TO: JAMES L. APP, CITY MANAGER

FROM: WARREN FRACE, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PUBLIC OPEN SPACE EASEMENT RELINQUISHMENT REQUEST DETERMINATION
ALDER CREEK APARTMENTS – PENDING GENERAL PLAN AMENDMENT

DATE: OCTOBER 20, 2015

Needs: To consider options regarding a request to relinquish a public open space easement on privately owned property to facilitate the private development of 16 apartment units.

Facts:

1. The owner of Alder Creek apartments has applied for a General Plan Amendment to expand the existing apartment development on Niblick Road. See Attachment 1, Project Location Map.

2. The proposed infill expansion would add 16 units in four new buildings. The added density would require a General Plan Amendment and Rezone to permit the increased density from 10 units per acre to 16 units per acre.

3. The proposal aims to complement the existing apartment development by adding new units that are similarly spaced on the site, and that would provide for the same architectural design and finishes.

4. The property owner owns the existing undeveloped open space area south of the existing apartments. See Attachment 2, Neighborhood Open Space Exhibit.

5. Given the limitations of the existing developable area of the property towards Niblick Road, the applicant has requested to encroach approximately 1/3 of an acre into the existing open space land on the south side of the property to accommodate the proposed development footprint.

6. Council Resolution No. 91-120 was adopted in 1991 for the original apartment complex map. Condition 21 of the resolution required dedication of a public open space easement. The public open space easement was accepted by the City and recorded in 1992. See Attachment 3, Open Space Easement Dedication Map.

7. Public easements and/or land cannot be abandoned or otherwise reverted back to private ownership or use unless the City receives some form of reciprocal public benefit. The applicant has requested use of this land without providing any compensation. In this case, providing use of the public open space easement land for private development would be considered a “gift” of public resources without compensation.

Analysis and Conclusion:

The applicants' representative, North Coast Engineering (NCE) has provided a written justification to support their request for the City Council to abandon 1/3 of an acre (13,939 square feet) of public open space easement area to accommodate the proposed development. This is provided in Attachment 4. NCE indicates that the portion of land requested to be abandoned does not provide significant benefit to the City since it is constrained by topography and it is in an isolated location. However, the land is part of an open space easement available to the public and upland to an oak woodland and drainage. Staff requested the applicant provide an appraisal of the easement's value, however they declined to provide this information. Staff obtained a rough estimate of the property value through a local real estate professional. The potential value for this 13,939 square foot area of residential vacant property is estimated to be in the range of $6/square foot or $83,634.

Should the Council wish to consider abandoning this easement for the applicants benefit, the Council could consider a range of potential options to provide an off-setting public benefit from the applicant for this exchange. Examples of options may include:

(1) Deposit funds based on an estimated value of the property, prepared by a licensed property appraiser (with the cost of the appraisal paid for by the applicant) into the City's Park Development Fund; or

(2) Construct multi-use trail improvements to the existing unimproved trail segment connection from Nicklaus Street to the existing paved trail end, located toward the south end of the property (see Attachment 5, Trail Location); or

(3) Record a deed restriction to restrict rental rates of a certain number of units as "affordable" housing; or

(4) Other option as determined by the City Council.

Policy Reference:

Paso Robles General Plan, Zoning Code, Development Impact Fee Justification Study, Bike Master Plan

Fiscal Impact:

- Approval of the proposed abandonment of the public open space easement and payment of Park Development Fund compensation could result in a net positive fiscal benefit to the City in an amount to be determined through preparation of a property appraisal.

- Other alternatives listed would not result in fiscal impacts to the City.

- Approval of the proposed abandonment of public open space easement without compensation to the City would result in a gift of public resources to a private property owner.

Options: After consideration of any public testimony the City Council may consider the following options:

