



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Albert Balagso

SUBJECT: SEE BELOW

DATE: 12-15-08

Approved

Date

1/15/09

COUNCIL DISTRICT: 4
SNI AREA: N/A

**SUBJECT: APPROVAL OF THE RIVERVIEW PARK MASTER PLAN AND
TURNKEY PARKLAND AGREEMENT WITH WTI, INC. FOR DEVELOPMENT OF
THE RIVERVIEW PARK SITE**

RECOMMENDATION

- 1) Approval of the Riverview Park Master Plan.
- 2) Approval of a Turnkey Parkland Agreement for Tentative Map No. PT07-101 with WTI, Inc. to construct park improvements and dedicate approximately 5.20 acres of parkland to the City on the future Riverview Park site.

CEQA: Resolution No. 72768, and addenda thereto, File No. PP08-193.

OUTCOME

Approval of the recommendations in this memorandum will allow construction of turnkey park improvements and dedication to City of an approximately 5.20-acre Riverview Park site in the North San Jose Policy area consistent with the Riverview Park Master Plan.

BACKGROUND

The City's Parkland Dedication Ordinance (PDO), San José Municipal Code, Chapter 19.38, requires developers to dedicate land for neighborhood and community parks, construct park or recreational improvements, or pay a parkland fee in lieu of dedication or construction to help meet the demand for neighborhood and community parkland generated by the development of new residential subdivisions ("Parkland Dedication Obligation").

WTI, Inc. (the "Developer") received development approvals under Tentative Map PT07-101 and Planned Development Permit PD07-090 ("PD Permit") for a mixed-use project located at the northwesterly corner of River Oaks Place and North First Street. The PD permit has approved up to 1,579 residential units, a maximum 45,000 square feet of commercial space and an approximate 5.20-acre park on a total 32.6 gross acre site, within the North San Jose Area Development Policy area (the "Project"). Under the terms of the PD Permit, the Developer was authorized to construct park improvements and dedicate the park site to the City prior to the issuance of certificates of occupancy for the 1001st residential unit located within the Project. However, in order to ensure that the Developer will fulfill its Parkland Dedication Obligation, the Turnkey Parkland Agreement requires the Developer to construct the park improvements and dedicate the park site on or before the earlier of the following events: (1) issuance of certificate of occupancy for the 1001st residential unit located within the Project (including any temporary certificate of occupancy for residential occupancy); or (2) the date of March 1, 2016.

ANALYSIS

Developer is required to meet its Parkland Dedication Obligation for 1,579 proposed multi-family residential housing units associated with the Project. In order for Developer to satisfy its Parkland Dedication Obligation for the Project, the parties would like to enter into a Turnkey Parkland Agreement which requires the Developer to do the following:

1. Dedicate approximately 5.20 acres of land on the Project site to the City to be used for a public park. Developer will receive the equivalent residential unit credits of 757 multi-family units against its Parkland Dedication Obligation for the dedication of 5.20 acres of land.
2. Design and fully construct the park improvements as outlined in the Riverview Master Plan and receive equivalent unit credits of 586 multi-family units. The current cost estimate for the design and construction of the park improvements is \$9,606,950.
3. Design and fully construct a minimum of 70,625 square feet of private open space and recreational amenities within its residential Project. Developer will receive an additional 236 multi-family unit equivalency credits against its Parkland Dedication Obligation.

The following park improvements will be constructed on the 5.20 acre park site: one (1) new tennis court, renovation of one (1) existing tennis court and one (1) basketball court, children's play lot, one (1) restroom building, two (2) bocce courts, gazebo, benches, open turf areas, lighting, walkways, signage, and other landscaping and amenities. All of the park improvements will be designed and constructed in accordance with standard City specifications as shown on the attached schematic plan (Exhibit A).

The Riverview Master Plan report was prepared by the Developer's landscape consultant, ROMA Design Group, to guide the future development of the park site. This report has been developed concurrently with the community outreach process and has addressed the

community's desire for specific park amenities and activity areas. The report reviews the neighborhood context, existing site conditions, community outreach process, the master plan, storm water management plan and the environmental clearance needed for the park project. The report was presented to the Parks and Recreation Commission for approval at their October 1, 2008 meeting. At that time, the Commission recommended the report for City Council approval. A copy of the Master Plan is attached to this memorandum as Exhibit B.

Developer prepared a soils quality evaluation report relating to the future Riverview Park Site that was provided to City staff in November 2008. The soils report found slightly elevated concentrations of dieldrin, arsenic and lead, which are likely related to historical pesticide use at the former orchard site. The highest concentrations appear to be limited to near surface soils and diminish with depth. The report recommends a combination of excavation and removal of soil in areas with higher concentrations of the residual pesticides, and a process of blending clean soil with existing soil in all other, less-impacted areas of the site to bring the detected concentrations below environmental screening levels and/or background levels. A health risk assessment will be prepared and confirmation sampling conducted to assure that appropriate health risk goals are achieved. A work plan with a more detailed scope of work and deliverables is in the process of being prepared prior to development of the park site. The Environmental Services Department has accepted the proposed mitigation measures and will continue to provide technical support in the review and approval of the subject pending activities.

EVALUATION AND FOLLOW-UP

Action taken by City Council on this item will provide final authorization to oversee design development and construction of the turnkey project, and accept the park improvements after final inspections have been completed. Department of Public Works staff will review and approve the project construction documents and will refine the design as necessary to complete the project in accordance with City construction standards.

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

Although the proposal does not meet the criteria as listed above, community outreach for specific project elements was conducted for the residential project, including the park site, as outlined below.

