



COUNCIL AGENDA: 06-24-08

ITEM: 2.32

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Albert Balagso

**SUBJECT: SECOND AMENDMENT TO  
EXTEND TERM OF PARKLAND  
AGREEMENT FOR CONSTRUCTION  
OF MADDEN PARK**

**DATE:** 06-02-08

Approved

Date

6/10/08

**COUNCIL DISTRICT:** 5

## **RECOMMENDATION**

Approve "Second Amendment to Parkland Agreement for Tentative Map No. PT04-015 between City of San Jose and Jackson Square, LLC" to extend the completion date from June 21, 2008 to June 30, 2009, to construct and dedicate Madden Park.

## **OUTCOME**

Approval of Second Amendment will allow the completion of the design, preparation of construction documents, and construction and dedication of the Jackson Square Turnkey Park project, also known as Madden Park.

## **BACKGROUND**

Jackson Square, LLC ("Developer") has proposed and received approval from the City to develop 159 multi-family units within three (3) to four (4) story structures on a 2.3 gross acre site located on the south side of Madden Avenue, easterly of Jackson Avenue. To fulfill its parkland dedication obligation for Planned Development Permit PD04-008, Developer has proposed dedication of a 0.309-acre neighborhood park site and to develop the site as a turnkey park project. The proposed park elements consist of a children's play area, a small picnic area, trash receptacles, drinking fountain, security lighting, artificial turf and low-maintenance landscaping, and concrete walkways as shown in Exhibit A. Staff has been in the process of reviewing plans and specifications, and refining park designs since late 2005. There have been some delays in receiving timely submittals from Developer to complete the review and approval process.

## ANALYSIS

On December 21, 2005, City and Developer entered into an agreement entitled "Parkland Agreement For Tentative Map No. PT04-015 between City of San Jose and Jackson Square, LLC (Chapter 19.38 of SJMC)" ("Agreement") under which Developer agreed to satisfy its parkland dedication obligation relating to Tentative Map No. PT04-015, Final Tract Map No. 9613. In order to satisfy its parkland dedication obligation, Developer agreed to construct park improvements on certain real property consisting of approximately 0.309 acres and dedicate the real property and park improvements to the City on or before December 21, 2007.

On February 4, 2008, City and Developer entered into a "First Amendment to Parkland Agreement for Tentative Map No. PT04-015 Between City of San Jose and Jackson Square, LLC" to extend the completion date for the construction of park improvements and dedication of the park improvements and real property to the City to June 21, 2008. Unfortunately, there have been a number of unforeseen delays in the preparation and review period for the construction documents for this turnkey project and Developer has not received its final construction document to commence construction of the park. At this point, Developer will not be able to construct the park improvements by June 21, 2008.

Staff anticipates approval of final construction documents in early June 2008. Design review, pre-construction meeting, bidding the project, and construction of the park site is now projected to be completed by June 30, 2009. Therefore, staff is recommending approval of the Second Amendment to extend the completion date of the park to June 30, 2009.

## EVALUATION AND FOLLOW-UP

With approval of this Second Amended Agreement, staff does not anticipate any follow-up actions required with City Council. This action will allow development of the Jackson Square Turnkey Park project (Madden Park) to continue through the following year.

## PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater.  
**(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or

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a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although the above criteria do not apply to this recommendation, one community meeting was held on July 14, 2005 to discuss the park project and concept plan in more detail. Five members of the neighborhood attended this meeting, expressing concerns about potential safety issues (particularly after hour access to the site), surveillance, and front gate closure at night. In response to these concerns, the gate and fence have been removed from the final park design.

This memorandum is posted on the City's website for the June 24, 2008 Council Agenda.

### **BUDGET REFERENCE**

Not applicable.

### **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office.

### **CEQA**

CEQA: Mitigated Negative Declaration, Ordinance No. 27151.



