

TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: COMMUNITY SERVICES

DATE: DECEMBER 8, 2003 CMR: 545:03

SUBJECT: APPROVAL OF ORDINANCE DEDICATING 2.01 ACRES OF THE LAND FORMERLY KNOWN AS THE PALO ALTO MEDICAL FOUNDATION SITE FOR PARK LAND

REPORT IN BRIEF

This report asks Council to approve an ordinance dedicating 2.01 acres of land, formerly known as the Palo Alto Medical Foundation site, as parkland. Once dedicated, an interim park will be designed and constructed. As part of the dedication ordinance, staff is requesting Council allow for the possible future construction of emergency underground water storage facilities under the park site. Should the water project meet all environmental, planning, technical and financial requirements and be approved by Council to go forward, the Utilities enterprise fund through payment for use of the land could substantially fund the construction of a fully-developed park. Staff is recommending that the .41 acre Roth Building site not be dedicated until its future use and funding is determined. Additionally, staff is requesting that the naming of the park be delayed until March 2004, when the Historical Association has ample time to collect and prioritize submitted names.

RECOMMENDATION

Staff recommends:

1. Council approve the attached ordinance (Attachment A) reserving 2.01 acres of that certain parcel of land formerly a portion of the Palo Alto Medical Foundation site for park, playground, recreation and/or conservation lands and uses. The ordinance also acknowledges the possible construction of an underground reservoir, well and pump station, subject to the conditions outlined in the ordinance.
2. Council waive its policy on naming a park prior to dedication; and direct staff to return in March 2004 for Council selection from a list of prioritized park names submitted by the Palo Alto Historical Association.

BACKGROUND

On March 27, 2000, Council adopted the South of Forest Coordinated Area Plan – Phase I (SOFA CAP) and approved a Development Agreement between the City of Palo Alto and the Palo Alto Medical Foundation (PAMF). The SOFA CAP includes policies, development standards and design guidelines to guide public and private land uses and development. The Development Agreement provides for entitlements, obligations, and conveyance of certain properties for private and public development in conformance with the adopted SOFA CAP.

As part of the Development Agreement, the City secured 2.01 acres of land, of which 46.98 percent was transferred to the City by the PAMF. The City purchased the remainder of the land for \$4,709,055 from PAMF and \$400,000 from the Pinkerton Family. (See Attachments B and C for full description and map of the property.) The agreement with PAMF states that the land will be used for the construction and maintenance of a public park, although a minor portion of the land could be used for parking for the Roth Building. The agreement also states that the "City shall use its best efforts to open the Park Land for public use within five (5) years of the closing date (July 19, 2000)."

Additionally, as part of the Development Agreement with PAMF, the City purchased the property known as the Roth Building for \$1,958,100. The property sits on .41 acres of land and is contiguous to the 2.01 acres purchased for parkland. The City is in the process of evaluating responses to a Request for Proposals for non-profit organizations to lease and renovate the Roth building (CMR 161:02).

In order to receive feedback from residents of the SOFA neighborhood, a special meeting was held on November 6, 2003 with staff representatives from most of the City departments participating in the development of the park site and Roth building. Staff presentations covered the dedication ordinance, park naming, design development of an

interim park, the future development of a fully-developed park, and the potential for an emergency water storage facility at the site. There was a strong consensus from the participants to:

- Build an interim park as soon as feasibly possible.
- Discontinue additional tree loss. If trees were found to be unhealthy or near the end of their life cycle, replacement trees should be planted.
- Create a web site to keep the community up-to-date with park and utility project information.
- Appoint one City staff person to be the central “touch point” for all SOFA park and utility project information.
- Accept the idea of a potential emergency water storage facility/well, as long as it did not interfere with the future design of the fully-developed park. Enterprise fund payments for the use of the land could help finance permanent park improvements.

DISCUSSION

Article VIII of the City Charter states:

“All lands owned or controlled by the city which are or will be used for park, playground, recreation or conservation purposes shall be dedicated for such purposes by ordinance.” Additionally the Charter states that all dedicated parklands shall be listed, with their legal description and map, in Section 22 of the Municipal Code.

This report recommends dedicating the 2.01-acre site as parkland. The proposed park is consistent with and implements the SOFA CAP, as well as the policies in the Comprehensive Plan that guides land use, community services and facilities. With the adoption of the SOFA CAP, the parkland was rezoned to Public Facilities (PF), which allows public park development as a permitted use.

Interim Park

Council has approved funding for constructing an “interim” park on the land. (CIP-PG-02018) The park construction project is described as “interim” because funding for a fully-developed park (estimated at \$1.2 million in 2002 dollars) has not yet been identified. A fully-developed park normally contains drainage systems, irrigation, pathways, landscaping, turf areas, playgrounds, benches, lighting, picnic areas, etc. Once funding is identified, a fully-developed park will be designed, with neighborhood input, and constructed.

The interim park will consist only of grading, installing an irrigation system, grassing over the site, and providing some minor landscaping. Trees and appropriate landscaping on the site will be preserved if they are in healthy condition and are not at the end of their life cycle. Staff’s goal is that there will not be a net loss in the number of trees: should trees be removed or destroyed, new trees will be planted somewhere on the site. The

design of the interim park will commence immediately, with the objective of completing the park by fall 2004.