Community outreach for the proposed residential project and park has been ongoing over the past year. Two community meetings with local residents were conducted in March 2007 and follow-up meetings on June 24 and August 5, 2008. The purpose of the June and August 2008 meetings was to present conceptual plans and discuss the park design with local residents. Community members expressed interest in saving as many existing trees on the park site as possible, and reusing the tennis and basketball courts currently on the site, if possible. The attendees were also interested in creating quiet, more contemplative areas in the park, as well as an area for more active play in an open meadow. During the final community meeting, residents voiced support for the conceptual plan and asked that a small recreation amenity for various age groups, such as a bocce court, be included and reaffirmed their interest in providing a children's play area and seating/walking areas, as well as resting areas near the entrance to the Guadalupe River Trail.

The final master plan for the park was presented to the Parks and Recreation Commission on October 1, 2008 at which time the Commission recommended approval of the Riverview Master Plan.

This memorandum will be posted on the City's website for the January 27, 2009 City Council agenda.

COORDINATION

This item has been coordinated with the Department of Public Works, the Planning, Building and Code Enforcement Department, the Budget Office, and the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

This project is consistent with the Council-approved Budget Strategy Economic Recovery section in that it will spur construction spending in our local economy.

COST SUMMARY/IMPLICATIONS

It is estimated that the completed park will have an annual General Fund maintenance cost of approximately \$78,000 beginning in FY 2010/11. Staff will investigate future opportunities for public/private partnerships to reduce the impact of the maintenance cost on the general fund.

HONORABLE MAYOR AND CITY COUNCIL

12-15-08

Subject: Approval of the Riverview Park Master Plan and Turnkey Agreement with WTI, Inc.

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CEQA

CEQA: Resolution No. 72768, and addenda thereto, File No. PP08-193.



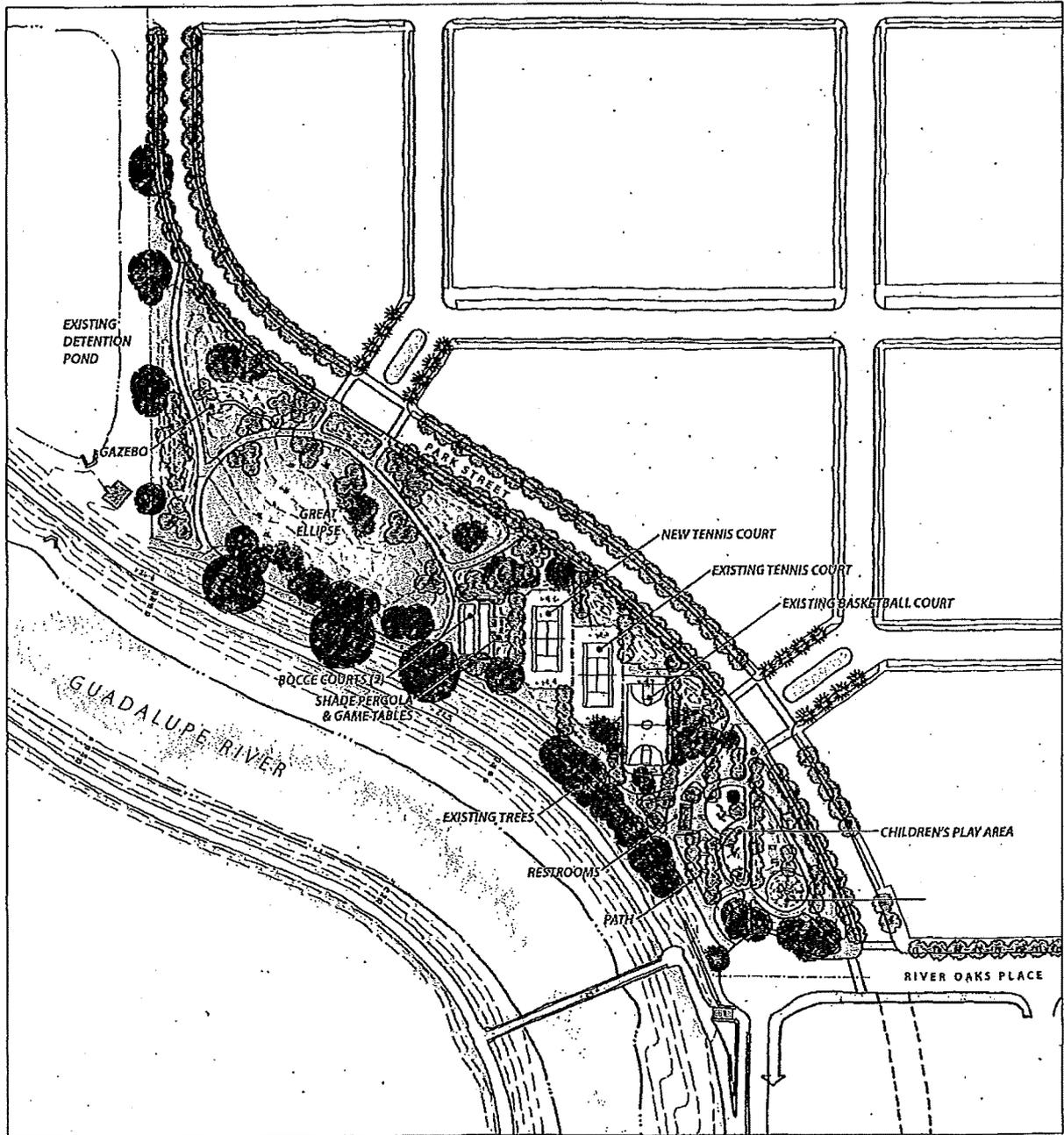
ALBERT BALAGSO
Director of Parks, Recreation and
Neighborhood Services

Attachments: Exhibit A: Conceptual Site Plan
Exhibit B: Riverview Master Plan

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

Exhibit A

Riverview Park Concept Plan



Concept Plan



Exhibit B



Riverview Park Master Plan

PREPARED FOR THE CITY OF SAN JOSÉ, PARKS AND RECREATION COMMISSION
BY ROMA DESIGN GROUP • DRAFT: OCTOBER 1, 2008

Actual park name to be determined at October 1, 2008 Parks and Recreation Commission public hearing.

