

Memorandum

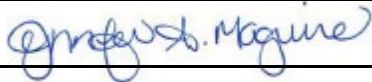
TO: HONORABLE MAYOR
AND CITY COUNCIL

SUBJECT: SEE BELOW

FROM: Jon Cicirelli
Jim Shannon

DATE: January 9, 2023

Approved



Date

1/19/23

COUNCIL DISTRICT: 7

**SUBJECT: PARK MASTER PLAN, PARK NAMING, AND APPROPRIATION
AMENDMENTS FOR FUTURE PARK SITE AT ALMA AVENUE /
SANBORN AVENUE**

RECOMMENDATION

- (a) Approve Park Master Plan¹ for a new public park at the southwest corner of Alma Avenue and Sanborn Avenue.
- (b) Adopt the name “Elia Park” per City Council Policy 7-5 and the Donation Agreement.
- (c) Adopt a resolution authorizing the City Manager to:
 - (1) Submit a grant application and, if awarded, negotiate and execute a grant agreement with the Santa Clara Valley Open Space Authority for an amount up to \$1,000,000 contributing to design and construction of the park, and all other actions necessary to effectuate the grant; and
 - (2) Negotiate and execute a Conservation Easement with the Santa Clara Valley Open Space Authority for perpetual use of the land for recreational park purposes only. The Santa Clara Valley Open Space Authority requires a conservation easement for a legally enforceable land preservation agreement.
- (d) Adopt the following 2022-2023 Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #7:
 - (1) Decrease the Alma Avenue and Sanborn Avenue Park Reserve by \$274,000; and
 - (2) Increase the Alma Park Master Plan and Design appropriation by \$274,000.

¹ [Alma Neighborhood Park Master Plan Document](#)

SUMMARY AND OUTCOME

Approval of the Master Plan and appropriation of funds will facilitate the design and construction of a 0.33-acre public park located at the southwest corner of West Alma Avenue and Sanborn Avenue. Development of the site will create an inviting public space that strengthens the sense of community in the Alma Neighborhood. The park's central feature will be a children's playground. City Council approval of this Master Plan will establish a Chartered City Park at this location.

Adoption of the park name will fulfill a donation condition of the Elia Family Revocable Living Trust (Trust) for the City to obtain the land needed for development of a children's park, per the wishes of Rocco Elia and Louise Scaglione-Elia.

Authorization for the City Manager to prepare and submit a grant application for \$1,000,000 in reimbursable funds from Santa Clara Valley Open Space Authority (OSA) will supplement existing City funds for design and construction of the park. Negotiation and execution of a related Conservation Easement will confirm operation of the park in perpetuity. Both the Conservation Easement and the City of San José's goal and management of chartered parkland are to protect the public space.

Appropriation of funds to activate \$274,000 from the Alma Avenue and Sanborn Avenue Park Reserve supplements existing resources for project development and allows staff to proceed with a design of the project.

BACKGROUND

On August 10, 2010, a grant deed was recorded by the Santa Clara County Clerk-Recorder that documented the Trust. The Trust included a provision that the properties located at 100 West Alma Avenue and 1413 Sanborn Avenue and owned by Rocco Elia and Louise Scaglione-Elia were to be donated to the City of San José for the "construction of a children's park with appropriate permanent signage indicating that the park is dedicated to the memory of Louise Scaglione-Elia and Rocco Elia."

On December 15, 2020, the City Council adopted a resolution authorizing the City Manager to execute the Donation Agreement to transfer the properties to the City of San José². Ownership of the properties was formally transferred to the City of San José on December 23, 2020³.

² December 15, 2020, City of San José City Council Resolution No. 79834:

<https://records.sanjoseca.gov/Resolutions/RES79834.pdf>

³ December 23, 2020, City of San José 100 W. Alma Ave. and 1413 Sanborn Ave. Quitclaim Deed:

<https://www.sanjoseca.gov/home/showdocument?id=92188&t=638043834701806079>

On December 1, 2021, the Parks and Recreation Commission voted (8-0-1 – Commissioner Villareal absent) to recommend approval of the Park Master Plan and to recommend naming the park “Elia Park” consistent with Council Policy 7-5, Naming of City-Owned Land and Facilities, and the Donation Agreement⁴.

