



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jon Cicirelli
Jim Shannon

SUBJECT: SEE BELOW

DATE: June 10, 2021

Approved 

Date

6/10/21

COUNCIL DISTRICT: 1

**SUBJECT: WINCHESTER RANCH TURNKEY PARKLAND AGREEMENT,
ADOPTION OF A PARK MASTER PLAN, AND PARK NAMING**

RECOMMENDATION

- (a) Approve a Turnkey Parkland Agreement between the City of San José and Pulte Home Company, LLC, a Michigan limited liability company to satisfy the requirements of the City's Park Impact Ordinance (San José Municipal Code Section 14.25) and Parkland Dedication Ordinance (San José Municipal Code Chapter 19.38) which includes:
 - (1) Dedication of a 2.01 gross acre site to the City;
 - (2) Design and construction of park improvements on this site, and
 - (3) Payment of City Design and Review Fees.
- (b) Adopt a Master Plan for a public park.
- (c) Adopt an official name for the park based on the following alternatives:
 - (1) "Winchester Orchard Park" as recommended by staff and the Parks and Recreation Commission as a result of a public naming process; or,
 - (2) Select an alternative park name from the list of eligible names generated through the public outreach process and that was considered in a public forum.
- (d) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:
 - (1) Establish the Winchester Orchard Park Design, Review, and Inspection appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$342,000; and,
 - (2) Decrease the Future PDO/PIO Projects Reserve appropriation by \$342,000.

OUTCOME

Approval of the Turnkey Parkland Agreement, Master Plan, and Park Name will facilitate the design, construction, and official naming of a future public park.

BACKGROUND

The planned 2.01 gross acre park is part of the Winchester Ranch Residential Development Project¹ (Development) which was approved by the City Council in January 2020. The Development is identified as within the Santana Row/Valley Fair Urban Village. The site is in west San José, in the West Valley Planning Area of Council District 1.

The Development includes the conversion of an existing 111-unit mobile home park to 686 residential units², a new public neighborhood park, and a publicly accessible recreational garden area. The development site has limited street frontage along Winchester Boulevard, with the Winchester Mystery House and the former Century Theaters being located east and north. More specifically, the development site is bounded to the north by the cul-de-sacs of Maplewood, Rosewood, and south Henry Avenues; Highway 280 to the south; South Winchester Boulevard to the east, and the back of single-family homes to the west.

The park is planned along the northern and western property lines of the Development Project (Attachment A – Location Map). Primary vehicular access to the park is from Olsen Drive, approximately 900 feet west of Winchester Boulevard. Neighborhood cul-de-sacs will be reconfigured to provide pedestrian access from the surrounding existing single-family neighborhood. The development's new streets and sidewalks will also lead to the park.

Existing recreational facilities near the site include:

- Frank Santana Park (public park) is approximately 0.50 miles to the southeast (across Winchester Boulevard). This park has soccer and softball fields, picnic areas, large turf areas, and a playground.
- Valencia Park and a pocket park (both privately owned and publicly accessible parks) are approximately 0.45 miles to the east and provide primarily urban spaces in context of the Santana Row shopping center.
- Cypress Community Center is approximately 0.8 miles to the west and offers senior services and hosts community events. It has a large multipurpose room, a computer lab, and classrooms with limited outdoor space.

¹ Approved by the City Council January 14, 2020 under Resolution Nos.: 79376; 79377; 79378; 79379; and Ordinance No. 30357 for File Nos. GP18 014, GPT19 004, PDC18 037, PD19 019 & PT19 023.

² Community includes 90 rowhouses; 158 condominiums units; 72 flat units; and a 366-unit apartment building.

On December 2, 2020, the Parks and Recreation Commission (the Commission) voted (7-0-1 – Chair Woolfe abstaining) to recommend adoption of the Park Master Plan (Attachment B – Park Master Plan) and to recommend naming the park “Winchester Orchard Park” consistent with staff recommendation and the results of a public engagement process.

ANALYSIS

Turnkey Parkland Agreement

The Development Project is subject to the Park Impact Ordinance (PIO - SJMC 14.25) and Parkland Dedication Ordinance (PDO - SJMC 19.38). The ordinances establish an obligation to support park development by:

- Dedicating land to the City for public recreational purposes, or
- Designing and building park improvements, or
- Paying a park impact in-lieu fee (based upon value of required parkland dedication), or
- A combination of these methods.