Purpose and Intent

Riverview Park is a part of the 33-acre Wyse property, that is planned to become a new residential mixed use neighborhood, including up to 1,700 dwelling units and 45,000 square feet of commercial development along the North First Street transit corridor in north San José. The size, location and configuration of the park were established in the Planned Development Permit (PD07-090) for the property. The purpose of the Park Master Plan is to more specifically set forth the desired character of the park and the type, number and extent of recreational facilities and amenities within the land designated for park purposes.

As a condition of development approval, Thompson Dorfman Partners, LLC, is required to dedicate 5.1 acres of land in conformance with the City's Parkland Dedication Ordinance and fund the cost of recreational improvements at this new neighborhood park. In addition to providing more specific direction as to the nature of the park improvements, this Master Plan is intended to help establish the basis for a Turnkey Park Agreement between the City and the developer, which addresses the cost of park improvements. Final design and implementation of park improvements will take place in accordance with the Master Plan following approval by the Parks and Recreation Commission, certification of required environmental documents and execution of the Turnkey Park Agreement.

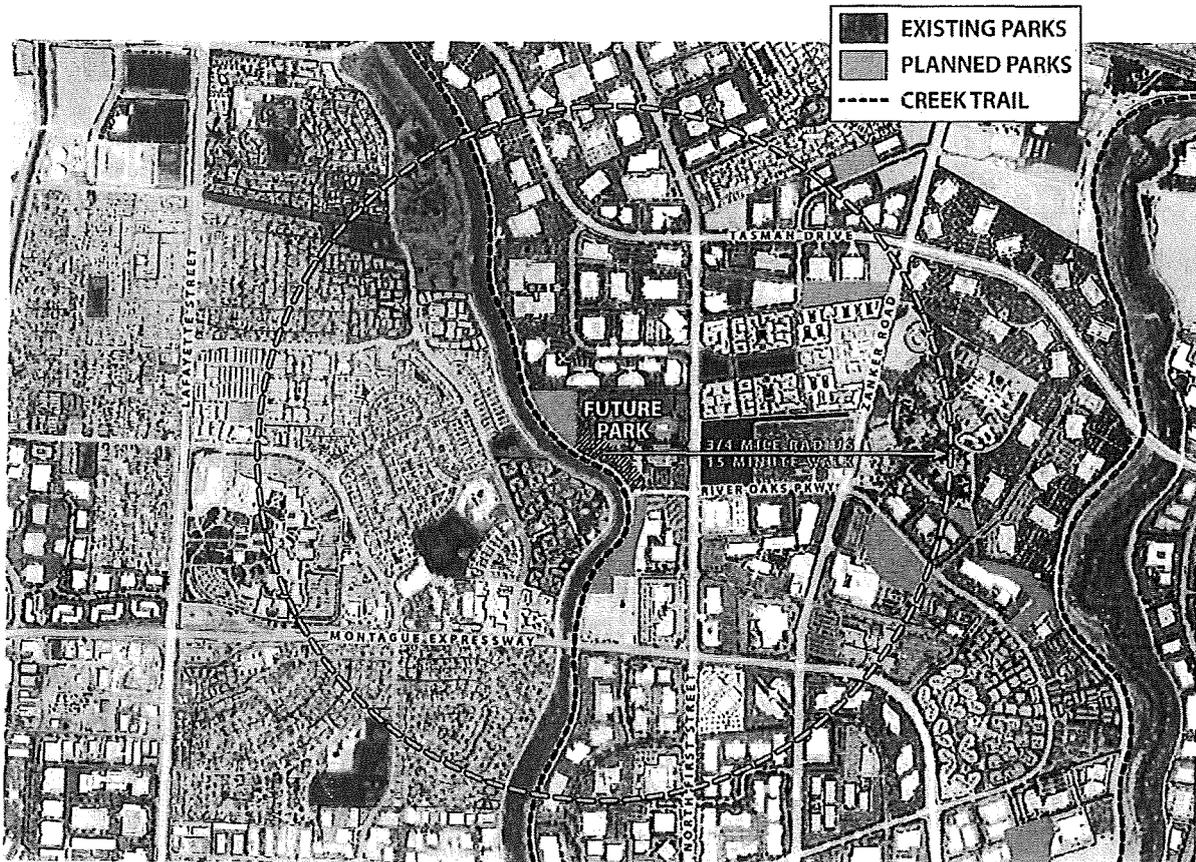


Riverview Park Project Site

Recreational Context

North San José is an important industrial and employment area undergoing significant growth and change, spearheaded by transit improvements on North First Street and regional recreational improvements along the Guadalupe River corridor. The future Riverview Park is located centrally within this area, immediately adjacent to the Guadalupe River and a crossing of the river into Santa Clara. A number of parks and public recreational facilities are within walking distance of the future new park, both within San José and the City of Santa Clara, immediately across the Guadalupe River and accessible by the River Oaks Parkway Bridge. Furthermore, because of the growth taking place

within North San José, a number of new parks are being developed and others are planned, as depicted on the attached plan. Parks that have been built relatively recently include the 5-acre Moitozo Park to the north, which is an open flexible field extending into the new residential district and framed by trees. Other nearby parks include public parks and recreational facilities on the other side of the river in Santa Clara. But, the most important recreational resource within the area is the Guadalupe River itself, with developed trails and associated bicycle and pedestrian amenities extending from downtown through the city and which is immediately adjacent to the future Riverview Park. Access from the surrounding neighborhoods up the levee and into the Guadalupe River corridor is made

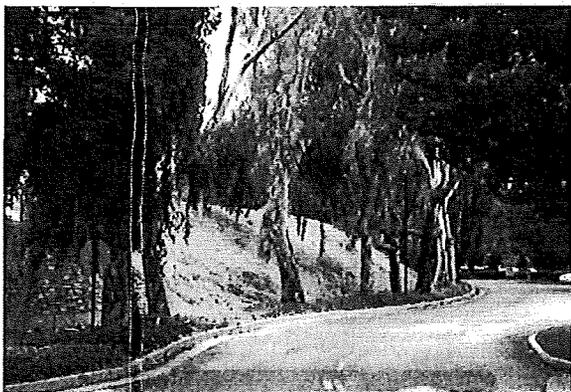


Existing and Planned Parks

possible from the River Oaks Parkway Bridge, at the south end of the Riverview Park.