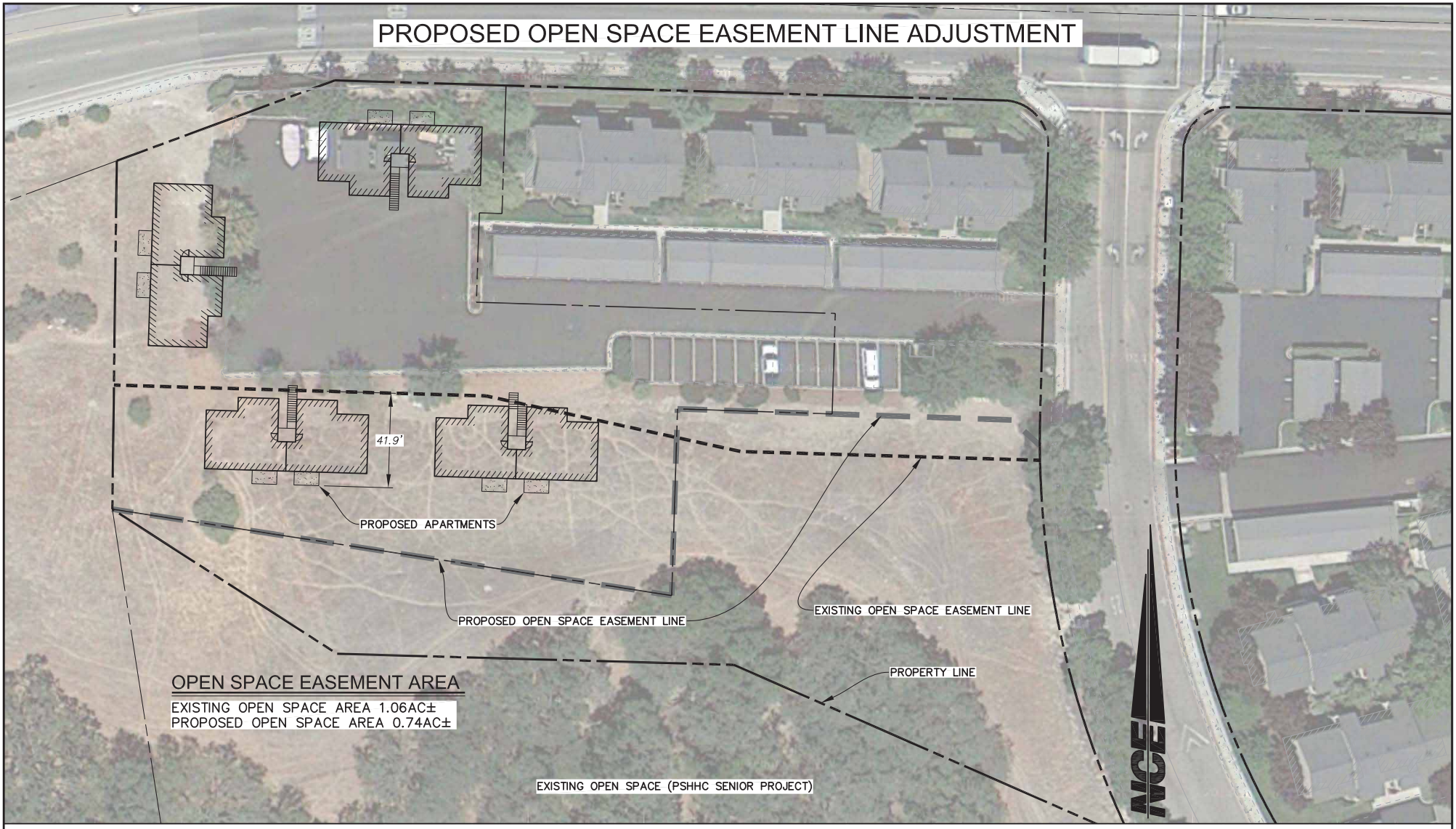
a. Direct staff to include the request to abandon 1/3 acre (13,939 square feet) of open space easement land as part of the GPA application process, subject to payment of additional Park Development Funds, based on the appraised value of the land.

b. Amend, modify or reject the foregoing options.

Attachments:

1 - Project Location Map
2 - Neighborhood Open Space Exhibit
3 - Open Space Easement Dedication Map
4 – Request Letter from NCE
5 – Trail Location Map

PROPOSED OPEN SPACE EASEMENT LINE ADJUSTMENT



OPEN SPACE EASEMENT AREA

EXISTING OPEN SPACE AREA 1.06AC±
PROPOSED OPEN SPACE AREA 0.74AC±

0 20' 40' 80'

SCALE: 1"=40'