Possible Future Underground Emergency Water Facilities

In order to secure appropriate sites for underground emergency water storage facilities, including a reservoir, well and pump station, the Utilities Department is currently conducting studies to determine if the proposed SOFA park site, among other sites, meets the basic requirements for such a project. If, once the studies are completed, Council approves placing the underground emergency water supply facilities in the SOFA park, payments from the enterprise fund for use of the land could be used to substantially fund the construction of a fully-developed park and provide funding for ongoing park maintenance.

The proposed park dedication ordinance acknowledges the potential use of the park site for underground reservoir, well and pump station facilities, but only under the limitations agreed to with the SOFA neighborhood and described below:

1. The reservoir, well and pump station structures shall be located underground. Any above-ground appurtenances, such as ventilation devices, shall be incorporated into the park design and shall support a park use.
2. The design, location and operation of the reservoir, well and pump station structures shall not significantly interfere with or limit park design alternatives.
3. The design, location and operation of the reservoir, well and pump station structures shall not result in a net loss of trees or park acreage.
4. The underground reservoir, well and pump station structures shall be located at a sufficient depth so as to not preclude turf, landscape or tree plantings.
5. A park improvement ordinance shall be adopted in conformance with Municipal Code section 22.08.005 to permit construction of the reservoir, well and pump station.

Roth Building

The concept of dedicating this site as a park came to Council on April 23, 2001 in the form of a Resolution of Intent to Dedicate and Memorandum from former City Attorney Ariel Calonne. (Attachment D) In the memorandum, Calonne advised that the 1.41 acre portion, that included the Roth building, should not be dedicated at that time because there was not a feasible private use plan for the building, including some amount of land in addition to building's .41 acres, that might be required for parking or other amenities, to permit resale of the property for private use.

The staff recommendation contained in this report dedicates, to park use, all of the land surrounding the Roth building and not the .41 acres associated with building. Of equal importance, the uses of the Roth Building proposed by local nonprofits may or may not be consistent with park dedication. Should it be necessary, in the future, to sell the building to a private buyer, the building would have to be sold without surrounding space for parking or other amenities, however, the Planning and Transportation Department has confirmed that there will be nearby, adequate parking should the building's future use require it.

RESOURCE IMPACT

The interim park is funded through CIP-PG-02018 at a budget of approximately \$200,000. Community Services Department infrastructure management staffing will be impacted with the additional work assignment of designing and constructing an "interim" park. This will delay some existing projects by six to nine months.

The proposed park and landscape areas surrounding the Roth Building will result in additional maintenance costs for the Parks Division, estimated at between \$12,000 - \$15,000 annually. These estimated costs include contracted park maintenance functions including mowing, trimming, litter pickup, irrigation repair and maintenance, water costs and staff contract inspection tasks.

Potential future costs, when the park is fully-developed, in addition to park construction discussed above, will include utility costs for lighting, "Blue Box" emergency telephone costs, tree maintenance and trimming, and ongoing maintenance of play equipment, restrooms, pathways, and other features.

POLICY IMPLICATIONS

The City's "Naming City-Owned Land and Facilities" policy states that selection of an appropriate name shall precede the preparation of a park dedication ordinance. Staff is requesting that this policy be waived so that the Historical Association has ample time to assemble and prioritize a list of appropriate names for Council consideration. Name submissions will take place in January 2004 and the prioritized list of park names will be presented to Council in March 2004.

Whether constructing an interim or fully-developed park or an underground water facility, staff must submit and Council approve a park improvement ordinance before any work can be done. This process will allow for full review and input by appropriate commissions and Council. (Section 22.08.005 of the Municipal Code)

All other recommendations of this report are in accordance with all City policies.

ENVIRONMENTAL REVIEW

Dedication of this site as parkland is exempt from the requirements of the California Environmental Quality Act (“CEQA”) under section 15061(b) of the CEQA Guidelines. In addition, this ordinance implements the SOFA CAP, which designated this site as a 2-acre park. The SOFA CAP Final Environmental EIR concluded that the provision of a 2-acre park was a beneficial impact that reduced the SOFA CAP’s potential significant impact on open space to a less than significant level.

On March 27, 2000 the City Council approved the Final Environmental Impact Report (EIR) for the SOFA CAP Phase I (Resolution No. 7950). In certifying the Final EIR, the Council adopted findings that identified that the acquisition of a two-acre parkland would reduce the potential significant impact on open space to a less than significant level. Therefore, dedication of the two-acre park is consistent with the SOFA CAP Final EIR. However, because the final park development or other public improvements were not completed when the SOFA CAP was approved, additional environmental analysis may be required in the future with final park design and/or Utilities projects.

ATTACHMENTS

- Attachment A: Park Dedication Ordinance
- Attachment B: Lot Line Adjustment
- Attachment C: Lot Line Adjustment Map
- Attachment D: Resolution and Memorandum to Council: “Council Consideration and Direction on an Resolution...”

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