In the future, it is anticipated that other parks may immediately adjoin Riverview Park at the foot of the Guadalupe River. If and when the Valley Transportation Authority property redevelops in the future, it is expected that the cul-de-sac of River Oaks Parkway will be removed and Riverview Park would be extended southward onto the property. At the same time, consideration is being given to the possibility of joint use and incorporation of recreational facilities with the County storm water detention facilities to the north.

As a neighborhood park, it is anticipated that most of the visitors to Riverview Park will arrive by foot or by bicycle from adjacent areas. The park will serve not only the future residential neighborhood immediately adjacent to it but also the number of pedestrians from surrounding residential areas that walk for pleasure and are seeking a diversity of recreational destinations. As such, Riverview Park would seek its own special park identity and offer a unique recreational experience different from the parks which surround it.



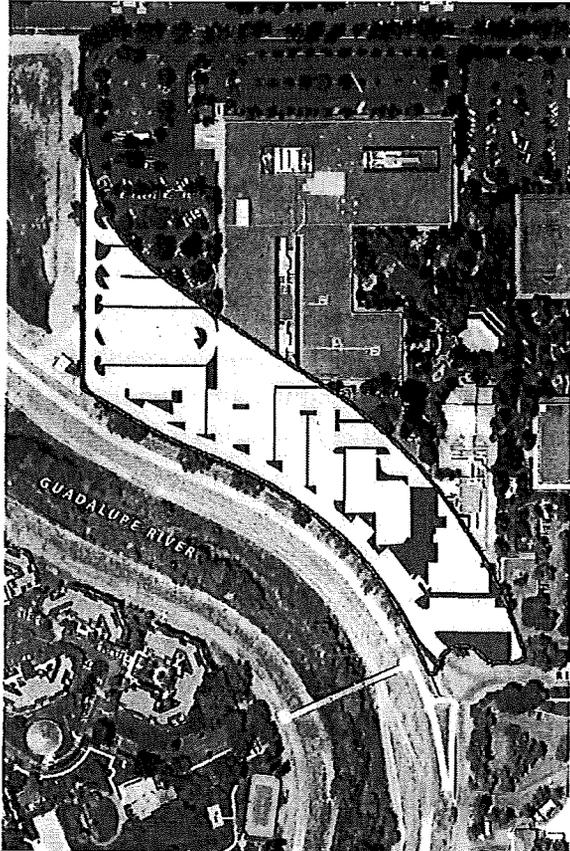
Eucalyptus at foot of levee

Existing Conditions

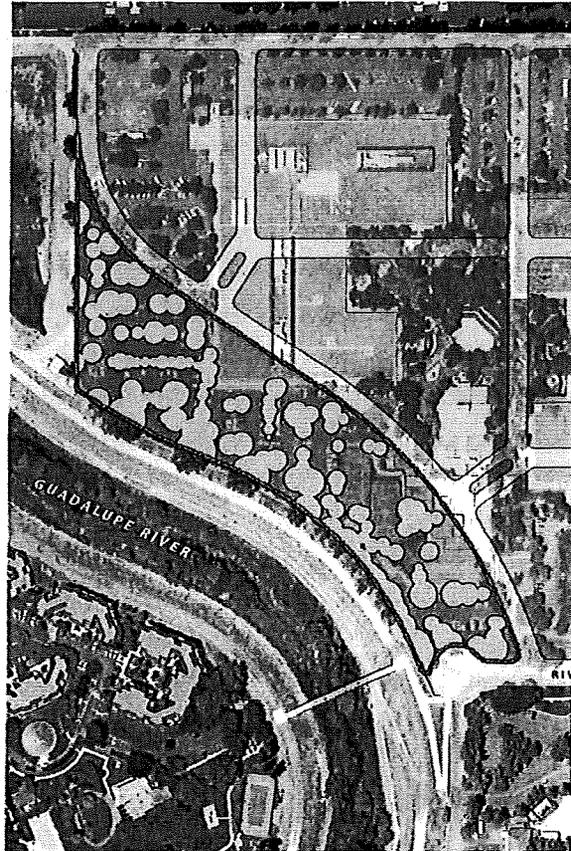
The Wyse property has been an office park for more than 30 years and the portion of the site to be dedicated to park use primarily has been used for surface parking to support these uses. As a result, over eighty percent of the future park site is currently paved, primarily to serve parking. At the same time, however, despite the extent of pavement area, there are a number of existing mature trees that provide an attractive wooded character to the site. On the future park site there are 157 trees, the majority of which range from 6" to 25" diameter, with three trees 30" diameter and greater. The existing trees are a mix of Acacia, Alder, Cedar, Chinese Elm, Eucalyptus, Evergreen Pear, Redwood, and Sweet gum. According to the report prepared by John Stienbach III-Certified Arborist in June 2007, many of the trees are notable (such as the large Redwoods and Cedar) and are in relatively good condition, making several good candidates for potential inclusion into future park plans. The trees that are least well suited for potential incorporation include the Acacia, Evergreen Pear and other trees used as part of the parking lot design as well as the eucalyptus trees that line the foot of the adjacent levee, which separates the park from the river and protects against flooding.



