



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Sara L. Hensley

SUBJECT: SEE BELOW

DATE: 03-17-04

Approved

Date

Council District: 4
SNI Area: N/A

SUBJECT: APPROVAL OF FIRST AND SECOND AMENDMENTS TO PARKLAND AGREEMENT WITH IRVINE COMPANY MOITZO RANCH HOUSING PLANNED DEVELOPMENT

RECOMMENDATION

Approval of the First and Second Amendments to the Parkland Agreement with the Irvine Company Moitzo Ranch Planned Development Rezoning No. PDC99-04-034 for additional private recreation credits.

BACKGROUND

The Irvine Company (formerly Irvine Apartment Communities) received zoning approval (PDC99-04-034; Ordinance No. 25868) on May, 18 1999, to allow construction of as many as 3,000 multi-family residential units as part of the Moitzo Ranch housing development located between North First Street and Zanker Road, approximately 450 feet south of Tasman Drive. The Irvine Company was required to dedicate and improve five acres of public parkland on their project site and negotiate for the acquisition of 3.3 acres of privately-owned land to be used for park purposes at a site near Alviso Park in north San José as a condition of the first phase of the development to meet their parkland dedication obligation for the project. Both park sites have been acquired by the City to date, and the five-acre public park at the Moitzo site has been improved and dedicated to the City as a public park. The Alviso park site will be developed after the current Alviso Park Master Plan is updated to include this site.

As part of the City's Park Impact Ordinance (PIO), San José Municipal Code 14.25, residential developers may receive up to 50% credit toward their total PIO obligations for providing eligible private-recreation elements within their projects. The Irvine Company has constructed active private-recreation elements eligible for such credits in the first three phases of the project. A final project phase currently under design, and not included in this analysis, will provide additional private-recreation elements that will be eligible for additional future credits.

City Council approval of amended Parkland Agreements with the Irvine Company for private-recreation credits for Planned Development Rezoning No. PDC99-04-034 will commemorate the provision of the PIO requirements for this development.

ANALYSIS

The Irvine Company entered into a parkland agreement with the City and received credits for its first phase project on April 5, 2000. In addition to receiving PIO credits for dedication and development of the on-site five-acre park and 3.3 acres purchased in the Alviso area, the Irvine Company received credits for private-recreation elements constructed in the first project phase under Planned Development permits PD99-05-025, PD99-05-028 and PD99-05-029.

The Irvine Company will receive additional credits for the second (PD00-07-054, PD00-04-033 and PD00-04-34) and third (PD00-10-084 and PD01-050) phases of the project under two separate amended agreements, which are attached, to recognize additional private-recreation elements constructed in the project. The developer has included a number of privately-operated amenities such as swim pools and recreation rooms, picnic areas, open turf play areas, and game courts in various locations throughout the project phases.

Including the amendments recommended in this memorandum, the Irvine Company will have received credits equivalent to 659 multi-family units for private-recreation elements associated with the project. Additionally, the Irvine Company has received credits equivalent to 485 multi-family units for the dedication of the 3.3-acre Alviso park site, 740 multi-family unit equivalent credits for dedication of five acres of public park on the project site, and 285 multi-family unit equivalent credits for improvements to the five-acre on-site public park, for a total of 2,169 multi-family unit equivalent credits for the entire project.

PUBLIC OUTREACH

The City conducted public hearings during the zoning approval process and additional public hearings for the Tentative Map and Planned Development permits associated with the project.

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COORDINATION

Preparation of the First and Second Amended Agreements to the Parkland Agreement with the Irvine Company have been coordinated with the City Attorney's Office and the Department of Public Works.

BUDGET REFERENCE

Not applicable.

COST IMPLICATIONS

There are no cost implications for the City related to allowable credits for private-recreation amenities on the project's site. All private-recreation facilities are operated and maintained by the project's property management.

CEQA

Resolution No. 67894, December 15, 1998.

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