NCE NORTH COAST ENGINEERING INC.
725 Creston Rd Suite B, Paso Robles, 239-3127

JOB NUMBER: 14158

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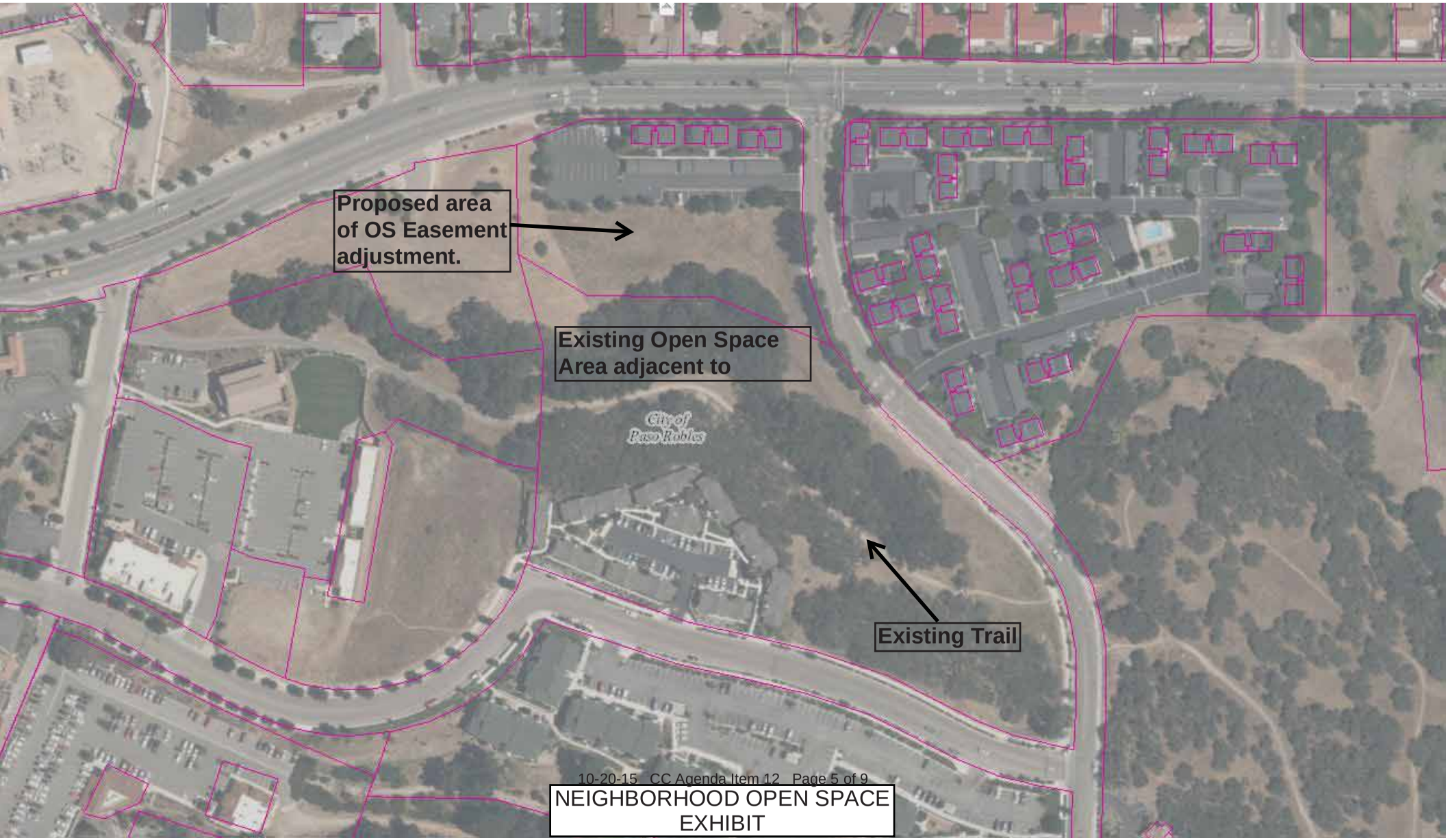
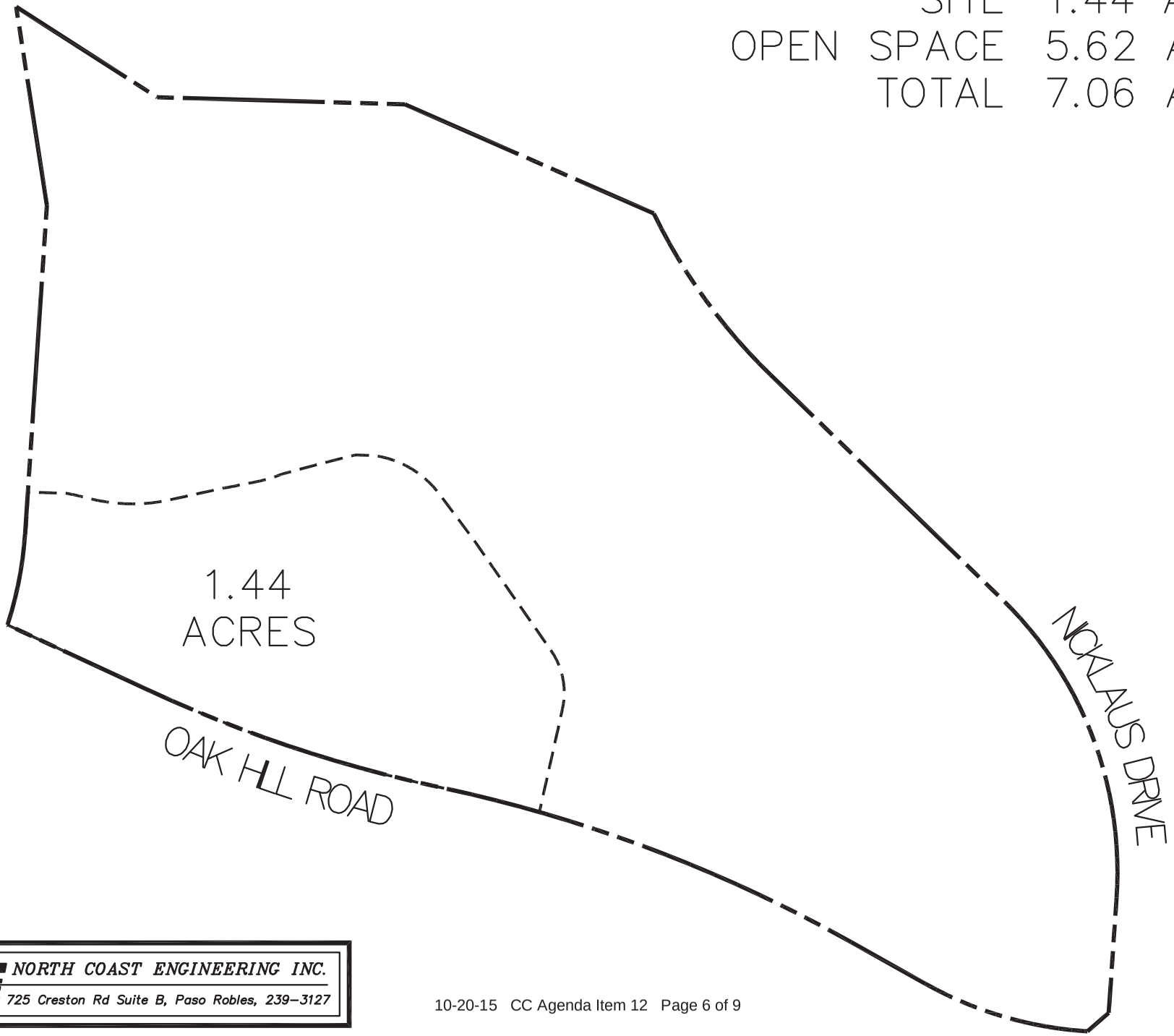