Parking lot and trees



Existing Paved Surfaces



Existing Tree Canopy

In addition to the surface parking areas and associated landscaping, the project site includes an outdoor tennis court, basketball court, and swimming pool with low level lighting. Although the swimming pool would be irretrievably damaged as a result of project implementation, the two courts are in relatively good condition and could be incorporated into the future park facilities.

The site is generally level due to its use as a parking lot; however the adjacent levee is a prominent feature containing the future park to the west with a steep bank that is approximately 20 feet high. The levee, which is a part of the County flood control improvements, separates the park site from the Guadalupe River and trail. Elevations on the project site range from a high

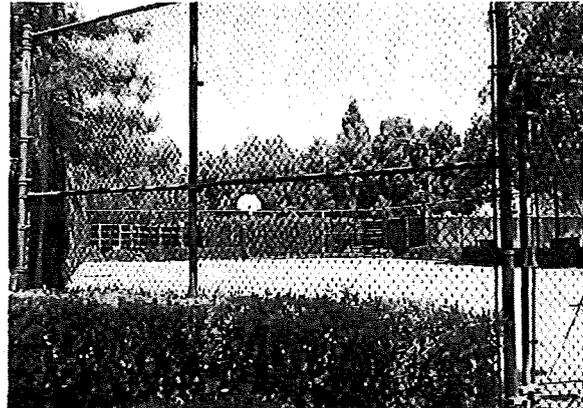
of 14.6 to a low of 11.1. During a 100 year flood event, the project site would be subject to 15.3 feet of flooding and the proposed park would function as conveyance areas for shallow flooding. This is consistent with the North San José Floodplain Management Study and FEMA requirements. The future approved plans for the development of the property indicate that the grades of adjoining area would be at or above 15.3 elevation and the street grades adjacent to the future park would range from 14.0 to 11.9.

The park site has existing public easements extending through it for public utilities which also affect future use and development. There is an existing 84-inch storm drain running southwest to northwest directly adjacent to the toe of the existing levee. A 30-foot ingress/egress

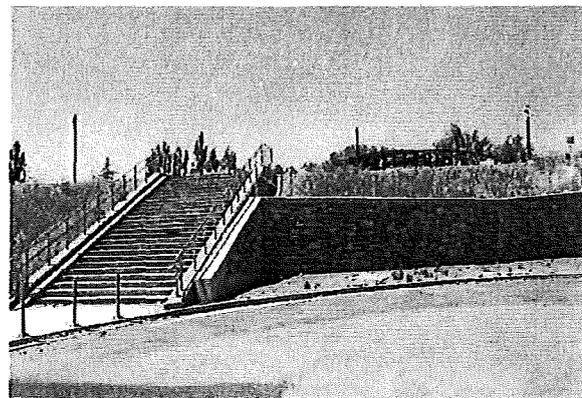


Existing Utility Easements

easement provides access to the existing River Oaks pump station at approximately the same location as the previously mentioned storm drain. An existing 10-inch sanitary sewer line runs parallel to River Oaks Parkway from North First Street fifty five feet from the face of the northerly curb of River Oaks. Access to the adjacent detention pond pump station from River Oaks Parkway will remain through the use of a new 12-foot wide path and be free of structures within the 30-foot wide ingress/egress easement. Although the cul-de-sac at the end of River Oaks Parkway will remain until some future date when a park is built on property to the south, no sidewalks exist that will be retained for the park use. Future access to the park will be gained from adjacent areas and from the light rail station on North First Street along a number