As a result of the proposed residential development, the Developer is required to dedicate 3.72 acres of parkland to the City or pay \$13,239,800 in gross park impact in-lieu fees. The developer has negotiated with City staff to satisfy this obligation by designing and constructing park improvements to be dedicated to the City by entering into a Turnkey Parkland Agreement. This Turnkey Parkland Agreement facilitates the dedication of land to the City, documents the budget for the design and construction of the park, and provides the timelines for construction and a phasing plan to construct and open the park to the public. The Master Plan provides the baseline for the estimated design and construction costs. Under this agreement, the Development will receive credits towards its parkland obligation as shown in Table 1 on Attachment D.

The remaining parkland obligation will be fulfilled by designing and constructing park improvements on the site consistent with the Park Master Plan. Total design and construction costs for the park are estimated at \$2,984,004, inclusive of \$401,579 in administrative costs that will be paid to the City for design review and inspection and administration fee. Given the net obligation of \$2,534,417, the Developer is voluntarily providing park improvements that are \$449,587 in excess of their parkland obligation to ensure that the park can be built as envisioned in the Master Plan and in time to support the sale of homes that will be built at the site. To be clear, the Turnkey Agreement supports construction of the park as intended in the Master Plan, even if the costs exceed the estimates documented herein.

Park Master Plan

The community participated in the planning of the park through four community meetings and two online public surveys. In summary, the community voiced a desire for a family-oriented park that provides neighborhood amenities for all ages while staying mindful of noise impacts to the surrounding community.

The Master Plan is consistent with the community input. This park will be a neighborhood-serving asset that will include passive and active recreational features including:

- walking paths;
- picnic areas;
- two children's playgrounds;
- a turf berm for play;
- large open turf areas;
- bocce court;
- full basketball court;
- dog park and
- passive recreation areas.

The Parks and Recreation Commission recommended that the City Council adopt the Master Plan during its public meeting on December 2, 2020. This is discussed further in the Commission section of this memo below.

Official Park Naming

City Council Policy Number 7-5, Naming of City-Owned Land and Facilities (Policy 7-5), establishes guidelines and procedures regarding naming City-owned land and facilities that are not public streets. Per the Policy, the 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 made significant contributions to San José, the State, the Nation, or the World and who has been deceased for at least five years;
- f) An individual via a donation or sponsorship agreement; and/or a via a donation or sponsorship agreement.

Staff recommends the City Council adopt "Winchester Orchard Park" as the official park name. This name was nominated by the community through a public engagement process (further discussed in the Public Outreach section below) and is recommend for approval by the Parks and Recreation Commission (discussed in the Commission section below). Winchester Orchard Park" reflects the existing residents of the mobile home park, the larger Winchester Orchard Neighborhood Association (WONA), and the adjacent historic Winchester Mystery House's founder Sarah Winchester. See Attachment C for suggested names, nominees, and votes.

Sarah Lockwood Winchester owned 50% of the Winchester Repeating Arms Company when her husband passed. Working with architects and contractors, she expanded a farmhouse into the present-day Winchester Mystery House which is a National Historic Landmark. She owned over 160 acres of land in San José, which was primarily used for orchard cultivation. She lived in San José from 1886 until her death in 1922. After her death, Mrs. Winchester left most of her estate

to charity including millions of dollars to philanthropic causes in the Bay Area. The Winchester Mystery House was turned into a tourist attraction in 1923 and the remainder of her land was split and sold to different owners. The Development site, and its surrounding 30 acres, were bought by the Cali family in 1926. It was primarily used as a walnut orchard until the 1970s and later converted to the existing mobile home park.

CONCLUSION

The park is anticipated to be built in phases and fully complete by 2024. The Developer will own, maintain, and operate the park independent of City resources until all phases of the park are complete and ready for acceptance by the City. Following acceptance of the park, the City will assume maintenance and operations costs.

The Master Plan is consistent with public input and will provide new public recreational neighborhood amenities and is supported by the Parks and Recreation Commission.

The recommended park name, “Winchester Orchard Park” meets the conditions of Policy 7-5 in that it reflects a geographic location, a deceased individual who made major contributions to the City of San José, and historic events.