The site is a 0.33-acre property comprised of two parcels, as shown in **Attachment - Park Location Map**. A commercial property (retail) occupies a 0.18-acre parcel and a single-family residence occupies a 0.15-acre parcel.

The future park is in the Alma Neighborhood, adjacent to the Alma Community Center. The neighborhood, within a quarter mile of the site, is defined by low-to-middle-income residential housing and commercial and industrial developments.

The Master Plan was developed with community input. Three community meetings took place in April, May, and August 2021.

In 1997, the OSA established the Urban Open Space Program to support cities within the county, and County of Santa Clara, in acquiring, developing, and restoring open space areas within their jurisdictions. Once a year, funds are allocated to participating cities and the County of Santa Clara based on each jurisdiction’s percentage of parcels within the OSA’s benefit assessment district. Member cities include Milpitas, Campbell, San José, Santa Clara, and Morgan Hill. Currently, the City of San José’s balance of OSA funds is \$1,300,000.

ANALYSIS

The Master Plan reflects community input received at three community meetings, conforms with the Department of Parks, Recreation, and Neighborhood Services (Department) Park Design Guidelines, aligns with the guiding principles within the Department’s Strategic Plan, Activate SJ, and is consistent with relevant goals from Envision San José 2040.

The Master Plan confirms the site’s layout, primary features, and landscape and operational goals that will serve as the basis for design documents to support bidding and construction of the project. Community feedback supported staff to address recreational goals and safety concerns, offer both active and passive activities, and serve a range of ages. As a condition of the Trust, the Master Plan emphasizes the children’s playground as a primary feature and signage to recall Rocco Elia and Louise Scaglione-Elia (via the playground and a landscaped garden space).

⁴ December 1, 2021, City of San José Parks and Recreation Commission Park Master Plan and Park Naming Memorandum: <https://www.sanjoseca.gov/home/showdocument?id=79842&t=637728360171691889>

Master Plan Outreach

The Master Plan carefully balances the wishes and requirements of the land donation with the Department's operational goals within its available resources and reflects community-preferred options and concerns. The community was made aware of the project and community meetings via a mailer that included a project overview and short survey. Residents within 0.25 miles radius of the park location received the mailer and survey. Council District 7 staff, including Spanish speaking staff, canvassed the neighborhood to speak to residents directly. Paper fliers with project information and surveys were hand delivered to residents and offered the option to be collected on the spot, returned by mail, or returned to the drop box located at the Alma Community Center. All information was made available in English and Spanish, including at the community meetings. Staff initiated community engagement by providing project background, goals, and objectives and reflecting upon the public feedback from the survey. This information was shared at Community Meeting #1 on April 2021. Due to the COVID-19 pandemic, the meeting was held remotely.

Community Meeting #1 (on-line webinar)

Four concepts were shared with the community based upon survey feedback and in alignment with City policies, goals, and best practices for park development and Trust conditions for a playground and recognition signage.

Community Meeting #2 (Alma Community Center's Parking Lot, following Covid-19 Protocols)

Refined concepts were shared with design details and options for consideration. Attendees were encouraged to ask questions and vote on their preferred concepts and park elements. Two preferred concepts were identified for further development.

Community Meeting #3 (Alma Community Center's Parking Lot)

The community was shown the preferred concept, that combined and resolved prior community feedback, and showed the planned park layout and elements. Attendees provided final input that supported further refinement of the preferred concept.

