earn a development bonus depend on the size of the project as seen below:

Points System:

- a. Small Projects: Less than 15,000 square feet.
  - a. Bonus 1: 1 point
  - b. Additional Bonuses: 1 point each
  
- b. Medium Project: 15,000 to 40,000 square feet
  - a. Bonus 1: 2 points
  - b. Additional Bonuses: 1 point each
  
- c. Large Projects: Greater than 40,000 square feet
  - a. Bonus 1: 3 points
  - b. Additional Bonuses: 1 point for each 20,000 square feet of additional net lot area

The two tables below are examples of both Publicly Owned Improvements and Privately Owned Improvements.

Publicly Owned Improvements

Benefit Category	2-Point Benefit	1-Point Benefit	Add-Ons (+1 Point)
Pedestrian & Bicycle	400 linear feet of new Class I or IV bike facilities along a public street	200 linear feet of new Class I or IV bike facilities along a public street	Off-site public bike parking facilities for at least 300 bicycles (may be dispersed sites in the public ROW)
Transit	N/A	One bus stop with pull-out lane or bulb-out plus bus shelter with lighting, seating, and real-time arrival information	N/A
Streetscape	200 linear feet of streetscape improvements, per specific plan	100 linear feet of streetscape improvements, per specific plan	City gateway feature

Intersection	Intersection improvements for specific area	Intersection improvements for specific area	City gateway feature
New Streets/Pathways	100 linear feet of new public street (24 foot minimum width) plus lighting, landscaping and sidewalk), per specific plan	100 linear feet of new public street (12 foot minimum width) plus lighting, landscaping and sidewalk), per specific plan	Additional 50 linear feet of new public street (12 foot minimum width) plus lighting, landscaping and sidewalk), per specific plan
Utility Undergrounding	300 feet of overhead utilities placed underground with replacement streetlights	150 feet of overhead utilities placed underground with replacement streetlights	N/A
Multi-use Landscaped Trail	Coordinate with City to obtain encroachment permit from Caltrans granted to the City and construct multi-use landscaped trail (approx. 1,300 linear feet) per specific plan		

Privately Owned Improvements

Benefit Category	2-Point Benefit	1-Point Benefit	Add-Ons (+1 Point)
Public Parking	20 publicly available parking spaces within a new parking structure (in addition to parking required per the Zoning Ordinance)	10 publicly available parking spaces within a new parking structure (in addition to parking required per the Zoning Ordinance)	If the publicly available spaces provided are undergrounded: 1 additional point for each set of 10 spaces
Public Open Space	2 acre or greater site: 0.25 acres or 10% of site area (whichever is greater)	Less than 2 acre site: 10% of site area	N/A
Pathways available for use by the public		100 linear feet of new public pathway (12 foot minimum width, plus lighting and landscape), per	

		Specific Plan	
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Financial Contribution

The City of Walnut Creek has an “optional” financial contribution that may be assessed. The contribution may be made to an unrestricted Community Benefits fund. These funds would not be collected as “impact fees” (as defined by State law) and therefore are not subject to any State-imposed timelines for spending or restrictions for their use. As a result, the funds may be used at the City Council’s discretion on any project and in any area of the city. Alternatively, at the City Council’s discretion, the developer may request to have the monetary contribution “earmarked” for a specific future project.

Benefit points may be earned as follows:

- 2 Points: \$700,000 contribution payable prior to issuance of certificate of occupancy
- 1 Point: \$350,000 contribution payable prior to issuance of certificate of occupancy

As a way to encourage developers to construct improvements rather than contribute funds, the contribution levels are calculated to be approximately equal to 115% of the construction cost of the publicly-owned benefits listed in the table above.

City of Dublin

The City of Dublin has established a Community Benefit Program for a Specific Plan area of the City that allows developers to provide a community benefit within the Specific Plan Area in exchange for receiving a higher density allowance. The developer is required to enter into a binding agreement with the city that specifies the community benefit(s) to be provided. The City uniformly applies the community benefits requirement (at the City Council’s discretion) such that the community benefits required are proportionate to the amount of density obtained and the time period that it is made available to the project. Example of community benefits include:

- Public parks and gathering spaces
- Public Safety improvements
- Public infrastructure improvements
- Sponsorship of City special events
- Measures to reduce Greenhouse Gas Emissions
- Payment into a specific fund for future public improvements
- Other benefits approved by the City Council



## **Adoption**

Cities have adopted these provisions in various manners, mostly either incorporated into their City ordinances or adopted as part of a City plan or a specific plan. This ensure that developers are aware of the provisions in place at the time of application.

Attachment – Summary of Other Cities