EVALUATION AND FOLLOW-UP

Approval of the Turnkey Parkland Agreement by the City Council will authorize the City to accept 2.01 gross acres of land; oversee design, development, and construction of the turnkey park improvements; and accept all improvements after final inspections have been completed. The Department of Public Works staff will review and approve the project construction documents and will work with Parks, Recreation and Neighborhood Services Department staff and the Developer to refine the design as necessary to complete the project in accordance with City construction standards, the estimated construction costs, and verify the park is in satisfactory condition prior to accepting ownership of the park

CLIMATE SMART SAN JOSÉ

The recommendation in this memorandum has no effect on Climate Smart San José energy, water, or mobility goals.

POLICY ALTERNATIVES

Alternative #1: The City Council could reject the Parkland Agreement and/or any of its current terms.

Pros: Redrafting the Agreement and Master Plans could result in an alternative design or other method to comply with the Parkland Dedication and Park Impact ordinances.

Cons: The planned park improvements reflect significant input from the community and a collaborative design process pursued by the Developer and City staff. The dedication of land, the construction of a new park, and the entire development project would be delayed or jeopardized.

Reason for not recommending: The proposed turnkey improvements are consistent with the Planned Development Re-zoning and approved Planned Development permit the City Council adopted, the Master Plan and Park Name the Parks and Recreation Commission and the community support. The improvements create a quality park with public amenities designed to support the development and the greater community.

Alternative #2: The City Council could require parkland in-lieu fees for the Project.

Pros: Park impact in-lieu fees could be received from the Developer and spent within the project's nexus to fund improvements at other park sites, such as Frank Santana Park, the Cypress Community Center, or other recreational facilities within a ¾ mile radius of a neighborhood-serving or three-mile community-serving nexus.

Cons: Failure to adopt the Master Plan and Park Name and denial of acceptance of the land dedication and constructed recreational improvements would not meet current community expectations and would not be consistent with approved entitlements.

Reason for not recommending: This park site addresses a need for a park within a ten-minute walk of the surrounding neighborhood and provides a new park in a neighborhood and Council district that is deficient in parkland. The new park also provides amenities not currently offered at other City facilities within a ¾ mile radius such as basketball and a dog park.

PUBLIC OUTREACH

Four community meetings and two online public surveys were conducted to engage the community in the design of the park as shown in Tables 2 and 3 on Attachment D. The first two community meetings were coordinated by Planning, Building, and Code Enforcement's (PBCE) Planning Division which included consideration of the size, location, and configuration of the park site as part of the overall development.

During the first community meeting, PBCE's Planning Division presented an initial development proposal that included a potential park configuration and location. City staff listened and gathered feedback from the community about the overall project including comments related to the park. After this public meeting, PBCE, the Department, and other City staff collaborated on a coordinated response to the initial development proposal to ensure the City's efforts aligned with the community comments received during the public meeting. During the second community meeting, Department staff presented a different approach to the size, location, and configuration of the park than was presented during the first community meeting based on this collaborative effort.

The Department hosted a third online interactive community meeting/virtual webinar and shared two design options that were developed as a result of the public input received during the second community meeting. Staff also encouraged the public to complete an online survey to vote and comment on a preferred Master Plan design and to suggest park names. This first survey included an opportunity for the public to vote for one of two potential Master Plan designs and included an open solicitation for the public to suggest names for the park. After the survey closed, staff then tallied the results and reviewed all suggested names for compliance with City Council Policy Number 7-5. Attachment C – Nominated Park Names and Votes, lists all suggested park names, including one nomination received by email (outside of the survey), states if these names meet the naming policy, and the number of votes received.

A fourth meeting and second online survey was conducted to solicit comments on a final draft Master Plan (vision for the park) and to allow the public to vote on eligible park names. This last survey encouraged the community to comment on the park design and included an 11-page attachment that expanded on the history and reasoning of each proposed park name. The community selected their preferred name from among the qualifying names from the first survey by voting through the third survey. Table 4 lists all public comments received on the design. Table 5 lists all proposed park names that can be considered and adopted by the City Council.

The City offered language translation for all public meetings. The first public surveys and online social media posts were translated into Spanish and Vietnamese. Since staff did not receive any requests for translation in Vietnamese, the second survey and outreach material were only translated in English and Spanish. The public was notified of the community meetings via: Postcard notices mailed to residents and property owners within 1,000 feet of the site; and electronic notices were provided via Council District 1 office, the WONA neighborhood association, social media, including Facebook and Nextdoor.com, the Department's Events Calendar webpage, and the Park Advocates, and the Parks Foundation social media platforms.