The preferred concept provides the following:

- Park layout with a central gathering space;
- Playground with a tot lot play area for children ages 2-5 and a youth play area with vertical play elements for children ages 5-12;
- Passive space, shaded seating, and tables beneath a trellis structure and trees;
- Open turf area for informal play and picnicking;
- Design features, such as perimeter fencing, to visually define the park and provide a barrier along busy Alma Avenue;
- Signage honoring Rocco and Louise Scaglione-Elia at the playground and enhanced garden space; and
- Visual enhancements, including use of bright colors for furnishings and fencing, and a wall along the residential edge that may be used for movie nights or for a mural based upon

future community preference and in coordination with the Office of Economic Development and Cultural Affairs.

During the Master Plan public outreach process, neighbors recounted many stories about Rocco Elia and Louise Scaglione-Elia to City staff, commending the couple for their generous land donation. The couple was admired for their acts of kindness, warm character, and their love for children. The park signage will seek to reflect these values.

Park Naming

City Council Policy 7-5, Naming of City-Owned Land Facilities (Policy 7-5)⁵, establishes guidelines and procedures for the naming of City-owned land facilities that are not public streets, such as public parks. Per Policy 7-5, official names must be reflective of one of the following criteria:

- a. Geographic location;
- b. Prominent geographic feature or local reference point;
- c. Adjoining subdivision/community;
- d. Historical event;
- e. An individual who has been deceased for at least five years;
- f. An individual via a donation or sponsorship agreement; or
- g. A group via a donation or sponsorship agreement.

Staff finds the name “Elia Park” aligns with the naming conditions of the Trust document and Policy 7-5 (e) and (f), as the name honors the parkland donors, Rocco Elia and Louise Scaglione-Elia, who have both been deceased for more than five years. The park design will include the development of multiple signs: one standard park name sign identifying this space as “Elia Park”, and two custom interpretive signs. The interpretive signs will display the names “Rocco’s Playground” and “Louise’s Garden” as key features within the park.

The project team presented a park naming survey to the community prior to fully understanding the naming conditions of the Trust and the request for the park to be named after the donors. Community input suggested names such as “Rocky’s Neighborhood Park” and “Rocco’s Neighborhood Park,” both in reference to Rocco Elia. The place-based name of “Alma Park” was also suggested.

During the Master Plan community meetings, the project team learned from community members that Rocco Elia and Louise Scaglione-Elia were well-known in the community and several persons recalled their generosity. This information further supports the staff recommendation for “Elia Park.”

⁵ City of San José City Council Policy 7-5:

<https://www.sanjoseca.gov/home/showpublisheddocument/12757/636669904910330000>

OSA Grant

Projects that qualify for funding under the OSA's Urban Open Space Program include land acquisitions, environmental restorations, and improvements that provide or enhance open space. This includes projects that provide for outdoor recreation, which is defined as leisure activity for the use and enjoyment of the outdoor environment with minimal structures. The City has previewed the project with OSA staff and believes that it is well-aligned for funding. The City Manager will formally submit and advance the project, if approved.

Conservation Easement

To acquire funding from OSA, the City must sign the Conservation Easement Agreement to ensure the land is preserves as open space. The easement is consistent with the Donation Agreement, assuring that the site is used for public park purposes. The table below sets forth a summary of the provisions in the Conservation Easement and the capacity for the City to comply:

Provision	Compliance
Land must be used in perpetuity as open space.	Master Plan guides development of a neighborhood park for perpetual use. The City's view of parkland is consistent with the Conservation Easement, as it confirms development and use as a neighborhood park in perpetuity after development.
No structures may be erected without prior written authorization of the OSA General Manager.	City staff coordinated and reviewed the Master Plan with the OSA General Manager. The City will need to get OSA's permission to construct the planned trellis structure. This provision is generally understood to discourage buildings, such as centers, restrooms, and storage.
No mitigation may occur on the land without prior written authorization of the OSA General Manager.	The site does not appear to be suitable for mitigation. In its current state, there appears to be no habitat present that would require mitigation.
Property may not be used as security for debt.	The City will need to comply with this provision. Staff do not anticipate a condition where the property could be used in this manner.
Property may not be transferred without prior written authorization of the OSA General Manager.	The land was donated for neighborhood park development. Once constructed, the property will be dedicated for that use. In the event the City would like to transfer or sell the property in the future, the City will need to get authorization from OSA and a vote of the people as it will be protected chartered parkland.
Interest and title in the property will vest in OSA if the City violates the terms and conditions of the Conservation Easement.	The City intends to develop the neighborhood park and comply with all terms and conditions of the Conservation Easement. If the City does not comply with the terms and conditions of the easement, interest and title will vest with OSA.