NEIGHBORHOOD OPEN SPACE EXHIBIT

SITE 1.44 ACRES
OPEN SPACE 5.62 ACRES
TOTAL 7.06 ACRES



NCE NORTH COAST ENGINEERING INC.
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Alder Creek Open Space Easement Adjustment

Alder Creek Apartments is requesting the adjustment of an Open Space Easement in order to construct workforce rental apartments. The Open Space adjustment is to an area that was granted as an easement to the City in 1992 as part of Tract 2070. It is an area of 1.8 acres. The request is to have the City abandon 0.3 acres in order to facilitate the construction of the apartments. The proposed apartments would extend approximately 42' into the Open Space. The additional area of open space adjustment is for the slope created by the grading. From a practical perspective, the amount of impact to the easement is much less than the 0.3 acres. The slope areas will be maintained by Alder Creek and will still from an appearance standpoint appear as open space.

In the past 23 years that this area has had the Open Space Easement there has been no public use of the easement with trails or any access. Essentially it has served no practical purpose.
There is no practical connectivity due to topographical constraints to connect a trail through this property. For the past 17 years, the owner of Alder Creek Apartments has maintained the Open Space area. It has not been maintained by the City.

In 2004 People's Self Help Housing constructed Creekside Gardens, a senior housing project directly south of the Alder Creek Apartments. This projected provided 5.6 acres of very practical Open Space with a trail, currently known as the Creekside Trail through it and an oak covered creek that passes through it. When the small shopping center was built to the south of the Creekside Garden Apartments a portion of the trail was paved up to the Creekside Gardens Apartment property line. This 5.6 acres is the usable Open Space for the area and the bike path through it has been recognized in the City Bicycle Master Plan as a Priority 1 improvement and has been included in the AB1600 list for funding.