This memorandum will be posted on the City's website for the June 22, 2021 City Council agenda.

HONORABLE MAYOR AND CITY COUNCIL

June 10, 2021

Subject: Winchester Ranch Turnkey Parkland Agreement, Adoption of Master Plan, And Official Park Naming

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COORDINATION

This item has been coordinated with the Public Works Department and the City Attorney's Office.

COMMISSION RECOMMENDATION/INPUT

The Parks and Recreation Commission (PRC) considered the Master Plan and park name on December 2, 2020. Commissioner Ames moved to accept the Master Plan and park name. The motion was seconded by Commissioner Morrow. The motion carried (7-0-1). Abstain: Chair Woolfe.

FISCAL/POLICY ALIGNMENT

The proposed action aligns with the City's Park Impact Ordinance and Parkland Dedication Ordinance (SJMC 14.25 and 19.38) as well as the approved zoning, development permits, the 2009 Greenprint, Activate SJ, and the Envision San José 2040 General Plan.

Additionally, this park site addresses the need for a park within a ten-minute walk of the surrounding area and provides a new park in a neighborhood and Council district that is deficient in parkland.

COST SUMMARY/IMPLICATIONS

It is anticipated that the Winchester Orchard Park will have an operations and maintenance costs of \$45,000 in 2024-2025 and annualized to \$75,000 in 2025-2026. These costs were factored into the 2022-2026 Five-Year General Fund Forecast, which was released on March 1, 2021.

BUDGET REFERENCE

The table below identifies the fund and appropriations to fund the City staff cost related to the design, review, and inspection of the turnkey park.

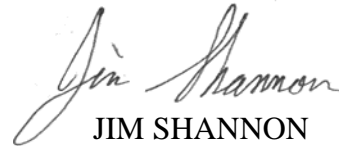
Fund #	Appn #	Appn Name	Total Appn	Rec. Budget Action	2021-2022 Proposed Capital Budget Page*	Last Budget Action (Date, Ord. No.)
375	NEW	Winchester Orchard Park Design, Review, and Inspection	N/A	\$342,000	N/A	N/A
375	8845	Future PDO / PIO Projects Reserve	\$10,131,760	(\$342,000)	V-415	N/A

* The 2021-2022 Proposed Capital Budget is scheduled to be adopted by City Council on June 22, 2021.

CEQA

Winchester Ranch Residential Project Certified Environmental Impact Report (Resolution No. 79376), File Nos. GP18 014, GPT19 004, PDC18 037, PD19 019, PT19 023. Council District 1.