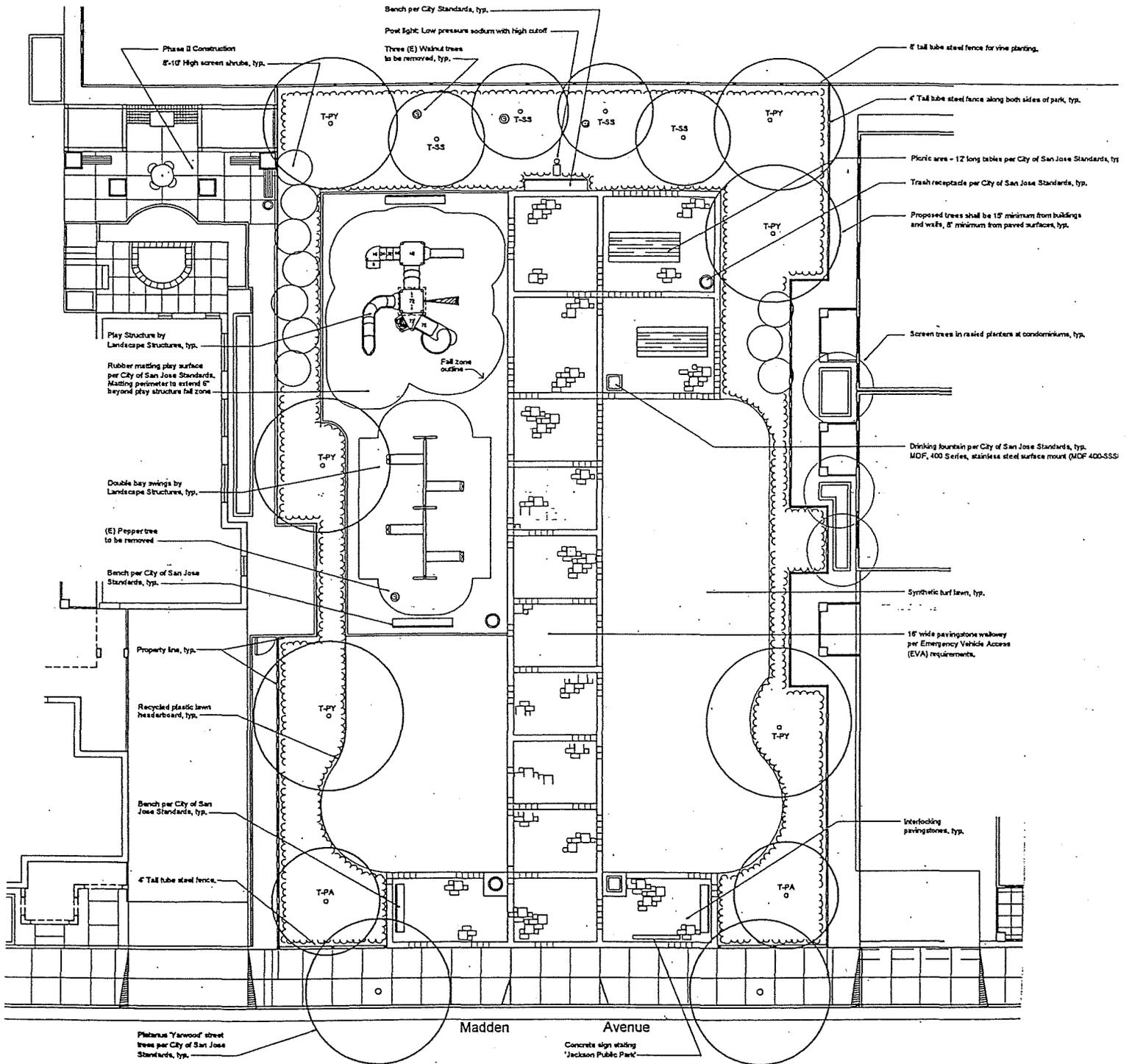
ALBERT BALAGSO  
Director of Parks, Recreation and  
Neighborhood Services

Attachment: Madden Park/Jackson Square Turnkey Park site concept plan

For questions please contact Matt Cano, Division Manager, at (408) 535-3580.

# EXHIBIT A

## PARK SITE PLAN



Ex A-1