



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Sara L. Hensley
Larry D. Lisenbee

**SUBJECT: MODERN ICE TURNKEY
PARK PROJECT**

DATE: 12-05-05

Approved

Ray Warner

Date

12/12/05

COUNCIL DISTRICT: 3
SNI AREA: 13th Avenue

RECOMMENDATION

1. Adoption of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Park Trust Fund:
 - a. Establish an appropriation to the Department of Public Works in the amount of \$56,100 for the Modern Ice Turnkey Park Project located on Berryessa Road, approximately 500 feet northeast of Old Oakland Road; and
 - b. Increase the estimate for Earned Revenue by \$56,100.
2.
 - a. Acceptance of an Irrevocable Offer of Dedication of Parkland from Taylor Woodrow Homes, Inc.; and
 - b. Approval of a Turnkey Park Agreement with Taylor Woodrow Homes, Inc. for Planned Development Permit PD 05-032, associated with Tentative Maps No. PD05-036.

CEQA Mitigated Negative Declaration PD05-032.

BACKGROUND

Taylor Woodrow Homes, Inc. (the "Developer"), is proposing the development of 202 multi-family attached units on a 9.6 gross acre site located at the northeast corner of Berryessa Road and Old Oakland Road in Council District 3 (the "Modern Ice Site"). In order to fulfill its parkland obligation for Planned Development Permit PD05-032, the Developer is proposing to build a 1.30-acre neighborhood park site as a Turnkey Park Project. The Developer prepared a site plan for the proposed park and presented it to the community at a meeting held on September 27, 2005. Approximately 20 people attended the meeting and provided the Developer and staff

from the Parks, Recreation and Neighborhood Services Department with their input regarding the design of the park and park features. As a result of this meeting, it was determined that the half-basketball court should be removed from the proposed site plan and the children's play area should be relocated to a more central location on the proposed park site. A revised site plan, including the proposed changes was submitted to the Parks and Recreation Commission for consideration at its November 2, 2005 meeting.

ANALYSIS

The Parks and Recreation Commission conducted a public hearing on November 2, 2005 to consider the approval of a recommendation to the City Council regarding the revised site plan for a proposed 1.30-acre park site located on the Modern Ice Site. The revised site plan, which includes a play area, an open air picnic area, a shaded picnic area and an open turf area, was presented to the Commission at this meeting. A copy of the revised site plan is attached. The meeting was noticed in the San Jose Mercury News and notices were mailed to the surrounding neighbors. Only one person provided input at the hearing requesting that the proposed name for the future park to be Luna Park in order to be consistent with the history of the area. At the conclusion of the hearing, the Parks and Recreation Commission approved the recommendation for the City Council to approve the site plan and proposed park.

The land dedication under the proposed Turnkey Park Agreement for the park is 1.30-acres, which is equal to 190 units of parkland credit ($190 \text{ units} \times 2.29 \text{ persons per unit} \times .003 = 1.30 \text{ acres}$). The remaining 12 multi-family attached units in the development provide \$126,000 toward the design, construction and the City's design review and inspection fee for the proposed park. The total cost to construct the proposed park is estimated to be \$374,040. The City's design review and inspection fee is 15 % of the park construction costs, which for this development is \$56,100. However, the funding from the remaining 12 multi-family units is not adequate to construct the neighborhood park as proposed; therefore, the Developer has agreed to incorporate several features that will enhance the project and the surrounding neighborhood, including the park improvements to the dedicated parkland, as noted in the Council Office's memorandum that approved the zoning for the project on June 21, 2005 (Item 11.10). Therefore, the Developer is providing the associated design fees and \$304,140 to construct the park, which is above its obligation under the City's Parkland Dedication Ordinance.

The Developer will create a four to six foot wide vegetated swale along two sides of the proposed park to meet its requirements under the City's revised National Pollutant Discharge Elimination System Permit from the Regional Water Quality Control Board. On the remaining side of the proposed triangular park, the Developer will also create a four to six foot wide vegetated swale to handle the runoff water from Berryessa Road. The vegetated swales are one of the best management practices to filter runoff water before it enters the City's storm drainage system. The only change being proposed by staff regarding the proposed site plan is the replacement of the west entry plaza with a bridge to accommodate the four to six foot wide vegetated swale located on the west side of the proposed park.

OUTCOMES

Approval of the recommendations in this memorandum will provide for the construction and dedication to the City of a 1.3 acre Turnkey Park site on the Modern Ice Site. The estimated completion of the park will be approximately three years from the date the City executes the Turnkey Parkland Agreement with the Developer.

PUBLIC OUTREACH

A notice of the public hearing by the Parks and Recreation Commission was mailed by staff to property owners within 500 feet of the proposed park site. A display ad was placed in the San José Mercury News, which ran on October 21 and 30, 2005.

Notice of the City Council meeting will be sent to neighbors within 500 feet of the proposed park site and to community members who attended the September 27, 2005 community meeting. A display ad informing the public of the City Council meeting will be placed in the San José Mercury News to run on January 1 and 10, 2006. An e-mail regarding this project will also be sent to neighborhood associations in the Neighborhood Development Center's databank.

COORDINATION

Preparation of the irrevocable offer and the parkland agreement, along with this memorandum has been coordinated with the City Attorney's Office, and the Departments of Public Works and Planning, Building and Code Enforcement.