/s/
JON CICIRELLI
Director of Parks, Recreation

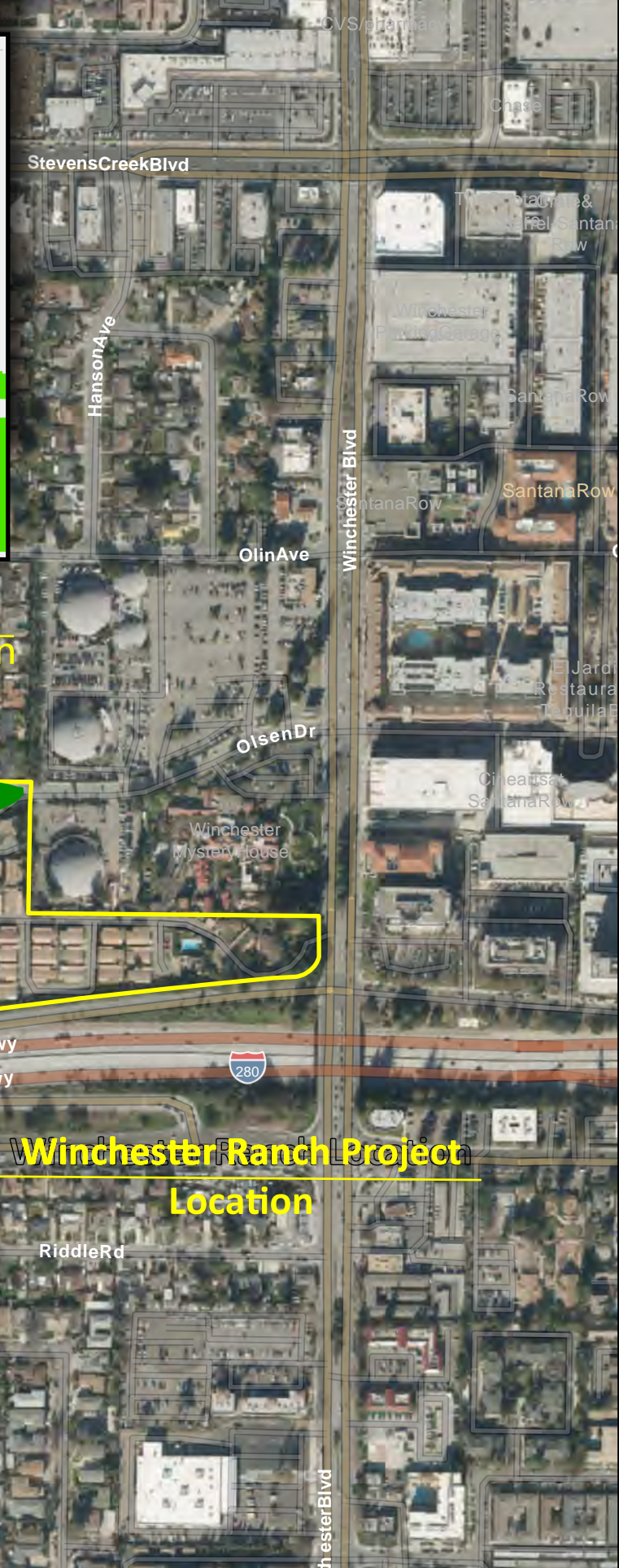
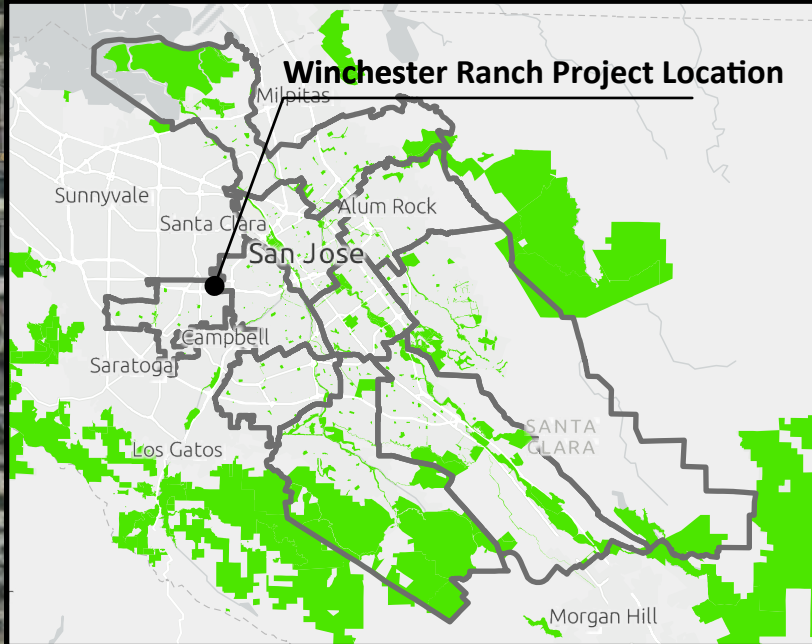

JIM SHANNON
Budget Director

For questions, please contact Nicolle Burnham, Deputy Director by email at: nicolle.burnham@sanjoseca.gov