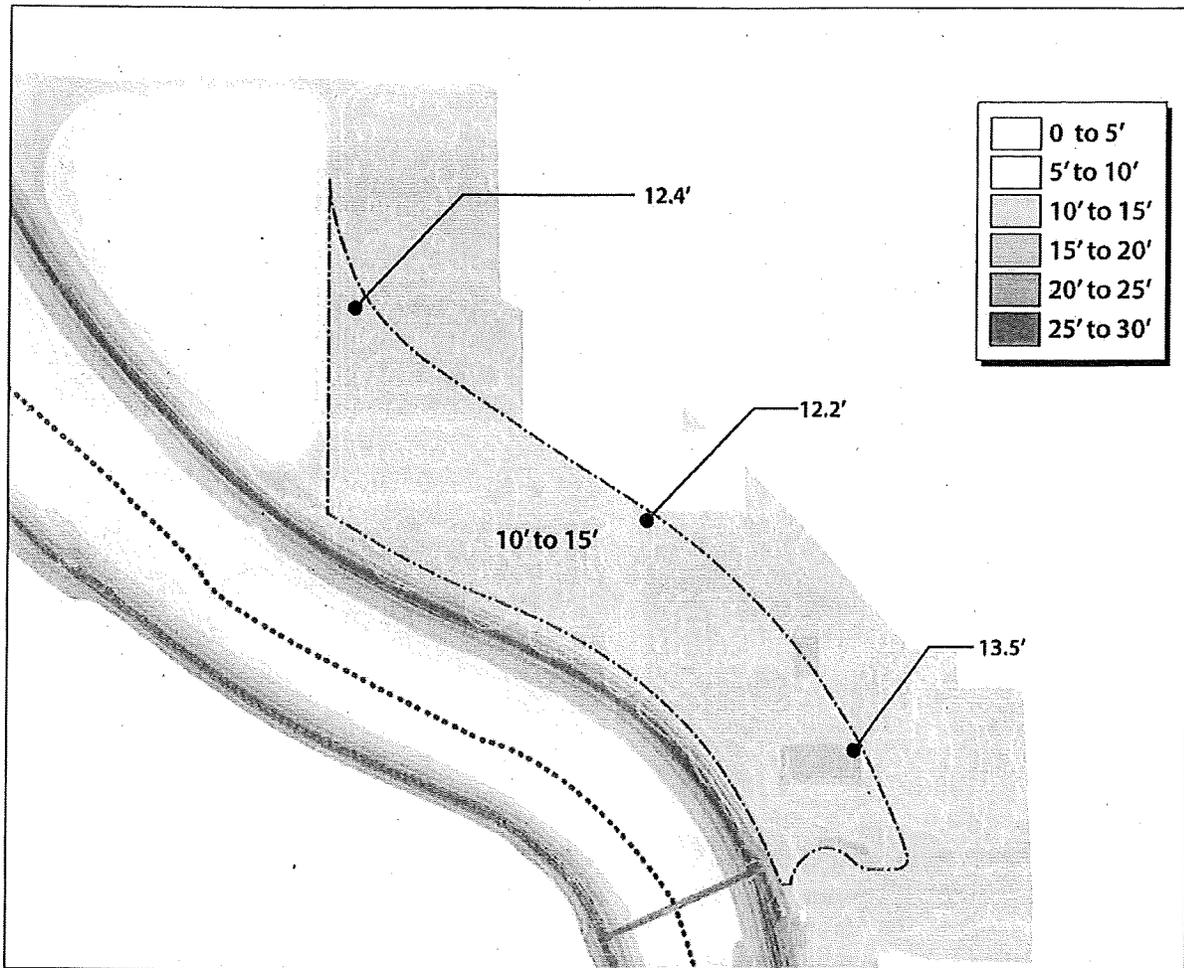
Basketball Court



Stair connection to River Oaks Parkway Bridge

of streets to be built as part of the new development. In addition, the park will be adjoined along its entire length by a public street with on-street parking. Also, as a part of development of the Wyse property, the two story industrial/office buildings will be replaced by four to fifteen story multifamily residential buildings on six separate blocks. Each complex will offer its own recreational amenities, including swimming pools and associated facilities.

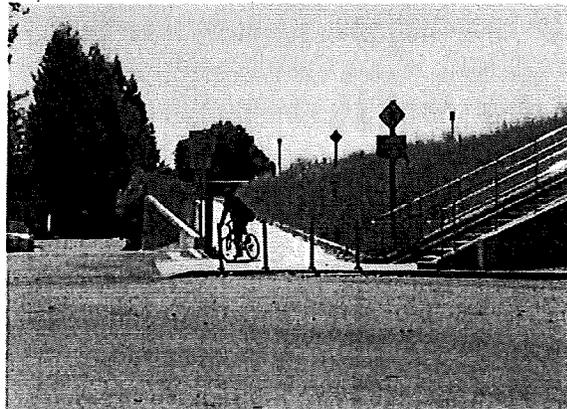
The project site is not located within a scenic viewshed or along a scenic highway. Occasional views of the foothills are available looking northeast. The views of the foothills are interrupted by existing buildings and large trees. There are views into the planned park from the proposed housing developments.



Topography



The adjacent levee is about 15 feet above the park site.



View south to bicycle access to levee and potential future park extension.

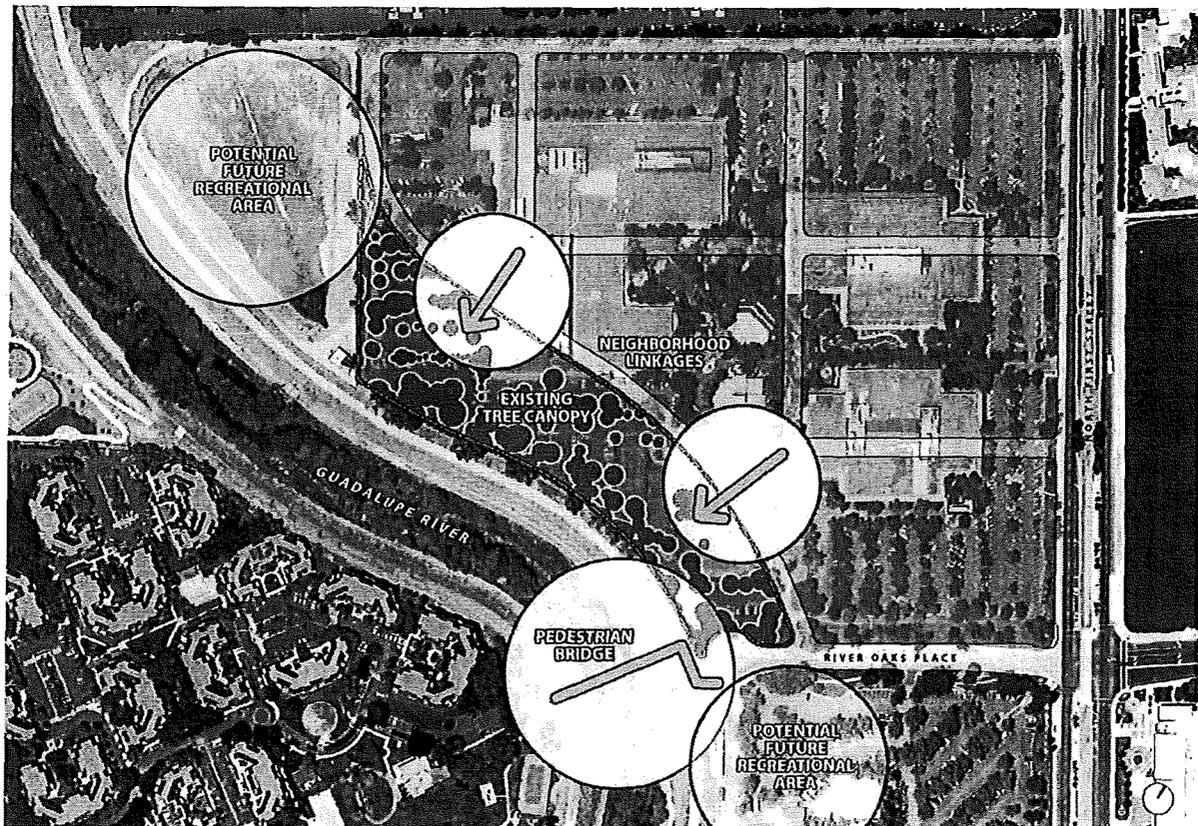
Community Outreach

In developing the Master Plan for Riverview Park, two meetings were held with the broader community to elicit input about the nature of the park and the scope of recreational facilities that might be needed and/or desired. The first community meeting was held on June 24, 2008 at the AT&T Training Center, located on the Wyse property immediately adjacent to the park site. At this meeting, the existing conditions of the site and context of the planned park in the proposed development and the neighborhood in general were discussed, along with park amenities, desired characteristics and possible recreational facilities.