COST IMPLICATIONS

The park is anticipated to be completed in 2008-2009. The annual maintenance cost to the City is estimated to be \$20,000 per year. To meet the parkland dedication ordinance requirements, Taylor Woodrow Homes, Inc. will be dedicating and developing a 1.30 acre park site on Berryessa Road, approximately 500 feet northeast of Old Oakland Road in Council District 3 as a Turnkey Park Project. A portion of the project funding (\$56,100) will be allocated to the City for design, review and inspection fees. Actions are recommended in this memorandum to recognize those funds and appropriate them to the Department of Public Works for these services.

CEQA

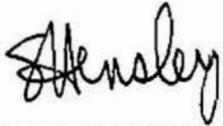
Mitigated Negative Declaration PD05-032.

HONORABLE MAYOR AND CITY COUNCIL

12-05-05

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SARA L. HENSLEY
Director of Parks, Recreation and
Neighborhood Services



LARRY D. LISENBEE
Budget Director

I hereby certify that there will be available for appropriation in the Park Trust Fund in the Fiscal Year 2005-2006 moneys in excess of those heretofore appropriated therefrom, said excess being at least \$56,100.



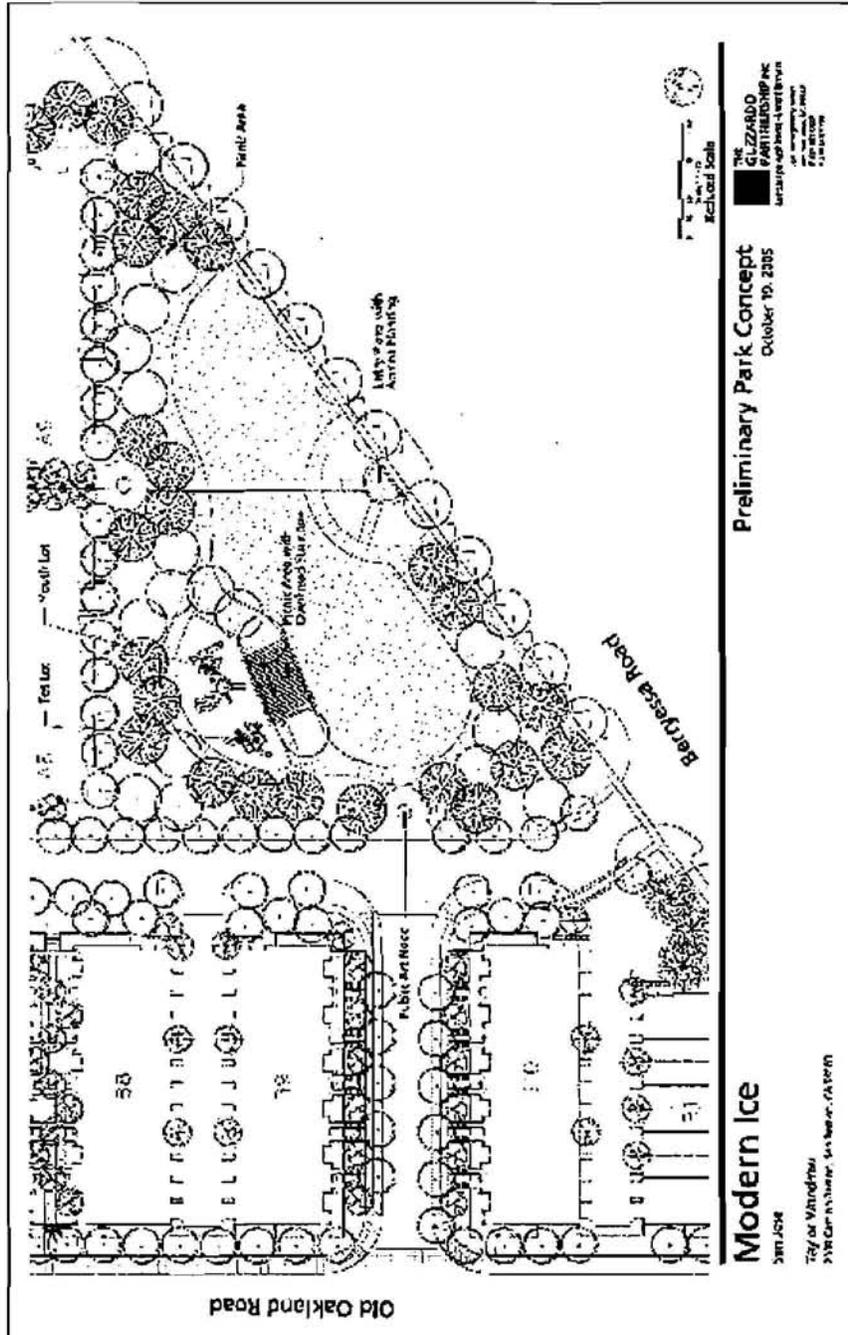
LARRY D. LISENBEE
Budget Director

Attachment: Proposed Concept Plan for the Park Development

Attachment A

PROPOSED CONCEPT PLAN FOR THE PARK DEVELOPMENT

Berryessa Road, approximately 500 feet northeast of Old Oakland Road



The west entry plaza would be replaced with a bridge over a vegetated swale.