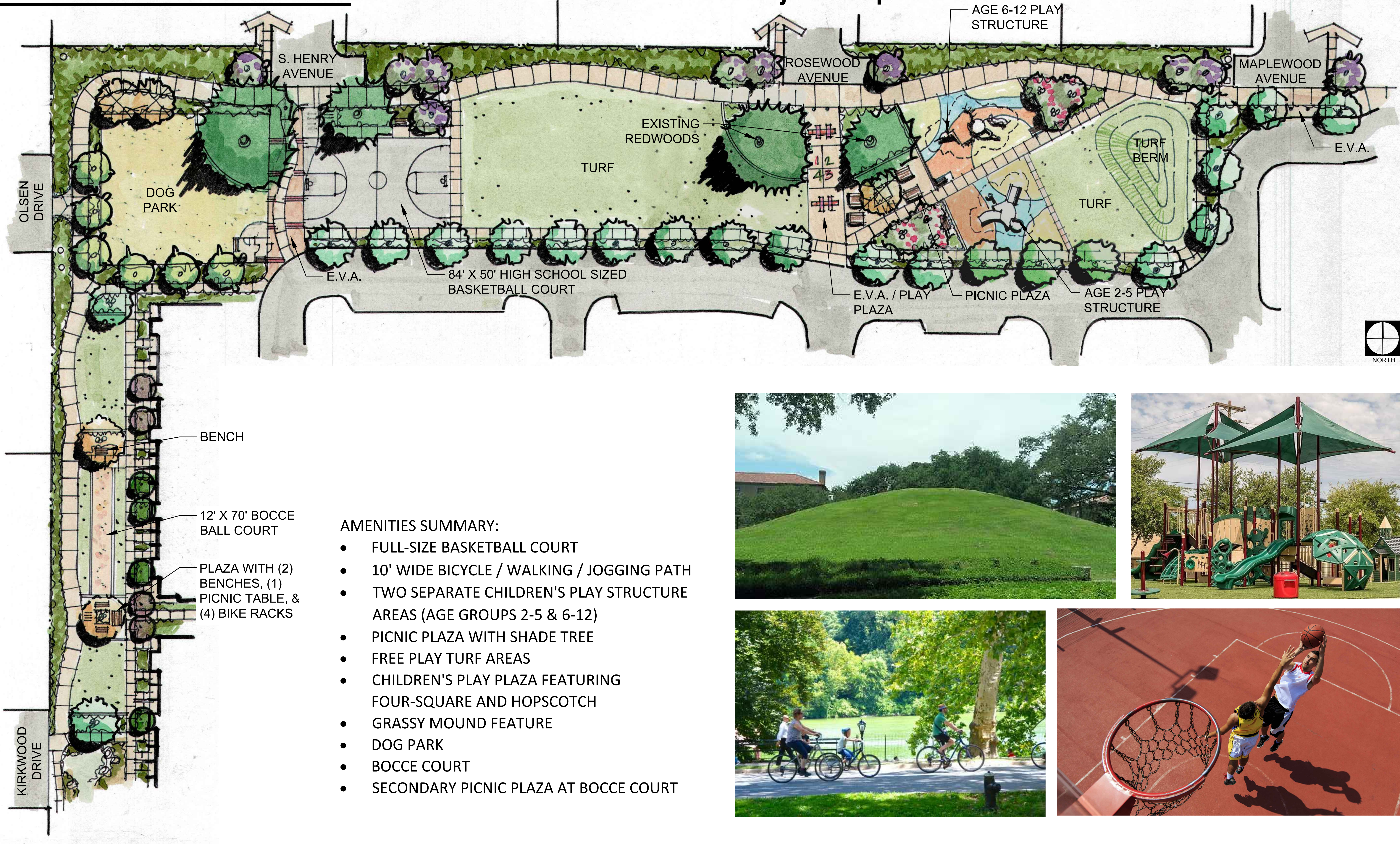
Attachments:

- A. Location Map
- B. Park Master Plan
- C. Nominated Park Names and Votes
- D. Tables 1- 5:
 - a. Fees and Credits Calculations
 - b. Summary of Community Meetings
 - c. Summary of Public Online Surveys
 - d. Public Comments on Park Design
 - e. List of Qualifying Suggested Park Names from the Survey

Attachment A - Location Map: Winchester Ranch Project Site and Park Location



Attachment B - Winchester Ranch Project: Proposed Park Master Plan



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San Jose, California

**PARK AT WINCHESTER RANCH
DEVELOPMENT**
CONCEPTUAL LANDSCAPE PLAN
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L-1
Project No. 01019

Attachment C – Suggested Park Names and Votes from the Surveys

Qualifying Names – Presented for Voting in Second Survey		
Name	Reasoning	Number of Votes
Ada Lovelace Park	Honors "the first computer programmer" from the 1800s. She outlined the first computer program and theories that would shape the birth of modern computer.	0
Cali Park	Pays homage to the Cali family that purchased the land of the future park site in 1926 to develop orchards and later the Winchester Ranch Mobile Home Park.	5
Century Park	References the Century theaters that were developed near the park site in the 1960s.	3
Mystery Park	References the Winchester Mystery House.	0
Old Walnut Ranch Park	Reflects the past orchards on the future park site and honors San Jose's agricultural history.	1
Olsen Park	Name of adjacent street.	0
Rosewood Park	Name of adjacent street.	0
Winchester Orchard Park	Reflects the Neighborhood Association's name, which honors both Sarah Winchester and the area's orchard past.	24
Winchester Park or Sarah Winchester Park	Honors Sarah Winchester, who built the Winchester Mystery House and donated millions of dollars to charities in the Bay Area. It is the name of the adjacent street.	3
Winchester Ranch Park	Named after the Winchester Ranch Mobile Home Park, which has occupied the park site from the 1970s.	4