Public comments supported the idea of building on the existing character and identity of the park

site, in particular, keeping many of the mature trees, as well as to maintaining the existing tennis and basketball court, if feasible. Interest was expressed in creating a quiet more contemplative park experience, with places to sit and walk, as well as with flexibility for more active play in open meadows. Knitting in smaller recreational facilities in scale with the size of the park and the desire for a diversity of activity was discussed, including a children's play area.

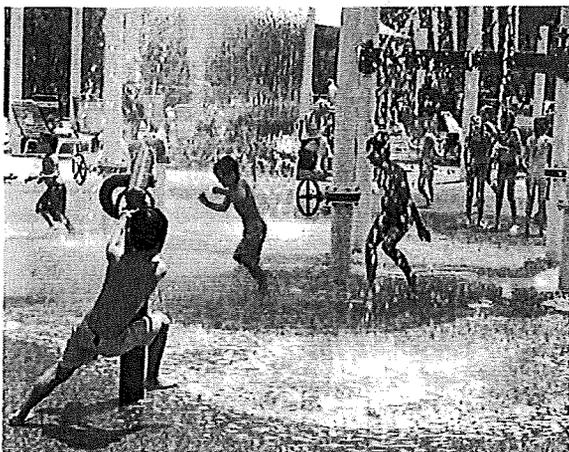
A conceptual park plan was developed based on community input and introduced at a second community meeting which was held at the same location on August 5, 2008. In general, those in attendance expressed support for the conceptual plan and provided additional suggestions. The community expressed interest in a small recreational facility attractive to different age groups,



Park Influences and Site Relationships

such as bocce courts. The group also reaffirmed interest in children's play and in places to sit and walk, as well as places to rest and meet near the entrance to the Lower Guadalupe River Trail at the end of River Oaks Parkway.

The Master Plan incorporated these comments and was further developed with comments and input from the City of San José Parks, Recreation and Neighborhood Services.



Possible Future Recreation Amenities

Master Plan

The proposed Master Plan calls for the creation of a new neighborhood park on a site that has long been in use mostly as a asphalted parking lot, incorporating to the extent possible, some of its existing features including many of the mature trees which are in good condition as well as the existing tennis and basketball courts. Variety and interest is created through accommodating these existing conditions and through subtle grading and through the addition of trees and other plant materials. A network of pathways over a half mile in length will provide places to stroll and a looped circuit for pedestrians. The pathways will also help spatially define places for recreation and to create linkages within the park and to potential future recreational areas to the north and south. Entries from the residential development and River Oaks Parkway are punctuated along with the connection to the stair leading to the Lower Guadalupe River Trail and River Oaks Parkway Bridge. Plans will be developed in consideration of maintenance by city staff in an efficient, sustainable and cost effective manner.

The park is designed to become a recreational destination for the community, with qualities that set it apart from other nearby parks and recreational facilities. It is designed to have a coherent identity and at the same time be composed of distinct parts that provide opportunities for a diversity of recreational experiences. Four primary but overlapping zones establish the organizational framework for the park and provide the structure for different recreational activities that will serve a variety of ages and recreational interests.

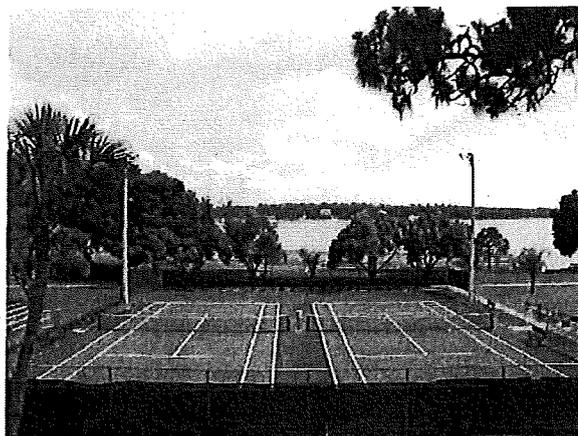
The southern part of the park will gain much of its identity from its role as a gateway into the Lower Guadalupe River Trail. Places for bicycle parking and picnic areas will be provided adjacent to the entry from River Oaks Parkway and the planned commercial uses along it. Also, a children's play area for the 2-5 and 5-12 age groups with ramped access, where necessary, to play structures is planned within this area. A water spray park is proposed to be located near the children's play area with computerized control. In addition, a restroom building is planned close to these facilities as well and within close proximity to the tennis and basketball courts. The restroom building as well as other features within the park will reference in their choice of materials, the use of steel and stone found in the River Oaks Parkway Bridge and retaining walls.

To the north of the entry area, the existing basketball and tennis court are proposed to be retained and refurbished and a tennis court added. Fencing will be provided around the tennis courts and removed around the basketball court. Two new bocce ball courts will be built with a pergola adjacent to it with game tables and seating. All of these facilities will be lighted to allow for evening play.

