



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Sara L. Hensley

SUBJECT: SEE BELOW

DATE: 07-27-05

Approved

Date

8/2/05

Council District: 3
SNI Area: N/A

SUBJECT: APPROVAL OF A TURNKEY PARKLAND AGREEMENT WITH BARRY SWENSON BUILDER TO DEDICATE PARKLAND AND CONSTRUCT IMPROVEMENTS TO PELLIER PARK

RECOMMENDATION

Approval of a Turnkey Parkland Agreement with City Heights LLC, in conjunction with Barry Swenson Builder to dedicate land for the expansion of Pellier Park and to complete the renovation of Pellier Park as mandated by the requirements in Tentative Map No. PT 04-103.

BACKGROUND

Barry Swenson Builder (Developer) has received approval to combine 10 lots to construct a 124-unit residential condominium tower on a 0.85 gross-acre site located at the west side of San Pedro Street, approximately 130 feet north of West Saint James Street on the east side of Pellier Park in Council District 3. On April 20, 2005, the Director of the Department of Planning, Building and Code Enforcement approved the associated Tentative Map No. PT04-103 for the project known as City Heights at Pellier Park. The site has a designation of Core Area on the adopted San José 2020 General Land Use/Transportation Diagram and is zoned A (PD) Planned Development Zoning District. The Planned Unit Development Zoning (file no. PDC01-11-100) was reviewed and approved by Ordinance Number 26738 on September 17, 2002.

Prior to the final map approval for the housing project, and in accordance with the provisions of the Parkland Dedication Ordinance (Title 19, Chapter 19.38 of the San José Municipal Code), the Developer must satisfy the parkland dedication obligation associated with the units being proposed. The Developer has offered to dedicate approximately 1,768 square feet of land to expand Pellier Park and to complete approximately \$1.2 million worth of improvements to renovate Pellier Park to satisfy the parkland dedication obligation.

ANALYSIS

The Tentative Map contains a condition stating the development is subject to the requirements of the Parkland Dedication Ordinance for the dedication of land for park purposes, under the formula contained within the Chapter. The proposed dedication of 1,768 square feet of land and renovation of Pellier Park will fulfill the Developer's obligation under the Parkland Dedication Ordinance for PT04-103 regarding the development of 124 multi-family units. The land dedication is equal to 5.8 units ($1,768 \text{ sf}/300 \text{ sf/unit} = 5.8 \text{ units}$) and the current fee for these units is \$10,500 per unit or \$1,241,000 ($124 \text{ units} - 5.8 \text{ units} = 118.2 \text{ units} \times \$10,500/\text{unit} = \$1,241,100$) for the project.

The Turnkey Parkland Agreement calls for the dedication improvements to include construction of a new pedestrian paseo and walkway along a dedicated public way on the east end of the park. The improvements on the paseo and walkway will consist of paving, lighting, informational signage, site furniture, and landscaping that will support and enhance park use. The paseo will also become the new primary entrance to the park. The paseo and walkway are an element of the pedestrian walkway system planned for the North San Pedro Street area.

The design for the renovated park will be consistent with the original park design, which served as a historical landmark designating the site of the Pellier City Garden's Nursery established in 1850. The Pellier Family was responsible for the importation and propagation of fruit tree nursery stock that was used in development of orchards throughout the San José region. The park will be constructed on a grid reminiscent of the typical orchard landscape and building materials will be consistent with the mid-nineteenth century. Improvements will include specimen plum and pear trees reflective of fruit trees planted in orchards that populated Santa Clara County valleys and hillsides. The additional improvements will include installation of water, sewer, electrical and telecommunications infrastructure; site drainage structures and connections; site amenities including concrete walkways, paver systems and decomposed granite walks; walls, perimeter fencing and gates; seating walls, permanent benches, game tables and free-standing site furniture, historical exhibits, markers and signage; security lighting; installation of irrigation controller and automated landscape irrigation system; installation of turf, trees, shrubs, groundcover and mulch; and two dog areas outside the park.

Construction will begin immediately following the construction of the City Heights project. A conceptual plan for the paseo and walkway has been developed in conjunction with the development of the City Heights at Pellier Park Turnkey Agreement and is attached. The agreement requires all park improvements to be designed and constructed in accordance with City-standard specifications.

Staff recommends that the City enter into a Turnkey Parkland Agreement with the Developer to expand and renovate Pellier Park per the above conditions. Staff anticipates that the improvements will take nine months to design and 9 to 12 months to construct.

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OUTCOME

Approval of the Turnkey Parkland Agreement will allow the expansion and renovation of Pellier Park to move forward in a timely manner.

PUBLIC OUTREACH

The Parks and Recreation Commission reviewed the concept plan on January 19, 2005, and will consider recommendation for approval of the final plan on August 3, 2005. The Parks and Recreation Commission meeting on August 3 was noticed in the San Jose Mercury News and a mailer was sent out to adjacent landowners within 500 feet of the park. The mailer notified the adjacent landowners of the Commission meeting on August 3 as well as the Council meeting scheduled for August 16, 2005. A meeting with descendants of the Pellier family was held on June 8, 2005.

COORDINATION

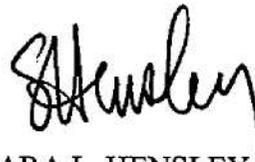
This memorandum has been coordinated with the City Attorney's Office, the Departments of Planning, Building and Code Enforcement and Public Works, the San José Redevelopment Agency, and the City Manager's Budget Office.

COST IMPLICATIONS

The Turnkey Agreement provides the City with an alternative source to acquire and/or develop parkland. This project will provide \$1,241,100 in improvements to Pellier Park. This project is estimated to be completed in 2006-2007 and will not result in an overall increase in maintenance costs as the site is currently being maintained by the City.

CEQA

Resolution No. 68839.



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

Attachment