Non-Qualifying Names – Not Presented for Voting		
Name	Reasoning	Why it does not meet the policy
Michelle Obama Park	Named after the Former First Lady.	For parks to be named after individuals, that individuals must have been deceased for at least five years.
Strong Park or Triumph Park	Because our community is strong and will Triumph over this virus together	Does not fit into one of the categories.
Tiffany Park	It "reflects" the Tiffany glass windows of the Winchester Mystery House.	Not accurate. Recent historians have found that the windows were actually made by John Mallon, a glass artist in the late 1800's

Attachment D – Tables

Table 1 – Fees and Credits Calculations

Gross Park Impact In-lieu Fee (land requirement converted to a in-lieu fee)	\$13,239,800
<i>Existing Housing Credit (111 mobile homes to be demolished)</i>	• \$3,030,300
<i>Land Dedication Credit (2.01 gross acres to be dedicated. Only 1.82 net acres receives credit. 0.19 of easements areas do not qualify for land dedication credits)</i>	• \$5,153,148
<i>Private Recreation Credit (80,890 square feet of on-site recreational amenities including a publicly accessible garden area)</i>	• \$2,521,935
Adjusted net remaining park impact in-lieu fee	\$2,534,417

Table 2 – Summary of Community Meetings

Community Meeting	Purpose	Date	Approximate Number of Attendees
#1.	Site Opportunities & Constraints	March 21, 2019 Hosted by PBCE, attended by PRNS	60
#2.	Presentation of Location, Size and Configuration of the Park Site	August 22, 2019 Hosted by PBCE. PRNS presented during the meeting.	80
#3.	Presentation of Two Design Alternatives, Solicit Park Names, and Encourage Online Survey Participation	August 20, 2020 (Virtual Online Webinar)	44
#4.	Draft Master Plan Presentation, Announce Eligible Park Names, and Encourage Online Survey Participation	October 8, 2020 (Virtual Online Webinar)	17

Attachment D – Tables

Table 3 – Summary of Public Online Surveys

Survey	Purpose	Dates	Languages Provided	Number of Participants
#1.	Presentation of Two Design Alternatives, Solicit Park Names, and Encourage Online Survey Participation	August 20, 2020 to September 7, 2020	English Vietnamese Spanish	40 (all in English)
#2.	Draft Master Plan Presentation, Announce Eligible Park Names, and Encourage Online Survey Participation	October 8, 2020 to October 19 2020	English Spanish (no requests for other languages)	44 (all in English)

Table 4 – Public Comments on the Park Design

Community Preferred Park Elements	Planned Approach
Include playgrounds	Two playgrounds are proposed: one tot lot (ages 2-5), and one youth lot (ages 5-12).
Provide a basketball court	A full basketball court is included
Walking paths and circulation around the park should be included in the design	The perimeter design supports access and circulation throughout the park for both pedestrian and bicycle uses (off street)
We would like open space and lawn areas	Two large lawn areas for informal play and a berm feature provide additional recreational opportunities.
Sunny and shady areas should be included	The layout of the design takes advantage of the shade from the existing trees and the midday sun through the careful location of the site elements. New trees are strategically located to provide midday shade. Playground equipment will have shade toppers.
A dog park should be part of the park	A fenced space at the northwest corner is reserved for dog park. The space is smaller than traditional dog parks and will only be suitable for use by small dogs.

Attachment D – Tables

Table 5 – List of Qualifying Suggested Park Names from the Survey

Name	Reasoning	Number of Votes
Ada Lovelace Park	Honors "the first computer programmer" from the 1800s. She outlined the first computer program and theories that would shape the birth of modern computer.	0
Cali Park	Pays homage to the Cali family that purchased the land of the future park site in 1926 to develop orchards and later the Winchester Ranch Mobile Home Park.	5
Century Park	References the Century theaters that were developed near the park site in the 1960s.	3
Mystery Park	References the Winchester Mystery House.	0
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