Staff had discussions with OSA in the past about regarding removal the Conservation Easement requirement. OSA indicated that it will not provide funding unless the City agrees to terms and conditions in the grant agreement, including the City's requirement to record a Conservation Easement against any property the City acquires with OSA funding. Therefore, staff outlined the risks associated with the requirements of the Conservation Easement in this memorandum and believes the City can comply with the strict requirements of the proposed agreement and easement. Staff recommends approval of both the Donation Agreement and Conservation Easement.

EVALUATION AND FOLLOW-UP

Approval of the Master Plan will enable staff to proceed with the design of the park. Staff will return to City Council for the approval of the bid and award for the future construction project. The project will be tracked in the City's Capital Project Management System database.

COST SUMMARY/IMPLICATIONS

An increase of \$274,000 is needed for the Alma Park Master Plan and Design appropriation, offset by a reduction to the Alma Avenue and Sanborn Avenue Park Reserve (Reserve) in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #7, to complete the design work, construction documents, and construction oversight by the Public Works Department and its consultant.

Staff seeks to offset the City investment in the project by pursuing a \$1,000,000 grant via OSA. An application will be submitted within the next couple of months. Should the grant be approved, City funds will be used to front expenditures and as funding is reimbursed from the granting agency for eligible project costs, City funds will be replenished accordingly. When combined with the \$1.0 million grant from the OSA, the remaining funding of \$3.5 million in the Reserve is preliminarily expected to be sufficient to complete the project. Cost estimates will be refined as the project progresses. Staff will return for City Council approval of the bid and award of the construction project, including identifying additional funding should it be necessary.

BUDGET REFERENCE

The table below identifies the fund and appropriations to complete the work recommended as part of this memorandum.

Fund #	Appn #	Appn Name	Current Total Appn	Rec. Budget Action	2022-2023 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
385	7817	Alma Park Master Plan and Design	\$162,000	\$274,000	604	10/18/2022 Ord. No. 30833
385	8726	Alma Avenue and Sanborn Avenue Park Reserve	\$3,802,000	(\$274,000)	606	6/21/2022 Ord. No. 30790

COORDINATION

This project has been coordinated with the City Attorney's Office, Office of Economic Development and Cultural Affairs, Council District 7, Department of Public Works, and the Department of Planning, Building, and Code Enforcement.

PUBLIC OUTREACH

- ☒ This memorandum will be posted on the City's Council Agenda website for the January 31, 2023 City Council meeting.
- ☒ Outreach was undertaken for this item in addition to the agenda posting described above. These outreach efforts are described below.

The community was engaged via survey, three community meetings, and a summary presentation at the Parks and Recreation Commission meeting:

- April 2021: Input Survey via mailer, sent to residents within ¼-mile of site and hand delivered by Council District 7 staff;
- April 21, 2021: Community Meeting No. 1;
- May 19, 2021: Community Meeting No. 2;
- August 25, 2021: Community Meeting No. 3; and
- December 1, 2021: Parks and Recreation Commission presentation.

COMMISSION RECOMMENDATION AND INPUT

- ☐ No commission recommendation or input is associated with this action.
- ☒ A commission has taken action on this item. The action is described below.