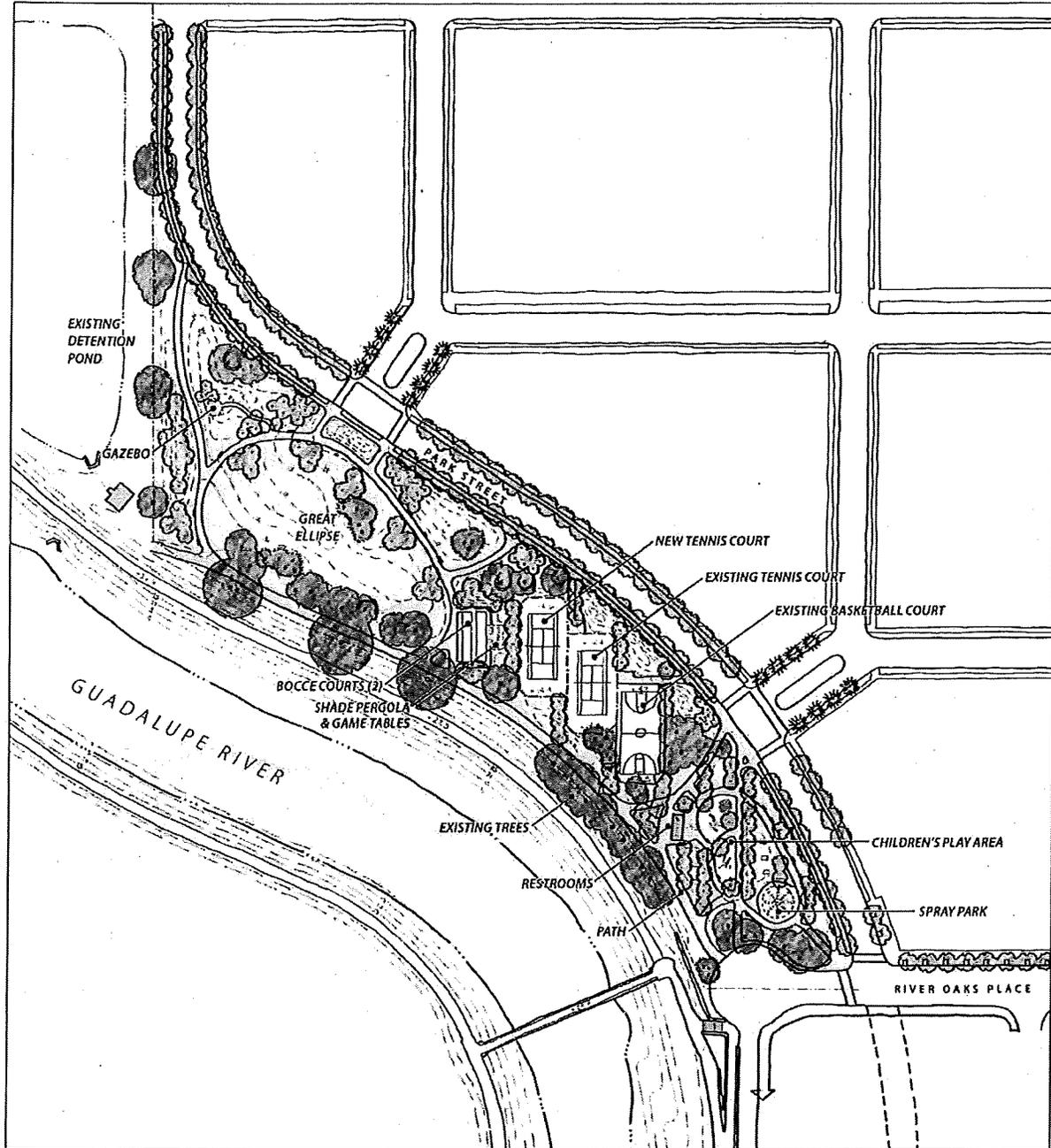
Moving further northward, the more structured portion of the park will change in character to one dominated by a large meadow - the "Great Ellipse" featuring turf areas that can become the focus of a variety of informal recreational activities, from soccer and volleyball, to sitting and reading. Benches along adjoining paths will be provided for sitting under the shade. This area will be connected to a major entrance into the park from the adjoining public street.

The northernmost portion of the park is planned to be contoured slightly to create an elevated vantage point for sitting and viewing. A gazebo structure will punctuate the high point of this area and provide shelter for park users. This portion of the park is expected to be well suited to kite flying, picnicking and other recreational activities. At the entry into this area from the north, bike racks will be provided.

In general, park amenities include bike racks, shaded seating areas, universally accessible play-ground elements and drinking fountains, and sustainable design practices.



The Plan proposes the addition of a tennis court and a large open meadow.



Concept Plan



Stormwater Management

Riverview Park is planned as a predominantly "green" park that removes a parking lot and replaces it with predominantly pervious surfaces and landscape areas. The overall impervious surface of the site will be reduced by about 4 acres to approximately 55,338 square feet through the removal of existing parking lots and existing building and the introduction of new landscape areas. The Riverview Park Master Plan proposes to filter stormwater in compliance with current City Stormwater Policy 6-29 approved on February 3, 1998, modified August 15, 2006.

All of the proposed impervious surfaces of the park will be filtered through a combination of treatment measures as follows:

1. The proposed pathways will sheet flow into the landscaped self-treating bio-retention area.
2. The proposed tennis/basketball hard surfaces will sheet flow into filtration swales.
3. The play area will drain into bio-retention swales.
4. Additional impervious surface will be treated with mechanical media filter devices, if required.
5. All storm drain inlets will be stenciled to communicate the accepted message specifying that no dumping is allowed into storm inlets as they feed directly to the bay.

A water pollution control plan to be included in the SWPPP to show the temporary storm water control methods will be prepared for the City's review and approval prior to construction.

A Stormwater Control Plan showing the above-mentioned treatment measures in greater detail will be prepared during the design development phase of the project. This plan will show drainage area, runoff volume, sizing methodology, and maintenance schedule to insure safe and efficient conveyance of runoff through the site.

Environmental Clearance

Environmental documentation consists of an Addendum to the Final Program Environmental Impact Report for the North San José Development Policies Update, which was prepared by the City of San José and certified in January 2008. Possible future environmental documentation will address issues of soil remediation, if necessary.