TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: COMMUNITY SERVICES

DATE: APRIL 16, 2007 CMR: 206:07

SUBJECT: ADOPTION OF AN ORDINANCE APPROVING AND ADOPTING A PLAN OF IMPROVEMENTS TO HERITAGE PARK TO INSTALL PLAYGROUND EQUIPMENT AND ASSOCIATED AMENITIES – CAPITAL IMPROVEMENT PROGRAM PROJECT PG-07000

RECOMMENDATION
Staff recommends that Council adopt the attached Park Improvement Ordinance (Attachment A) for improvements located within dedicated parkland known as Heritage Park, including: remove a section of turf; install drainage structures; install children’s playground equipment, tables, benches and amenities; renovate a section of the irrigation system; and install safety fencing.

BACKGROUND
Palo Alto Municipal Code 22.08.005 requires that prior to approving or commencing “any substantial building, construction, reconstruction or development” in any dedicated parkland, the City Council adopt by ordinance a plan showing the improvements. The plan must show, “as applicable, the nature, function, size, extent and general appearance of the proposed project.” The proposed project is to install playground equipment in the westerly portion of Heritage Park consistent with the initial plan for the park.

DISCUSSION
The area that now comprises Heritage Park (also known initially as the South of Forest Avenue Park) was sold to the City of Palo Alto as part of a development agreement with Summerhill Homes and was intended to be developed as a full-amenity park.

On July 9, 2002, Council approved a draft scope of services for park architect design services (CMR:316:02) for the design and construction specifications of the park. Later, on May 12, 2003, when it was determined that $275,000 was needed to demolish structurally unsound wings of the adjacent Roth Building, Council voted to instead have Public Works Engineering staff develop the designs of the park so that limited available capital funds could instead be spent on the actual construction of the park.

Park planning staff prepared plans for a simple pastoral park with pathways, sitting areas, landscaped borders and a large grass field. The design of the park was intended to allow the construction of the basic irrigation system and turf area while enabling future development of a playground area in the westerly portion of the park when funds could be secured.
In 2005, a group of concerned neighbors of the park, together with members of the Friends of the Palo Alto Parks, formed a committee to begin privately raising funds for the development of a children’s playground and sitting area.

Since that time, the Friends of Heritage Park, L.L.C. (“Heritage Park, LLC”) has raised funds for the projects and has worked with landscape architect Linn Winterbotham to prepare conceptual designs for the playground area. In January 2007, the Heritage Park, LLC signed a letter of intent to enter into an agreement with the City to develop the playground area.

On January 30, 2007, the Park and Recreation Commission reviewed conceptual design plans for the park and provided comments to Mr. Winterbotham. Comments and questions from the public were also received at the Commission meeting. On January 31, 2007, the Heritage Park, LLC sponsored a public meeting to gather comments and suggestions and to answer questions from neighbors and interested parties. Staff from the City’s Open Space and Park Division also attended this public meeting to listen to public comments.

The comments from neighbors of the park and members of the Palo Alto History Museum included:

- Drainage design and how to keep water from seeping into the basement of the Roth Building (future Palo Alto History Museum).
- Separation for the playground and building to allow for adequate access for emergency response and for the maintenance of the proposed public restrooms in the Roth Building.
- How the playground structures and amenities might interfere with projecting movies on the exterior of the Roth Building.
- The proximity of the playground to home and the Palo Alto History Museum.

On March 12, 2007, board members of the Friends of the Palo Alto Parks, board members of the Palo Alto History Museum, representatives of the Heritage Park, LLC and staff met to ensure that the concerns of the Museum would be completely addressed with design specifications. The plans included with the attached ordinance address all of these points as well as a few ideas suggested by park neighbors and Park and Recreation Commissioners.

**RESOURCE IMPACT**

Funds for this project are included in Capital Improvement Program Project – PG-07000 (Park Facilities Improvements). Funds were derived from Park Development Impact Fees. The $75,000 in development impact fees that were approved by Council for this project have been met by $175,000 in private contributions from the Heritage Park, LLC.

The annual cost for maintaining and inspecting the playground is estimated at $6,000. This cost is approximately the same as the maintenance of the existing turf area and irrigation system in the area of the park where the playground will be developed.

**PROJECT REVIEW TIMELINE**

1. On August 7, 2006, Council approved the allocation of $75,000 from the Park Development Impact Fee fund to Capital Improvement Project PG-07000 for this project.
2. This project was reviewed by the Parks and Recreation Commission on January 30, 2007.
3. A publicly noticed meeting was held at City Hall on January 31, 2007 to receive comments and suggestions from the public on the project.
4. A follow-up meeting was held on March 12, 2007, with representatives of the Palo Alto History Museum and Friends of the Palo Alto Parks and Heritage Park, LLC to resolve four fine points of the conceptual design.

**NEXT STEPS**
Should this Park Improvement Ordinance be approved, the next step will be to develop an agreement and right of entry to provide the Heritage Park, LLC exclusive access to that portion of the park undergoing construction. The agreement will specify policy and procedural guidelines for the Heritage Park, LLC to follow regarding design, construction, safety, liability, and payment details. Once the document is signed and approved, and all requirements met, the Heritage Park LLC will commence construction activities.

**POLICY IMPLICATIONS**
The proposed projects are consistent with existing City policy, including C-17: Continue to support provisions, funding, and promotion of programs for children and youth; and C-26: Maintain and enhance existing park facilities.

**ENVIRONMENTAL REVIEW**
An Environmental Impact Report for the Summerhill development project, that included conceptual designs for a full-amenity public park, was adopted by the Council resolution (Resolution 7950) on March 27, 2000 (CMR 192:00). These plans are consistent with the original concepts evaluated in the EIR.

**ATTACHMENTS**
Attachment A: Ordinance
Exhibit 1: Improvement Plan

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