January 9, 2023

Subject: Park Master Plan, Park Naming and Appropriation Amendments for Future Park Site at Alma Avenue / Sanborn Avenue

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The Parks and Recreation Commission considered the Master Plan and park name on December 1, 2021. Commissioner Ames moved to accept the Master Plan and park name. The motion was seconded by Commissioner Barocio. The motion carried (8-0-1 with Commissioner Villareal absent.)

CEQA

Categorically Exempt, File No. ER21-153, CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

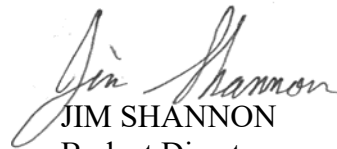
PUBLIC SUBSIDY REPORTING

- ☒ This item does not include a public subsidy as defined in Government Code section 53083 or 53083.1 or in the City's Open Government Resolution.
- ☐ This item includes a public subsidy of \$100,000 or more as defined in California Government Code section 53083. The Director of the Office of Economic Development and Cultural Affairs has been informed of this subsidy to ensure that it is tracked appropriately. Required information is provided below.
- ☐ This item includes a public subsidy of \$100,000 or more to a warehouse distribution center as defined in California Government Code section 53083.1. The Director of the Office of Economic Development and Cultural Affairs has been informed of this subsidy to ensure that it is tracked appropriately. Required information is provided below.
- ☐ This item includes a public subsidy as defined in the City's Sunshine Resolution section 2.2.10 and is in the amount of \$1 million or more. An Informational Memorandum as described in Sunshine Resolution section 2.3.2.6.C was/will be released at least 28 calendar days prior to the City Council meeting at which the subsidy will be considered. The Director of the Office of Economic and Cultural Affairs has been informed of this subsidy to ensure that it is tracked appropriately.

/s/

JON CICIRELLI

Director, Department of Parks,
Recreation and Neighborhood Services


JIM SHANNON
Budget Director

The principal authors of this memorandum are Han-Lei Wang, Associate Landscape Architect (Master Planning), and Leonel Tapia, Planner II (Park Naming). For questions, please contact Sara Sellers, Interim Deputy Director, at sara.sellers@sanjoseca.gov or (408) 793-5528.

ATTACHMENT - Park Location Map

Attachment: Park Location Map



Figure 1: Site Location Map. The park site location at the southwest corner of W. Alma Ave. and Sanborn Ave.

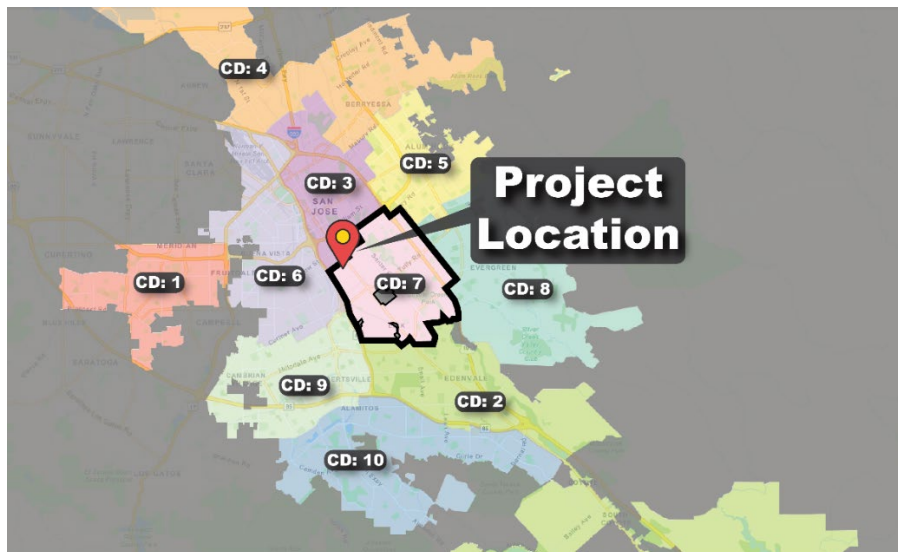


Figure 2: Regional Location Map. The park site is located in Council District 7.