Because the existing Open Space Easement serves very little practical purpose and there is a very practical Open Space immediately adjacent to the Alder Creek Apartments we respectfully request that the Planning Commission and City Council approve this easement adjustment.

Please see the attached exhibits:

- Proposed Open Space Easement Line Adjustment
- Neighborhood Open Space Exhibit
- Creekside Gardens Open Space Exhibit
- List of Priority 1 Bicycle Trails

Table 1 – Bike Facility Improvement List

Location		Improvement	Segment	Improvement Costs
Priority 1 Improvements				
1	10th Street	Class II bike lanes	Riverside Avenue to Pine Street, Spring Street to Vine Street	$20,000
2	10th Street	Class III bikeway	Pine Street to Spring Street	Inc. above
3	6th Street	Class II bike lanes	Vine Street to Olive Street	$2,000
4	Pacific Avenue	Class III bikeway	Olive Street to West City Limits	$3,000
5	13th Street	Class II bikeway	Riverside Avenue to Pine Street	$10,000
6	16th Street	Class II bike lanes	Riverside Avenue to Vine Street	$20,000
7	Pine Street	Class III bikeway	4th Street to 21st Street	$5,000
8	Airport Road	Class II bikeways	Linne Road to Meadowlark Road	$23,000
	Scott Street	Class II bike lanes	Creston Road to Airport Road	$45,000
9	Charolais Road	Class II bikeways	Creston Road to S. River Road	$40,000
10	Golden Hill Road	Class III bikeway (sharrows)	Hwy 46E to Dallons	$3,000
11	Lana Street	Class III bikeway	Centennial Park entry to Creston Road	$3,000
12	Meadowlark Road	Class II bikeway	Creston Road to Airport Road	$45,000
13	Cool Valley Road	Class III bikeway	Beechwood Drive to Airport Road	$3,000
14	Melody Drive	Class III bikeway	Creston Road to Niblick road	$3,000
15	Patricia Lane	Class III bikeway	Melody Drive to Pifer School	$2,000
16	Rosemary Lane	Class III bikeway	Niblick Road to Pifer School	$2,000
17	Nickerson–Appaloosa Avenues	Class III bikeway	Creston Road to Niblick road	$3,000

18	Bolen Drive	Class III bikeway	Creston Road to Nickerson Drive	$3,000
19	Red Cloud Road	Class III bikeway	Navajo Avenue to Nickerson Drive	$3,000
20	Rose Lane	Class III bikeway	Bolen Drive to Red Cloud Road	Inc. above
21	Navajo Avenue	Class III bikeway	Mohawk Court to Red Cloud Road	$3,000
22	Crazy Horse Drive	Class III bikeway	Navajo Avenue to Nickerson Drive	$3,000
23	Nicklaus Avenue	Class II bike lanes	Niblick Road to Rambouillet	$24,000
24	Creekside Path	Class I bikeway	Nicklaus Drive to Old S. River Road	$350,000
25	Rambouillet Drive	Class II bike lanes	Niblick Road Charolais Road	$55,000
26	Wade Street/Alley	Class I bike lane	Between Rambouillet and Wade Streets	Included with # improvements
27	Wade Street	Class III bikeway	Nicklaus Drive to Alley	$1,000
28	Creekside Path	Class I bikeway	Snead Street to Old S. River Road	$500,000
29	Riverside Avenue	Class II bike lanes	4th Street to North end of City	$1,200,000
30	Stoney Creek Drive	Class II bike lanes	Rambouillet to Creston Road	$24,000
31	Stoney Creek Drive	Class III bikeway	Creston Road to Beechwood Drive	$3,000
32	Beechwood Drive	Class III bikeway	Stoney Creek Drive to Meadowlark Road	$3,000
33	S. River Road	Class I bike path, common use path	Navajo Ave to Creston Road	$1,200,000
34	Navajo Avenue	Class II bike lanes	Mohawk Court to S. River Road	$20,000
35	21st Street	Class II bike lanes	Riverside Avenue to Vine Street	$250,000
36	13th Street	Class III	Riverside Ave. to Vine Street	$5,000
37	34th Street	Class III	Pine Street to Vine Street	$3,000
38	Vine Street	Class II bike lanes	1st Street to 4th Street	$15,000
Subtotal Priority 1 Improvement Projects				**$3,852,000**